LAKE COUNTY PLANNING BOARD
December 8, 2010
Meeting Minutes

MEMBERS PRESENT: Bob Kormann, Harlan Gipe, Sigurd Jensen, John Fleming, Janet Camel, Brad Trosper

STAFF PRESENT: Tiffany Lyden, Joel Nelson, LaDana Hintz, Lita Fonda

OTHERS: Christi Buffington, Mike Wilson, Jerry D'Aquin

The Boards briefly were together for an update on Board renewals and for mention of a holiday social time, during which Board business would not be discussed.

Bob Kormann called the meeting to order at 7:18 pm.

Motion by Janet Camel, and seconded by Sigurd Jensen, to approve the October 13, 2010 meeting minutes. Lita relayed two changes from Steve Rosso: on pg. 5, five lines up from the bottom 'were' should be 'where' and at the bottom of pg. 6, 'Ross' should be 'Rosso'. **Vote with 3 in favor (Sigurd Jensen, Bob Kormann, Janet Camel) and 3 abstained (John Fleming, Brad Trosper, Harlan Gipe).**

Tiffany Lyden continued with the lakeshore regulation updates, beginning with the section on Utilities. She referred to the comments shared by Steve Rosso (see attachments to minutes in the Dec. 2010 meeting file for handout), which she would include in the various sections.

Utilities:
Lighting was removed from the section and would be addressed separately.

Tiffany spoke about the utilities policy and standards. She suggested adding risk of contamination along with disturbance of the lakebed or lakeshore. In 2.iv, Brad suggested replacing 'dirt' with 'unconsolidated sediments or soil', and in 2.v replacing 'pre-construction' with 'near-natural', since it might have already been disturbed. Janet suggested moving the second sentence of 2.iv to 2.v.

Tiffany clarified in 2.vii that although wheels could not come in contact with the lake, with the installation of something like a waterline that would need to go below low water, the bucket of the equipment could be extended into low water. The tracks and vehicle itself could not get into the water. She noted that for 2.b waterlines, the standards of 2.a also had to be met.

John thought it would be clearer in 2.vii to say 'water' instead of 'lake'. If the lake froze, could someone drive a vehicle on the ice? Sigurd mentioned this had happened. For shallow, muddy areas, people drove on ice to get out far enough. Bob asked whether or not something needed to be in the regulations regarding the ice, or if it should be mentioned as something to be determined on a case-by-case basis for the winter. Tiffany thought other things that weren't addressed that could be addressed on a case-by-case basis. She didn't want this to prevent that

from occurring. If water was the term used, it would probably be okay. The idea was to not get the oil and grease from the wheels into the water.

Bob asked about 2.i, which seemed to be common sense. Tiffany explained it had been in the regulations previously. John thought it might depend on what size bucket was on the backhoe. Mike gave the example of a 4' bucket for a 1 ½ " waterline. Jerry asked if there was a depth requirement. Tiffany said there was not. Mike said it was 4' or deeper.

Janet observed for housekeeping that in 2.a it would be more consistent to leave out 'General Standards for', and just say 'Utility Line Burials'.

For section 2.c, Christi asked if DEQ/ Environmental Health standards had provisions for signage and supervision, or if some language needed here. They regulated those sorts of things, so Tiffany thought they probably would have language; she could find out. Christi referred to an EPA document with National Management Measures Guidance Control. A whole section existed on pump-out stations and suggested wording for inclusion in regulations. Certain bodies were called no discharge zones. She didn't think the State of Montana had declared Flathead Lake a no discharge zone for human waste. However, counties could have marinas with pump-out stations declared a no discharge zone. It was a way to get people to start thinking about putting their waste there rather than in the lake. There could be some signage, and the document gave examples. There were also examples in the Maryland Clean Marina Guidebook, which had a section on sewage at marinas and pump-out stations. Tiffany suggested that she and Christi could look at those to come up with some ideas. She thanked Christi for her research.

Bob asked about 2.c.ii. How would that affect replacement or enlargement of the sewer line under the bridge? Tiffany said 'new' could be added since that was the intention. Bob and Tiffany agreed 'new' would need to be added in two places. Tiffany asked if people could think of other sewer components in the lakeshore that hadn't come up yet. Janet asked about stormwater drainage. The City of Polson stormwater system drained into the lake. Would you want a provision to have an oil separator before it could drain into the lake? Tiffany asked if that was considered a point source. Janet thought so. She explained it had been a concern for quite some time. Any other type of stormwater system should be required to have an oil separator. Tiffany said in zoning districts some had buffer zones that talked about stormwater not entering the lake, when stormwater from individual properties was discussed. Christi thought we might think of the stormwater discharge as a point source unless it was a larger [inaudible]. The City had several discharges around the lake and into the river. Some of those, like the one at the golf course got everything off of Highway 93, with nutrients and oils in there. Right now that was considered a non-point source and didn't have to be permitted. She thought there were eight actual discharge locations that were mapped. Tiffany asked if they were all in the city limits. Christi didn't know.

Janet noted the Tribal comment on the City growth policy was they needed to address that issue as far as discharge into the lake. When the Tribes paved the roads in Elmo, they set aside Tribal land to treat the stormwater so that it couldn't be dumped directly into the lake. As other communities got funding to pave their streets, this would become a bigger issue. Christi thought it might be a bigger issue down the line in Polson, too. Janet asked about what the EPA had.

Christi replied it was state-by-state, as she understood, where some states required stormwater permitting on [inaudible] projects or discharges to surface water. She didn't think Montana was in there, but there was guidance. She mentioned Best Management Practices (BMP's). If stormwater was discharged from one property, that was different than collecting discharges from a larger area. She was thinking of areas with lots of seeps. The seeps actually caused erosion along the slopes. That sediment was in the discharge right into the lake. Was that covered in here or was that a Clean Water Act type of issue? If it was an actual pipe, it should be covered under this section here.

Janet said the Tribe did point source discharge permits on the lower part of the lake. Did DEQ do so on the northern part? Christi's understanding was that if it were stormwater collection and discharge out of the lake, it still would not be a point source. Tiffany asked for more information on how the Tribes did that. Janet replied that Mike Durglo was the stormwater person. For new projects, if there was over an acre of disturbance, they had to have a stormwater management plan that was signed off on. She wasn't sure how Mike dealt with existing systems.

Tiffany noted the lakeshore regulations didn't address much on stormwater. The zoning districts actually addressed more. The group touched on this in the boathouse section, but they hadn't elsewhere, yet. This would be stormwater coming from somewhere else rather than the lakeshore protection zone, and directed somehow into a pipe or system where it's discharged. Christi suggested it would be nice to treat stormwater as a different section. That was partly why they had the impervious surface rules. In a separate stormwater section, they could talk about things like boat maintenance and boat repair work. Many of types of maintenance would pertain to marinas too.

Janet suggested stormwater collection system outlets would be a utility versus general stormwater runoff. There was a whole stormwater collection system under the City of Polson, which was like the utility, with the pipes and the infrastructure discharging into the lake. That would be a utility. Bob thought it was worth addressing. He thought it should be in a separate section.

Bob asked about marinas. Regarding two large ones in Polson, were there bathroom facilities located there for the public to use while at the marina? Were these required? He saw "if provided" in the regulations. Should that be looked at for approving marinas of that size or for commercial marinas? Tiffany said she dealt with one in Woods Bay (Saddlehorn) and they did have public bathrooms there. There was an initial concern about having them in the lakeshore protection zone, which wasn't so great, but having them on-site was certainly advantageous. It was a little tricky, since the jurisdiction of the lakeshore protection was 20 feet. For reviewing a marina as a whole, it could be put in the marina section that public bathroom facilities were required on-site, or highly recommended. Bob said that made sense to him. John thought they wanted marinas to have a facility there, but they didn't necessarily want them in the lakeshore zone, or to force people to put them in the zone. Tiffany said she would add to the marina section that new commercial public marinas shall incorporate restroom facilities outside the lakeshore protection zone. Christi mentioned there was recommended language in the EPA book and the Maryland Clean Marina Guidebook.

Christi said there were basically four kinds of pump-out systems. We might not want to allow some pump-out systems. The four types included a system permanently affixed to a dock, a mobile system mounted on a golf cart or hand truck, direct slip-side, and pump-out boat. She clarified that a pump-out boat could go and connect to the other boat; these were more common on Lake Michigan. Tiffany saw the one at Finley Point State Park. Brad said there was one at Dayton as well. You pulled in, and they put a hose in and pumped it out. It was by the dock. Christi was concerned with a mobile system mounted on a golf cart or hand truck, since then we'd need standards on [inaudible]. Tiffany said the review would be limited to what was being constructed and what people submitted for a permit for placing in that zone. It would be helpful to look at the recommended guidance. If it was constructed and met the requirements of the other agencies, and had provisions for not leaking and so forth, a location that allowed for a boat to pump out seemed reasonable. Jerry asked about requirements for inspections and making sure these were properly utilized. Tiffany said she would check with Environmental Health and DEQ on how they did that.

Bob returned to 2.a.iii in the standards. Rocky Point was a solid rock, and people would have to blast there. In blasting, would there be something to contain the rock so it could be put back? Mike Wilson said a good blaster would contain it anyway. If it was flying through the air, the blaster didn't do a good job.

Tiffany showed waterline photos. There were more fines exposed than she would have anticipated. Mike said in those conditions it was tougher. It was pretty easy in deep gravel. Mike thought if there was a retaining wall or even riprap, it was nice to put a chase in and run the water and power through that. A few years down the road, if they need a new wire for the pump, they didn't have to rip out the retaining wall or rip rap to do so. He didn't know if it needed to be mandated but it would be something to suggest. Tiffany asked if this was done sometimes along the length of the whole line, as opposed to just at the retaining wall. Mike said that would be ideal. At least if you could get it on both sides of the wall, you could dig on the shore-side and get to the chase.

Brad asked if Mike had run into steep situations where percolation passed the route along the pipeline. He asked about bentonite plugs placed every so often. Mike said you could put a clay plug in. It depended on what they bedded it in. If it were in sand or pea gravel, you definitely could have some ground water running right through that trench. They probably just put native dirt back on there, unless it was really sandy to start with. In response to a question, Brad described that bentonite clay could be put around the pipe to seal a section. Mike added that you would have subsurface water flowing in the trench if you bedded the pipe in sand or gravel that water would flow through. Tiffany asked if they felt this should be added to the regulations. Brad replied it would be a Best Management Practice. Tiffany asked if the chase should be added. Bob thought that made good sense.

Bob referred back to the photo, where the line didn't look like it was 3 or 4' deep, which was apparently a seasonal use. What happened if the seasonal use went to full-time use—do they have to redo it and redisturb things? Mike recommended 4' as a typical bare-minimum. Most people did 4 to 6'. Tiffany said the one in the example was for an orchard, which was seasonal.

John returned to water traveling along the disturbed soil to the lake. Bentonite, or compacting the soil and getting the vegetation going again would help. Even putting a chase wouldn't stop water from traveling along the freshly dug trench. He thought that would be the larger issue of concern, more than the depth.

Christi asked if there was a provision to say how waterlines were allowed. It was a water rights issue, but was some language needed? Tiffany noted Flathead County said on pg. 2 of the comparison table that an applicant needed to demonstrate a water right from DNRC. Because of Lake County's unique situation, with the water rights in negotiation, she included on permits that it was the applicants' responsibility to make sure they had the rights. She was leery of putting something else until that issue was resolved, since you couldn't get a water right. Christi thought some language was needed for the applicant's responsibility to demonstrate a water right for the areas outside the reservation, possibly to refer to other applicable regulations in the lakeshore protection when they were applicable. For some people, this might be all that they read. In lakeshore review, the first thing to look for would be can they put in a waterline? Janet suggested saying "Applicant needs to demonstrate that they hold a water right." If they didn't hold one, they shouldn't be pumping out of the lake, even within the reservation. The language could be amended later. It didn't have to be tied to a specific jurisdiction. Supposedly, the water rights would be adjudicated in the next 4 years.

Tiffany said if it was worded like Flathead County's, a waterline permit wouldn't be issued unless the applicants showed they had that right. Did we want to be the gatekeeper for that? Currently, if the applicant demonstrated the things in the regulations, the clause about the appropriate approval has been put in and a permit had been issued. She gave an example from the dredge and fill section, where it said permits may also be required by various other parties. It didn't say we needed to see them, but acknowledged them. Could that be done here? A water right would be required. Bob asked if there was a responsibility here to make sure the County wasn't liable. We would grant a permit to do this, but there would be a caveat that you might not have a water right. Tiffany suggested maybe it could be done as a note or a standard that it was the applicant's responsibility to make sure they have the appropriate water right. Bob asked if they needed to ask the County attorney or the State. Janet thought the applicant needed to demonstrate they hold a water right, but didn't need to say from whom.

John summed that the Board was concerned the applicants demonstrate there was a water right. Jerry suggested saying the recipient of this permit acknowledges that he must have a water right to be able to utilize the line. They could put in a waterline, but they couldn't utilize it without a water right. At least the County had granted the permit to install the line, but would be putting the permittee on notice that before they could pump water from the lake, they had to have the permits. John asked if this was the same disclaimer as what was done for subdivision wells. Joel said it would be reworded. He liked Jerry's idea, which put it back on the applicant. Bob was concerned with the current slump in the construction trades, people might say they wouldn't build their house in Lake County. Jerry clarified that he wouldn't use the word 'demonstrate'. His suggestion was that the permit was for the construction of a line. For a person to legally be able to pump water from the lake, they needed to have a water right. A person could be pointed in the right direction, and the County could be insulated from a liability. The Planning Dept was

insulated from having to decide whether or not this was legal. He and Bob concluded we'd give the permit to build the line, and the applicant was responsible for the water right.

Christi sometimes saw waterlines above-ground around the lake. Those would be non-compliant? Tiffany asked if these were in rocky areas. Christi said they were black poly pipe. Jerry asked if they were in the water. Christi replied probably not. She asked what the responsibility was. Tiffany asked if she meant in terms of water right or buried water line. Christi said buried water line might be a way to get around the other issue. Even if it was a summer seasonal line, it wasn't compliant. Tiffany said that if she saw this on a site visit, they would need to get that in compliance. There would be some situations where the waterlines were over a cliff and were impossible to bury or cover. Joel mentioned nonconforming uses and variances.

Tiffany pointed to the section on electrical lines. She suggested adding something about the lines needed to be in accordance with state electrical code. We wouldn't check that, but it could be in there. Mike thought it should be. Jerry asked what happened if a line was taken to a dock or marina. It would be buried to the dock, then come out on the stub? Tiffany said this wasn't addressed. When people put in docks, we didn't see the electrical stuff, since it was usually minor. There were a lot of electrical boatlifts. Bob asked if it was all in conduit. Mike affirmed. Christi thought something was needed here. Tiffany said she would add in 'accordance with state electrical codes'. There were setbacks for water lines. Nothing was said in terms of [setbacks for] buried electrical lines on the land. Was this needed? Mike asked what the purpose of a 15' setback would be. Tiffany said it wouldn't be right on the property line if it needed addressing or fixing. Was it a big deal if electrical lines followed a property line? Mike said primary electric lines needed to be 3' deep and secondary were at 18" minimum depth. If the setback was to avoid disturbing the neighbor's property, they should probably have it for electrical too. You still needed to trench and so forth. Tiffany noted with water lines, they went out onto the lakebed, so beyond the water you'd have this thing exposed that you wouldn't want in someone else's riparian area or right next door. Maybe it was in place for that component. She asked if they should leave it unaddressed. John said they didn't see a reason to take it out. They could let the Commissioners look at it. Tiffany said this would be made consistent by saying 15' for utility lines.

Jerry referred to how property lines were extended beyond the shoreline. A couple came here a few months ago and spoke of the weird angles you ended up with. Should that be addressed with where the waterline goes? Tiffany said it hadn't been addressed well. There were strange situations. She gave a bay as an example. Janet said in a bay, you might have to shorten the length to be fair to the every landowner because of the restricted area available to work with, for any improvements in that space. The spaces might be pie-shaped to figure out the workable space within the pie. It might have to be on a case-by-case situation when you had restricted area. Tiffany thought this might be something to address in the general standards rather than the specific standards for specific things. Bob suggested finding out what Lake Tahoe did. Tiffany said some states did this differently. She described that here, where the property line hit the lake, it was extended out perpendicular to the shoreline. In the bay, you took whatever was equal and went out perpendicular for the riparian boundary line. There were some other different ways to

do it. She didn't know that we'd want to change the way we'd been doing that, since people are used to that, and it was also how Flathead County and the Tribe did it.

Tiffany finished up the section by touching on wells.

Pump Houses:
Tiffany introduced a new proposed section on pump houses. These were not previously addressed in the lakeshore protection regulations. Currently the only structures addressed in the lakeshore protection zone were boathouses. There were numerous pump houses out there. She took much of the language from the Missoula County lakeshore regulations. Flathead County and the Tribes did not address these. She went over the policy and standards. She relayed Steve's comment that the use of submersible pumps could eliminate the need for pump houses. She thought they were seeing more submersible pumps that pump houses. Mike agreed that most new ones were submersible.

Regarding the suggested 4' x 4' x 4' pump house size, Sigurd said you couldn't get in there to work. Christi thought people might put a pump house in, then use it for storage of things they wanted by the lake. Bob clarified with Tiffany that these were pumps for waterlines in the lake, not wells. Jerry observed a pump house would be a structure constructed within 20 feet of the high water line, which was forbidden, and there was an alternative with the submersible pumps. They might be occasionally necessary, but submersible pumps could be used.

Tiffany asked if there were circumstances where someone could not use a submersible pump and would need a pump house. Mike thought a lot of the big pumps in pump houses were for orchards. If you got a submersible pump that was big enough to move that much water, he speculated it might be more expensive. Christi noted you'd see electrical in that, and some might want the pump house to have the electrical. Sigurd added you'd need a wall to put the electrical on. Sometimes that wall would go in first. The pump house in the photo looked like it was close to the 20' from the lake. Tiffany asked if they could be further back than 20'. Mike said a pump could only lift water so far, depending on the terrain.

Tiffany suggested leaving the size for the pump house off. Sigurd agreed. Christi preferred to leave the size on, unless the applicants demonstrated a need. John suggested saying adequate size for the purpose for which it's intended. This might help avoid having the pump plus storage of oars and lifejackets. It wasn't very specific, but did give flexibility. Bob referred to his property with community lakeshore. There was a pump house there, which was attached to an open covered area with a picnic table. The tubes, wakeboards and skis were stored in there. Otherwise these would be in the boat or on the lakeshore. It was really nice and clean. The dock wasn't cluttered. Tiffany commented they did allow boathouses in the lakeshore protection zone, and many accommodated the storage of water things. Bob said this one was a pump house also. Tiffany said a difference with pump houses and boathouses was that a new boathouse had to be 10 feet off the water. Janet thought you might want [the pump houses] outside the lakeshore protection zone unless the topography didn't allow it. Would these be allowed any time, or just sometimes be necessary?

Christi suggested asking Missoula County about the size limit. Sigurd said if you had a pressure tank and a pump, 4' x 4' x 4' would be too small. Most pressure tanks were taller. Tiffany suggested pump house standards shouldn't exceed boathouse standards. Jerry said if the pump was on shore, you'd have to prime it in advance. If you used a submerged pump, it could help prime the pump and it could lift the water to a pump house, which depending on the elevation, did not have to be right next to the shore.

Christi thought other communities that allowed pump houses could be looked at, perhaps Tahoe. She suggested adding 2.e to prohibit the storage of chemicals, including oil or gas. Jerry suggested talking to people who install the pumps.

Fuel Tanks and Fueling Stations:
Tiffany launched the discussion on the fuel section. She discussed a couple of pictures. She read Steve's suggestion on not restricting fueling stations to multiple boat docks. Janet gave an example of a maintenance issue: at gas stations, where people are used to maintaining a fuel station, sometimes the shut-off switches on the handle go bad and you have a spill. Every time one of those goes bad, an individual maintenance person or owner might not be able to catch that in time or clean it up in time, whereas a community would. That was why she was against having individual fuel stations. Christi identified those as holding clips. They were actually against the law in several states for marinas. Janet thought it would be difficult for an individual to keep up with all the things that you had to maintain with a fueling station. The 5-gallon cans of fuel that might be carried would be a lot less than what you could put in a fueling station. The potential for spills would be great with the individual fueling stations. Brad mentioned there were carts or hoses that a dock might have. Sigurd couldn't think of a time he filled up his boat [from cans] without spilling some fuel.

Mike said a gravity feed system with a long hose seemed better than monkeying around with a bunch of cans. Tiffany asked if the hose was there all the time. John felt if you gave people help, they would do it right and spill less fuel with a system like the one shown. Tiffany asked if people agreed that a fuel tank like one shown in a picture would need to be outside the lakeshore protection zone. Various board members agreed.

Christi noted there was guidance in the 2 reference books to which she'd been referring tonight. They also sited what the Clean Water Act required. We used the words 'fuel' and 'fueling stations'. The Clean Water Act referred to the discharge of oil or oily waste, and fuel was a subset of oil. If there was a sheen or film of discoloration on the surface of the water caused [inaudible] by a discharge of oil or oily waste, violators of the Clean Water Act would be subject to a $5000 penalty. The Clean Water Act also had size limitations on tanks. Tanks more than 660 gallons in a single above-ground container had to have a spill prevention and counter-spill measure plan. The Act contained all kinds of other things. A spill locker would have spill containment booms. People would need to know how to use and implement them, and who to call if there was a spill. Signage was required. We needed to either restate the laws or refer to those standards, because they did apply here. In response to a question, she added that the regulations specified measures for as small as 42-gallon barrels. Over 1100 gallons combined (so it could be in more than one tank or container) was subject to federal/state storage regulations for registration, testing, monitoring, replacement, reconditioning, closure and so forth. A marina

might have such a tank. No holding clips were allowed to hold nozzles open. Safety mechanisms to prevent overfilling of the tanks as well as the boats had to be in place. Signage would have to be posted by the tanks saying who must be notified any time a spill produced a sheen on land or water. On water, there was a list of items to report. Failure to report resulted in fines. She gave an example on Flathead Lake where someone spilt [oil] and then sprayed an emulsion, which would allow the oil to settle on the sediment. In the Clean Water Act, the use of soaps or other dispersion agents to dissipate oil on the water or to [inaudible] resulted in a fine of $25,000. She didn't want to scare people away from doing it right, but on the other hand, how many people spill all the time and don't do anything? They needed to have spill prevention and counter-spill measures planned, and know how to do this.

John asked if she thought it was better to refer to that, or to just not have the fuel stations. Christi replied if we didn't have them, people would carry the fuel down individually. There were other states that had them, but this section might be huge. John thought it sounded like it would be expensive. Christi said that less than 660-gallon tank didn't require a spill prevention/ counter-spill plan. We could set our own requirements in that case. What would happen if that tank were to burst? There was no containment or secondary. We should set a size at least, of what tank. Janet said there were regulations on the reservation for above-ground storage tanks, enforced by Tom McClure for the Tribes. You could call him and ask if he had dealt with marina-related tanks. He was certified by the EPA to do this. He might be able to refer to other standards. Tiffany pointed out if the tank was required to be out of the lakeshore protection zone, the jurisdiction ended. If they were doing something that had connections or lines that extended into the zone, she thought that could be looked at. Jerry noted someone needed to put fire prevention equipment if they were going to be doing fuel along those lines.

Bob asked Janet how she felt about bulk storage. Janet explained that with home heating fuel tanks, those needed to be permitted and inspected. There were some permitting requirements so the tanks were being inspected and it was known they weren't leaking and the turn-off valves were properly installed and so forth. She thought talking to Tom McClure would be very helpful. Things had to be above ground, and not buried. Tiffany noted they couldn't bury the fuel lines. Harlan pointed out if the tank was out of the lakeshore zone, they would be dealing with the lines going across. Most of them would be a hose. Tiffany said the marinas might be different. It needed to be clear, that these would be two different things.

On 2.c at the end, Janet suggested saying catch basins should be used beneath any dispenser, and leaving off the part about docks over the water. She suggested having a size limitation on the tank. What could an individual homeowner contain, as far as size of spill? How quickly could they sop up a spill? John asked what the minimum amount for a home fuel delivery was. Bob said they'd put as little as 100 gallons in his tank. You paid more for the delivery.

Tiffany returned to Harlan's point about the hose. If new tanks were required to be out of the lakeshore protection zone, we wouldn't see applications for these. Christi thought they'd have to, because a spill would impact the lake. If the tank was going to be used for lake use or activities in the lakeshore protection zone, it could be required. Bob asked what if someone brought ten 5-gallon cans down on a windy day? You can't regulate that. He and Christi agreed the tanks were better. She added to not regulate this could also make it worse. If the line was

attaching to something like a tank, the tank had to have some kind of containment and they had to know what they were doing if there was a spill. Harlan asked if this was intended to apply to boats out of the water. Christi said she didn't mean that. Maybe the language was that there couldn't be pollution coming from fueling operations going into the lakeshore protection zone. If fueling outside of the lakeshore protection zone, any spill that came in would need to have certain things in place. It wasn't too difficult to do spill prevention. She noted a single pint of oil released onto the water could cover 1 acre of water surface.

Jerry asked who enforced the inspection of the heating fuel. Was that the fire marshal? Janet suggested asking Tom M. You had to be certified. She highlighted this was an opportunity to educate people to try to protect the resources we all enjoyed and wanted to keep clean. It wasn't we wanted to regulate people—we wanted to educate people. A lot of people weren't aware that a pint of oil spread to 1 acre of surface.

Bob agreed, but if you made the regulations difficult, people would just go with carrying the 5-gallon cans. He thought in the long run, you had more gas entering the lake from the 5-gallon cans than from a system like that under discussion. He thought the resource was there for them to use, although responsibly. It was tough from older people to fuel with the 5-gallons cans, but they might not have the wherewithal to get a tank and jump through the hoops if the cost was prohibitive. Janet asked if they could drive to a marina and fuel there. Bob didn't know. Janet checked that they weren't prohibiting private marinas from being developed. These kinds of systems could be [inaudible] at common use docks. There might be more opportunities for these to be developed that people could utilize, and then they got less expensive. Bob agreed with Steve's comment questioning the restriction of fueling stations to serving multiple boats. He thought someone with an individual dock who wanted to put in a system should be able to do that.

Tiffany asked which system Bob meant: a system like in the photo or a system with a gas pump on the dock. Bob clarified he meant a system like in the photo. He wasn't in favor of gas on the dock for individuals. He was hearing about regulations already in place. We had to follow the federal law. Was it so cost prohibitive to get 300 gallons of gas close to the lakeshore, and then we'd tell them to jump through more hoops in case there's a spill? What happened if he sprays weeds on someone's lawn on a windy day and it drift into the lakeshore protection zone and lake? We couldn't protect the lake from that. Janet repeated her concern about a 300-gallon spill if a shut-off failed. Bob noted you had to sit and hold the nozzle to dispense. He wanted to see what was written for 300 gallons or less. Christi thought that we had that, and read from the section. She suggested inserting a section before 2.c on signage and a spill plan. Brad asked if the part about size limitations was for private or commercial tanks. Tiffany asked if this was addressed by use or just by size. Christi replied by size. Brad thought for a marina with a commercial fueling operation that 300 gallons would not last long. Christi said those tanks would be subject to [inaudible] regulations.

Bob thought there were two different scenarios. One was with a commercial marina, and the other was a private boat owner looking for convenience. Christi suggested they refer to the other set of rules for tanks larger than a certain size, and get them permitted as specified elsewhere. Tiffany mentioned they don't have jurisdiction outside the lakeshore protection zone except in

some of the zoning districts that have a 50-foot buffer. Projects would be permitted as zoning conformance but there was a requirement to follow the lakeshore protection standards.

Jerry mentioned that the company that delivered propane was responsible for making sure the tank and system functioned properly and was safe. He didn't know if the companies that would be delivering fuel to these tanks would have the same responsibility under Montana law. If they did, then the driver should inspect the tank periodically and ensure it was okay. Bob wasn't sure that was the case here. John thought if they looked closely into this, some of the standards and precautions are not as aversive as they sounded. When he thought of the potential damage, someone would save a lot of money. Each time they filled the boat he thought it would be costly, but he didn't think they were talking about something aversive or difficult to do. He thought the resource was worth some effort. Some people would still carry cans down. The County was supposed to make sure the regulations weren't too confusing or too expensive. There was the educational part of it. He thought they should try to do something good for the lake, and this was a good opportunity. He was leaning that direction.

Brad thought this needed to be fleshed out a bit more. Tiffany agreed. She thanked the group for their thoughtful comments.

OTHER BUSINESS

Sigurd asked Joel for some clarification on cell towers, which he gave.

Motion made by Sigurd Jensen, and seconded by Brad Trosper, to adjourn. Motion carried, all in favor. Meeting adjourned at 9:28 pm.