

LEWIS AND CLARK COUNTY
WATER QUALITY PROTECTION DISTRICT
BOARD MEETING
316 North Park, Room 330
Helena, MT 59602
August 28, 2018

Members Present

Stan Frasier, chair
Mayor Jamie Schell, vice-chair
Commissioner Andy Hunthausen (arrived @ 5:40
p.m.)
Randall Camp
Dick Sloan
Amanda Harrow
David Donohue
Jeff Ryan
Kammy Johnson

Staff

Jennifer McBroom
James Swierc
Jolene Helgerson
Drenda Niemann
Valerie Stacey

Guests Present

See Attached Sign-In Sheet

Members Absent

Stan Frasier, chair, called the 232nd meeting of the Lewis and Clark County Water Quality Protection District (WQPD) Board of Directors to order at 5:30 p.m. A quorum was established. Introduction of Board members were made.

REVIEW OF AGENDA

No changes were made.

MINUTES

Mr. Frasier asked if there were any corrections or additions to the July 24, 2018, minutes. David Donohue made a motion to approve the amended minutes as written. Randall Camp seconded the motion. The motion carried 9-0.

CONTROLLED GROUNDWATER AREA REQUEST

Mr. Frasier reopened the July 24, 2018, controlled groundwater area request for further board member discussion and public comment. Jennifer McBroom, Outreach and Watershed Coordinator, presented staff's recommendations along with the department's cost for a controlled groundwater area petition (see Attachment "A").

Mr. Frasier opened the discussion for public comment.

Val Jaffe, 2623 Tea Road, is supporting a controlled groundwater area petition to be presented by the WQPD to the Montana Department of Natural Resources and Conservation (DNRC). Ms. Jaffe presented 22 signatures from residents within the area of the proposed Olivet minor subdivision (see Attachment "B") who are also in support of a controlled groundwater area petition.

Willis Weight, no address given, is supporting a controlled groundwater area study.

Dwain Carter, 2740 Tea Road, said his well is drilled to 550 feet and water came in at 180 feet. He is concerned there will not be enough water to support continued development.

Dick Sloan stated that he has had experience with creating groundwater petitions for Summers, Montana and Lockwood, Montana. Even though the petitions were related to environmental issues, the objective is the same, which is to limit the withdrawal. Mr. Sloan offered staff the use of the petitions as references.

At the request of Mayor Jamie Schell, Ms. McBroom reviewed staff recommendations Attachment "A".

Bryan Gartland, Manager of the Helena DNRC Water Resources Division, described the DNRC petition process. Mr. Gartland noted that a temporary controlled groundwater area petition request requires a study plan that may include measurement, water quality testing, and reporting requirements for new and/or replacement wells during the period of the temporary closure; Include information on funding for any proposed investigations including any plans for pursuing funding under the renewable resource grant and loan program, and any planned investigation under the ground water investigation program; Describe how any necessary investigations can be completed in a timely fashion not to exceed 6 years. In answer to a question from Amanda Harrow, Mr. Gartland stated that the public petition requires a minimum of 1/3 of the citizens or 1/3 of the public landowners within the controlled groundwater area boundaries to initiate a citizen lead petition. Mr. Gartland also noted that a citizen lead petition versus a government lead petition does not have any bearing on DNRC's decision-making. In answer to a question from Mr. Donohue, Mr. Gartland stated that the specifications for a temporary controlled groundwater area are based on what was put in the approved petition. In a past petition for the area one of the requirements was for more data collection, to have a hydrologist on site for additional well drilling, and all wells develop in that period have a good static water measurements. In answer to a question from Commissioner Andy Hunthausen, Mr. Gartland stated that the period for a petition filing approval could take up to 6 months then goes before the hearing examiner for approval, which can take further unknown amount of time. In answer to an additional question from Commissioner Hunthausen, Mr. Gartland stated that there are factors to controlled groundwater area proposals either water quality or water quantity/supply issue. In his experience, water quality proposals are more cut and dry. The only proposal that Mr. Gartland has had contact with is the East Helena permanent proposal site which had significant amount of data presented. For the water quantity proposals, which have not come up in Helena, they are not as cut and dry and the process can be drawn out longer.

In answer to a question from Mr. Donohue, James Swierc, WQPD Hydrogeologist, stated that at this time the district has very limited data collection on wells monitoring and water levels for the area of the petition. Mr. Swierc referenced the Olivet Subdivision Groundwater memorandum on pages 9-16 of the board packet. The only continuous water level data point the district has in the proposed petition area is that of Val Jaffe's. Those wells that have dried up in the north of the proposed petition are in tertiary sediments. Staff has begun restudying the data from the well measurements in 2010-2011 to see how the water levels have changed and if there is a drawdown. In answer to a

question from Mayor Schell, Mr. Swierc stated there are no water quantity controlled groundwater areas in the Helena area at this time.

Joyce Evens, 2276 Tea Road, noted there would be a new subdivision on Collins Road that will be divided into 5-acre parcels with the potential of 32 new homes. This is another area of concern regarding water quantity.

Mr. Frasier closed the discussion for public comment and requested a motion. Mr. Sloan made a motion to move forward with the controlled groundwater area petition. Jeff Ryan seconded the motion. Mr. Frasier opened the motion for discussion. Mr. Donohue stated that a motion to apply for a designation for a controlled groundwater is premature at this point because of the lack of data that we are missing. The petitions that we have discussed today have years of data. We do not have a significant amount of data to support the petition. Mr. Donohue believes that the district should collect the data to see if there are drops in water levels in the valley.

Mr. Sloan stated that putting together a temporary petition with the data we have does send a signal that the WQPD Board and the County are concerned about the decreasing water levels. It also puts the decision makers on alert that we are concerned.

Mayor Schell stated that he is also hesitant to move forward with the motion on the table due to controlled groundwater area boundaries, the lack of data, the cost of the petition for the WQPD, and future controlled groundwater area requests.

Commissioner Hunthausen stated that the Commission has already had one hearing regarding the approval Olivet Subdivision. Commissioner Hunthausen noted that he would have to abstain from voting on the motion that has been proposed to avoid conflict of interest. Commissioner Hunthausen stated that he is allowed to comment and that he believes the more data we have for this area will help better inform the decision makers. The Commission is bound by the Subdivision and Platting Act, subdivision regulations, and the DNRC allocation of water rights. If the county had peer reviewed studies or enough information that would allow them to make definitive decisions to understand what is happening on the ground or underground in order to say that they understand with reasonable parameters that there is not enough water to sustain more subdivisions. The county has updated their growth policy for the Helena area and the Commission does contemplate that water is an issue in this area, in the rural growth area 10 acres is appropriate. The growth policy is a guiding document not a regulatory document.

Kammy Johnson stated she agrees that a single data point depending on the boundaries that are proposed is not enough data to proceed with the motion. Ms. Johnson wants to know where the boundaries will be for the petition and what other restrictions will be put in place.

Mr. Sloan stated that if the board does not proceed with the petition that the board and staff create a plan, schedule and budget on how to acquire the data needed for a petition.

Mr. Donohue noted that there is opportunity for staff and the residents to look for funding through the DNRC's Renewable Resource Grant Loan Program, which runs every three months, would help with support for additional studies.

Ms. Harrow asked if the board wanted to put in for the petition right away or to establish boundaries first and decide what would be in the petition.

The motion failed 2-6 with Commissioner Hunthausen abstaining from the vote.

Mr. Frasier made a motion that the WQPD board works to get significant groundwater data to develop an appropriate boundary, along with obtaining funding in order to submit a proper petition later to the DNRC. Commissioner Hunthausen seconded the motion. Mr. Donohue requested that the motion be split into two motions. No vote was made on the motion.

Mr. Donohue made a motion for the WQPD to move forward in the collection of groundwater area data in a defined area in the North East Hills Valley. Commissioner Hunthausen seconded the motion. Mr. Sloan requested keeping the area of definition broad. Specifically I-15 to the Missouri River area and not just the requested subdivision. Mr. Ryan requested a time line for the data collection. Mr. Swierc stated that staff has already started collecting water level data from the wells sampled before and has made a commitment to retrieving that data. Staff needs to see how water level data responds to seasonal draw down and recharge. This would require monthly recordings throughout this winter and into spring in order compare to previous collected data. Mr. Swierc would also like to add new wells in areas with no previous data and create a groundwater flow map model. Staff would need 1 year of monthly data collection from now through spring. Mr. Swierc also discussed the need for sonic water monitors or well intel units to help with monitoring. The motion carried 9-0.

Mr. Donohue made a motion to continue consideration of an evaluation of a controlled groundwater area. Mr. Sloan seconded the motion. The motion carried 9-0.

Ms. Jaffe requested from the District notification of how the public can participate in collection of data. Ms. Jaffe noted there is a comment and observation section located on the public signature page that will provide the district with information about individual wells.

UPDATES AND ANNOUNCEMENTS

Story Maps: Valerie Stacey, Big Sky Watershed Corp member highlighted the story maps that are available to the public on the Lake Helena Watershed Group webpage. The story maps provide information and data on groundwater depletion, groundwater monitoring, current restoration projects, and the geology of the Helena area.

BOARD MEMBER DISCUSSION

Jennifer McBroom, Watershed Outreach Coordinator, quickly highlighted the fiscal year end finance report on page 24 of the board packet.

PUBLIC COMMENT

Joyce Evans, 2276 Tea Road, announced that she would be willing to financially support, if needed, the amount needed to complete a groundwater study report.

Mr. Ryan requested of staff to highlight through multiple media and social resource the valuable information generated from the groundwater depletion story map. Mayor Schell recommended adding the request into our upcoming strategic plan.

Mr. Gartland noted from his previous discussion that the DNRC Montana Code Annotated 85-2-506 references the details on timing for a review of a petition by the DNRC.

The meeting adjourned at 6:49 p.m.

Stan Fraiser, Chair