



CALL TO ORDER & ATTENDANCE

Vice-Chair, Roger Marsonette called the March 11, 2024, 310-meeting to order at 1:00 P.M. in the conference room.

Board members present: Vice Chair; Roger Marsonette; Donna Pridmore, Secretary/Treasurer; Mike Kopitzke, Supervisor; Scott Rumsey, Supervisor; Bill Yankee, Supervisor; being a quorum of the Board.

Board members absent: Chair, Pete Woll. Absence is excused.

Also, in attendance were Jessie Walthers & Ginger Kauffman, FCD Staff; Kenny Breidinger, FWP; Connor Loughran, 406 Engineering; Blair Bohn, Interbel Telephone; Leo Rosenthal, FWP; Mike Holwick; Lewis Heil, LH Contracting; Ben Loudon; Randy Overton; Pascal & Haley Jessat; Tamara Tanberg; Jeff Larsen; David Stalow; Helen Lundgren; Doug Thole.

CONSENT AGENDA

Consent Agenda Item 1: Signature Authority

- Authorization for Ginger Kauffman or Donna Pridmore to sign on behalf of Supervisors attending the meeting virtually.

Consent Agenda Item 2: Accept New Applications

- To accept all new 310 permit applications as complete and for a project that will alter or modify a stream.

Consent Agenda Item 3: Financial

Check Detail dated 2/28/2024

1. Charter Communications \$229.96
2. Flathead Beacon \$250.00
3. Flathead Rivers Alliance \$500.00
4. Grizzly Security ShredEx \$124.00
5. Montana Sky Networks Inc. \$10.00
6. VISA - Donna Pridmore \$14.99
7. VISA – Samantha Tappenbeck \$1,968.52

Consent Agenda Item 4: Correspondence

- Request and response for Impact Assessment of proposed subdivision on Cow Creek, TD&H Engineering.

Donna Pridmore motioned “to approve the consent agenda as presented.” Bill Yankee seconded. Motion carried unanimously.

PUBLIC COMMENT

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

310 On-Site Inspections

Beatty, FL-2024-012, Flathead River, bank stabilization/walkway/dock: Scott Rumsey stated the old application expired, so the applicant submitted a new application. Kenny Breidinger and Scott stated they wanted more time to review the application and make sure things are consistent with, and meets, the specifications of the last permit. Scott added that the project is partially done. Scott Rumsey motioned “to table FL-2024-012 until the next 310-meeting”. Donna Pridmore seconded. Motion carried unanimously.

Behr, FL-2024-023, Stillwater River, intake/pump/pumping station: Kenny Breidinger requested additional time to review the application. Donna Pridmore motioned “to table application FL-2024-023 until the April 310-meeting.” Bill Yankee seconded. Motion carried unanimously.

Jessat, FL-2024-016, Garnier Creek, culvert: An onsite inspection was scheduled for Thursday, March 14, 9:00 A.M at the site.

Louden, FL-2024-017, Flathead River/Church Slough, bank stabilization: An onsite inspection was scheduled for Wednesday, March 13, 9:00 A.M. at the site.

Morrissey, FL-2024-019, Whitefish River, steps/rip rap: An onsite inspection was scheduled for Thursday, March 14, 10:30 A.M. at the site.

Sneed, FL-2024-007, Flathead River/Church Slough, bank stabilization/dock: It was noted that the team viewed this site during the onsite inspection for the neighboring property. Scott Rumsey voiced concern regarding the re-vegetation plan and stated that he did not think they could get the toe of the willows to water for a considerable amount of time and survival would be very limited. Scott asked Connor Loughran, 406 Engineering, if he had alternative shrub species. Connor stated that he will contact the Center for Native Plants. He will submit an amendment with a list of native plants that would have the best chance of survival based on the season of growth. Scott asked Connor to also provide site planting density information on the plan, as it was not clear. Scott Rumsey motioned “to table FL-2024-007 until the next 310-meeting in April.” Donna Pridmore seconded. Motion carried unanimously.

Stalowy, FL-2024-015C, Bear Creek, complaint: This is a new complaint. Complaint responses were received from David Stalowy and Lewis Heil. An onsite inspection was scheduled for Thursday, March 21, 10:30 A.M. at the site.

Stalowy, FL-2024-020, Bear Creek, restoration (Grassy Marsh area): This application was submitted 2/27/2024 as remediation for complaint FL-2023-083C. An onsite inspection was scheduled for Thursday, March 21, 10:30 A.M. at the site.

Stalowy, FL-2024-021, Bear Creek, restoration (Beaver Pond area): This application was 3/4/2024 as remediation for FL-2023-101C. An onsite inspection was scheduled for Thursday, March 21, 10:30 A.M. at the site.

Stalowy, FL-2024-022, Bear Creek, bridge deck runners: An onsite inspection was scheduled for Thursday, March 21, 10:30 A.M. at the site.

State of MT/Interbel Telephone, FL-2024-013, Stillwater River, utilities: Roger Marsonette explained this project is for utilities for the West Reserve expansion, and they will bore at least 5-feet below the streambed. Kenny Breidinger agreed that the application meets the standards in the Adopted Rules. Roger Marsonette motioned "to waive the onsite inspection and approve FL-2024-013 as submitted." Mike Kopitzke seconded. Motion carried unanimously.

Stober, FL-2024-018, Flathead River, bank stabilization: Tamara Tanberg, APEC Engineering, stated that she did not want a new permit, but wanted an extension of permit FL-2022-070 so she didn't have to go through the entire process again. Staff stated that an application was submitted, not a permit extension request. Tamara stated she wasn't in sync with the expiration date and had been informed that she would need to submit a new application if the old one had expired. Tamara noted that there were no changes from the last permit and wanted to request an extension.

Donna Pridmore asked if this was a request for an extension for an existing permit or is it a new application. Staff stated this is a new application, and counseled that the new application should be reviewed for changes from the old permit. Donna looked at application FL-2024-018 briefly, thought that it had been submitted before FL-2022-070 expired, and that Tamara had been misinformed.

Donna Pridmore motioned "that we nullify the new application and consider this a request for an extension of permit FL-2022-070." Scott Rumsey seconded.

Donna stated Tamara is withdrawing FL-2024-018 and requesting an extension for FL-2022-070. Donna asked if Tamara was ok with that, and Tamara stated yes please. Staff noted that permit extension forms are available on the website and in the office. Roger re-stated the motion, and noted the applicant has agreed to withdraw the application. Motion carried unanimously.

310's

Big Sky Investment, FL-2022-052, Garnier Creek, permit extension request: Mike Kopitzke explained that the permit expires 3/13/2024; they just could not complete the work. Mike Kopitzke motioned "to grant a one-year permit extension until 3/13/2025." Donna Pridmore seconded. Motion carried unanimously.

Burton, FL-2024-009, Flathead River, excavate/build berm: The onsite inspection was completed 2/26/2024. Scott Rumsey explained the project is for a pond excavation and a berm creation around the pond. The site is near the confluence of Stillwater and Flathead Rivers on Leisure Island. He reviewed the plans in the application with the board. The excavated material would be used to build the berm. The top of the berm will be armored with rip rap. The applicant explained they did not want to put more material in the floodplain. Donna Pridmore asked how

the berm would impact the barn. Kenny stated the pond is connected to the river during higher flows. Scott Rumsey read from the Adopted Rules, Ch. 3, Finding 1.a. Section I, Standard 2.h.; and Ch. 3, Section O, Findings 1b and 1c. Kenny stated that the applicant talked about bringing a boat and jet ski in on the pond and accessing a dock; the intended purpose is to have a lagoon where he could keep boat and operate jet skis in an enclosed environment for a longer season. The project as proposed does not meet the purpose of protecting the pole barn.

Discussion regarding the classification of wetlands and question of whether or not these connected wetlands fall under the jurisdiction of 310 Law. Further discussion of how the proposed berm would be used for flood control and protection of structures on the property. Roger asked if other alternatives had been considered. Scott Rumsey stated the proposal and intent, and that what is described in the application violates the Adopted Rules. If they want to protect pole barn, this proposal is way beyond that.

Scott Rumsey motioned "to deny the application as the project is in conflict with the Adopted Rules." Donna Pridmore seconded. Motion carried unanimously.

Devil Dog Invest, FL-2023-031, Swan River, permit extension request: The permit expires 3/13/2024. Donna Pridmore motioned "to grant an extension of permit FL-2023-031 for one year." Bill Yankee seconded. motioned carried unanimously.

Dufraim, FL-2024-008, Stillwater River, dock/gangway: An onsite inspection was completed 2/27/2024. Bill Yankee stated the project is for a dock and gangway without disturbing the bank. Kenny Breidinger added that it meets the Adopted Rules, and it is a floating dock that can be pulled out. Bill Yankee motioned "to approve FL-2024-008 as proposed." Mike Kopitzke seconded. Motion carried unanimously.

Fullerton, FL-2024-003, Flathead River, bank stabilization: This application remains tabled awaiting additional information.

Gress, FL-2024-004, Flathead River, bank stabilization: This application remains tabled awaiting additional information.

Krezowski, FL-2023-077, Haskill Creek, excavate/fill/bank stabilization: Mike Kopitzke explained that River Design Group is working on a design drawing. This application remains tabled awaiting additional information.

Lee Family Trust, FL-2024-011, Flathead River, bank stabilization: An onsite inspection was completed 2/29/2024. Roger Marsonette and Bill Yankee described the site and noted that the conditions are variable over the ½ mile. Kenny Breidinger noted that the landowner is going to leave some of the trees/limbs woody debris that they placed without a permit. Roger added that this is a good site to look at alternative bank stabilization processes. The landowner will come back with additional information. Roger Marsonette motioned "to table the application until additional information is received." Donna Pridmore seconded. Motion carried unanimously.

Stalowy, FL-2023-083C, complaint/violation: Application #FL-2024-020 was submitted 2/27/2024 as remediation for the violation (Grassy Marsh area). Donna Pridmore asked Mr.

Stalowy if he had hired a professional as required. He replied that he has hired River Design Group. This complaint remains tabled.

Stalowy, FL-2023-101C, Bear Creek, complaint/violation: Application #FL-2024-021 was submitted 3/4/2024 as remediation for the violation (Beaver Pond area). Donna Pridmore asked Mr. Stalowy if he had hired a professional as required. He replied that he has hired River Design Group. This complaint remains tabled.

Stuver, FL-2024-001, Swan River, sprinkler/irrigation line: The onsite inspection was completed 2/29/2024. Leo Rosenthal explained that the retaining wall at the top of the bank is failing. The landowner wants to put in an irrigation line landward at the top of the bank. A concrete stairway goes down the bank and they want to place rock underneath for stabilization. Leo had no concerns about the project. Mike Kopitzke motioned “to approve FL-2024-001 as proposed.” Donna Pridmore seconded. Motion carried unanimously.

Ward, FL-2023-108, Echo Creek, remove fallen trees: This application remains tabled awaiting additional information.

Whitehead/Svetich, FL-2024-010, Flathead River, bank stabilization/restoration: Bill Yankee motioned “to table FL-2024-010 awaiting additional information.” Donna Pridmore seconded. Motion carried unanimously.

Wilson, FL-2024-005, Flathead River, bank stabilization: This application remains tabled awaiting additional information.

Winthrop, FL-2023-045, Stillwater River, diversion intake: Donna Pridmore explained that the application, which was submitted 4/18/2023, was for cleaning an existing intake screen. The application has been tabled awaiting additional information from Mikel Siemen. Mikel submitted a new intake design on 3/4/2024, however, there was not enough information or detail. Mikel will submit a new application with the new intake design. Donna Pridmore motioned “to withdraw application FL-2023-045, as a new application will be submitted for the new intake.” Bill Yankee seconded. Motion carried unanimously.

NEW BUSINESS

CD Representative for Pretrial Conference Hearing: A pretrial conference hearing is scheduled for March 26, 2024, in Missoula. The Board will need to designate a supervisor to attend and represent FCD in Ambler vs. FCD at the pretrial conference hearing, and to delegate authority to sign and/or make decisions on behalf of the FCD. The DNRC Attorney will attend and represent FCD and may need to defer to FCD supervisor or request a signature.

Donna Pridmore motioned “to appoint Roger Marsonette as the representative for the FCD to attend the pretrial conference in Missoula on 3/26/2024.” Bill Yankee seconded. Motion carried unanimously.

MATTERS OF THE BOARD/STAFF

None.

The next Business meeting is scheduled for Monday, March 25, 2024, 1:00 P.M. in person and via ZOOM.

Adjournment: Donna Pridmore motioned “to adjourn.” Bill Yankee seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 2:43 P.M.

Submitted By:

Ginger Kauffman
Administrator

Reviewed By:

Samantha Tappenbeck
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>4/8/2024</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title – Chair etc.)