Stan Frasier, chair, called the 231st 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, staff, and guests were made.

MINUTES
Mr. Frasier asked if there were any corrections or additions to the June 26, 2018 minutes. David Donohue made a motion to approve the amended minutes as written. Jeff Ryan seconded the motion. The motion carried 5-0.

REVIEW OF AGENDA
No changes were made.

CONTROLLED GROUNDWATER AREA REQUEST
Kathy Moore, Environmental Services Division Administrator, presented a request by Valerie Jaffe for a petition for a temporary controlled groundwater area (CGWA) in the eastern portion of Helena’s North Hills on page 6 of the board packet along with a Department of Natural Resources and Conservation (DNRC) Petition for Controlled Groundwater Application on pages 7-10 of the board packet. Ms. Moore briefly discussed the administrative process for petitioning the DNRC and a brief history of CGWAs (see Attachment “A”).

James Swierc, WQPD Hydrologist, gave a presentation on the East North Hills Helena Valley Hydrology (see Attachment “B”). Mr. Swierc highlighted CGWA study areas and data collection in and around Ms. Jaffe’s area of concern. Mr. Swierc noted there was limited data on the East Side of North Hills. The District is working on acquiring data to understand the system. We recommend installing wells to depth and limiting water use for new homeowners.

Mr. Frasier opened the discussion for public comment.
Val Jaffe, 2623 Tea Road, asked regarding current subdivision development recommendations, how much weight does the planning department allow the WQPD Board to impose those recommendations currently listed on current subdivision applications. Ms. Moore has stated that the planning department has occasionally taken the district’s recommendations and has implemented them into subdivisions but they do not always.

Ms. Jaffe asked what the WQPD could do to make it commonly known what the recommendations are in terms of public education. Ms. Moore stated these recommendations are made during public meetings so they are public in that respect. Ms. Jaffe stated that she would like to see these recommendations and anything else the board decides is pertinent to go out beyond public meetings by subdivision application. In terms to what you are referring to, when a specific application is up for public comment, I would like to see this better broadcast so individuals are aware of the recommendations prior to the public meetings. Mr. Frasier stated that the WQPD Board makes recommendations to the planning department. The planning department makes their recommendations to the county commission. The county commission may then choose to follow or not follow the recommendation regarding the subdivision. Mr. Frasier stated that everyone should be forced into knowing what he or she is getting into before buying a piece of property. Ms. Moore suggested educational outreach to the planning department at their meetings since the district’s comments will be in writing and will be more impactful.

Carl Hiltunen, 4330 Stoney Drive, stated that Morrison-Maierle did a groundwater study when the subdivision was being developed and they recommended 10-acre lots, now the lots are being developed with 6 to 8 times more houses than what was recommended by the water report. Mr. Frasier stated that any time the county commission does not recommend approval of a subdivision they are sued. Dick Sloan noted that the county commission needs to recognize there is groundwater depletion occurring in the valley.

Ms. Jaffe briefly discussed who from the public was in attendance and their relation to the recommendation. She also discussed future wells that are currently going in and that groundwater depletions affects the decisions that are being made today by the commissioners who are less than fully informed. She also stated well log deliveries in subdivisions sufficiently provided evidence and demonstration for existing lots on subdivisions. An applicant can provide a list of well logs from GWIC that are intended to represent the current conditions and meet to sufficiency that element discussed in their application. Ms. Jaffe stated that it’s a snap shot in time and could be a long time ago since that data was collected. The data is not collected by an agency that has a high standard of data collection. Data is collected by well drillers. Their well logs are considered the gold standard for making a decision on whether there is or is not water in the box (arbitrary boundary) depicted by Mr. Swierc. To decide if the next well in that box is to be drilled is being determined by the adjacent well information. The commissioner’s decision is being based upon that box but is given adjacent well information demonstrating there is something within the box. The decision makers need to have not only the well logs and hydrographs, they need to be accountable to the studies that have been done. Groundwater depletion is not being incorporated into their decision. Ms. Jaffe noted that not only is her plea for a groundwater petition be moved before the Department of Natural Resources (DNRC) but to have public outreach so individuals are not tripping into a subdivision that they make a comment on but the water is not jurisdiction of the county. There is a lack of information at the public level. Ms. Jaffe noted that the controlled groundwater review is overdue. The county and the district should face the public and planning board more directly. Mr. Swierc discussed the district’s current public outreach.
In answer to questions from Mr. Donohue, Ms. Jaffe has not asked the surrounding neighbors if they were in support of a controlled groundwater area. She also was not sure of how many homes would be impacted by the controlled groundwater petition that she is proposing. Ms. Jaffe noted that it is common in the area to have wells go dry or have become abandoned. Information from water users must be considered. Ms. Jaffe has installed a Well Intel devise that has been monitoring their static water level.

In answer to a question from Mr. Donohue, Ms. Jaffe stated that her well was for domestic use.

In answer questions from Dick Sloan, Ms. Moore stated that if the district was to petition for a temporary or permanent controlled groundwater, we would determine what the condition or rule would say. Whoever the petitioner is would set the terms of what they wanted to see. That petition would go to DNRC. DNRC would look at the data submitted by the petitioner and determine if it was justified or not. In the case of what we have here, we could not add limitations with because of limited amount of data. Staff has recommended using their intern to collect further data to add to the petition to make it solid before presenting it to DNRC. Mr. Swierc stated that 3 hydrographs for the area and the data that is collected this summer is not enough data to present before the DNRC. Further data collection is needed.

In answer to a question from Mr. Donohue, Ms. Jaffe stated there are lots 10 and 22 that are up for subdivision approval. In accordance to the planning department, the elements in the application are sufficient to move the subdivision approval forward.

In answer to question from Mr. Ryan, Mr. Sloan stated that a DNRC could revoke a permanent petition based on new information.

Chris Carparelli, 536 East Broadway, stated that people are put in a difficult situation regarding property transaction. With limited data to present to the buyer, a buyer at some point may have to drill past their already drilled 300 foot well because it has dried up or in the next 10-20 years, they may have no water at all. A controlled groundwater study brings awareness.

Mr. Hiltunen stated that a temporary controlled groundwater petition allows for the time it takes to obtain data and it slows down growth and magnification. In answer to a question from Mr. Sloan, Mr. Donohue stated that depending on what is in the petition request would determine if a temporary designation will stop further appropriation of groundwater. Kammy Johnson stated do we put forth a permanent petition and have it rejected for lack of data or put forth a temporary petition with restrictions.

In answer to a question from Mr. Ryan, Mr. Donohue stated boundaries and conditions for a controlled groundwater area are addressed in the petition request, which then are approved, modified, or disapproved by the DNRC.

In answer to a question from Mr. Donohue, Ms. Jaffe has contacted DNRC. They have told her that some of the issues are well construction, that a deeper well will need to be drilled, and there is no uniform depletion across the area at this time.
After further discussion, Mr. Frasier made a motion to approve a petition for a controlled groundwater area and to determine later whether it would be a permanent or temporary petition. Mr. Sloan seconded the motion. The motion was opened for discussion. Mr. Donohue asked how the petition would be funded. He also noted that a temporary or permanent petition is lacking data. Mr. Donohue suggested speaking with DNRC about what a solid petition needs in order to be approved. Ms. Harrow also asked of what additional work will by staff to take on this petition. In answer to a question from Ms. Johnson, Mr. Swierc stated that the data we have now in the area is from this year. The key is to get water level data. Ms. Moore stated that it would take at least 2 weeks to prepare a reasonable petition, 2 weeks for data collection, and reprioritizing the work of staff. Staff is currently working on other depletion projects along with fieldwork. No vote was made on the motion.

Ms. Moore suggested tabling the motion until the next scheduled board meeting to allow staff to prepare what it would cost to create this petition, reprioritization of tasks, and allow for discussion with DNRC. Stan made a motion to table the request for a controlled groundwater petition. Mr. Sloan seconded the motion. The motion was opened for discussion. Mr. Donohue stated that he does not know if we will have enough data to present by the next meeting to make a vote. Ms. Harrow suggested that staff have DNRC answer the questions that are needed before the next meeting. Ms. Harrow also wanted to know what would be the community’s involvement and contribution to this petition. Ms. Jaffe suggested that the WQPD write a letter of intent to the DNRC board asking to expand other entities like MSU Extension, Montana Bureau of Mines and Geology, U.S Geological Survey for assistance and grant funding. No vote was made on the motion.

Mr. Frasier made a motion to table the discussion until the August 28 WQPD board meeting, staff will provide questions to DNRC regarding the petition to be answered before the next meeting and will also send to DNRC a letter of intent. Mr. Donohue seconded the motion. The motion carried 4-1 with Mr. Ryan voting against the motion. Mr. Sloan stepped out of the room before motion was voted on.

Ms. Harrow discussed the need for staff to attend the August 23 subdivision hearing for lots 10 & 22 in order for staff to explain their research in the area, provide information and data, and present the concerns of the public. Ms. Harrow made a motion that the WQPD Board requested that staff attend the August 23 subdivision hearing for lots 10 & 22 in order to provided additional information, data, and concerns. Ms. Johnson seconded the motion. The motion passed 6-0

**UPDATES AND ANNOUNCEMENTS**

**Flooding Update:** Ms. Moore provided a brief update on the flooding that occurred in the Helena Valley, Lincoln, and Augusta. Ms. Moore announced that one well in Augusta has not been cleared for use due to well failure. Lewis and Clark County was awarded a 2 million dollar FEMA grant for the Helena Valley for additional work to mitigate for next year’s flooding. It was recommended by the board that staff look into well data in the flooded area.

**Outreach Activities:** The Watershed Festival will be held on August 4 from 9-1pm at Women’s Park. The District will host a promotional night on July 30 at 7:05 pm at the Helena Brewers Game.

**Surface Water Sampling:** High flow surface water sampling results for Tenmile, Sevenmile, and Prickly Pear Creek are in but have to be reviewed.
BOARD MEMBER DISCUSSION
Mr. Ryan presented photos of willow restoration along Sevenmile Creek. Mr. Ryan requested that the board tour the restoration site after the work has been completed.

Valerie Stacey, Big Sky Watershed Corps member, reminded the board of the Watershed Group’s newsletter they send out and requested possible assistance with future printing.

In answer to a question from Mr. Donohue, Jennifer McBroom Outreach and Watershed Coordinator, stated that staff is still working on completion of the storyboards. They wanted to have more than one storyboard completed before presenting to the public. Staff will send a link to the board of current storyboards they are working on.

Ms. Harrow requested that staff present a draft of proposed internal guidelines at a future meeting.

PUBLIC COMMENT
There was no additional public comment.

The meeting adjourned at 7:41 p.m.

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Stan Fraiser, Chair