

Glenda Wiles

From: Jim Ellingson <aranch@jimellingson.com>
Sent: Thursday, February 5, 2015 1:28 AM
To: Al Pernichele; Brian Rouse; Dan Huls; Doug Schallenberger; Howard Lyons; Jay Meyer; Jim Ellingson; Joann Hosko; Katrina Mendrey; Philip Tummarello; Theresa@willingsservants.org
Cc: Allen Bjergo; wmenager4@gmail.com; Glenda Wiles; Nancy Ballance; g robert johnson ; Zach Miller; Nancy Ballance
Subject: RTFR 2-2-15 draft minutes

Ravalli County Right to Farm and Ranch Board

Meeting Minutes for February 2nd, 2015 for a meeting held in the Hamilton House meeting room in Victor, Montana

Call to Order

The meeting was called to order by Chairman Jay Meyer at 7:07 PM.

Roll call

Members Present:

Jay Meyer (chair)

Joann Hosko

Dan Huls

Al Pernichele

Brian Rouse

Phil Tummarello

Howard Lyons

Jim Ellingson

Members Absent:

Theresa Manzella

Katrina Mendrey (ex-officio)

Also present: Doug Schallenberger, Allen Bjergo, and Beau McLean

Additions to agenda: Jay said he is going to ask if we prefer that our voting on issues be done in secret ballot.

Public Comment – Items Not on Agenda: none

Approval of the Minutes of January 5th, 2015:

1. Jay said that it was he, not Joann, who pointed out the improper spelling of “stationery” in the December minutes.
2. The year of the minutes should also be changed from 2014 to 2015.
3. **Dan moved and Al seconded that the minutes be approved with the above corrections. All voted “aye”.**

Old Business:

1. Supplemental Labelling: Al reported that Katrina has not yet checked with contacts in other states that have adopted the supplemental label.
2. Wildlife Damage Control:
 - a. Brian read a message from Nancy Ballance which stated that
 - i. She is planning to try to get the reimbursement money out of the general fund
 - ii. She is wondering if we think the reimbursement program should be administered statewide or administered at the county level
 - b. Brian reported that Wisconsin administered their program at the county level.
 - i. This put a lot of stress on the counties
 - ii. The USDA ended up stepping forward to help the counties
 - c. Brian also reported that Joe Jaquith hear all goo comments regarding the new 262 hunting district.
 - d. Jay said that someone had suggested to him that we look at Wyoming’s program.
 - i. Brian said that theirs is geared towards damage hunts.
 - e. Phil said that, in Wisconsin, you must allow hunting in order to be eligible for any damage reimbursement. Montana hunting groups and the FWP are saying that this is all being addressed by our Block Management Program, but the payouts from Block Management are far less than the amount of damage that is being done.
 - f. Brian said that we need the FWP to release wildlife target numbers which state how much wildlife they want on each piece of property.

- g. Phil said that he lost around \$8,000 because of elk last year and it took him a month to get the FWP to issue a depredation permit. He said the FWP will fight our damage reimbursement plan. Wisconsin has had theirs in place for around 100 years.
- h. Brian said that 37 states have wildlife damage reimbursement programs.

3. Ag Gag:

- a. Brian read a short report from Theresa Manzella
- b. Jay, Brian, Phil, and Linda Kaufman went to Helena last week regarding this proposed change to our existing law.

4. Secret Ballots: Jay asked if we would prefer our voting to be done in secret. None of us felt that was necessary.

5. CSK Water Compact:

- a. Al reported that the Montana Stock Growers and the Farm Bureau have come forward in favor of the compact as now written.
- b. Doug reported that J.R. Iman is in favor of the compact because all the tribe wants from Ravalli County is a well by the Medicine Tree.
- c. Brian pointed out that was the issue that Jan Wisniewski was trying to talk about several months ago when he was misquoted and his concerns were not addressed.
- d. Doug said that J.R. also said that the only other thing the tribe wants is to share the FWP's portion of the water in Painted Rocks.
- e. Brian pointed out that that presents a problem because
 - i. the tribe now owns land on both sides of the river near Stevensville which they were closing on when they were denying they were doing so.
 - ii. The law says that if a private property owner owns land on both sides of the river they still do not own the river or the ground under it.
 - iii. However, if a tribe owns the land on both sides of a river, that section of the river and the land under it are owned by that sovereign nation.
 - iv. Coupling that with giving the tribe Painted Rocks water rights means that they can release extra water out of Painted Rocks in order to maintain a Bitterroot River water depth they deem necessary at that section of the river they now own downstream.
- f. Phil said that this whole thing has stunk from the very beginning and it has numerous secret issues. The compact has 200 pages of single-spaced, undefined addendum. Yet we are being told that we need to pass it now and the details can be worked out later.
- g. Jay said that a group called FARM sent out a card in favor of the compact

- i. FARM seems to represent some people that own water rights out of certain rivers that the tribe has threatened to sue for water rights if the compact is not passed. FARM wants the compact passed to avoid that litigation.
 - ii. A retired DNRC employee told Jay that the tribe is planning to file on every discrepancy that appears in individual Montana water rights.
 - iii. Jay feels that Nancy Ballance is very knowledgeable regarding this compact and she is against it.
- h. Phil said that the water is currently owned by the citizens of Montana and the state had no business getting into this deal with the tribe in the first place. The federal government is also deeply into this.
- i. Brian said that the Montana Stock Growers wanted to pass this during the last session because it does not affect the east side of the state where most of their members are.
- j. Phil reported that the Governor came out in favor of the compact during his State of the State Address. Phil said that we will not have the power to get the water back if this thing goes bad.
- k. Jay read the Farm Bureau's article that details their support for the compact because they feel it will spare individual water right holders from having to defend their water rights in court should the tribe decide to sue them.
- i. That Farm Bureau article said that the tribe also wants water rights out of Lake Como.
- l. Howard said that the tribe and the Forest Service are working together in this. Trout Unlimited is also pushing for the compact approval because they say it will force more water to be taken from irrigators and left in the rivers.
- m. Jay asked for a motion.
- n. Phil said that the realtors are against the compact.
- o. **Joann moved and Phil seconded that the Ravalli County Right to Farm and Ranch Board oppose the compact.**
- i. Discussion:
 - 1. Jim said that he is against the compact because
 - a. the compact is too complicated to be thoroughly understood
 - b. we have heard numerous lies from both the supporters and those against the compact, but the majority of the lies have come from those in favor of the compact

- c. Nancy Ballance is very knowledgeable and the only person he knows that has reported to have read the compact twice, thinks it is bad, and has come out against it.
 - 2. Phil said that he knows of some retired engineers that are against it from an engineering standpoint.
- ii. **Jay called for a roll call vote.** [Note: an “aye” vote is a vote against approval of the compact.]
 - 1. **Howard: Aye**
 - 2. **Dan: Abstained** Dan was against the compact after hearing the presentation given to us by those opposing the compact, but then he was turned off by the opposing side's tactics when those that were for the compact addressed our group so Dan was then for the compact. Since then he has read more regarding it and has ended up undecided.
 - 3. **Al: Nay** Al said he has read part of the revised treaty and the State still has their right to the water and the tribe is giving up some water rights.
 - 4. **Brian: Abstained** It is complicated and Brian believes that more is to come.
 - 5. **Jim: Aye**
 - 6. **Phil: Aye** The courts have always said that the state controls the water. Using the Hellgate Treaty to support the compact is off base. The tribe made private, back-room deals with the largest land owners guaranteeing their water rights in exchange for their support. Complicated laws are bad laws. He said the compact is an abomination, underhanded, and illegal.
 - 7. **Joann: Aye**
 - 8. **Jay: Aye** The decreed water users seem to be being left on their own
- iii. **The motion to oppose the compact was approved on a vote of five to two with two abstentions.** Jay appointed Howard to right a letter regarding our opposition to the compact after three years of information gathering and discussion. Phil will help him. A draft will be sent to each of us for approval.
- p. Brian reported that the Big Ditch has withdrawn their support for the compact.
- q. Al said that the courts have upheld the tribe's in stream water rights off the reservation.

- r. Dan (who sits on the board of Pfau's canal) said that the Pfau Canal board is split on this issue.
 - s. Phil said, regarding the tribe's threat of litigation, that the tribe has already said they will not negotiate despite the fact that courts mandate a settlement session prior to going to court.
 - t. Howard said they are trying to quickly push this through because the longer this goes the more nebulous information will come out.
 - u. Phil said that the letter Howard is drafting should be sent to everyone in the legislature and government. Dan agreed.
 - v. The question was raised regarding how to pay for the postage. Phil agreed to pay for it.
 - w. Brian offered to pay for the printing, but Howard said that the Board of Realtors will pay for the printing.
6. Meeting with the Commissioners: All gave their (positive) comments regarding that meeting.
7. Bitterroot Stock Growers' Meeting:
- a. Brian reported on the annual meeting
 - b. Dan complained about the venue
 - c. Brian said the next meeting will be January 8th, 2016 in the First Interstate Building at the county fairgrounds.
 - d. Dan announced the Land is Your Legacy program at that meeting.
 - e. Jay said that the acoustic problem in the Saint Mary's Family Center has been an item of discussion for years.
 - f. Brian said that next year's meeting will be coupled with a farm expo that will run from January 7th through 9th. They are also hoping for up to eight seminars. (Brian is the new Stock Growers' president.)
 - g. Doug noted that the fairgrounds is booked for 36 weekends this year.
8. Western Montana Ag Research update:
- a. AI reported that they are asking for a new position. \$480,000 has been allocated (plus \$250,000 for equipment) for new construction to replace the existing lab.
 - b. All seem very pleased with Zach Miller's vision for the center and the work he is doing out there.
 - c. AI also reported that there is currently an opening out there for a technician.
9. Open Lands Update:
- a. Jim reported on the recent changes made to the scoring criteria.

- i. The changes are not too significant and they generally deal with clarification of definitions.
 - 1. One dealt with the clarification of the definition of animal units.
 - 2. Another dealt with the change of the scoring for forested lands from board feet to cubic feet.
 - 3. Another dealt with a gap in the scoring dealing with distance to important habitat
 - 4. The most significant change offered an additional point to properties that adjoin a highway. That point was taken from the six possible extra points that can be given for various, personal reasons.
- ii. The changes have all been approved by the Open Lands Board but have yet to come before the Board of County Commissioners (BCC) for their approval.

b. AI reported on two Open Lands Board issues regarding signage

- i. Updating informational signage
- ii. Protected property identification signs that were designed by the Corvallis High School art students
- iii. The designs are approved but all has yet to be presented to the BCC for their approval.

10. FFA: Jay reported that he and others met with the new Corvallis superintendent and the principal regarding starting a new FFA chapter in that school. The suggestion was taken favorably but no action has been taken yet. Jay said that the Bitterroot Land Trust has said they may be interested in doing activities with FFA members.

11. Future Board Activities: A meeting with the weed board was suggested.

Howard moved and Dan seconded that the meeting be adjourned at 9:09 p.m.

Our next meeting will be held Monday, March 2nd, 2015 at 7 p.m. in the Coffee Cup in Hamilton.