

**CMR NWR Community Working Group  
Meeting Minutes for October 6th, 2011  
First Bank Community Room Malta, MT**

**Attendees:** Jon Kautt, Steve Hedstrom, Karl Christians, Jason Holt, Dave Pippin, Melissa Hornbein, John Todd, Mark Good, Bill Schultz, Kit Fischer, Bill Milton, Dean Rogge, Rick Potts, Paula Gouse, Ron Garwood, Dyrck Van Hyning, Monte Billing, Jeanne Kirkegard, Damien Austin, Bryce Christiansen, Bill French, Don Woerner, Terry Selph, Clyde Robinson, Linda Poole, Laurie Riley, and Carie Hess

The CMR NWR Community Working Group held our 10<sup>th</sup> meeting on October 6th, 2011 at the First State Bank Community Room in Malta, Montana with 27 people in attendance. Coffee and pastries were available prior to the start of the meeting.

Facilitator Bill Milton opened the meeting at 10:05 a.m. with a brief overview of the flooding damages along the Musselshell River and how it has affected the landowners in that area. Bill asked the grounding question “**what do you think is an important core value for this group?**” The participants were seated in a circle and each person introduced themselves and answered the question in turn. Bill then had attendees that were present at the CMR tour on September 19<sup>th</sup> give a brief summary of the tour. Once everyone had answered he introduced the speakers for the day.

**Steve Hedsrtom, National Association of Conservation Districts & Montana Association of Conservation Districts.** Conservation Districts were started in the early 1930s as a result of the severe sustained drought. These storms stretched across the nation and in 1934 the term “Dust Bowl” was born. Hugh Hammond Bennett, also known as the “Father of Soil Conservation,” worked with Congress and on April 27, 1935 they unanimously passed the Soil Conservation Act. Three-fourths of the continental United States is privately owned and Congress realized that only active voluntary support from landowners would guarantee the success of conservation work on private land. In 1937 President Roosevelt wrote the governors of all the states recommending legislation that would allow local landowners to form soil conservation districts. This caught on across the country with district-enabling legislation passed in every state. Montana passed the Montana Conservation District Law in 1939. Today in Montana there are 58 conservation districts and over 3,000 across the nation.

Steve talked about the laws that govern conservation districts. He explained that Conservation Districts are subdivisions of state government, public bodies with certificates of organization issued by the Secretary of State. Each district is governed by a board of supervisors usually made up of at least 7 members. Five Supervisors are elected in the general public election; these are elected on a county-wide basis to a four year term. Two Urban Supervisors are appointed by incorporated municipalities within the district and serve a three year term. The Conservation District may also appoint an unlimited number of local individuals to serve as Associate Supervisors who may not vote but assist the district by providing their experience or advice. Steve noted that the 6 districts that surround the CMR have a combined total of over 524 years experience. Steve gave an overview of what Conservation Districts do and discussed briefly the following: the Montana Natural Streambed and Land Preservation Act (310 Permit); Education, Rangeland Resource Executive Committee; rolling rivers trailers education; riparian management education; Montana Salinity Control Association; water quality; water reservations; district equipment; watershed planning; local watershed groups; river councils; Coordinated Resource Management efforts; how the districts help with federal conservation programs, and forest practices.

A question and answer period followed the presentation.

**Bill Schultz, Staff Director & Melissa Hornbein, Attorney, Montana Reserved Water Rights Compact Commission.** Bill explained that the Compact Commission was established by the Montana Legislature in 1979 as part of the state-wide general stream adjudication process. The Compact Commission negotiates settlements on behalf of the Governor’s Office with Indian tribes and federal agencies that hold federal reserved water rights within the state. The statutory mission of the Compact Commission is to “conclude compacts for the equitable division and apportionment of waters between the state and its people and the several Indian tribes claiming reserved water rights within the state.” It was noted that the Compact Commission is made up of nine members who serve 4 year terms. One member is appointed by the Attorney General’s Office, four by the Governor’s Office, and two by the Senate and two by the House. The Compact Commission is affiliated with DNRC for administrative purposes. The Compact Commission has five staff positions: Staff Director, Attorney, Hydrologist, Agricultural Engineer, and GIS Specialist.

Bill explained that a federal reserved water right is created under federal law and is a right to use water implied from an act of congress, a treaty, or an executive order establishing a tribal or federal reservation. He further explained that in 1907 the Supreme Court held that when congress or the president sets aside land out of the public domain for a specific federal purpose, such as an Indian Reservation, a quantity of water is reserved that is necessary to fulfill that specific federal purpose. A map was shared with all of the Federal and tribal lands claiming Reserved Water Rights in Montana.

The Compact process was explained and at what points the public can participate with comments. Another map was shared showing the Montana basin closures and controlled ground water areas as of September 2010.

Melissa talked about the completed compacts in Montana and compacts remaining to be negotiated before the sunset date of July 1, 2013. Melissa showed a map of the CMR Refuge and gave a little history and what the compact commission is doing. Maps showing the CMR Riparian Functionality by sub-watersheds, Upper Missouri River Breaks National Monument and Turtle Mountain Band of Chippewa Cree allotments were shared and Melissa explained a little of what is being accomplished with the compacts in those areas. A handout was given with current compact members, compacts both completed and still needing to be completed, and websites for more information.

The group broke for lunch.

Bill then opened up a question and answer period on the Montana Reserved Water Rights Compact Commission presentation.

Bill Milton had the group break into smaller working groups of 4 - 5 people each in order to answer 2 questions. The groups were given about 20 – 30 minutes to gather their answers.

Q-1) What is one important thing you have learned from each presentation?

Q-2) What concerns or questions came about from each presentations?

#### **Group Summaries:**

##### **1. Group 1:**

Q1: **CDs** -declaration of policy is extremely broad, not a lot of funding, volunteer basis and that all the hours are put in is remarkable, best connection to landowners, to develop future programs, farms suffer for the time away as supervisors are only paid mileage, urban supervisors provide the urban perspective, the elected board works with the NRCS as well as a liaison between landowner and wildlife group, care about the land, not in it for the money, don't take a lot of credit, youth education programs, NACD is valuable framework for education and outreach to people, have lost a connection to the land particularly with youth.

Q2: **CDs** -Good job, county loses money with changing use, protecting the tax base, non- traditional ranching and how do CDs deal with that, stimulate economy if we diversify, concerned about oil leases, coal bed methane, mitigation must be covered, the natural resource and development (oil, coal bed methane) could affect resource, pipeline development, change from farming to ranching can affect tax base negatively, ensure that the CD makes rules to protect natural resources (pump water back below ground), look for resources to speak to locals, can translate the MACD declaration of policy in many ways, can take you outside of expertise, will change in the community be reflected in the makeup of the CDs and their emphasis.

**RWRCC** – most of the group had limited awareness of RWRCC, how is a changing climate being incorporated into negotiation.

##### **2. Group 2:**

Q1: **CDs** -They have a broad range of concerns, drought was not the only factor in the Dust Bowl, the supervisors are elected but not paid, showing congress a dust storm is a good marketing approach.

**RWRCC** –federal government set aside land, the compact is an attempt to figure out what water was set aside and to do so while avoiding lawsuits, we have water rights conflicts and we need a way to resolve them, many compacts set aside exemption for stock water ponds.

Q2: **CDs** – Moratorium on changes in grazing leases called for by conservation districts, bison-we're always concerned about bison, can we find new ways to maintain healthy economies, where do we find balance between various priorities, we need to take care of the resources that feed people, can they carry through on their goal of being a medium to resolve natural resource issues.

**RWRCC**- we need a fair process, when people put resources into using water they need to keep the right to use that, using Paul Hanson's assessment versus the National Riparian Service team's, why is it that ranchers in Phillips County can't get new stockwater developments on BLM but ranchers in Valley County can, how will they determine proper functioning condition.

##### **3. Group 3:**

Q1: **CDs** – all things they do, all people they work with, more than just agriculture, ordinances restricting sod busting, all the power they have, protect the tax base.

**RWRCC**- close to getting done, publicly administered, if land goes away compact goes away, definition / explanation of Commission.

Q2: **CDs** – for group balance in working group regarding agency/ group interest, those most impacted by actions should have stronger say in what impacts tax base, elected officials, mission and how evaluate- very subjective.

**RWRCC**- priority site on the CMR will impact historic users, other water rights holders.

**4. Group 4:**

Q1: **CDs** – did not learn anything new, learned about the structure of CDs in MT., policy making.

**RWRCC**- learned why we are doing water compact, learned that wild 'n' scenic was different from National Monument, the process on how a compact works, that there is a different process for the Indian reservations (go to congress)- then the federal government (go to Dept of Justice), that there was a closure date.

Q2: **CDs** – relying on non-paid people to do so much, inconsistently with district.

**RWRCC**- getting it all done by sunset, needs to have a standard or uniform on riparian assessment for BLM and CMR, need to have a new riparian assessment done before negotiations of the compact.

**5. Group 5:**

Q1: **CDs** – History of CD's, History of NRCS/ dust bowl, broadness of mandate, volunteer crew/ shortness of funds.

**RWRCC**- What the RWRCC does, what compacts are, distinction between adjudication and compact process

Q2: **CDs** – government agency/elected officials advocating one view, too diverse of a mandate, highly localized not enough oversight or uniformity.

**RWRCC**- Federal subordination to state based USGS may impact/ conflict, with purposes of the monument.

**6. Group 6:**

Q1: **CDs** – History of Conservation Districts, that they are in every county in Montana, no dust bowl now because of conservation movement, livestock practices now and then, what are the biggest changes, purposes are expanding and obligations are expanding.

**RWRCC**- Compact commission interesting, different working with tribal and federal lands, wild 'n'; scenic compact completed in 1979, completion of compacts effect all users not only federal but private lands, relationship to state and federal rights.

Q2: **CDs** – tax base questions, main mission of conservation districts, don't know if certain decisions will affect tax base, could be secure tax base, don't know about district employees are public officials, heightened technology and projects that generate funds, rental equipment, ability of CD to advocate oppose monument / Bison, what is political ability-can they lobby for someone, monument does not take land out of production, federal dollars to take land out of production (CRP), new wildlife but cannot go onto to hunt. Intensive questioning from group on Conservation Districts, question on laws on the books- could pass law today- would have capability without BLM.

**RWRCC**- what does this mean on CMR- will lose water rights, 9 new filings on wild 'n' scenic, loss of ability to develop new water for livestock, water use downstream.

Bill then asked the group "What will keep you coming to the meetings over the next year? What do you want to have done in the next year?"

**1. Group 1:**

Q1: If we don't keep coming we will have no reason to complain about the outcome.

Q2: Might be opportunity to participate in step down plans.

**2. Group 2:**

Q1: The CMR will keep coming, learning about the different interests and watching them come together, I will come when I can, progress toward more access for community, commitment from the BLM/CMR/ water rights compact, and other governmental agencies, as long as we keep talking I'll keep coming, talking about a trail herd of cows and bison in the same pasture, get everyone's goals and interests out in the open, talk about a plan to give CMR ranches stability, each person comes with 2 lists; 1 - what do I need so that I come to this meeting and 2 - what do I have to offer to meet the needs of others?

Q2: Over the next few decades: a diverse community that accepts a herd of wild bison, have the CMR in good shape so the elk stay there and don't go into private fields, ranches on the CMR should have a 10 year or longer range plan, accessibility for local community, for the CMR and people concerned about it to recognize ranches as an important component of the ecosystem and to care for the ranches as they care for the prairie dogs, the grouse, the elk, and all the other components of the ecosystem. In 1 year I want to have this product? – Identify historic and wildlife economic values of public wildlands, range day seminar that gives equal time to range

managers and biologists followed by a panel discussion, long term vision, more time on the ground in the rangeland, progress toward anything that would stabilize local economy.

**3. Group 4:**

**Q1:** continued support from the CMR staff, members of the group to stay open minded, building trust – no hidden agendas.

**Q2:** need to build trust, don't set ourselves up to fail by moving too fast, more knowledge of issues and concerns from everyone involved in the group.

**4. Group 5:**

**Q1:** Good interactive dialog, continuing to learn about members, forward motion towards the mission (preserving CMR/ Counties) positive dialog, focus in community economic vitality, acknowledging inevitability of change and asking how we move forward, articulating group values and communicating them to federal managers and community leaders.

**Q2:** recommendations to the CMR based on group concerns/ issues, break discussions down into discrete issues and developing suggested resolutions for those issues, timetable agenda for times to deal with / game plan/ stay on task, developing and communicating specific recommendations not only for CMR but also community as a whole.

**5. Group 6:**

To work on something we agree on to build trust so that we can take 1 hard issue (not agreed on) at a time.

The next meeting date was announced as December 8<sup>th</sup> in Valley County.

The group adjourned at approximately 3:00 pm.