



CALL TO ORDER & ATTENDANCE

Chair Pete Woll called the April 8, 2024, 310-meeting to order at 1:00 P.M. in the conference room.

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

Also, in attendance were Samantha Tappenbeck, Jessie Walthers, and Ginge Kauffman, FCD Staff; Connor Loughran, 406 Engineering; Hailey Graf, DNRC; Jay Winslow; Leo Rosenthal and Kenny Breidinger, FWP; Ryan Wade; Jason Beatty; Lewis Heil; Brad Bennett, WET; Mary T. McLelland; Kevin Kleckner; Catilin Overland, DNRC legal counsel; Ed Stathas; Pam Willison; Kurt Vomfen; Frank Thomas; Paul Bishop; Daan Hogan; Wayne & Teri Beatty; Haley Jessat; Pete Wade; Ben Loudon; Don Murray.

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: Accept New 310-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: Meeting Minutes

- 2/12/2024 310-Permit Meeting Minutes
- 3/11/2024 310-Permit Meeting Minutes

Consent Agenda Item 4: Financial

Check Detail 03/27/2024

1. Charter Communications \$29.96
2. MACD \$35.00
3. Montana Sky Networks \$10.00
4. Snowghost Design Inc. \$222.00
5. Susan D. Hulslander CPA \$276.00

Consent Agenda Item 5: Correspondence

- Joint Application Links & PDF from DNRC
- Gilly Joint Permit Form Training, April 10th

- Memo from Attorney Don Murray to Board of Supervisors re: restoration plans for Bear Creek/Stalowy

Pete Woll requested FL-2024-029 be pulled from the consent agenda to discuss under new 310's.

Donna Pridmore motioned "to accept the consent agenda with the exception of FL-2024-029." Roger Marsonette seconded. Motion carried unanimously.

PUBLIC COMMENT

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

New 310's

Beatty (Teri), FL-2024-027, Flathead River/Church Slough/bore, pump etc.: An onsite inspection was scheduled for Tuesday, April 16, 9:00 A.M. at the site.

Behr, FL-2024-023, Stillwater River, intake/pump/pumping station: Donna Pridmore motioned "to waive the onsite inspection for FL-2024-023." Bill Yankee seconded. Motion carried unanimously. Donna Pridmore motioned "to approve FL-2024-023 with modifications." Mike Kopitzke seconded. Motion carried unanimously.

DNRC-KU, FL-2024-025, Woodland Creek, repair bridges: An onsite inspection was scheduled for Wednesday, April 17, 9:00 A.M. at the site.

Frank, FL-2024-024, Peters Creek, stream & pond restoration: An onsite inspection was scheduled for Wednesday, April 17, 1:00 P.M. at the site.

Geyer, FL-2024-030, Wolf Creek, bridge: An onsite inspection was scheduled for Wednesday, April 24, 9:30 A.M. at the site.

Jensen, FL-2024-026C, Echo & Noisy Creeks, complaint: The complaint was submitted 3/26/2024, and the complaint letter was mailed 3/29/2024. A response has not yet been received from the alleged violator. No action.

Stalowy, FL-2024-029, Bear Creek, board walk/decking/stringers: Pete Woll motioned "to waive the onsite inspection because the project area was viewed, and photo documentation was collected during site visit on 3/21/24." Mike Kopitzke seconded. Motion carried unanimously.

Pete Woll motioned "on FL-2024-029 to table to allow Supervisors to do some comparison for the Team Member Report." Scott Rumsey seconded. Motion carried unanimously. This will be added to the April 22, 2024, business meeting.

Wade, FL-2024-028, Truman Creek, bridge: An onsite inspection was scheduled for Tuesday, April 16, 10:30 A.M. at the site.

Ward, FL-2023-108, Echo Creek, remove trees: Pete Woll explained that the application was tabled 12/11/2023 until further information was submitted. The applicant submitted additional information 04/01/2024 and requested another onsite inspection. An onsite inspection was scheduled for Wednesday, April 24, 11:00 A.M. at the site.

310's

Beatty (Jason), FL-2024-012, Flathead River, bank stabilization/walkway/dock: Scott Rumsey explained the applicant submitted a new application as he was unable to complete the project under the last permit and submitted additional information 4/3/2024. Kenny Breidinger and Scott each reviewed their modifications for the permit.

Scott Rumsey motioned "to approve FL-2024-012 with modifications per Kenny Breidinger's conditions and Scott Rumsey's Team Member Report." Roger Marsonette seconded. Further discussion was held regarding the use of angular rock. Motion carried unanimously.

Brazan, FL-2023-008, Stillwater River, permit modification request: Donna Pridmore explained the applicant submitted a permit modification request 3/25/2024 to use 6-inch diameter posts instead of 8-inch diameter posts for a pier over cattails. Kenny Breidinger stated that Brazan would have to use more 6-inch posts than originally applied for that he would be ok with that if that is all that is available. Donna briefly reviewed the application and modification request. Donna Pridmore motioned "to grant the permit modification request for FL-2023-008." Mike Kopitzke seconded. Motion carried unanimously.

Fullerton, FL-2024-003, Flathead River, bank stabilization: The application was tabled 3/11/2024 waiting for additional information. Paul Bishop requested that the application remain tabled. The application remains tabled.

Gress, FL-2024-004, Flathead River, bank stabilization: The application was tabled 3/11/2024 waiting for additional information. The application remains tabled per the request of Paul Bishop.

Jessat, FL-2024-016, Garnier Creek, culvert: Mike Kopitzke explained an onsite inspection was completed 3/14/2024, and he and Kenny Breidinger requested additional information. Additional information was submitted 3/29/2024. Kenny stated the size of the pipes are adequate. Mike Kopitzke motioned "to approve FL-2024-016 as amended." Bill Yankee seconded. Motion carried unanimously.

Krezowski, FL-2023-077, Haskill Creek, excavate/fill/bk stabilization: Mike Kopitzke explained that he had talked to John Phelps; River Design Group is working on a design drawing. This remains tabled until new information is received.

Lee Family Trust, FL-2024-011, Flathead River, bank stabilization: Pete Woll stated that the landowner will be withdrawing the application due to the cost of mitigation required by the Army Corps of Engineers. This remains tabled until the letter is received.

Louden, FL-2024-017, Flathead River/Church Slough, bank stabilization: Scott Rumsey explained an onsite inspection was completed 3/13/2024 and reviewed modifications in his Team

Member Report. Kenny Breidinger stated this is a type of revetment that is not typical, but it is a small project. Scott Rumsey motioned “to approve FL-2024-017 with modifications listed in the Team Member Report.” Mike Kopitzke seconded. Motion carried unanimously.

Morrissey, FL-2024-019, Whitefish River, steps/rip rap/retaining wall/dock: Mike Kopitzke explained an onsite inspection was completed 3/14/2024, and reviewed photos of the proposed project. An addendum was submitted by the applicant on 3/20/2024. Kenny Breidinger noted that there is also fabric and a fence with t-posts at the bottom of the very steep bank. Bank slope, size of rock, loading top of bank with rock, filter fabric, and soil type were discussed. Roger Marsonette added that the Adopted Rules require a 1.5:1 slope.

Mike Kopitzke motioned “to approve FL-2024-019 with the amendment and with the modification of a 1.5:1 slope.” Roger Marsonette seconded. Motion carried unanimously.

Sneed, FL-2024-007, Flathead River/Church Slough, bank stabilization/dock: The application was tabled at the 3/11/2024 meeting. Scott Rumsey noted that the team viewed this site during the onsite inspection for the neighboring property, however, he had concerns regarding the vegetation. Connor Loughran, 406 Engineering, stated that he has not yet received the vegetation plan from the contractor. This remains tabled.

Stalowy, FL-2023-083C, Bear Creek, violation: FL-2023-083C was determined a violation, and application FL-2024-020 was submitted as remediation for violation.

Pete Woll motioned “on violation FL-2023-83C involving excavation of Bear Creek Grassy Marsh, construction of a berm, and piling of spoils to assess a civil penalty of \$15,000 to be paid by Monday, June 3, 2024.” Donna Pridmore seconded. Motion carried unanimously.

Pete Woll motioned “on FL-2023-83C “to issue a cease-and-desist order for all work in the vicinity of Bear Creek.” Roger Marsonette seconded. Motion carried unanimously.

Stalowy, FL-2023-101C, Bear Creek, violation: Pete Woll motioned “on FL-2023-101C involving excavation of the banks and removal of vegetation from Bear Creek Beaver Pond to assess a civil penalty of \$15,000 to be paid by Monday, June 3, 2024.” Pete Woll seconded. Motion carried unanimously.

Pete Woll motioned “on FL-2023-101C to issue a cease-and-desist order for all work in the vicinity of Bear Creek.” Bill Yankee seconded. Motion carried unanimously.

Stalowy, FL-2024-015C, Bear Creek, complaint: An onsite inspection was completed 3/21/2024. Photos were presented and Samantha Tappenbeck reviewed the Team Member Report.

Pete Woll motioned “on FL-2024-015C that this is a violation as activity has been initiated on a perennial flowing stream without a valid permit.” Bill Yankee seconded. Motion carried unanimously.

Pete Woll motioned “on FL-2024-015C to assess a civil penalty of \$15,000 to be paid by Monday, June 3, 2024.” Roger Marsonette seconded. Motion carried unanimously.

Pete Woll motioned “on FL-2024-015C “to issue a cease-and-desist order for all work in the vicinity of Bear Creek.” Donna Pridmore seconded. Motion carried unanimously.

Lewis Heil stated he was listed as a violator on the complaint and wanted to make sure the district received clarification of his role. Samatha verified receipt of his information.

Pete Woll motioned “on FL-2024-015C that Lewis Heil is not a landowner, and therefore not included in the civil penalty.” Bill Yankee seconded.

Lewis Heil further explained that he was hired by Stalowy to process DEQ stormwater reports and has since been asked to help move the project forward administratively.

Pete Woll withdrew his motion and noted that this is to allow time to discuss further with legal counsel. Bill Yankee withdrew his second.

Stalowy, FL-2024-020, Bear Creek, restoration (Grassy Marsh area): Pete Woll explained that an onsite inspection was completed 3/21/2024. Flathead CD and Fish Wildlife and Parks submitted a Team Member Report, and Mr. Stalowy submitted his own Team Member Report. Samantha Tappenbeck reviewed the Flathead CD and FWP Team Member Report, onsite photos, and proposed work in the application. Samantha then reviewed Mr. Stalowy’s Team Member Report.

Pete Woll motioned “on FL-2024-020 to deny because the proposed project does not constitute complete restoration.” Donna Pridmore seconded. Motion carried unanimously.

Stalowy, FL-2024-021, Bear Creek, restoration (Beaver Pond area): Pete Woll explained an onsite inspection was completed 3/21/2024. Samantha Tappenbeck reviewed the Team Member Report and onsite photos. Pete noted that he wants time to do further investigation and comparisons.

Pete Woll motioned “on FL-2024-021 to table until the April 22, 2024, business meeting.” Bill Yankee seconded. Motion carried unanimously.

Stalowy, FL-2024-022, Bear Creek, bridge deck runners: Pete Woll explained an onsite inspection was completed 3/21/2024. Samantha Tappenbeck reviewed the Team Member Report.

Pete Woll motioned “on FL-2024-022 to table until the April 22, 2024, business meeting to do further investigation.” Donna Pridmore seconded. Motion carried unanimously.

Whitehead/Svetich, FL-2024-010, Flathead River, bank stabilization/restoration: Pete Woll stated that an onsite inspection was completed 3/1/2024. The application was tabled until additional information was received from Mikel Siemens. This remains tabled.

Wilson, FL-2024-005, Flathead River, bank stabilization: Paul Bishop requested that the application remain tabled until he could submit updated information from the landowner. The application remains tabled.

NEW BUSINESS

Request for Declaratory Ruling: Samantha Tappenbeck explained that a Petition was submitted 4/4/2024 by Kevin Kleckner in reference to *FL-2022-032, Unnamed, Eagle Ben W. Comm. Assoc.* On 7/11/2022 the Board determined that it was not a project under the district's jurisdiction. This is a request for the evaluation of the application. Samantha noted that the Declaratory Ruling process is outlined in Rule 20 & 21, and the Board will need to determine if this is a matter of significant public interest. Pete Woll stated he had not had time to review the request and asked that it be placed on the business meeting agenda. Samantha noted the timelines for the process. Kevin stated the pond has a lot of conservation value, and in 2022 the HOA was planning to add water discharge to the pond; now the HOA is considering lining the pond. Samantha asked Hailey Graf if there are criteria to be considered if it is a matter of public interest. Hailey stated that she would contact legal counsel. Donna Pridmore asked if the district would take jurisdiction on all ponds in Eagle Bend, and Roger Marsonette asked Samantha to provide aerials. This will be added to the April business meeting.

Bigfork Bay: Samantha Tappenbeck explained that at the 2/26/2024 meeting, Bill Meyers requested a letter of support for placement of buoys in Bigfork Bay due to boats hitting their propellers on rocks. After further discussion, the Board decided not to provide a letter of support as it is not relevant to the district and does not have any conservation value.

MATTERS OF THE BOARD/STAFF

New Joint Application: Samantha Tappenbeck explained that the state has been working on a new 2024 Joint Application. Hailey Graf, DNRC, stated several more changes are being made and the updated version will be forwarded to districts.

310 Application Review Worksheet: Samantha Tappenbeck presented a worksheet that may help Supervisors in reviewing and presenting 310's, and noted that it would also help Staff with the processing of the 310's. The 310 Application Review sheet is not required but could be provided with the application and Team Member Report as an organization tool/worksheet for the Supervisors. Supervisors thought it would be helpful.

Seedling Delivery: Jessie Walters noted that seedlings will be delivered Friday April 19, 8:00 A.M. to 2:00 P.M., and asked for volunteers to help with unloading and sorting.

The next business meeting is scheduled for Monday, April 22, 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 4:35 P.M.

Submitted By:
Ginger Kauffman
Administrator

Reviewed By:
Samantha Tappenbeck
Resource Conservationist

Minutes approved by FCD Board motion made on:

5/13/2024
(Date)

Pete Woll
(Signature)

Chair
(Title – Chair etc.)