



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

CALL TO ORDER & ATTENDANCE

Chair Ronald Buentemeier called the March 11, 2019, 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; Lori Curtis, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Board members absent: John Ellis, Supervisor. Absence is excused.

Also, in attendance were Donna Pridmore, Associate Supervisor; Valerie Kurth, Hailey Graf and Ginger Kauffman, FCD staff; Kenny Breidinger, MFWP; Zachary & Mindy Weber; Mike Giffith; Doug Peppmeier, TD&H Engineering.

MINUTES

Dean Sirucek motioned "to approve the minutes of the February 25, 2019, 310-Stream Permit meeting as presented." Lori Curtis seconded. Motion carried unanimously.

CORRESPONDENCE

1. Email: The Schutter Diagnostic Laboratory (SDL)
http://www.msuinvasiveplants.org/extension/2019_march.html at Montana State University (MSU) is a service provided through MSU Extension. The SDL safeguards Montana agriculture, landscapes and public spaces from plant pests by offering identification services, management advice, and education. If you have a plant you would like help identifying, you can 1) take the plant to your county or reservation Extension agent (for Montana residents) or 2) submit a sample to SDL for identification. You can find more information online at [Schutter Diagnostic Lab](#). SDL recently launched a smartphone app called the "Plant Sample Submission App" for an additional way to receive samples. Instructions on how to download and use the APP can be found at [Sample submission app](#). You can also connect with SDL on the [Schutter Diagnostic Lab Facebook page](#)
 2. Email: Audubon March 2019 issue of *Pileated Post* <http://www.flatheadaudubon.org/>
 3. Email: National Association of Conservation Districts reports & publications
NACD 2018 Annual Report, Conservation Clips, Forestry Notes, eResource
www.nacdnet.org/
 4. Email: SWCDM manages the Irrigation Water Management (IWM) Program in partnership with NRCS through the EQIP program. IWM is a great educational program
-



designed to ensure the necessary amount of irrigation water is applied to maximize crop yields, while preventing excess watering and over-the-ground runoff. Generally, irrigators work with NRCS on this program, but the program is not limited to those with EQIP contracts and any irrigator may participate. Landowners can sign up for the service through SWCDM using a sign-up sheet available on the SWCDM website.

<https://swcdm.org/programs/irrigation-water-management-iwm>

FINANCIAL

The following bills were reviewed:

1. Byte Savvy \$55.00
2. Flathead Beacon \$528.00
3. NW Montana Fair \$350.00

Lori Curtis motioned “to approve the bills as presented.” Dean Sirucek seconded. Motion carried unanimously.

PUBLIC COMMENT PERIOD

No one was present to comment on items not listed on the agenda.

310

Apex 1 LLC, FL2019010, Bowser Spring Creek, road construction/residential/utilities: Verdell Jackson and Kenny Breidinger both agreed that an onsite inspection is needed. Doug Peppmeier stated the site is difficult to get to right now due to snow. Kenny thought it would be best to wait until next month. Verdell asked when Doug wanted to begin work. Doug replied this has just been submitted to the City of Kalispell and could take at least 6 weeks, so he was agreeable to waiting.

Verdell Jackson motioned “to table. Doug Peppmeier will contact the office when the site is viewable.” Pete Woll seconded. Motion carried unanimously.

BNSF Railway, FL201911, Crystal Creek, bridge/bank stabilization/channel alteration/railroad: Ronald Buentemeier reported that he had called the engineer about this project, but he was unavailable. Kenny Breidinger stated the application specifies the work will be done on 3/15. Both Kenny and Ronald agreed that the application was not clear about project details, so should be tabled until the site is viewable due to all the snow.

Ronald Buentemeier motioned “to table as the applicant has not yet contacted Ronald to schedule an onsite inspection.” Lori Curtis seconded. Motion carried unanimously.

Gregoroff, FL2018025, Swan River, permit extension request: Pete Woll stated the applicant, Jody Bakker, is salvaging logs on Swan River, and is requesting a one-year permit extension. Kenny Breidinger noted that Leo Rosenthal is ok with the extension.



Pete Woll motioned “to approve a one-year permit extension.” Dean Sirucek seconded. Motion carried unanimously.

Griffith, FL2019012, Flathead River, bank stabilization: Pete Woll asked Mike Griffith about snow depths at the site. Mike replied that there is 2 feet of snow. He went on to explain that maintenance needs to be done on riprap that was placed about 10 years ago. Doug Siderius is currently working on the bank just south of his, and he wondered if the work could be done while equipment is available. Pete stated the application specifies 180 feet of rip rap and he asked how much of that will be worked on. Mike replied that there are spots along the entire 180-foot area. Both Kenny Breidinger and Pete agreed that an onsite inspection needed to be scheduled.

An onsite inspection was scheduled for Wednesday, March 13, 9:30 A.M. at the site.

Hogan, FL2019004, Rose Creek, utilities/well/cistern/excavation/structures: Pete Woll motioned “to table until next month due to snow conditions.” Lori Curtis seconded. Motion carried unanimously.

Juno, FL2018034C, Walker Creek, complaint (tabled): Ronald Buentemeier reported that the landowner is still working on getting other permits. This complaint remains tabled until the 310- permit Work Completion form is submitted.

Ronald Buentemeier motioned “to table.” Lori Curtis seconded. Motion carried unanimously.

Krost, FL2018070C, Stillwater River, complaint: Verdell Jackson stated that there is still too much snow to view the site.

Verdell Jackson motioned “to table until the next 310-meeting.” Lori Curtis seconded. Motion carried unanimously.

MKay Ent/Morton, FL2019014, Whitefish River, trail/bank stabilization/road construction/excavation: Ronald Buentemeier asked if another onsite inspection was needed. No one thought that it would be necessary. Pete Woll noted that the application is an after-the-fact application and satisfies complaint # FL2018044C. Ronald asked Doug Peppmeier about the original plans given to the contractor when the project began and asked for clarification that the plans in the application were how the project was actually built. Doug replied correct and explained that the original set of plans is rather extensive because it is for the entire subdivision. This application includes the complete set of plans for the path, the revegetation plan, and the requirements from the City of Whitefish for working on the streambank. Doug offered to supply copies of construction observation reports and any other additional information if needed.

Kenny Breidinger stated his concerns are mainly related to the asphalt used on the trail. He did not advocate to tear it out, but he hoped changes could be made for future segments of the trail, especially moving the trail up higher so it is off of the streambank. Ronald asked Doug for an estimate of how many feet the next phase of the trail would be. Doug replied



approximately 200 feet to the south. He also stated he had talked with City of Whitefish staff, and they are aware that any projects near the river need a 310-permit.

Ronald stated that our rules do not allow this project, but we are making an exception with this application because the trail has already been built, and to change or remove it would be more damaging than to leave it. However, any future projects must be permitted before being constructed. Ronald asked Kenny if he was comfortable with a motion to accept it as-built. Kenny wondered if Ronald had any modifications to make regarding the sprinkler system. Ronald stated the sprinkler system is already in place, but for future projects a default mechanism should be put in to stop the sprinkler system if it is not working properly (i.e. a sprinkler head breaks off or a hose is broken). For those sprinklers to work properly they must have back pressure. If there is a problem and the water continues to run, the bank will become saturated and could erode.

Ronald Buentemeier motioned “to approve the after-the-fact application as-built.” Lori Curtis seconded. Motion carried unanimously.

Doug asked if any additional items were needed for this application. Ronald explained that nothing else was needed and Doug will be getting the permit stating the after-the-fact application was approved as-built with no additional work required. Valerie Kurth noted that copies of the permit will be sent to MFWP, the Whitefish City Manager and the Whitefish City Mayor.

Dean Sirucek asked if the irrigation system was a requirement from the City. Doug replied yes and explained that there were many requirements. They had to salvage much of the top soil and native plants and then replant. Native plants were part of the City’s water quality protection requirement. Dean explained his concern regarding the soil types of the area and instability problems that could be created by adding more water next to the stream and higher on the bench. Doug stated he had talked with Valerie about this and noted the disparity between the City requirements and the District’s concerns. We will have to work out these issues with both agencies for the next segment of trail.

Ronald expressed concern about Doug having to spend excessive time developing a plan for the City and then having to later change it to meet the District’s requirements. Doug responded that the future path has not been designed yet, and they have only done the minimum needed to submit the application.

Discussion ensued about the top of bank vs. mean highwater mark and immediate banks, as well as how this language is used by other agencies. Doug said the biggest issue with this project was using top of bank with the City and then using the Montana DNRC stream profile diagram. Hailey Graf read the definition of mean highwater mark from the Flathead CD Adopted Rules, and noted it comes down to the district going on site to view the project area, the vegetation and physical characteristics. Ronald stated in an average highwater year, the water comes up and you get a line on the soil. There usually isn’t any vegetation that grows below that, or if there is vegetation it is a minor amount. Lori Curtis added that it is very site specific. Ronald gave an example of when there is a gravelly soil with water



coming up so high that gravel gets washed out from below, causing the upper part to cleave off. The idea is protect the bank and prevent that from happening.

Valerie noted that both she and Doug had contacted DNRC about the stream profile diagram on their website, and Bob Flesher had recently added a disclaimer to it. Ronald stated this has been a discussion topic for many years, but the idea is to make sure if you are working on or stabilizing a bank, you are not doing something that will cause it to erode more and that you are going to stabilize it as best as you can, so permits are required.

Morton, FL2018044C, Whitefish River, complaint: Ronald Buentemeier stated that the landowner was required to submit an after-the-fact permit application, which has been done.

Ronald Buentemeier motioned “the complaint is satisfied with the submittal and approval of after-the-fact permit application #FL2019014.” Lori Curtis seconded. Motion carried unanimously.

Weber, FL2019013, Flathead River, bank stabilization/dock/ramp: Dean Sirucek asked the applicants about their timeline. Zach Weber replied that they would like to start in the spring before water comes up and John Burgess will be doing the work. Kenny Breidinger and Dean agreed that they need to see the site, but due to all the snow and Kenny’s schedule, they would set the onsite inspection for the first week of April. The district will contact the applicant when a date has been determined.

Dean Sirucek motioned “the onsite inspection will be scheduled for either April 3rd or April 5th depending on MFWP’s schedule.” Lori Curtis seconded. Motion carried unanimously.

NEW BUSINESS

District Insurance Update: Valerie Kurth reported that over the last few years Montana conservation district (CD) liability insurance rates have increased, some more than others. Flathead CD’s rates have not changed much. Most of Montana’s CDs get insurance through the Montana Association of Counties (MACo) and they are pooled together through the Montana Association of Conservation Districts (MACD). MACo is re-evaluating their premiums this year and will be assessing districts individually but staying under the MACD pool. MACo needs to do a review of each district and is requesting contact information and a W9 form with the federal id #.

We have communicated with our agent Kim Thomas at PayneWest Insurance, and Dan McGowan with MACD, and they agreed this is in response to the increase in premiums over the last couple of years. They hope premiums will remain the same or go down. MACD recommended districts budget similarly to previous years. Valerie added we usually get our insurance statement in early June so we should be able to budget accordingly.

Lori Curtis motioned “to submit the W9 form to MACo.” Pete Woll seconded. Motion carried unanimously.



MATTERS OF THE BOARD/STAFF

Robin Street: A sympathy card for Robin Street’s family was passed around to sign. Robin Street served on the district board from 1973 to 1994.

MFWP Position: Kenny Breidinger stated that MFWP is in the process of hiring a technician. The technician will be responsible for managing out-flows at Ashley Lake Dam in accordance with the Ashley Lake management plan. A Bachelor’s degree in fish biology, fish and wildlife management, ecology, biology, and three years of progressive job-related experience or work closely related to fish biology are required. The position is posted on the Montana State Jobs site.

2019 Convention Planning: Valerie Kurth reported that the first 2019 convention planning conference call was held last week. A list of ideas for breakout sessions and possible tours was generated and a survey will be sent out across the state.

Supervisor Position: Pete Woll noted that the district still has an open position on the board and wondered if Lori Curtis would be willing to move from an Appointed Supervisor position to Supervisor with a term ending 12/31/2022. The City of Whitefish could then find a second Appointed Supervisor. Lori replied she would be honored to do that. This will be placed on the March business meeting agenda.

The next business meeting is scheduled for Monday, March 25, 2019, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Dean Sirucek motioned “to adjourn.” Lori Curtis seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 8:17 P.M.

Submitted By:

Ginger Kauffman
Administrator

Valerie Kurth, Ph. D.
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>3/25/2019</u>	<u>Ronald Buentemeier</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)

