

CHAR-KOOSTA NEWS

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TOP STORY

St. Ignatius subdivision on hold until domestic water allowance filings are completed and Office of Engineer is functionally staffed

Bernie Azure Aug 18, 2022 Updated Aug 21, 2022 0



The site of the proposed subdivision on Airport Road. (Google Earth aerial photo)

Char-Koosta News

RONAN — In the opening public comment period related to agenda items, Claudia McCready of St. Ignatius told the Flathead Reservation Water Management Board (FRWMB) at last week's meeting that Jack and Claudia McCready's proposed 17-lot subdivision project on Airport Road is languishing in limbo related in part to the Board's decision to not deal with such developments until Office of the Engineer is functionally staffed.

"We've been shut down totally for a year," McCready told the Board. "There needs to be some way to address all of this."

Top on the list of the fully functional staff is the hiring of the Water Engineer position which has been advertised and three applicants have been screened. Then other positions need to be permanently filled such as an administrative assistant and permanent hydrologists. Presently hydrologist Ethan Mace is the Montana Department of Natural Resources and Conservation (DNRC) staff representative in the Office of the Engineer and hydrologist Seth Makepeace is the Confederated Salish and Kootenai Tribes' (CSKT) staff representative. Neither, at this time, are employees of the Office of the Engineer.

Later in the meeting, the Board took action to hire a human resources firm to recruit an administrative assistant.

McCready said in an interview that she is not casting blame on the Board and the present Office of the Engineer staff and feels they are all doing a good job and following policy and timelines. But she has problems because of that.

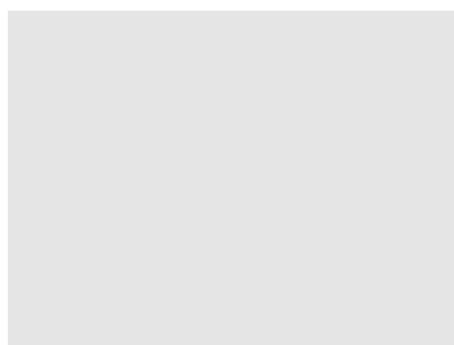
"When the [Federal Reserved Water Rights] Compact was signed the State [Department of Environmental Quality] told us in October (2021) that projects that were ready to go but not completed would go through," McCready said. "Then they (DEQ) decided they wouldn't do it because I would now need the permission from the [Flathead Reservation Water Rights Management] Board. I am not alone in this situation."

McCready said she was told and it is a matter of public knowledge that the FRWMB will not address subdivisions until it completes processing the domestic water allowance applications submitted during the Flathead Nation's FRWRC effective date of September 17, 2021, onto March 16, 2022.

The Board also has on its table water rights/allowance applications filed with the DNRC between August 22, 1996, and September 17, 2021. All of the applications are on file but not processed and they were forwarded to the Board by October 17, 2021. They are related to the Ciotti court decision that, among other things, ruled the DNRC could not process such filings until the Flathead Nation's FRWRC was settled, and there were a lot of applications filed during that 25-year period.

Mace said the domestic well allowance applications filed between September 17, 2021, and March 16, 2022, are about 80 percent completed but Ciotti case time window filings are less than 10 percent completed.

McCready said she understands the situation the FRWMB is currently wading through with a short Office of the Engineer staff but is exasperated nonetheless.



FRWMB members Clayton Matt, Georgia Smies, Roger Noble and Ken Pitt as well as Office of the Engineer staffer Anna Butterfield and Pelah Hoyt of the DNRC conducting business at last week's FRWMB meeting.

"We can't move forward with this until the office is fully staffed and until we get water," McCready said. "I understand that but this is a big deal. We borrowed money to build a road on the property and now we can't do anything with the property. We just have to wait, wait, wait."

Mace said shadowing the process of water needs is water availability and that after completion of all the water allowance applications, the Board and Office of the Engineer would have a better quantification of water available for further water allowances such as housing subdivisions and industrial developments.

Montana has the authority to control or close river basins and groundwater aquifers to certain types of water appropriations because of water availability problems, water contamination problems, and a concern for protecting existing water rights. The Montana Legislature has by statute closed the Upper Clark Fork, Bitterroot, Upper Missouri, Jefferson-Madison, and Teton rivers basins.

There are no indications that could happen on the Flathead Reservations. However, there are areas on the reservation that potentially have inadequate water to supply huge growth, subdivisions, or industrial developments. That is something the Board would have to address via policy that it would have to develop.

Recently the issue of water availability came to the fore in the Jocko Valley and the limited and unpredictability of water available via the Jocko River and the subsurface aquifer. And there is also a proposed gravel mine and asphalt plant in the Jocko Valley that is causing concern from local residents, especially those close to the proposed plant at the end of White Coyote Road related to noise, dust, traffic, and water availability and the effect on the aquifer.



BL Azure **Bernie Azure**
Assistant Editor
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AUGUST 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
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- Home
- Weather
- Classifieds
- Obituaries
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- Features
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Contact Information

charkoosta.com
P.O.Box 98
Pablo, MT 59855
Phone: (406) 275-2830
Email: charkoosta@cskt.org

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