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## **CALL TO ORDER & ATTENDANCE**

Chair Pete Woll called the March 25, 2024, Business meeting to order at 1:00P.M. in the conference room.

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

**Board members absent:** Bill Yankee, Supervisor. Absence is excused.

Also, in attendance were Samantha Tappenbeck, Jessie Walthers and Ginger Kauffman, FCD Staff; Kenny Breidinger, FWP; Sean Johnson, NRCS; Doug Thole; Tamara Tanberg, APEC Engineering.

## **CONSENT AGENDA**

### **Consent Agenda Item 1: Signature Authority**

- Authorization for Samantha Tappenbeck to sign on behalf of Supervisors attending the meeting virtually.

### **Consent Agenda Item 2: Minutes**

- FCD Business Meeting minutes 2/26/2024

### **Consent Agenda Item 3: Financial**

Check Detail dated 3/13/2023

1. Fisher's Technology \$330.05
2. JBUR-Solutions LLC \$176.00
3. MCDEO \$90.00
4. Mountain States Leasing – Kalispell \$1,884.86

### **Consent Agenda Item 4: Correspondence**

1. CFAC clean up.

Samantha Tappenbeck noted that the draft 2/26/2024 meeting minutes were updated to add more information to the Flathead Basin Commission and Haskill Basin Watershed Commission reports. She added that the district has also received several requests for comments regarding the CFAC clean up, however, she has not had time to review those.

Donna Pridmore motioned "to accept the consent agenda." Mike Kopitzke seconded. Motion carried unanimously.

## **PUBLIC COMMENT**

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

### **310's**

**Stober**, FL-2024-018, Flathead River, bank stabilization; FL-2020-070 motion correction: Application FL-2020-070 had expired, and new application FL-2024-018 was submitted and following expiration of FL-2020-070. FL-2024-018 was placed on the 3/11/2024 meeting agenda to schedule an onsite inspection, and there was a misunderstanding during the meeting about when FL-2020-070 expired. Subsequently, a motion was made to withdraw FL-2024-018 and consider it a request for an extension of permit FL-2022-070, however, Supervisors cannot withdraw applications and cannot extend expired permits.

Donna Pridmore motioned "to withdraw the motion made on 3/11/2024." Scott Rumsey withdrew the second. Motion carried unanimously.

Donna Pridmore motioned "to approve FL-2024-018 with the modifications listed in permit FL-2020-070." Mike Kopitzke seconded. Motion carried unanimously.

Donna Pridmore motioned "to add an amendment to the motion that angular rip rap rock is to be specified." Mike Kopitzke seconded. Motion carried unanimously.

## **NEW BUSINESS**

**Office Security and Phone Systems:** After the vandalism of the district vehicle and theft of the Rolling Rivers Trailer, and per the recommendation of the Sheriff's office, Samantha Tappenbeck stated that she had reached out to our IT Support, JBUR Solutions, for recommendations on security systems. The district received proposals from Digital Communication Systems Inc. The proposal for installation of 2 security cameras on the exterior of the building facing the district parking lot and a Wi-Fi system totaled \$2850.59. The proposal for an upgraded phone system for 4 phones and 4 connection points totaled \$256.05. She noted that the phone bill would increase by \$24.20 per month. These items would be expensed through furniture and equipment, and phone.

Donna Pridmore motioned "to approve the upgrade of the phones & Wi-Fi." Motion failed for lack of a second.

Discussion held regarding additional security measures, signage, and storage for district property and the demonstration garden. The theft, insurance claim, design for and replacement of the Rolling Rivers trailer were also discussed.

Mike Kopitzke motioned "to approve the security cameras, Wi-fi and phone systems." Donna Pridmore seconded. Motion carried unanimously.

**District Vehicle Storage:** Secure storage of the district vehicle was discussed. Supervisors agreed that the vehicle will remain at the office for the time being.

**Office Building Hedge:** Trimming of the hedge on the north side of the building, which FCD and NRCS staff planted years ago, was discussed. The hedge is encroaching towards the building and covers the sprinkler system creating a very muddy area which makes it difficult for lawn care companies to mow and maintain. Neighbors to the north have also complained about the hedge encroaching into their areas and have trimmed and thrown cuttings over the fence. The building owner does not want to pay to have the hedge trimmed. FCD and NRCS discussed taking on trimming the hedge.

**End of Month Reports:** Donna Pridmore presented the November and December 2023 End of Month Reports to the Board. Donna Pridmore motioned “to approve the November and December 2023 End of Month Reports.” Roger Marsonette seconded. Motion carried unanimously.

**Resolution to Transfer Funds:** At the 2/26/2024 business meeting there were questions about how much was budgeted to be transferred, and if those funds could be used in other ways. Ginger Kauffman explained that \$5,000 was budgeted (FY 2023/2024) to be transferred from Fund 7201 to Fund 7235, and funds were to be used to purchase a copier/printer/scanner up to \$20,000. Per notes dated 5/10/2023 from the Flathead County Finance Office: Capital purchases are items that have a life expectancy of at least five years and a value of \$5,000 or more. Equipment that does not meet the capital value threshold should be expensed through maintenance and operations.

Donna Pridmore motioned “to transfer \$5,000 from Fund 7201 to CIP Fund 7235.” Scott Rumsey seconded. Motion carried unanimously.

## **REPORTS**

**Flathead CD Staff:** Attached

**Natural Resources Conservation Service (NRCS):** Attached

**DNRC Conservation Districts Bureau:** Attached

**Flathead County Planning Board (FCPB):** Attached

**Haskill Basin Watershed Council (HBWC):** Attached. Samantha Tappenbeck noted that the City of Whitefish is holding a Water Master Plan meeting on April 2, 1:00-3:00 P.M. and she will be attending. She will forward information to Mike Kopitzke.

**Flathead River Commission (FRC):** No report. Samantha Tappenbeck stated that she would be in contact with the FRC as the final report for the Flathead River Erosion Prevention and Mitigation – Boat Wake Study has been received.

**Western Montana Conservation Commission:** The next meeting will be held June 4-5.

**MATTERS OF THE BOARD/STAFF**

**Cow Creek Planting:** Samantha Tappenbeck stated that seedlings are to be delivered April 19, and planting is tentatively scheduled for April 22-23 at the Erbes property depending on spring runoff. She explained that this was a project where cattle were fenced out, a mat was placed to cut down on the reed canary grass, and the area was treated with Round Up last fall. Volunteers are needed to help clean out the area and plant.

**Aquatic Invasive Species (AIS) Education Specialist Job Description:** Samantha Tappenbeck explained that the draft job description for two temporary, seasonal positions at Flathead CD has been written per the CD-FWP Memorandum of Agreement. Approval of the job description is needed prior to advertising.

Donna Pridmore motioned “to approve the AIS Education Specialist job description as presented.” Scott Rumsey seconded. Motion carried unanimously.

**Operations Audit/Annual Work Plan Review Re-scheduled:** The Operations Audit and the Annual Work Plan review were re-scheduled for Thursday, April 18, 2024, 10:00 A.M.–3:00 P.M.

**Bigfork Bay/Meyers:** This will be addressed at the April 310-meeting.

The next 310-meeting is scheduled for Monday, April 8, 2024, 1:00 P.M. in person and via ZOOM.

Adjournment: Donna Pridmore motioned “to adjourn.” Mike Kopitzke seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 3:31 P.M.

Submitted By:  
Ginger Kauffman  
Administrator

Reviewed By:  
Samantha Tappenbeck  
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>4/22/2024</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title – Chair etc.)

## Staff Report: March 2024

Samantha Tappenbeck, Resource Conservationist  
Jessie Walthers, Conservation Program Manager  
Ginger Kauffman, Administrator

### Office and Administration

#### 310

- 2024 total 310's to date = 24
- Processing of 310's
- Scanning of older 310-files continues
- Staff assisted with several 310 issues:
  - Correspondence with insurance company and attorney re: McDonald Creek violation, Ambler vs. FCD litigation
  - Correspondence with applicant and contractor on FL-2024-018 to resolve issue
  - Onsite inspections and review of Bear Creek violations and applications for restoration; Correspondence with applicant and representatives
  - Onsite inspection for FL-2024-012 and drafted follow up correspondence
- Worked on draft revisions and edits to Adopted Rules

#### Bookkeeping

- Processed daily bookkeeping items: payroll, payroll reports and payments, invoices, credit card receipts, deposits, grant billing/vendor invoices, program payments, reconciliation of statements, and end of month reports.
- Updates to district files made as needed.
- Investigated QuickBooks subscription issue.

#### Office Management and Support

- Staff meetings held weekly per staff availability.
- Drafted job description and budget for AIS Education Specialist position; Met with contact interested in the position; Scheduled meeting with FWP and CSKT to discuss program implementation and opportunities for collaboration.
- Dealt with district vehicle damage repair and insurance claim for Watershed Education Trailer theft
- Contacted building owner regarding trespassing by vehicle in Demonstration Garden parking lot

### Projects

#### Cow Creek Restoration Project

- Seedling delivery scheduled for April 19<sup>th</sup>
- Worked with FWP to line up soil auger for use during planting
- Worked with landowner to schedule and plan volunteer planting days: April 22-23

### Trumbull Creek Restoration & Aquifer Protection Project

- Project designs are complete but insufficient funds have been secured for construction and implementation of this project
- Cost estimates:
  - Secured funds for project construction = \$75,939
  - TOTAL project construction estimate = \$311,841
    - Birch Grove Rd crossing construction estimate = \$152,713
    - Channel grading, streambank restoration, private culvert crossing construction estimate = \$159,128
- Landowner commitment remains uncertain; Plan to host landowner/stakeholder/partner meeting to present final project design

### Study of Boat Wakes and Erosion on the Flathead River

- Grant contracts #WMG-22-0089A and 23G-22-3725 termed out on 12/31/2023; Contract for Services with Tetra Tech termed out on 12/31/2023
- Received final report and database deliverables from Tetra Tech
- Connected with new grant manager for WMG Program at DNRC and discussed final reporting and invoicing
- Drafted final report for submission by 3/31/2024

## Programs

### College Scholarships

- Received 13 college scholarship applications to date. Currently under review.

### Conservation Grant Program

- Conducted several in-office landowner consultations for 2024 applications.
- Received four conservation grant applications to-date.
- Conducted one site visit.

### Education Grant Program

- Received several inquiries about education grants, no additional applications this month.

### Pollinator Initiative

- Received six sign-ups for pollinator initiative.

### Rain Garden Initiative

- Jessie presented on Rain Gardens for Flathead Audubon's "Natives Extravaganza" Program March 11<sup>th</sup>, for approximately 60 people.
- Coordinated with Rain Garden partners for spring and summer outreach planning.

### Seedlings & Native Seed Program

- Conducted consultations and provided support for landowners ordering seedlings.
- Conducted outreach and provided information on seedling and native grass program.
- Processed one cost share agreement for native grass mix and one new seedling order.

### Watershed Support Program

- Program funding is currently allocated to support of the Trumbull Creek Restoration & Aquifer Protection Project and the Flathead River Boat Wake Erosion Study

### Youth Camp Sponsorships

- No Youth Camp Sponsorship requests were received this month.
- Conducted outreach for MT Natural Resources Camp

## Education & Outreach

### Education Events

- Hosted informational booths at Land to Hand on March 2, and the Home and Garden Showcase March 2&3, staffed by Jessie, Samantha, Supervisors Pridmore, Yankee, and Marsonette.
- Jessie assisted with a field trip on the Whitefish Trail on March 7<sup>th</sup>, for 2<sup>nd</sup> graders from Muldown Elementary, with Whitefish Legacy Partners.
- Coordination with partners for Land Stewardship Series outreach, promotion and planning.
- The Enviroscape Watershed Model was loaned to Hedges Elementary School March 8-14<sup>th</sup>.

### Local news media

- Wrote press release for Rolling Rivers Trailer theft and were interviewed by Daily Inter Lake for a published article
- Wrote press release for Land Stewardship Series and submitted to Daily Inter Lake for a published article

### Demonstration Garden

- Trash clean-up was conducted in the Demonstration Garden several times this month.

### Website

- Posted approved meeting minutes and agendas
- Maintenance and updates: WordPress, plug-ins, calendar events
- Updated website with upcoming workshops and classes, including registration forms.
- Website visited by 1.2K Users

### Social Media

- Facebook (last 28 days): Page followers = 1,032; Post Reach = 6,883
- Instagram (last 30 days): Page followers = 917; Accts Reach = 181

### The Local Dirt eNewsletter

- Distributed on 3/1/24 to 797 recipients.
- Received 52 new sign-ups at outreach events.

## Partnerships, Meetings, Trainings

- Forestry Mini College, Missoula 3/8/24-3/9/24 Jessie and Supervisors Pridmore, Yankee and Kopitzke attended.
- MACDEO Board Meeting 3/20/24

### Upcoming:

- Family Forestry Expo Planning Meeting 3/27/24
- Flathead Waters Cleanup Partner Meeting 3/28/24
- Area V EO Meeting hosted by Green Mountain CD 3/29/24

## Photos



Flathead CD booth at the 2024 Home & Garden Showcase



# NRCS DC Report – 3/25/2024

## Sean Johnson

### ➤ Programs

- EQIP and Joint Chiefs
  - Working on our contracting for FY24 contracts. Due to boost in funding through Inflation Reduction Act, expectation is that all applications will receive funding this year.
- CSP
  - No new CSP applications for FY24

### ➤ Review Items

- Staff attended engineering training in Missoula...very well received
- Met with American Forest Management (AFM), to discuss our programs and how they can help with outreach efforts with private landowners they meet with

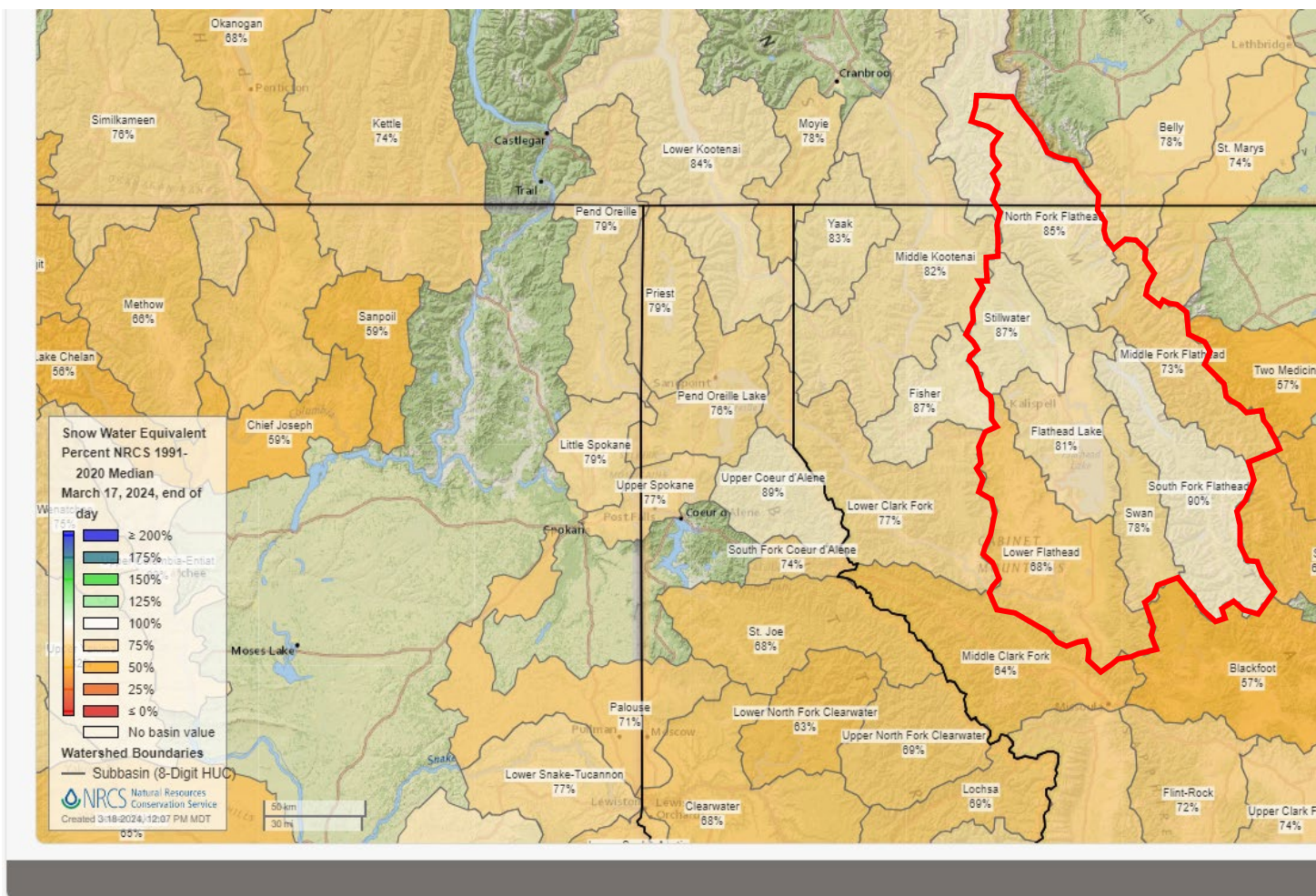
### ➤ Upcoming Items

- Selected to complete a detail to the Deer Lodge office for potentially 4 months. I will likely only be there every other week but will be assigned to the office full time. Brian Ressel from our Eureka office will be acting on my behalf during that time.
- Kalispell is currently set to get a forestry intern for the summer although its still early and that could change

### ➤ Miscellaneous

- Snow Survey
  - Flathead Basin up from 72% to 76% of normal. Sub-basins range from 90% (South Fork) to 68% (Lower Flathead).
- Drought – Western Flathead improved from D1 to D0 but very eastern Flathead worsened from D2 to D3. First time D3 has shown up in MT this year. They are predicting that we will flip from a El Nino cycle to a La Nina cycle later this summer which could help bring more cool and moist weather to the state late summer
  - None – 6%, D0 – 52%, D1 – 23%, D2 – 18%, D3 – 2%, D4 – 0%, March
  - None – 12%, D0 – 45%, D1 – 25%, D2 – 18%, D3 – 0%, D4 – 0%, February
  - None – 31%, D0 – 47%, D1 – 19%, D2 – 3%, D3 – 0%, D4 – 0%, January
  - None – 67%, D0 – 7%, D1 -17% , D2 – 9%, D3 – 0%, D4 – 0%, November
  - None – 57%, D0 – 7%, D1 – 13%, D2 – 20%, D3 – 3%, D4 – 0%, October
  - None – 53%, D0 – 8%, D1 – 14%, D2 – 15%, D3 – 10%, D4 – 0% - September
  - None – 46%, D0 – 16%, D1 – 24%, D2 – 13%, D3 – 0%, D4 – 0% - August

# March Snow Report



Montana

# March Drought Monitor

[Home](#) / Montana

Map released: Thurs. March 14, 2024

Data valid: March 12, 2024 at 8 a.m. EDT

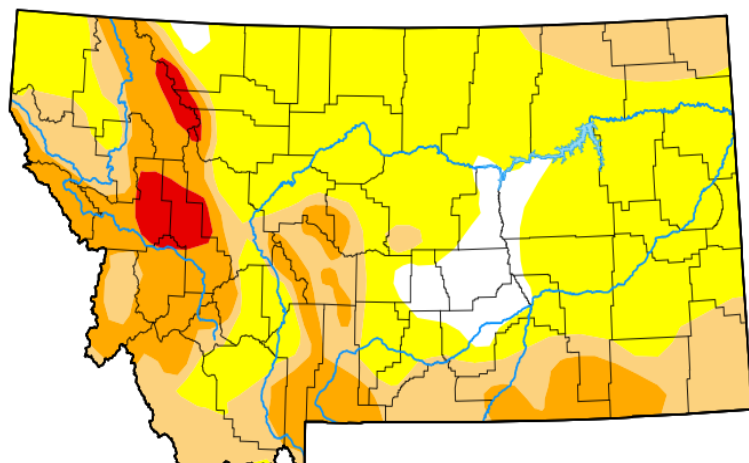
## Intensity

- None
- D0 (Abnormally Dry)
- D1 (Moderate Drought)
- D2 (Severe Drought)
- D3 (Extreme Drought)
- D4 (Exceptional Drought)
- No Data

## Authors

United States and Puerto Rico Author(s):  
[Curtis Riganti](#), National Drought Mitigation Center

Pacific Islands and Virgin Islands Author(s):  
[Denise Gutzmer](#), National Drought Mitigation Center





REPORT TO WESTERN CONSERVATION DISTRICTS  
MARCH 2024

[DECLARATION FOR NOMINATION AND OATH OF CANDIDACY](#)

- Due March 11 to County Election Administrator for position terms expiring this year.
- No filing fee for candidates, as they are non-partisan and non-paid.
- No need for nominating petitions (signed by 10 qualified electors) anymore.
- CDs cannot promote candidates but can provide external sources of information.
- Link to Nomination and Oath of Candidacy Form:  
[https://sosmt.gov/wpfd\\_file/declaration-for-nomination-oath-of-candidacy/](https://sosmt.gov/wpfd_file/declaration-for-nomination-oath-of-candidacy/)

[PERMISSIVE MILL LEVY FACT SHEET AND TRAINING](#)

In response to questions about the permissive mill levy, the CD Bureau worked with MACo to develop a fact sheet about how the permissive mill works including the process and timeline.

[Permissive Mill Levy Fact Sheet](#)

[Determination of Permissive Mill Levy Worksheet](#)

Don't forget to do your [Mill Levies](#) 10-minute training this month!

[GRANT CYCLES CLOSING IN MARCH](#)

CDA administrative grant applications are due March 1, and the second round of CD Planning, Project, and Pollinator grants are due March 15. You can review the [grant guidelines](#) or reach out to me with any questions.

NEW RESOURCE. Check out the [Submittable Instructions for Applicants and Recipients](#) document, which was created to help grant applicants more easily navigate and find features and functions in Submittable

I hope everyone has a great month! Please contact me with any questions.



**Catey Bauer**

W. MT Conservation District Specialist  
Conservation Districts Bureau

Phone: 406-465-0948

Email: [catey.bauer@mt.gov](mailto:catey.bauer@mt.gov)

<https://dnrc.mt.gov/Conservation-Districts>

## UPCOMING EVENTS AND IMPORTANT DATES

<b>March 1</b>	<u><a href="#">CD Administrative Grant Applications Due</a></u>
<b>March 1</b>	310 Permit Survey Due to <u><a href="mailto:Hailey.Graf@mt.gov">Hailey.Graf@mt.gov</a></u>
<b>March 5</b>	<u><a href="#">DIY Strategic Planning Training @ 9:00 a.m.</a></u>
<b>March 6</b>	<u><a href="#">DIY Strategic Planning Training @ 5:30 p.m.</a></u>
<b>March 11</b>	<u><a href="#">Declaration for Nomination and Oath of Candidacy Due</a></u>
<b>March 15</b>	<u><a href="#">CD Planning, Project, and Pollinator Applications Due</a></u>
<b>March 21</b>	<u><a href="#">Reclamation and Development Planning Grant Apps Due</a></u>
<b>April 16-17</b>	<u><a href="#">MWCC Fundraising Workshop</a></u>
<b>April 30</b>	<u><a href="#">Renewable Resource Planning Grant Applications Due</a></u>

Please contact me with any questions, project ideas, or if you would like me to attend a board meeting in the coming months. Thank you!



### **Catey Bauer**

W. MT Conservation District Specialist  
Conservation Districts Bureau

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**AGENDA**  
**FLATHEAD COUNTY PLANNING BOARD**

**March 13, 2024**

**Report to the Conservation District Board on March 25, 2024**

1. **FPP-23-22** A request by Somers Project, LLC and Somers Property, LLC, with technical assistance from Morrison-Maierle for preliminary plat approval of Steamboat Landing, a proposal to create 180 single family residential lots and 5 condominium lots on a 63.59-acre property. The condominium lots would include a total of 72 units. The proposed subdivision would be served by the Somers Water & Sewer District. Access to the proposed lots would be from new internal subdivision roads via Sunnybrook Lane and Somers Road. The property is located at 603 Somers Road, Somers, MT.

See Meaningful Participation attachment.

2. **FPP-23-20** A request from Carver Engineering, on behalf of Reddig Family Trust for preliminary plat approval of Glacier Landing, a proposal to create 35 single family residential lots, 8 multi-family units, and 3 commercial lots on 29.610 acres. The proposed subdivision would be served by the Glacier Ranch Public Water & Sewer District. Access to the proposed lots would be from Highway 2 East and Birch Grove near Columbia Falls, MT. The property is located at 3756 US Highway 2 E, Kalispell, MT.

Flathead Municipal Airport Authority discussed how essential the airport is to this community. He spoke to protecting the air space, mitigating wildlife attractants and land use compatibilities. He stated that the proposed project is approximately a half of a mile off the end of the primary runway that sees over 40,000 aircraft operations a year, many of those large commercial aircrafts.

He stated that the Airport believes that the proposal is incompatible with airport operations and as such they object to this proposal. Should the Board deem the proposal sufficient, the Airport request additional conditions of approval be placed on the preliminary plat approval. He did provide examples of compatible land uses in this area for the Board.

A negative recommendation was made and approved 7-0

3. **FPMA-23-04** A request by the Flathead County Planning Board for an amendment to the Flathead County Growth Policy, specifically to update Chapters 4 and 5 in accordance with MCA 76-1-601(3)(f)(iii).

Reviewed the edits to these sections of the Growth Policy. Mostly boiler plate language and update of number. A total of 3 minute spent on the topic.

## Meaningful Participation on Land Use Issues in Flathead County

The Flathead County Planning and Zoning Department, Planning Board and County Commissioner under the Montana State Constitution and Montana Statutes on the Right of the Public to Know and to Participate facilitate public comments on land use matters and incorporating the input into their decision-making process<sup>1</sup>. The Steamboat Land preliminary plat approval and the public participation is the subject of this paper.

Some facts about the amount and quality of the public interest:

Letters Received	65
Letters Opposed	61
Letters in favor	4

Individual Issues addressed in the letters”

Roads	41
Wildlife Protection Area, Wetlands etc.	31
Schools	36
PD, FD, EMS, Post Office	32
Density, Character of Somers	26
Planning Process/Strategic Planning	4
Somers and Lakeside Sewer and Water Districts	14
Easements (3 letters)	3
BNSF Superfund Site	4
<b>TOTAL:</b>	<b>189</b>

In favor:

Increasing Housing Supply/Affordable Housing	3
Increased Tax Base	1

### Public Meeting

During the public meeting on March 13 there were approximately 100 residents in attendance for the public hearing. Thirty-four participants spoke, however, that represents about over 50 individuals since the speakers pooled their minutes. Two and a half hours (150 minutes) of public testimony.

Once the public hearing was closed the Chair asked a half dozen pointed questions of the developer. A motion was made by me to not except the finding. Discussion on the finding involved one question from the Chair on the easement and approximately 10 minutes of my

discussion on the staff report and where it failed to support the record. The motion to disapprove was voted down 6-1.

After conversation from the Planning Board chair and the applicant, giving the choice of sending a disapproval recommendation or to table the item until a refined traffic study could raise the level of service to an acceptable level. Only discussion was mine outlining how the proposal also was not in line with the Conservation Districts goals and objections. Motion to table passed 6-1.

### **Meaningful Participation**

From the Growth Policy talking about neighborhood plans states. "It is imperative that each step of the process outlined above allow ample opportunity for public input and engagement; this process begins with full notification of the affected residents and landowners..... The success of the planning effort depends on the amount of meaningful public participation.

Under Montana law, the Planning Board is required to consider "the recommendations and suggestions elicited at the public hearing[s]," § 76-1-603, MCA, and to "incorporate those comments into its decision-making process.

As of today, there is no indication that any of the comments were truly analyzed for applicability and not one word in the staff report has changed.

When a county planning board receives public comments on a land use matter, it should:

1. **Review and Consider:** Carefully review all comments and consider them in the context of the land use proposal. This includes understanding the concerns, suggestions, and support expressed by the public.
2. **Record and Acknowledge:** Ensure that all comments are recorded and acknowledged. This could be through a formal receipt process or by including them in the meeting minutes.
3. **Respond Appropriately:** While not all comments may require a direct response, the board should address substantive issues raised. This can be done during meetings or through written communication.
4. **Incorporate into Decision-Making:** Integrate relevant comments into the decision-making process. This may involve revising proposals or including conditions that address the concerns raised.
5. **Transparency:** Keep the process transparent by informing the public how their comments have influenced the decision or why certain suggestions could not be accommodated.

It's essential for the planning board to demonstrate that public input has been given due consideration, fostering trust and legitimacy in the planning process.

## Staff Report:

The Staff Report was written on February 28, 2024 and 28 letters were received prior to that date and presented to the Planning Board at our March 13, 2024 meeting.

The staff report stated the following concerning public comments: “As of the date (*February 28, 2024*) of the completion of this staff report, numerous written public comments have been received regarding the proposal. Concerns addressed in the public comments were primarily regarding traffic/safety, wildlife/wildlife habitat, schools, water and sewer infrastructure, density/overcrowding, taxes, local businesses, social resources, proximity to Somers Beach State Park and BNSF Former Tie Treating Plant, and use of an existing easement to access Somers Road. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.”<sup>ii</sup>

Thirty-seven additional comment letters and the staff report, and 150 minutes of public testimony were received at the public hearing or heard after the staff report was written. Little or no consideration was given to this public input and not one word of the staff report was changed as a result (as of March 22, 2024).

Major concerns expressed that are not adequately addressed in the application materials and the staff report:

- Safety issues concerning the road and nearby school.
- The Wildlife Protection Area, on-site wetland and other wildlife habitat issues.
- Effect on Fire Department, Law Enforcement, Emergency Medical Services, and Post Office
- Amount and water quality and the Somers Water and Sewer District.
- Lakeside Sewer and Water District (letter concerning the districts operation), considering the County’s Septage proposal.
- BNSF Superfund Site
- Failure of the Preliminary Plat to comply with the Flathead County Subdivision Regulations (FCSR)
- Failure of the FCSR to meet the purpose of the regulations.

This is not an isolated problem as in *Friends of Lake Five, INC vs Flathead County*, Judge Eddy in her conclusions of law 63-66 addressed meaningful participation<sup>iii</sup>.

The Citizens for a Better Flathead vs. Flathead County Commissioners lawsuit, Count IV -



Violation of the Right to Know and Right to Participate and Court V – The County Failed to Consider Public Comments and Incorporate them into the Decision-Making Process were alleged<sup>iv</sup>. That case was settled out of court.

Any reasonable person would conclude that the Flathead County Planning and Zoning staff, Planning Board and County Commissioners do not meet the requirements and intents of the Constitution, Montana State Law, applicable case law, their own policies, and regulations and certainly not the expectations of the participating public.

MGK

March 22, 2024

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<sup>i</sup> Montana Statutes on the Right of the Public to Know and Participate, MSU Local Government Center, Updated 10/2015

<sup>ii</sup> Flathead County Planning and Zoning Office Subdivision Report #FPP-23-22, Steamboat Landing, III. B. on Page 10, Public Comments

<sup>iii</sup> DV-15-2020-0000306, Friends of Lake Five, INC, V. Flathead County Commission, Document 154, Findings of Fact, Conclusions of Law and Order, dated 03/28/2022

<sup>iv</sup> DV-15-2022-0000895, Citizens for a Better Flathead V. Board of County Commissioners, First Amended Complaint, Application for Writ of Mandate and for Declaratory Relief, dated September 12, 2022

**Kopitzke's Meeting Notes**  
**Haskill Basin Watershed Committee**  
**February 28, 2024**

Present: John Phelps, Glenda Gehri, Joe Krezowski, Bill Cubbage, Cassie Roberts - WLI, Paul McKenzie, Michael Kopitzke – FCD

Paul McKenzie took the official minutes of the meeting.

City Reservoir Management Plan – Discussion centered around getting the Haskill Creek drainage included in the study, since it lies outside the City's jurisdiction. They talked about approaching the city and even trying to find some grant money through the WLI to have the city include the Haskill Creek flows in their study. The group is really looking to establish some minimum flow data. They also might be looking for a letter of support down the road from the Conservation District and the Whitefish Lake Institute. Since the mayor is a hydrologist, it sounds like he is very familiar and supportive of the Haskill Creek Basin Commission's problems and what they hope to accomplish.

Discussed the telemetry project and John had received an email (the day of the meeting) from Craig Workman, Public Works Direction that said he was thinking about proposing the gates where the water leaves the creek be controlled rather than where the water leaved the reservoir. That was of great concern since the latter project is in the process of being engineered. The group was also concerned about whether that was even possible without causing damage to the pipes from the creek to the reservoir. John was going to talk to Craig and get clarification and try to talk Mr. Workman out of that idea.

Whitefish Municipal Watershed Project Update – no program and nothing to report.

Haskill Creek County Road Bridge Replacement – Apparently the owners of the property that is near the culvert, that would need to be used for a creek crossing during the installation of the culvert has had a change of heart and will give the county permission to use her land. There were plans and costs developed in 2017 (nearly \$500,000 in 2017) for the replacement and the county would have to revisit that information. I am not quite sure where they left this issue.

Next meeting is scheduled by June 26, 2024.

Meeting adjourned about 6:50 pm.

MGK