



CALL TO ORDER & ATTENDANCE: Chair, Pete Woll called the 3/3/2022 Special meeting to order at 10:00 A.M. in the conference room.

Board members present:

John Ellis, Vice Chair; Donna Pridmore, Secretary/ Treasurer; Scott Rumsey Supervisor; Verdell Jackson, Supervisor; Lech Naumovich, Supervisor; being a quorum of the Board.

Board members absent: No one absent.

Also, in attendance were Samantha Tappenbeck, Ginger Kauffman, Virginia Rigdon, Flathead Conservation District (FCD) Staff; Gordon Ash, Associate Supervisor; Kenny Breidinger, Leo Rosenthal, Fish Wildlife & Parks (FWP) Staff; John McLaughlin, Daily Interlake.

PUBLIC COMMENT:

No public comment.

NEW BUSINESS

310 Discussion: Samantha Tappenbeck explained she has heard from several supervisors that they feel they have not received adequate information or had time to review applications by the time a motion is brought forward for vote in the 310 meetings. She explained that we have been thinking about ways to streamline the 310-process since we have been dealing with such a high volume as well as ways to provide the information to the supervisors in the most efficient way possible.

Samantha Tappenbeck continued by explaining the current 310 process, she then presented the board with a document that the staff drafted about ways to standardize the 310-process. She expressed that she would like to walk the board through these suggestions and brainstorm other ideas for improving efficiency at this meeting. The document is shown below.

ISSUE: Supervisors have not had time or been provided with adequate information in order to make a decision on issuing a permit during the meeting.

- 1) **ACTION:** FCD staff processes and sends copies of 310-related documents received at the office to ALL Supervisors and FWP and includes indication of Area Supervisor.
 - a) At time of receipt, documents are scanned and placed into draft packet folder
 - b) Packet is made available for review in the office prior to the meeting

- 2) **ACTION:** Copies of every 310 Permit Application/Addendum/Modification/Extension, Complaint, and/or Emergency Notification are provided in board packets at time of Board meeting (paper or electronic format options).

- 3) **ACTION:** Supervisor motions to formally accept/not accept application at meeting prior to setting on-site inspection date.
 - a) From FCD Adopted Rules § 9.3.a.i.:
 “Form 270 will be officially accepted by the district at its regularly scheduled board meeting if the application is complete and is for an activity that will alter or modify a stream. The time frame specified in these rules begins upon acceptance of the application.”

- 4) **ACTION:** Staff will draft procedural guidance document with specific information that must be presented to the full board during the meeting based on application and on-site inspection:
 - a) Project location
 - b) Type of project (section C.1.)
 - i) Include brief description (section C.4.)
 - c) Natural Resource Benefits or Potential Impacts (Section C.6.)
 - d) Recommendation:
 - i) Approval, approval with modification, or denial
 - ii) Modifications

- 5) **ACTION:** FCD contracts with consulting firm to do 310 permitting; consultant presents information at the meeting for board decision

- 6) **ACTION:** FCD board of supervisors holds a “working group session” or “special meeting” to discuss complicated, technical, or otherwise complex 310-related issues. The meetings would be broadcast and open to the public, but public comment not taken because no decisions would be made at that meeting. Any decisions made or action taken would be done at a following meeting that would be publicly noticed and provide a public comment period.

Samantha Tappenbeck discussed Action #1. **ACTION:** *FCD staff processes and sends copies of 310-related documents received at the office to ALL Supervisors and FWP and includes indication of Area Supervisor.* She explained that it would be simple to email all applications to all supervisors at the time of receipt as we are already emailing them to the Area Supervisor and FWP. She explained that this would allow all supervisors and associate supervisors the opportunity to review the application prior to the meeting. She added that as addendums, or significant correspondence came in on a file, we could also send this out in a timely manner, simply by emailing all the supervisors with the relevant information.

Gordon Ash asked if all of this information could be made available via electronic file. Samantha Tappenbeck responded by explaining that access to our electronic files remotely would be difficult.

Donna Pridmore explained that this brought up the issue of security and that the board members should not be using their personal emails to conduct district business. She wondered if getting board-specific emails would help board members access the database from home more easily. Samantha Tappenbeck explained that the staff all have Microsoft 365 licenses which allow users to access files easily within the network. She explained that this is something that we could look into, however it would likely mean getting more IT support than the district currently has. The board discussed this option and wants to move forward.

The board also discussed setting up specific Gmail accounts for all the board members.

Verdell Jackson discussed the adopted rules and explained that certain projects are outlined in detail in the standards while others are not. He also explained that he wanted a way to identify the 310's that might be a problem. He explained that he thinks that the board is doing a good job and he does not want to see the board members being overtaxed with an influx of 310 permit applications.

The board then discussed how to check for the completeness of an application. John Ellis then explained that he liked Action #3 from the list of ways we can standardize the 310-process.

ACTION: *Supervisor motions to formally accept/not accept application at meeting prior to setting on-site inspection date.*

Scott Rumsey explained that he has felt concerned in the past that he is signing off on things that he is not comfortable with because he does not have adequate detail about the application and proposed project. Pete Woll asked if he would feel more comfortable if the board got to decide whether or not the application was a project at the beginning of the process. Scott agreed and brought up the timeline of information being brought to the board. He explained that he needed ample time to review it.

Verdell Jackson brought up another point about jurisdiction. Samantha Tappenbeck explained that if the board motions to accept a project prior to the onsite inspection, then the discussion of jurisdiction can happen at that time. Lech Naumovich explained that it is hard to determine if something is a project or not without doing the onsite inspection. Samantha Tappenbeck explained that she felt there was opportunity to report back to the board the finding that this application was not a project after the onsite inspection was completed.

Lech Naumovich re-addressed the issue of deadlines for materials being brought forth to the board. Samantha Tappenbeck explained that we could set a deadline on our website explaining that all materials to be considered on a particular meeting date need to be in no later than seven days prior to the meeting. Samantha Tappenbeck also explained that any modifications made to the application should be documented on the team member report, however we do not have a deadline for turning in the team member report. She explained that she felt the 7-day deadline should not apply to the team member report, however all other materials submitted would be subject to this deadline.

The board agreed that moving forward we would implement action item number 3, Supervisor motions to formally accept/not accept application at meeting prior to setting on-site inspection date.

The board than discussed action item #4. **ACTION:** *Staff will draft procedural guidance document with specific information that must be presented to the full board during the meeting based on application and on-site inspection:*

Gordon Ash thought this would be extremely helpful, however he mentioned that he would like to see pictures from the onsite inspection on the screen at the time of presentation. Samantha Tappenbeck explained that it requires the supervisors to turn all that information into the office in a timely manner. Lech Naumovich agreed that standardizing the presentation would be a good thing. He added two suggestions to the order of the presentation, as listed below.

- a) Project location
- b) Type of project (section C.1.)
 - i) Include brief description (section C.4.)
- c) Natural Resource Benefits or Potential Impacts (Section C.6.)
- d) Recommendation:
 - i) Approval, approval with modification, or denial
 - ii) Modifications

Lech Naumovich continued by explaining that he would like to add an area where FWP can communicate their concerns. He would like to add another section to the presentation where the supervisor addresses whether or not this project is concurrent with the Adopted Rules. He also explained that we needed to add an opportunity for public comment into the presentation.

Donna Pridmore noted that if there is ever an exception to or deviation from the standards that we mark it clearly in the permit and explain why this exception was granted.

The board then discussed the timing of turning in the Team Member Report. Kenny Breidinger explained that sometimes he creates his own Team Member Report, and he needs time to thoughtfully explain his points and respond to conditions and modifications derived from the 310 meeting. Samantha Tappenbeck asked if Kenny could address his concerns in another document rather than the Team Member Report. Kenny explained that there have been times when he disagrees with the board decision and would like to have that disagreement in writing. The board felt that this could be addressed via a separate memo sent to the staff.

The board discussed action item #1- **ACTION:** *FCD staff processes and sends copies of 310-related documents received at the office to ALL Supervisors and FWP and includes indication of Area Supervisor.* The board expressed that receiving a copy of all of the 310 permit applications would be a burden. They would like to receive copies of applications which are seen as potentially complicated. Then the board discussed how to determine which projects might be complicated. Lech Naumovich suggested that FWP flag specific applications which are seen as multi-faceted and complex, which would signal to supervisors that this is an application which all need to review. Verdell Jackson concurred that we should flag the complex applications.

Samantha Tappenbeck asked for clarification on where in the process the flagging of the application would occur. John Ellis suggested that each supervisor be diligent in flagging the

tricky 310 permit applications. He suggested that when we motion to accept the applications as a project, that we also use that moment to express the complexity or lack thereof of the project.

Kenny Breidinger added that flagging the applications could also come after the onsite inspection and an email stating as such could be sent to the full board and staff.

A question came from Verdell Jackson about adjusting a Team Member Report after the onsite inspection has been held and all members of the team signed the bottom. John Ellis explained that he felt that the Team Member Report should not be altered unless all signers are informed. He explained that if a modification came up after the Team Member Report has been completed and signed that this should be captured in the motion made at the 310-permit meeting. Pete Woll added that the site visit sheet would be an appropriate place for the modifications that arose after the onsite inspection was complete. Samantha Tappenbeck felt that the site visit sheet should not be used in that way and should only be used for an on the ground conversation and not a modification that was created after the onsite inspection was complete.

Leo Rosenthal explained that he has the opportunity to work with the Missoula Conservation District and that the way they process 310 permit applications is very different. He explained that the Resource Conservationist attends all of the onsite inspections and take photographs of all of the sites. The Resource Conservationist then compiles all these photos into one presentation and shares it with the board onscreen. He explained that this standardized and seemed to expedite the process and keep everyone on track.

Samantha Tappenbeck explained that she felt that we could still accomplish a clear presentation if we standardized the way we 310 permit applications are presented to the board. She also explained how other districts are handling their 310 permits. She continued by saying some districts are moving fully digital while others contract out their 310 permit applications to consulting firms to complete.

Lech Naumovich explained that he liked action item #6.

FCD board of supervisors holds a "working group session" or "special meeting" to discuss complicated, technical, or otherwise complex 310-related issues. The meetings would be broadcast and open to the public, but public comment not taken because no decisions would be made at that meeting. Any decisions made or action taken would be done at a following meeting that would be publicly noticed and provide a public comment period.

Lech felt that this would allow supervisors the time to thoughtfully evaluate difficult applications. He however felt that this would be an appropriate time to make a decision. Samantha Tappenbeck explained that she saw this type of meeting as a way to discuss the topic without having a large amount of confounding information from outside the board and FWP which could potentially change or derail the conversation.

John Ellis then discussed the Team Member Report photos and potentially standardizing those by sending a staff member onsite to take the photos. Verdell Jackson added that he felt displaying photos should be a part of the presentation.

Pete Woll then wanted to bring two projects to the board's attention. He explained that a property is up for sale in Bigfork Bay. This area is listed as a marina and so he wanted the board to start thinking about how many docks should be permitted for this project as it has multiple units. He then discussed a project which has been brought to his attention by the public. Wagoner's Sand & Gravel have a current mining permit for mining gravel along the Flathead River, however, there has been debris reported along the banks that might not fit into the scope of the permit. Pete asked if the board felt that a letter should be sent to the landowner to address the situation. The board discussed and then felt that a letter should be sent explaining that this situation has been brought to their attention and that they would like to come and inspect the property.

Personnel: Pete Woll explained that we had a vacancy left after Hailey Graf her position as Resource Conservationist. He explained that Samantha Tappenbeck had been filling in as Interim Resource Conservationist in the meantime and that he was very happy with her performance. He asked the board if they felt the same and they did.

Pete Woll motioned "to promote Samantha Tappenbeck into the Resource Conservationist position." Donna Pridmore seconded. Motion passed unanimously.

The board then discussed what would happen with the vacant position left by Samantha Tappenbeck. They asked if there was a need to hire on another team member in addition to the vacant position. Samantha Tappenbeck explained that at this time she did not think this was necessary but needs to get a better understanding of the current job descriptions and see if there is a roll that needs to be filled. She added that based on the conversation today, it seems like a great idea to have a 310 specialist on staff, however she was unclear how that would shift other job descriptions. Donna Pridmore explained that guidance she received from the lawyer expressed that this was an opportunity to review all the job descriptions and that the board should take the time to do that. The attorney also advised that the position needs to be advertised as opposed to an internal promotion.

Samantha Tappenbeck expounded upon the conversation to say that she felt we could post the Program Manager Position as-is, without any adjustment to the position description. However, there is also an opportunity review all position descriptions and see if there is a need that could be filled by adjusting job descriptions and identifying opportunity for additional staff roles, which we could then advertise as well. Gordon Ash asked what the timeline would be for reviewing these descriptions and identifying a need. Samantha Tappenbeck explained that it could take months and that the personnel committee should be involved. She also explained that after the need was identified and the position advertised, the hiring process would also likely take a few months. Pete Woll asked Samantha if she had a feeling for how she would like to see this process to go. Samantha replied that she would like more time to evaluate.

Samantha Tappenbeck continued by expressing that she would like the priority to be adjusting the job description for the current vacancy and filling that first, so that we could get the staff back up to full capacity. She then asked if we had a standing personnel committee that is different than the one used to evaluate the Personnel Policy. John Ellis explained that the board members assigned to evaluate the Personnel Policy were assigned for that specific task and now are disbanded since the approval of the policy.

Samantha Tappenbeck summarized by saying that she would work with the chair and the vice chair to make edits to the Conservation Program Manager job description which can then be presented to the board at a subsequent meeting, at which time we can make a decision about the timeline for advertising.

Pete Woll asked if Donna Pridmore could sit in on the personnel discussion instead of John Ellis since he will be out of town, and they would like to get the process moving along. The board agreed to have Donna sit in for John.

The April Business meeting on April 25, 2022, is the goal for proposing the recommendations.

Samantha Tappenbeck continued by explaining that in the interim until we fill the new position the FCD programs are ongoing, and she will be calling on supervisors help to keep those programs going.

Lech Naumovich submitted an open letter to the board for consideration during the meeting. He explained that he would like this opportunity to step in and become a member of the FCD staff and articulated that he believes he could offer a particular skill set and experience to the Flathead Conservation District. Lech Naumovich explained that he would be happy to discuss at any time with the board and clarified that he did not want this to be a conflict of interest and so if any supervisor felt that he should not be in on the personnel discussion to let him know and he will gladly step out. Donna Pridmore said she felt he would not have to step down from the board in order to apply. Pete Woll mentioned that this had happened once before in the past and Ginger Kauffman noted that that individual had to resign from the board in order to apply. She explained that there is probably something in the law books about this type of situation. Samantha Tappenbeck will look through this.

An Open Letter to the Flathead Conservation District Board

March 2, 2022

Dear Pete Woll and the Flathead Conservation District Supervisors:

I am writing a formal letter of interest to join the Flathead Conservation District as staff. Because I currently sit on the board, I want to make my intention open to address any conversation about conflict of interest. In my 3 years on the Board, I am proud to say that I have witnessed how our organization functions, the public benefit it offers and remarkable capacity it has in shaping the future of Flathead County. The strength of our organization arises from intelligent, thoughtful staff collaborating with the Board, partner organizations and the public in executing the mission of our organization.

I believe that my experience as a natural resource specialist and ecologist could better serve the District in a staff role. My capacity to volunteer more time and hours is limited by need to continue to earn a living and support my family. As a few of my significant long-term ecological projects in California, Idaho and beyond start to wrap up, I feel it may be an ideal time to inquire into a role with the District, through an open letter. I hope the Board will see the value of this strategic change the organization's goals, capacity, and its efficacy.

I believe that beyond the role of the District Resource Conservationist (RC), there exists roles for 1) a program administrator, 2) an education and outreach coordinator (EO), and 3) a conservation and science director (CSD). Our role of the Conservation Programs Manager is one which encompasses many diverse duties from supporting the RC to website management, to events planning and much more. I believe that we have someone on staff who could fill an EO role, as she has in other positions, while continuing to support the administrator. Those duties would include programs such as our college scholarship program, our Foresty Expo, and other landmark programs which are well established. Currently, speaking as a Supervisor, I believe our interim RC is absolutely perfect for the RC role and should be promoted internally.

The CSD position, modified from the Conservation Programs position and thus replacing it, then could serve to fill the following roles:


- 310 on-site support to support supervisors and simplify the application review process
- Conservation Grants for landowners and 310 applicants who may need technical assistance and project planning support
- GIS and mapping support for our projects and 310s
- Grant writing skills to find and apply for funding to support our work
- Project management support as needed by the RC and other staff
- Scientific evaluation and white/grey paper communications of conservation district projects/methods/best management practices
- Part-time mentorship and development of Big Sky Corps and possibly other seasonal programs educating future conservation practitioners
- Support for graphic design, photography, and media as needed

My 25 years in conservation work from Connecticut to California to Montana has trained me in a number of valuable skills. From project management to site evaluations to implementing restoration projects to cartography and remote mapping, I feel I have a unique skill set to apply to the District. I also believe I could add additional skills to the District and allow for manageable workloads for our existing staff which will help retain our team members and provide greater job satisfaction.

Financially, I do believe that a position like this will eventually “fund itself” by providing additional in-house capacity thus reducing some external contracting needs. Additionally, thoughtful grant writing and procurement of conservation dollars will reduce those costs on our annual budget.

I will recuse myself from any discussion or process which the Board feels I should not be a part of, so I seek your advice on how I can thoughtfully proceed, be engaged and fulfill my duty to the FCD.

In closing, I am proud to be a Supervisor. It is a career highlight for me. I do the work because I love it and feel a deep responsibility to empower landowners and citizens while conserving the places, the culture and heritage that make The Flathead an incredible place.

Sincerely,


Lech Naumovich, MEd.

FCD Supervisor
Ecologist

John Ellis asked Ginger Kauffman when the last time that board supervisors pay was raised. This is a board decision, and they can set it at any amount they feel is appropriate. John Ellis continued by asking how it might affect the budget if we raised the pay from \$15.00 to \$25.00 effective January 1st, 2023. Ginger Kauffman noted that it would be easier to make this change on the fiscal year. This will be considered during budget planning for the coming fiscal year.

MATTERS OF BOARD/ STAFF

Supervisor Vacancy: Samantha Tappenbeck sent a letter of interest to the board from Roger Marsonette explaining his interest in filling the vacant supervisor position. The board is required to appoint someone to that position until the end of the term which is December 31, 2022. Once that term ends this position will open up to an election. If the person who was appointed wanted to continue to serve on the board, they would need to file with the election office this month. The deadline is March 14, 2022. In the past the district has formerly advertised the vacancy on social media and our newsletter list. Gordon Ash noted that he is interested but still deciding whether or not he will file to be a formal board member.

John Ellis then explained that the Elections Office has expressed that we will have to pay for the ballot should there be an election. He asked the office if we have received any clarification on this. He then noted that he read an opinion by the attorney general recently where Don McIntyre asked whether or not we should pay for an election and the attorney general said, no.

Samantha Tappenbeck explained that we reached out to Caitlin Overland, county attorney, about this matter as well and have heard nothing back yet.

If an election will occur the Elections office has given us a rough estimate for printing/ mailing costs of \$30,000.

Samantha Tappenbeck explained that there are positions with terms ending this year, Scott Rumsey's, and the vacant position. She explained that the appointed positions end this year as well and they will need to be reappointed by the City of Whitefish at the end of the year.

Samantha Tappenbeck then explained that we could include the letter of interest in the March Business Meeting Packet and vote to appoint someone into the vacant position at that time.

Flathead River Erosion Study RFP: The Flathead River Erosion study is moving forward, and it is specifically focused on erosion caused by recreational boat wakes. A request for proposal (RFP) has been put together and sent to members of the Flathead River Commission and the project committee for review. Samantha Tappenbeck explained that she would like the board to approve this draft RFP so it can be released on March 7, 2022.

John Ellis asked why this needed to be released on March 7th. Samantha Tappenbeck explained that the process to select a contractor and set up a contract would take some time and we would like to be prepared for the beginning of boating season which begins on Memorial Day Weekend.

The board then discussed the project budget and how much information to release in the RFP. Samantha Tappenbeck explained that in the original draft RFP she included a detailed budget table including the funding that had already been secured as well as the funding the district hoped to secure. The feedback from the review team explained that this was too much information to include on an RFP. This information was removed from the RFP and it was re-written so that the fundamental questions were asked and the respondents to the RFP could develop a study design to answer those questions and give a cost estimate accordingly. This study is specifically geared towards gathering and analyzing data on recreational boat wakes and how that effects erosion on the mainstem of the Flathead River.

The Flathead Basin Commission is mentioned as a stakeholder in the study bill and so have been kept informed in the process.

Samantha Tappenbeck reiterated that the timeline for this study is tight, as we need to capture the boating season as well as produce a final report for the Water Policy Interim Committee (WPIC) by mid-September unless we get an extension that would take us into the next interim session.

Donna Pridmore noted that we have always approached this with the idea that this is the first of many studies that will happen with state support.

Scott Rumsey asked if this study would include recommendations. It will not, it is only a study meant to fill an information gap. Samantha Tappenbeck explained that there are many drivers of erosion on the Flathead River both natural and unnatural. She continued by explaining that the landowners along the river have anecdotally expressed that erosion is happening at an accelerated rate and they believe that it is being caused by the increased number of boats as well as the type of boats being used on the river. This study will provide the data to definitively say that this amount of erosion is being caused by boat wakes.

John Ellis motioned "to approve RFP FCD 2022-01". Donna Pridmore seconded. Motion carried unanimously.

The next 310 Permit meeting is scheduled for Monday, March 14, 2022, 7:00 P.M. via ZOOM/in the conference room of the USDA building at 133 Interstate Lane, Kalispell, MT.

Adjournment: Verdell Jackson motioned "to adjourn." John Ellis seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 1:22 P.M.

Submitted By:

Reviewed By:

Virginia Rigdon
Administrative Assistant

Samantha Tappenbeck
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>4/11/2022</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)