



Flathead Conservation District
133 Interstate Lane, Kalispell, MT 59901
www.flatheadcd.org 406-752-4220

CALL TO ORDER & ATTENDANCE

Chair Ronald Buentemeier called the February 12, 2018, 310-Stream Permit meeting to order at 7:00 P.M. in the conference room.

Board members present:

Ronald Buentemeier, Chair; Pete Woll, Vice Chair; Dean Sirucek, Secretary/Treasurer; John Ellis, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Board members absent: Mark Siderius, Supervisor; Lori Curtis, Supervisor. Absences are excused.

Also in attendance were: Valerie Kurth and Ginger Kauffman, FCD staff; Kenny Breidinger, MFWP; Jason Pohlman; Marlon Sundh.

MINUTES

Dean Sirucek made a motion “to approve the minutes of the January 22, 2018 business meeting as presented.” Verdell Jackson seconded. Motion carried unanimously.

CORRESPONDENCE

1. Email: Missoula Conservation District winter 2017/2018 newsletter.
<http://missoulacd.org>
2. Email: Soil & Water Conservation Districts of Montana (SWCDM) newsletter
The Montana Conservationist <http://swcdm.macdnet.org>
3. Email: National Association of Conservation Districts (NACD) *News Briefs*
<http://www.nacdnet.org>
4. Email: Conservation District Supervisor Training, February 15, Montana
Agricultural Center, 1205 20th St, Fort Benton, Montana, February 15, 2018,
9:00 AM – 2:30 PM. Cost is \$15 per person. Registration forms due 2/5/18.
Contact Loma Krause, Choteau County CD chouteaucd@yahoo.com
5. Email: National Association of Conservation Districts (NACD) publications:
Conservation Clips, 2018 Annual Meeting Daily Digest, Forestry Notes, and eResource
<http://www.nacdnet.org>
6. Email: Montana Watershed Coordination Council newsletter *Watershed News*
<https://mtwatersheds.org/app>
7. Email: Whitefish Planning Board Meeting notice, February 15, 2018, 6:00
P.M., Whitefish City Council Chambers, www.cityofwhitefish.org
8. Email: Flathead Audubon newsletter *Pileated Post* www.FlatheadAudubon.org



9. Email: Save the Date! Clark Fork & Kootenai River Basins Council Annual Meeting, April 16 & 17, University of Montana, Grand Ballroom.
<https://mtwatersheds.org/app/clark-fork-basin-council>
Contact Montana Watershed Coordination Council 406-475-1420,
info@mtwatersheds.org
10. Email: Lower Musselshell Conservation District newsletter *LMCD Conservation News* <http://lmcddistrict.com>
11. Email: In accordance with the Montana Land Information Act (MLIA), the Montana State Library administers an annual grant program to distribute accumulated funds from the Montana Land Information Account, established by MLIA. The grant application deadline is Thursday, February 15, 2018, before 5:00 pm MST. Eligible grant applicants must represent a form of government. Contact Erin Fashoway, State GIS Coordinator 406-444-9013 | efashoway@mt.gov
12. Email: DEQ announces Montana Storm Water Conference, May 1-3, Bozeman.
mtstormwaterconference.org
13. Email: DNRC Meeting Notes from 1/18/2018 310-Committee Meeting
Contact Bob Flesher, DNRC, 406-444-4340, bflesher@mt.gov
14. Email: DNRC is accepting applications for the Reclamation & Development Grants (RDG) program. Deadline May 15, 2018, 5:00 P.M. Contact Heidi Anderson Folsnag, RDG Program Manager, DNRC, 406.444.6691 hfolnag@mt.gov
15. Email: Soil and Water Conservation Districts of Montana (SWCDM) announces the Spring 2018 Call for Water Quality Mini-Grants. Applications due Friday, March 16, 2018, 5 P.M. Contact Jessica Makus, jessica@macdnet.org, 406-443-5711
16. Email: Montana Association of Conservation Districts (MACD) report on 2018 National Association of Conservation Districts (NACD) Convention.
<http://macdnet.org>
17. Email: Chouteau County CD and Big Sandy CD, along with NRCS & MSU Extension are hosting a Soil Acidity & Soil Health Workshop, February 27, Montana Agricultural Center, Fort Benton. Contact Lorna Krause, Chouteau County CD, 406-622-5627 x 101.
18. Email: Montana Fish Wildlife & Parks announces Watercraft Inspector jobs are now advertised state wide
<https://mtstatejobs.taleo.net/careersection/200/jobdetail.ftl?job=18140277&tz=G-MT-07%3A00>. Contact Thomas Woolf, Aquatic Invasive Species Bureau Chief, Montana Fish Wildlife and Parks, (406) 444-1230
19. Email: Soil & Water Conservation Districts of Montana (SWCDM) February 6, 2018 issue of *The Montana Conservationist* <http://swcdm.org>
20. Email: Save the Date – Supervisors Forum, Thursday, March 29, Polson, more information to follow. Note: There is no funding for this meeting; attendees will pay for their own lunch - \$10.
21. Email: The Ground-Water Steering Committee is currently accepting nominations for Ground-Water Investigation Program (GWIP) projects to be initiated during 2019. GWIP projects are nominated to and prioritized by the Ground-Water Steering Committee, and conducted by the Montana Bureau of Mines and Geology.
<http://www.mbm.mtech.edu/gwip/gwip.asp>
Contact either Russ Levens rlevens@mt.gov 406-444-6679 or Ginette Abdo gabdo@mtech.edu 406-496-4152



22. Email: 2/6/18 update from Mark Suta, MACD President, and request for conservation districts (CD's) input on the MACD Strategic Planning survey.
23. Email: Whitefish Planning Board meeting, February 15, 2018, 6:00 P.M., Whitefish City Council Chambers, Whitefish. <http://www.cityofwhitefish.org>
24. Email: Montana Association of Conservation Districts (MACD) Board meeting, February 12, 2018, via conference call. 1/8/18 meeting minutes, 2016-2018 budget sheets, 2/2018 balance sheets.

FINANCIAL

The following bills were reviewed:

1. Byte Savvy \$45.00
2. Daily Interlake \$212.35
3. Flathead Beacon \$612.00
4. Flathead Beacon \$169.01
5. MontanaSky Networks \$20.00
6. Mountain States Leasing \$1545.56
7. Susan Hulslander, CPA \$263.00
8. VISA \$347.58

Pete Woll made a motion "to approve the bills as presented." Verdell Jackson seconded. Motion carried unanimously.

PUBLIC COMMENT PERIOD

Marlin Sundh stated he is a landowner in the Lower Valley near Foy's Bend on Flathead River. He submitted a permit application for rip rap maintenance because the existing rip rap has sluffed off in places and is in need of repair. He would like to do the project before high water this spring and requested an onsite visit.

An onsite inspection was set for Friday, February 16, 10:15 A.M. at the site. Dean Sirucek explained to Mr. Sundh that the onsite will be held, then this will be on the March 12th 310-meeting agenda.

John Ellis asked a procedural question about setting an onsite for an application not listed on the agenda. Ronald Buentemeier explained that we are just initiating the process and that no decisions would be made. The 310 law does not require an onsite inspection, and the application would be noticed on the March 310-meeting agenda.



310

Beatty, FL2017035, Flathead River, dock: Dean Sirucek explained the landowner has asked that the application be tabled. Dean Sirucek made a motion “to table until the March 310-meeting.” John Ellis seconded. Motion carried unanimously.

Boyd, FL2017053C, Nine Mile Creek, complaint: Ronald Buentemeier explained he is waiting for the complainant to respond to his letter. Ronald Buentemeier made a motion “to table.” Dean Sirucek seconded. Motion carried unanimously.

Peura, FL2017054C, Whale Creek, complaint: Ronald Buentemeier explained the snow is too deep for an onsite inspection at this time. Ronald Buentemeier made a motion “to table.” Verdell Jackson seconded. Motion carried unanimously.

Pheifer Trust, FL2017057C, Nine Mile Creek, complaint: Ronald Buentemeier explained he is waiting for the complainant to respond to his letter and the snow is too deep to look at what is there. Ronald Buentemeier made a motion “to table.” Verdell Jackson seconded. Motion carried unanimously.

Pohlman, FL2018002, Whitefish River, trail/dock/gang plank/structure: The application package was sent to Lori Curtis, however, she was unable to attend the meeting. John Ellis volunteered to do the onsite and will contact Lori to get the application materials. Jason Pohlman stated that while he was preparing this project design, he was not sure if he should use the industry standard definition for top of bank or the City of Whitefish’s development standards. Ronald Buentemeier explained that FCD’s jurisdiction is approximately 20 feet back from the top of the bank. John Ellis stated what we need to do is set an onsite inspection. An onsite inspection was set for Friday, February 16, 2:45 P.M. at the site.

Salansky, FL2018001, Flathead River, bank stabilization: An onsite inspection was set for Friday, February 16, 11:30 A.M. at the site.

Smith, FL2017062, Flathead River, road construction: The landowner will not return until spring. Pete Woll made a motion “to table until the next meeting.” Verdell Jackson seconded. Motion carried unanimously.

Stalowy, FL2016050, Bear Creek, litigation: Valerie Kurth reported we are following the scheduling order distributed at the last meeting, which means the petitioner, represented by Marcel Quinn, has until March 2 to submit the first brief. In addition, Caitlin Overland, Flathead County Attorney’s office, filed a motion to supplement the record with some emails that were part of a different 310 complaint upstream from Stalow. The emails were exchanged between Brig Klyce and David Stalow and contain references to Bear Creek as a perennial stream. The judge will decide if they can be added to the record.

Walters, FL2017025, Flathead River, arbitration: Valerie Kurth reported the arbitration panel submitted the Findings of Fact, Conclusions of Law, and Arbitration Award, which was emailed to all the supervisors. The panel upheld the decision of granting the permit, so the permit as issued is still valid, but FWP could appeal. Kenny Breidinger stated FWP has chosen not to appeal and that their attorney would be sending a letter to that effect.



NEW BUSINESS

Trumbull Creek Assessment – Contract & Timeline: Valerie Kurth reported she had drafted the contract, and it had been approved by the county attorney and Don MacIntyre. The consultant had agreed to it and signed it, so FCD just needed to approve it so work can begin. Valerie also put together an activity timeline, which included a meeting with the consultants on February 22 and a public meeting for people living near the creek in early March. She looked into locations for the meeting: the Flathead Electric Community room is \$75, and the Birch Grove Community Center is \$50.

Dean Sirucek made a motion “to move ahead with the contract for the Trumbull Creek Assessment.” Pete Woll seconded. Motion carried unanimously.

Valerie asked for feedback from the supervisors regarding the meeting place and a date for the stakeholders meeting. The supervisors agreed on the Birch Grove Community Center, and Ronald stated if we cannot get it, then go to Flathead Electric.

Valerie stated possible meeting dates are 3/1, 3/5, 3/6 or 3/8. Valerie will talk to Mark Siderius to see if he can come. Ronald asked to have maps etc. for people to look at before the meeting.

John Ellis made a motion “to approve no more than \$150 for use in the Trumbull Creek project to rent a meeting place and to get notice to perspective landowners.” Pete Woll seconded. Motion carried unanimously.

Computer Services Agreement: Ginger Kauffman reported the Computer Services Agreement with Byte Savvy ends 2/27/2018. The agreement covers 3 computers at \$45 per month for one year. John Ellis made a motion “to approve the new Byte Savvy Network Guardian agreement in the amount of \$45 per month for the next 12 months.” Dean Sirucek seconded. Motion carried unanimously.

MATTERS OF THE BOARD/STAFF

Area V Supervisor Training: Copies of the draft agenda were given to the supervisors. Valerie Kurth reported the supervisor training will be held on March 29th in Polson, 10:30 A.M. – 3:30 P.M., and both Laurie Zeller and Don MacIntyre will attend. Lake County CD is organizing the training, with help from the rest of Area V supervisors and staff.

Montana Association of Conservation Districts (MACD) Dues Letter

Valerie Kurth reported the office received the MACD dues notice, and it was for more than what FCD budgeted. MACD is requesting around \$24,000, and Flathead CD budgeted \$16,000. She asked if the board wanted to formally discuss this at the next meeting or pay what was budgeted and wait for MACD to request a written explanation, which is what we have done in the past. Ronald Buentemeier asked if we would lose our voting rights if we did not pay the full amount. Pete Woll said MACD was happy with what FCD has paid in the past, and it was unlikely they would rescind voting rights. This will be added to the February 26 meeting agenda, and a check will not be cut until the board makes a decision.



Assistant Conservationist Position

Valerie Kurth updated the board on the hiring. She has cut the pool down from just over 100 to 23 people. She sent out a secondary screening questionnaire at the end of last week, giving them until 2/14 to respond. Several supervisors (Ronald, Lori, Dean, Pete) had expressed interest in reviewing the applications and being involved in the interviews.

W4's Ginger Kauffman reported the IRS is still working on the 2018 W-4 forms. Copies will be sent to supervisors and staff once those forms become available.

Waters of the US (WOTUS)

Dean Sirucek stated in today's paper there was a short article about Waters of the US (WOTUS); the EPA is delaying the rulemaking started by the Obama administration, and it is trying to simplify things.

Flathead Basin Commission (FBC)

Dean Sirucek reported several updates related to the FBC.

1. Because of the state expenditure reductions, DNRC Director John Tubbs recommended the FBC be defunded for this fiscal year.
2. During the 2017 legislative session, the legislature passed a bill to initiate a pilot project for AIS monitoring and inspection. FBC recently voted in favor of implementing this program; however, it may be changed or pulled back at a later date.
3. The FBC Executive Director is on administrative leave.
4. There were three appointments up on the FBC for renewal out of the Governor's office. The three that applied were private people within the valley: Steve Frye, Ed Lieser and Mike Koopal. All were appointed.
5. Dean was approached about possibly taking on the position of FBC chair because the current chair had not been re-appointed and the vice-chair is not interested. The FCD board agreed that Dean should continue to serve as a board member, but decline to take the chair position.

MACD Strategic Planning Survey

Pete Woll asked if we filled out and sent in the MACD Strategic Planning Survey. Valerie Kurth stated she received one response from Verdell, and she submitted that. They were due last Friday, but MACD is still taking them for the next few days. Paper copies were distributed at the last FCD meeting.

Legislative Committee

Pete Woll reported he got a call last week from Gayla Wortman, a supervisor from Cascade Conservation District. They are putting together an ad-hoc legislative committee, separate from MACD, to discuss strategies following the retirement of Ray Beck. They wanted a representative from the west side of the state, and Pete asked if anyone was interested in participating. No FCD supervisors volunteered.



The next business meeting is scheduled for Monday, February 26, 2018, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Pete Woll made a motion "to adjourn." Dean Sirucek seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 8:17 P.M.

Submitted By: Ginger Kauffman, Administrator

Minutes approved by FCD Board motion made on:

<u>2/26/2018</u>	<u>Ronald Buentemeier</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)

