



CALL TO ORDER & ATTENDANCE

Chair, Pete Woll, called the April 11, 2022, 310-meeting to order at 7:00 P.M. in the conference room.

Board members present: Pete Woll, Chair; Donna Pridmore, Secretary/Treasurer; Scott Rumsey, Supervisor; Verdell Jackson, Supervisor; Lech Naumovich, Supervisor; Roger Marsonette, Supervisor; being a quorum of the Board.

Board members absent: John Ellis, Vice-Chair. Absence is excused.

Also, in attendance were Samantha Tappenbeck, Virginia Rigdon, Ginger Kauffman, FCD Staff; Kenny Breidinger, Fish Wildlife & Parks; Starr White, ImagineIF Library; Bruce Boody; Brad Bennett; Jeff Larsen; John Phelps; Gaylene Birky; Gordon Ash, FCD Associate Supervisor; Jeannie Carlson; Cathy Mitchell; Kody Coxen, FCD Associate Supervisor; Jill Seigmund; Andy Ferris; Gordon Johnson; Casey Malmquist; Leo Rosenthal, Fish Wildlife & Parks.

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: Tabled 310's

- Buck, FL-2021-041C, Stoner Creek, complaint: Tabled until remediation work completed under FL-2021-106
- Turner, FL-2021-081C, Swan River, complaint: Tabled until FL-2022-008 is completed.

Consent Agenda Item 3: Meeting Minutes

- 3/3/2022, Special Meeting Minutes
- 3/14/2022, 310-Permit Meeting Minutes

Consent Agenda Item 4: Financial

Check Detail dated 3/30/2022

1. Charter Communications \$162.95
2. Kalispell Parks & Recreation \$105.00
3. Land to Hand \$385.00

Consent Agenda Item 5: Correspondence

- 310 Permit Workshop, May 19, 2022

Donna Pridmore motioned “to approve the consent agenda.” Lech Naumovich seconded. Motion carried unanimously.

PUBLIC COMMENT

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

310 Onsite Inspections

Birky, FL-2022-016, Blaine Creek, bridge: Pete Woll motioned “this is a project.” Lech Naumovich seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, April 19, 9:00 A.M. at the site.

Dunham, FL-2022-010, Hemler Creek, galvanized arch/culvert: Scott Rumsey motioned “this is a project.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, April 19, 11:20 A.M. at the site.

Kuhns Rd LLC, FL-2022-012C, Stillwater River tributary, complaint: The standard complaint letter was sent via certified mail however a response has not yet been received. Verdell Jackson motioned “to table until a response is received.” Lech Naumovich seconded. Motion carried unanimously.

McIntyre, FL-2022-009, Krause Creek, cabin: Pete Woll motioned “this is a project.” Verdell Jackson seconded. Motion carried unanimously. An onsite inspection was scheduled for Wednesday, April 20, 10:00 A.M. at the site.

Vukonich, FL-2022-011, Flathead River, riprap/floating dock: Pete Woll motioned “this is a project.” Lech Naumovich seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, April 19, 10:00 A.M. at the site.

Whitefish Community Foundation, FL-2022-013, Whitefish River, stormwater: Lech Naumovich motioned “this is a project.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Wednesday, April 20, 9:00 A.M. at the site.

Whitefish Community Foundation, FL-2022-014, Whitefish River, dock: Lech Naumovich motioned “this is a project.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Wednesday, April 20, 9:00 A.M. at the site.

310's

Carlson, FL-2021-021, Flathead River, permit extension request: Pete Woll explained that last year a permit was approved to repair riprap, however, work was not completed due to family circumstances. The landowner is now applying for a one-year permit extension. Pete Woll motioned “to approve a one-year permit extension.” Verdell Jackson seconded. Motion carried unanimously.

Inspiration Drive Properties, FL-2022-007, Whitefish River, trail/dock: Scott Rumsey explained the application is to build an asphalt trail along the bank, and a dock/gangway. An onsite inspection was held 4/5/2022. Brad Bennett stated he had submitted an email to the district on 4/7/2022, explaining the dock is no longer being contemplated, however, the asphalt pedestrian path, retaining walls and stairways are still proposed. District staff verified receipt of the email.

A memo from John Ellis was read in which he described the morphology of the stream bank and location of the proposed trail. The trail would dead end on condominium property where the condominium is built almost to the river. John recommended approval of the application. John added that an alternative would be to deny the current application, and the applicant could reapply if the path/condominium issue, which is in litigation, is resolved. The conservation district is not involved in the litigation.

Donna Pridmore suggested denying the application based on the position of the trail that cuts down through the upper slope and dead ends in a location where there is no guarantee of connection to the underpass under the highway, regardless of the litigation.

Scott described the bank as upper slope, bench, lower slope, bench, river. Kenny Breidinger, Scott, Donna Pridmore and Gordon Ash considered the top of the bank to be the upper slope. Brad Bennett described the elevation difference from bankfull elevation to the top of the bank/the highest bench as roughly 15-feet. Donna and Scott noted that the trail was not marked when the onsite inspection was held. Bruce Boody described the location of the proposed trail as seen in the photos.

FWP and Supervisors agreed that if permitted the trail would have impacts on surface runoff, loss of streambank habitat, the vegetative filter, and that part of the trail would be within the channel migration zone and the area erodible by the river. Kenny noted that not all the path proposed is in the districts' jurisdiction, however the southeastern side of the property part of it is. He voiced concerns that the location of the trail is entirely dependent upon the location of the trail on the downstream side, that the trail is being pieced together by different landowners and different permitting agencies, the proposed trail dead ends close to the river, and in reference to the condominiums there is no room to build a trail. He described the 124-permitting process which includes considering cumulative impacts of the Whitefish trail in an environmental assessment.

FWP and Supervisors asked the applicant, Casey Malmquist, if the City of Whitefish requires the trail be placed in that specific location. Casey replied that the City of Whitefish requires the following: granting of an easement for the trail, submission of a plan for review, and construction of the trail per the approved plan. Kenny asked why the trail dead ends so close to river on the southern portion of the property. Casey replied that he believes the intention is to continue the trail. Casey expressed frustration with the disconnect between the City of Whitefish, the Flathead CD, and FWP. Casey also expressed frustration over the determination of jurisdiction. Pete Woll stated this is within the district's jurisdiction and noted that the district can take jurisdiction to the top of the bank plus any area/elevation above that with the potential to affect the bed and banks of the river.

Supervisors and FWP agreed that a special meeting needed to be scheduled with the City of Whitefish, FWP, Flathead CD, and the applicant to discuss this situation. The Board and FWP

discussed the importance of inviting the appropriate parties, including Director of Public Works Craig Workman, the City Engineer, Whitefish Mayor, City Council and staff.

Donna Pridmore motioned “to table FL-2022-007.” Lech Naumovich seconded. Motion carried unanimously.

Pete noted that a meeting date will be set up, and that the district will advertise two weeks prior to the meeting. The meeting will be a public meeting with only this issue on the agenda.

Karrow Whitefish Investments LLC, FL-2021-027, Whitefish River, permit extension request: An onsite inspection was held 4/5/2022. A memo from John Ellis was read in which he stated that the property has undergone extensive modifications since it first began. The entire site has been re-graded, tons of debris has been removed, the topography has changed and will change as it is built out. The number and placement of buildings has changed. He noted a major concern of the district has been the placement of the bike/pedestrian path, and recommended the extension be granted as to all jurisdictional issues except the bike/pedestrian path. When the property has been finally graded and the path’s location staked out, the district would conduct a final onsite and approve, deny, or modify.

Kenny Breidinger stated part of the trail is already roughed in on the southeastern corner of the property, but with all the changes, the location/plans were not clear. Donna added that they were not sure where the retaining walls or path would be located in the area where the power lines go overhead. Kenny voiced concern that the path is too close to the river and added that the bridge is redundant as it will be the fourth bridge across the Whitefish River within its first half mile.

Brad Bennett stated the centerline of the path could be flagged/staked as-is, without doing any grading work, and added that the starts and ends of the retaining wall can also be flagged. Casey Malmquist noted that the cost to grade the trail in is significant and added that none of the buildings have been changed or moved.

Donna Pridmore motioned “to approve the permit extension for another year with the condition that the final location of the pedestrian/bike path will be staked out for a final inspection and approval prior to being graded; the center line of the trail be staked out, and the retaining wall be staked out.” Roger Marsonette seconded. Motion carried unanimously.

Kowalka, FL-2022-005C, Lost Creek, complaint: The standard complaint letter was sent via certified mail. A response has not yet been received. Verdell Jackson motioned “to table until a response is submitted.” Donna Pridmore seconded. Motion carried unanimously.

Maldonado, FL-2021-054C, Flathead River, complaint: Scott Rumsey explained an onsite inspection was held 4/4/2022, and that the violation was not perpetuated by the current owner. A previous owner had placed concrete pipes in the channel with boards across the top. The current landowner was interested in a new crossing in the future and noted he would remove the pipes at that time. Kenny Breidinger stated this is a violation. Debris has accumulated behind the structure and could begin scouring/eroding the site if there is a high-flow event. The downstream neighbor is concerned that it could cause a channel change. Discussion held regarding timing of removal of the structure.

Samantha Tappenbeck stated district legal counsel recommended that since the district cannot require the new landowner to remove the structure, the district may consider providing information on programmatic resources or landowner assistance programs. She noted that district program funding is for the benefit of natural resources, and projects such as culverts do apply. Permitting and landowner program information can be included with a letter to the landowner.

Scott Rumsey motioned "to send a letter to Mr. Maldonado explaining the facts found during the onsite inspection." Lech Naumovich seconded. Motion carried unanimously.

Mitchell, FL-2021-099, Stillwater River, car body removal, vegetation: At the last meeting onsite inspections were scheduled to allow Supervisors and FWP time to view the site. The following is being proposed per application addendum submitted 2/7/22:

- 1. Bush hog and flatten land along the bank**
 - a. 16,646 sq ft.
 - b. Contractor will use material from the flat area to level out the project area, and will not cut into toe of outer bank to flatten
- 2. Plant grass**
 - a. Road and project area: Covermate (60% 3-way perennial rye grass, 40% creeping red fescue)
 - b. Steep banks and area disturbed by car body removal: Native Reclamation Mix (40% Streambank Wheatgrass, 35% Thickspike Wheatgrass, and 25% Slender Wheatgrass)
- 3. Remove an abandoned car on bank**
 - a. Recompact disturbed area following removal. Soften edges of area where car body was removed to prevent turbulence/scour
- 4. Install road down the bank to access area**
 - a. 8 ft wide
 - b. Cut into upper slope to decrease slope of trail, reseed slope with Covermate, irrigate to establish grasses.
 - c. Road surface will be compacted and seeded with Covermate

Donna Pridmore stated she liked that they were going to remove the abandoned car from the bank. She did not have a problem with brush hogging and flattening land in the area at the bottom of trail, from the car body to the cedar trees to the brush on the north/upstream side. Supervisors noted they had paced the area flagged at approximately 100 x 80 ft. She added that installing an 8-foot road down the upper slope would create quite a scar, that unless it was totally back-sloped and revegetated would create an erosion hazard. The road/trail should not extend to the southern area at all; the road should stop at the junipers/on the north side of the junipers.

Scott Rumsey stated he did not have issue with removal of the car. If an excavator is on site for leveling a portion, it could be used to lift the car out. He agreed with the area of alteration of the bank, which would be from the bottom of the road to the junipers. Samantha screen shared photos of the site, and Scott noted that from the juniper toward the shrubs is a hummock that is slightly raised and that is the area of excavation/cut and fill that he is comfortable with. Lech stated we paced out approximately 80-feet from north to south from the edge of the shrubs to

the juniper, and noted the problem is we don't have a map (providing specific measurements of the proposed area). Scott stated that the area is meeting the goal of the project. He noted when they come to the bottom of the trail, don't go over the riverbank right at water's edge, you want to maintain some buffer there and not impact the streambank. Pete Woll noted that distance from the streambank is roughly 30-feet. Scott added that this reduction is a modification that would reduce potential impacts. The 8-foot trail expansion will steepen the bank probably greater than 1.5:1.0 on the uphill side (the cut slope) and may have to be stabilized in some manner.

Roger Marsonette stated he would be ok with widening the trail but sloping from the inside of the trail/sloping that bank back 1.5:1.0 is too steep. The implement that is there now would be moved. Stay as far away from bank as possible where the leveling/grading/shaping will be done, going no farther south than the junipers. In fact, the brush that is at the northern extent of the project should stay. Those are some fine sandy loam soils in that area, so when grass seeding, try to go as native drought tolerant as possible, and do not plan on doing any irrigation. He noted that the bank has sloughed quite a bit; the photos show a slump pile from the bank itself. The slump pile to a certain extent is holding the bank in place just due to the weight of the soil. He thought a couple thousand square feet would be more than adequate down in that area, and kind of shaping the road around to reach that area would be adequate to try to leave whatever weight they can at the toe of the raw bank down below the two big pine trees as a way to keep the bank in place.

Kenny Breidinger stated he has concerns about the upslope side of the road that descends down over the bank. A substantial amount of material would have to be removed from the upslope side of the cut to meet the Adopted Rules of 1.5:1.0, or some type of retaining wall would have to be installed. Kenny stated it looks very unstable, and something will need to be done to stabilize that fill. Moving west on the site flags were out, it was not clear how much of that would be flattened or leveled. Some of the flags were quite a bit farther up the slope, and I don't want to see a lot of material removed from the slope that was at the upper, most northeastern extent of the flag line. I don't think they were necessarily talking about removing that material, but I don't think that should be done; it should not be smoothed or replanted, and certainly not irrigated. Any kind of irrigation in this area is going to lubricate and concentrate flows, and they would see more slumps created. It should not be modified especially on the slope there. Kenny had no problem with removing the car body. The way it was staked out, it was not clear if that was an excavated approach down to the car body, or if that was where the excavator would drive. Kenny stated he has the same concerns about the trail and the turnaround area that goes to the south past the junipers. He and Lech very roughly measured a 30% slope down below there. He noted that is a pretty steep slope, and again the uphill/eastern side would have to be stabilized with a retaining wall or sloped back if that is going to be cut and leveled; I was not sure what the purpose was of having that cut into bank.

Lech Naumovich stated he wanted to include the technical review submitted to FCD by Brad Bennett, WET. The on-site inspection identified three areas of concern: 1.) proximity of the project to the mean-high water mark of the Stillwater River; 2.) the extent of grading and subsequent soil compaction; and 3.) magnitude of altered vegetation. Potential implications for erosion and streambank stabilization include the following:

- Installation of the pathway from the top of bank to the inset floodplain will require excavation into the outer channel bank. If not stabilized properly, excavation in this area has the potential to result in unstable cut banks susceptible to ongoing erosion.
- It is our understanding that grading within the project area is proposed to be completed by balancing the volume of fill material with the material to be cut. Removal of material near the toe of the outer channel bank may destabilize the slope, and result in erosion and/or slumping.
- The location of the project relative to the base flood elevation is unclear, this project may require a floodplain permit and may have the potential to change the hydraulics of the stream channel during periods when the Stillwater River is at flood stage.
- Grading/leveling of inset floodplain terrace may result in increased surface runoff to the Stillwater River. Depending upon the vegetative buffer, the increased surface runoff may result in erosion along the banks of the active channel and sediment loading to the stream.

Lech noted that these four bullet points are huge red flags, and asked Brad when he visited the project and looked at the flagging, if he was clear what amount was going to be retained, what was going to be flattened, whether there was going to be additional material put in, and whether you could visualize this project without a whole number and system of retaining walls. Brad replied when they did the site inspection there was no flagging. The landowner kind of had a big picture of what they wanted to accomplish, but it was not fleshed out to a point where we could discuss very specific details at that time. Brad's concerns were cutting the 8-foot road in will be a steep cut and if not careful, could potentially end up with on-going erosion issues. Other concerns were the inset bench which is steep on the outer bank and the active channel bank; so they need to make sure there is a good vegetative buffer to the west to the river and that any excavation or equipment stays as far away from the toe of that outer slope as possible, as it would create slumping issues. Another primary concern was getting through the nick point/thin path (tree removal area) because that bench there is not as flat as the north and south and is narrow. Lech asked Brad if he thought this amount of grading in this area is a good idea in terms of not creating future erosion and future impacts on the site. Brad replied that his main concern with this would be re-establishing vegetation in a timely manner. Irrigating in that larger area where it will be graded is not the best idea depending on how close you are to those slopes as well. Re-establishing vegetation in that area is the main concern moving forward.

Verdell Jackson asked Cathy Mitchell if she would be willing to not do the trail south of the juniper trees. Cathy replied she would be willing to not go south of the juniper trees for leveling and re-vegetation and asked about the rest of her proposal. Verdell handed out a copy of a map, previously submitted by the applicant, on which he had noted changes. Lech noted factual errors on the map dimensionally. Cathy stated that she was confused and is just going off of where it was flagged when the supervisors and FWP came out to the site. Lech stated the flagged areas were not clear, whether it is going to be smoothed or what area is going to be touched by equipment. When you look from the bottom of the smoothed area to the top, there is 15-feet of elevational difference. And if you did a cut and fill, you have a 7-foot bank on one side and a 7-foot bank on the other, making it straight. If that is done then you need to lay it back to a 1:1 minimum, and then more soil is disturbed. Kenny Breidinger again noted that they were unsure of what is being proposed, if it is going to be flat and level or smoothed, because they are two very different things. Lech had grave concerns regarding erosion and for the landowner

and stated he did not want to approve a project that could potentially flood and wipe out land/material all the way to the applicant's house.

Samantha again clarified that what is on the table is described in the most recent addendum submitted. Cathy stated that the addendum also includes the trail on the south end. Samantha stated that is correct. Cathy stated so if she took that off, it reduces the area. Cathy clarified that the map Verdell handed out is old and not exactly what was flagged on the property, it is much bigger. She again added that she is just going off of the flagged areas down to the junipers and not going south.

Pete Woll stated he would be ok with the 8-foot road going down, with a 1:1 cut slope rather than a 1.5:1. If any fill is placed, it would have to be 1.5:1. An excavator could lift out the car body without doing much damage to the bank or the vegetation. He noted that if any damage was done in that area the vegetation would come back very rapidly. As far as an area to flatten from the north side of the junipers around, go 50-feet back towards the road and make it 30-feet wide, but don't drop over the existing bench above the car body. That gives the applicant 1500 square feet of area that would be leveled/flattened.

Donna Pridmore motioned "to approve the application with the following modifications, to brush hog and flatten land approximately 1500 square feet at the bottom of the access road. The access road will not cut the toe of the outer bank. The 1500 square feet area will not extend south past the juniper trees and will not extend north past the shrubs. It will stay 40 feet from the ordinary highwater mark. The access road, steep banks and the area disturbed by the access road will be back sloped 1.5:1. The irrigation of the reseeding will be done carefully to not saturate the slopes and be minimized to whatever it takes to establish the grass. There will be no trail cut to the southern turnaround area south of the junipers. A final map of the project area (providing correct measurements) is requested from the applicant." Scott Rumsey seconded. Motion carried unanimously.

Reese, FL-2022-006, Garnier Creek, culvert: Lech Naumovich explained an onsite was held 3/30/2022. The project is for a culvert install to access land for fuels reduction/resource management. Lech provided photos noting the proposed culvert will be installed at a narrow section of the stream. The stream is approximately 1-2 feet in depth with a width of 6-feet. The squash pipe is 56"x31" and 26-feet long. Being concerned the culvert may be too small, they found a 36" round culvert upstream had appropriate conveyance for that time of year, and no erosion or issues were noted downstream. Lech added that they also discussed installation of drainage dips on the road to reduce run off, the removal of vegetation, and high point over culvert so water drains away.

Lech Naumovich motioned "to approve the application with modifications per the Team Member Report." Verdell Jackson seconded. Motion carried unanimously.

Switzer-Rogers, FL-2021-059C, complaint: Pete Woll explained the complaint had been tabled until the site was viewable. An onsite inspection was scheduled for Wednesday, April 20, 11:30 A.M. at the site with the new landowner, Peter Logan.

Turner, FL-2022-008, Swan River, retaining wall: Donna Pridmore stated during the onsite inspection the landowner explained the project, and the applicant noted they are waiting on the

survey of the 100-year flood mark. Based on the survey, the engineer will then design 2-3 terraces on the bank with short retaining walls going up the slope.

Donna Pridmore motioned “to table until we receive additional information from the applicant.” Lech Naumovich seconded. Motion carried unanimously.

Wagoner, FL-2013-007, Flathead River, onsite inspection: Wagoner’s have a 10-year maintenance 310-permit which will expire in 2023. Scott Rumsey explained that he and Donna Pridmore went to the site due to public concerns about debris (engine blocks, tires, campers etc.) on the bank that was at risk of going into the river. A letter was sent to address concerns, and they met with Steve Wagoner and other family members. The issues have been resolved as they have cleaned up the immediate banks where FCD has jurisdiction. The landowners noted that they would like to stabilize the banks in the future.

NEW BUSINESS

February 2022 End of Month Budget Report: The Board had no questions regarding the budget report. Donna Pridmore motioned “to approve the February End of Month Budget Report as presented.” Scott Rumsey seconded. Motion carried unanimously.

Education Grant Application: Samantha Tappenbeck explained the Education Grant Program offers funding to local educations, both traditional and non-traditional, to purchase equipment, materials, and supplies for their programs that are related to natural resources. She stated the district received a funding request from ImagineIF Libraries in the amount of \$1254.96 for Phase I of their project to install a native plants garden and beneficial insect habitat at the ImagineIF Library in Kalispell. Starr White provided background and overview of the ImagineIF Library project, and explained that funds will be used for irrigation, mulch, and amendments to the planting beds. They intend to submit a funding request next fiscal year for Phase II of their project, which will be for informational signs.

Samantha stated the district currently has \$14,360 available in the education grants budget line. Lech Naumovich noticed purchases would be from box stores and encouraged the applicant to contact local companies; he also encouraged the Board to add 10% more for local purchases. Lech noted that the Center for Native Plants has plants for purchase, and signage the library could review. Starr noted that there are no plans to remove the trees.

Donna Pridmore motioned “to approve the grant application in the amount of \$1500.” Lech Naumovich seconded. Motion carried unanimously.

Appointment to Church Slough Working Group: Kenny Breidinger explained the Church Slough Working Group is a result of a no-wake zone petition submittal to the Fish & Wildlife Commission (FWC). The FWC is forming a working group, and the application period recently closed. Positions were held open for a representative from Flathead CD, from the Flathead County Commissioners (Pam Holmquist), and from those who originally petitioned. The FWC will review applications and choose applicants to be on the working group. Donna Pridmore requested appointment to the Church Slough Working Group as the Flathead CD representative and noted that she is also a member of the Flathead River Commission. Pete Woll added that this is in Donna’s area.

Scott Rumsey motioned “to appoint Donna Pridmore to the Church Slough Working Group.” Roger Marsonette seconded. Motion carried unanimously.

MATTERS OF THE BOARD/STAFF

Updated Contact Information: Samantha Tappenbeck explained that an updated contact information sheet was provided to the supervisors and FWP. When new emails are set up, the information sheet will be adjusted accordingly.

Whitefish River - No Wake Zone: Ginger Kauffman noted that the office received a phone call requesting a no-wake zone on Whitefish River. She provided them with Fish Wildlife & Parks phone number. Kenny Breidinger noted that is an issue for FWP enforcement.

The next business meeting is scheduled for Monday, April 25, 2022, 7:00 P.M. via ZOOM.

Adjournment: Donna Pridmore motioned “to adjourn.” Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting adjourned at 10:50 P.M.

Submitted By:

Ginger Kauffman
Administrator

Reviewed By:

Samantha Tappenbeck
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>6/13/2022</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title – Chair etc.)