
CALL TO ORDER & ATTENDANCE

Chair Pete Woll called the May 8, 2023, 310-meeting to order at 7:00 P.M. in the conference room.

Board members present: Pete Woll, Chair; John Ellis, Vice Chair; Donna Pridmore, Secretary/Treasurer; Scott Rumsey Supervisor; Roger Marsonette, Supervisor; Gordon Ash, Supervisor, being a quorum of the Board.

Board members absent: None.

Also, in attendance were Samantha Tappenbeck, Jessie Walthers, Ginger Kauffman, FCD Staff; Bill Yankee, Associate Supervisor; Mark Siderius, Associate Supervisor; Kenny Breidinger and Leo Rosenthal, FWP; Camisha Sawtelle, DNRC legal counsel; Brian Sudgen; Hailey Graf, DNRC Stream permit Coordinator; Connor Laughran; Brad Bennett, WET; Ivan Turner; Judy Willey; Daniel Rosser; Sarah Lupton, WET; Donna Valade, Sands Surveying; Mikel Siemens, CORE Water Consulting; Dan Wallen; Anthony & Kat Palmiotti; Bob Boyd; Ted & Lynda Nichols; Dave Wood; Drew Paslawski; Zach Guenzler; David Stalow; Bogdan Shkurinski; Katie Ridinger, 406 Docks; Lorelle Reese; Wayne Morgan.

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

April 10, 2023, 310-Permit Meeting Minutes

Consent Agenda Item 3: Financial

Check Detail 4/26/2023

1. Charter Communications \$162.95
2. Montana Sky Networks Inc. \$35.00
3. Mountain Trader \$74.40
4. VISA – Samantha Tappenbeck \$1,414.94

Consent Agenda Item 4: Phone Poll

5/4/2023 Phone Poll to extend the work completion deadline for the Meadow Creek/Patterson Creek technical review by River Design Group from 5/31/2023 to 6/2/2023.

At the 5/3/223 special meeting of the board of supervisors the deadline for work completion was set to 5/31/2023 so that it would be completed and submitted to FCD in advance of the June 310-permit meeting. River Design Group requested extension of the deadline to 6/2/2023.

Consent Agenda Item5: Correspondence

None.

Donna Pridmore motioned “to approve the consent agenda as it stands.” Scott Rumsey seconded. Motion carried unanimously.

PUBLIC COMMENT

Brian Sugden, Green Diamond Resource Co., explained that he had submitted an application for a culvert replacement late last week, but wondered if he could still schedule an onsite inspection.

Donna Valade, Sands Survey, also explained that she had submitted an application to remove several trees late last week and wondered if she could schedule an onsite inspection.

Supervisors noted that there are so many new applications and explained that as these applications were not submitted by the due date and not on the agenda, onsite inspections would not be scheduled. The applications will be on the June 12th meeting agenda. Pete Woll noted that when applications come in under public comment, the Area Supervisor and FWP have not had time to review the application and cannot make a motion that it is a complete application before scheduling an onsite.

310 Onsite Inspections

Buck, FL-2023-055, Stoner Creek, remediation work: Donna Pridmore explained Buck did not complete required remediation work under permit FL-2021-106 by the deadline, which is a violation. Samantha Tappenbeck stated that a letter was sent to Mr. Buck, stating his new application was received, and pending approval of the application, work must be completed by 9/1/2023 or a fine of \$500 per day until remediation work has been completed will be assessed. It was noted that the site may have changed.

Donna Pridmore motioned “this is a complete application.” John Ellis seconded. Motion carried unanimously. An onsite inspection was scheduled for Wednesday, May 10, 4:00 P.M. at the site.

Campbell, FL-2023-054, Swan River, walkway/dock: Pete Woll motioned “to accept this as a completed application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, May 30, 9:30 A.M. at the site.

Ghorai, FL-2023-051, Swan River, dock/walkway: Pete Woll explained application FL-2021-100 was approved last year, however, it expired before any work was completed. Katie Ridinger added that the application is the same as was previously submitted. Leo Rosenthal waived another onsite.

Pete Woll motioned “to approve the application as proposed. Any comments on the old permit (FL-2021-100) are to be included in the new permit.” Donna Pridmore seconded. Motion carried unanimously.

Glacier Canyon Trust, FL-2023-039, Abbot Creek-South Fork, barn & house: Gordon Ash motioned “this is a complete application.” Roger Marsonette seconded. Motion carried unanimously. An onsite inspection was scheduled for Wednesday, May 17, 1:00 P.M. at the site.

Hodges, FL-2022-071, Giefer Creek, fill: Scott Rumsey stated this was previously accepted as a completed application. An onsite inspection was scheduled for Wednesday, May 10, 10:00 A.M. at the site.

Interbel, FL-2023-053, Stillwater River, utilities: Donna Pridmore motioned “this is a complete application.” John Ellis seconded. Motion carried unanimously. An onsite inspection was scheduled for Thursday, May 18, 9:30 A.M. at the site.

Klempe, FL-2023-025, Boorman Creek, culvert: Donna Pridmore stated this was already declared a complete application and additional information has been received. An onsite inspection was scheduled for Thursday, May 18, 11:30 A.M. at the site.

Lowerre, FL-2023-044, Flathead River, bank stabilization: Pete Woll motioned “this is a completed application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Thursday, May 18, 2:00 P.M. at the site.

Nichols, FL-2023-042C, Flathead River, complaint: Roger Marsonette stated a complaint response has been received, so an onsite inspection needs to be scheduled. Mr. Nichols noted that the area is still under water.

Roger Marsonette motioned “to table the complaint until the May 22nd business meeting.” John Ellis seconded. Motion carried unanimously.

Palmiotti, FL-2023-043, Patrick Creek, culvert replacement: Scott Rumsey motioned “to accept this as a completed application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Friday, May 19, 9:30 A.M. at the site.

Pratt, FL-2023-049, Whale Creek, fence removal: John Ellis stated he and Kenny Breidinger have been to the site in the past regarding the fence. John Ellis motioned “this is a complete application.” Donna Pridmore seconded. Motion carried unanimously.

John Ellis motioned “to waive the onsite inspection and approve the application as submitted.” Roger Marsonette seconded. Motion carried unanimously.

Stalow, FL-2023-047E, Bear Creek, notice of emergency/bridge: Pete Woll motioned “to accept this as a completed application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, May 30, 10:30 A.M. at the site.

Stalow, FL-2023-048, Bear Creek, bridge: Pete Woll motioned “to accept as a completed application.” Donna Pridmore seconded. Motion carried unanimously.

An onsite inspection was scheduled for Tuesday, May 30, 10:30 A.M. at the site.

Willey, FL-2023-046, East Spring Creek, bridge: Roger Marsonette motioned “to accept this as a completed application.” Donna Pridmore seconded. Motion carried unanimously.

An onsite inspection was scheduled for Tuesday, May 23, 10:00 A.M. at the site.

310's

Barker, FL-2023-037, Flathead River, bank stabilization: Scott Rumsey stated an onsite was held 4/21/2023. There are some boundary disputes, and the applicant has asked to table as they are waiting on additional information regarding the ownership. Scott Rumsey motioned “to table FL-2023-037.” John Ellis seconded. Motion carried unanimously.

Behr, FL-2023-034, Stillwater River, silt removal: Donna Pridmore explained the onsite was conducted on 4/12/2023. The applicant already has a Floodplain Permit. There are seasonal ponds on the property, approximately 30 feet away from the top of the bank. Work was previously done to dredge/clean out the pond and the removed silt was placed in the wrong area, piled silt between the pond and riverbank. The current landowner/applicant is trying to return it to the way that it was, move the material to an appropriate disposal place, and reseed the area with an appropriate grass mix. Recommended modifications include replanting with native grasses and removing the silt fence when done.

Donna Pridmore motioned “to approve the application with modifications per the Team Member Report.” Roger Marsonette seconded. Motion carried unanimously.

Birk, FL-2021-011, Flathead River/Church Slough, bank stabilization: Donna Pridmore explained the applicant submitted the Work Completion form in March of 2022. Several neighbors called Pete Woll and asked him what was going on at the site. Donna called Mr. Birk and set up a follow-up inspection on 5/5/2023. Donna and Scott Rumsey found that work was done without a valid permit, but Mr. Birk thought he could finish what he thought he had been permitted for. However, he took a bunch of dirt up to the top and over the original rip rap that he had done, and dirt was going into the river. He had taken out much more of the riparian vegetation than was necessary.

Donna Pridmore motioned “he is in violation.” Scott Rumsey seconded. Motion carried. John Ellis abstained from voting.

Donna stated that the landowner needs to complete an application describing work that has been done since last March and what he will be doing to remediate the work done in violation. Mr. Birk asked to have a one-on-one discussion to see what he did wrong because he doesn't know, and thought he was following it very well. Donna stated they can do that.

Donna Pridmore motioned “that we ask Mr. Birk to submit a new 310-application describing the work already completed and the remediation work that will clear this violation.” Scott Rumsey seconded.

John Ellis stated he wanted to talk about the procedure for this. John stated it seems that if work is not completed as per the application, then the procedure to address this is outlined in

the Adopted Rules. Donna stated that she and Samantha Tappenbeck went over that and since it was already permitted, he should have send in a request for an extension instead of sending in the Work Completion form. John noted that he did not do that and Adopted Rule 14. 4. says, "If the project is not constructed as permitted, the procedure outlined in Rule 18. 3. Complaint Procedure will be followed." John noted that we must send him a certified letter setting forth the results of investigation, the course of action required to rectify the violation, and a deadline date for taking the corrective action. If he acknowledges and is willing to work with us, which sounds like Mr. Birk is, we can postpone a civil penalty or send it to the county. Donna concurred.

Donna Pridmore rescinded the last motion and Scott Rumsey rescinded the second.

Donna Pridmore motioned "to send Mr. Birk a certified letter describing the violation and requesting a new application describing the work and the remediation. Work is to be done by September 30th." John Ellis seconded. Motion carried unanimously.

Brazen, FL-2023-008, Stillwater River, pier: Donna Pridmore noted they have visited the site once and had requested additional information from the applicant. Kenny Breidinger explained that the landowner wants to build a very long pier over the wetland area to the river. They have submitted additional information, but it is not clear, and Kenny still has several questions about it. Donna noted that they may need a 404 Permit from USACE.

Donna Pridmore motioned "to table FL-2023-008 until additional information is received." John Ellis seconded. Motion carried unanimously.

Donna Pridmore will call the applicant to discuss and requested that this item be added to the 5/22/23 Business Meeting agenda.

Buck, FL-2021-041C, Stoner Creek, violation: Donna Pridmore/Scott Rumsey. This remains tabled.

Buck, FL-2021-106, Stoner Creek, remediation work violation: Donna Pridmore stated this application has expired and will be removed from the agenda.

Glacier Stone Supply, FL-2023-052C, Stillwater River, complaint: Roger Marsonette explained that a response to the complaint has not been received yet.

Roger Marsonette motioned "to table until the June 310-meeting." John Ellis seconded. Motion carried unanimously.

Guenzler, FL-2023-040, Swan River, residential structure: Donna Pridmore stated an onsite inspection was held 4/11/2023.

Donna Pridmore motioned "to approve application FL-2023-040 as proposed."

Pete Woll asked for more information and discussion. Leo Rosenthal stated the project is right at the top of the bank on the Swan River. Mr. Guenzler has a very small house and needs to do an addition in order to accommodate his disability. The house has to be built to certain

specifications to meet the requirements of the Veterans Administration, which has funded the project. The applicant has a very small and limited space to work with. The current house is on the top of the bank, not down over the bank, and he doesn't have room to expand in any other direction. Leo stated he was okay with it but acknowledged that it is right at the top of the bank.

Zach Guenzler stated about a year ago he got a variance from the County to reduce the set back from the road. He received a grant from the VA to adapt his house as he has one leg and spends some of his time in a wheelchair. The work will involve adapting the house with adequate spacing to accommodate his disability, and he is very limited in where he can expand. The current structure/foundation was poured in the 1970s. It is not strong enough to support a second story. Property boundaries make it impossible to expand in any direction but west. Donna added that she believes putting the foundation in will actually stabilize the top of the bank and prevent any sloughing.

Roger Marsonette stated as a point of clarification, that the applicant is asking for a variance from our Adopted Rules on the 20-foot set back. Donna replied yes. John Ellis stated that it sounds like we are willing to consider that based on the applicant's disability and requirements to adequately adapt his house, but that he wants the record clear that this is the reason for deviation from the Adopted Rules. Samantha Tappenbeck asked if there are any special considerations during construction such as straw waddles or coir logs. Donna stated that is not necessary due to the proximity to the river. Leo Rosenthal concurred.

John Ellis seconded the motion. Motion carried with one no vote.

Inspiration Drive, FL-2022-007, Whitefish River, stormwater outlet: John Ellis stated this is a condominium project on the east side of Whitefish River. The original application was for a bike path and dock. The dock was not permitted, and the application was tabled until the City of Whitefish resolved litigation with the Riverbend Condominiums just downstream from this project area. Brad Bennett submitted correspondence requesting a 310 permit for a stormwater conveyance at this time.

Brad Bennett noted that they still have hopes to do the path, maybe dock in future, but for the time being they have shifted gears and need to move forward with installation of a stormwater outfall which will discharge into the river. In the future they will likely come back with a new application for the path and dock once the pending litigation has been resolved.

Kenny Breidinger noted he had received the drawings, that it looks typical of things that have been permitted elsewhere. Kenny relayed details of the proposed design including that they do not plan to excavate the bank, no fill will be added to alter the existing slop. Brad noted that the slope would remain the same and a small amount of riprap will be added right at the outfall. They plan to put fabric under the riprap. Kenny indicated that he does not need to see it again, but put conditions on the Team Member Report.

1. There is some monitoring to make sure no scouring or erosion. If the riprap does not hold and there is erosion, it will need to be repaired.
2. Monitor that fabric stays buried, any exposed fabric needs to be cut away and repaired.
3. Work is to be done during low water.

John Ellis motioned “to approve FL-2022-007 only as it applies to the stormwater outlet. We are not approving the trail or docks. Per the Team Member Report, we require the following conditions: The outlet is to be monitored to ensure no scouring or erosion; If fabric is exposed, exposed parts are to be removed and repaired; construction is to go to the current water’s edge and to be finished when the river has reached the low water mark; and silt fence, coir logs, or straw waddles be used to minimize erosion and sediment runoff.” Donna Pridmore seconded. Motion carried unanimously.

Levesque, FL-2023-029, Flathead River, bank stabilization: Scott Rumsey explained an onsite inspection was held 4/21/2023 at which additional information was requested from Mikel Siemens. Mikel asked that the application be tabled until she has all the information.

Scott Rumsey motioned “to table application FL-2023-029 until the June 310-meeting.” Donna Pridmore seconded. Motion carried unanimously.

Patterson, FL-2022-066, Garnier Creek, bank stabilization/re-veg: Roger Marsonette explained this application is in response to an emergency; a culvert was washed-out and emergency work was done to reinstall a culvert. An onsite was held 4/21/2023 during which Roger and Scott Rumsey met with Katie Ridinger and Clayton Patterson. Roger explained the issues they found and reviewed photos and items included the Team Member Report:

1. To install water diversions on both ends (north and south) of the road fill to divert runoff water.
2. To pull back the granular fill material and rock at the inlet and outlet ends of the culvert by six inches to one foot, shape it, and seed it.
3. To remove concrete parking curbs (that had been placed in the channel to try and direct the flow of water into the culvert) from the channel.
4. Silt fence and straw waddles at the base of the silt fence to control runoff.

Since the emergency work was done, erosion began on the river-right streambank, downstream from the culvert. A substantial scour hole has also formed near this eroding bank and a headcut formed which advanced upstream all the way to the outlet of the culvert, causing substantial erosion on both sides of the channel. The culvert is perched at the outlet. Alternatives were discussed for addressing the headcut and erosion.

The original Team Member Report included a recommendation for addressing the raw and eroding bank that initially formed on the river-right streambank: slope bank back at 2:1 and reseed/replant with woody vegetation. However, with the headcut and erosion that has taken place since that initial recommendation, this is no longer recommended.

Scott Rumsey asked about the dimensions of the original culvert. Katie Ridinger noted the original culvert was smaller (4 ft diameter) and shorter (20 ft) than the replacement culvert (5 ft diameter, 30 ft long, 7 ft bevel). The new culvert was installed above grade and the headcut has made it worse.

Pete Woll asked if it would still be possible to return the flow to the original channel. The consensus was that is not possible. Scott Rumsey noted that the extended pipe and the velocities have created so much scour on the banks that it is difficult to stabilize.

Katie mentioned that during the onsite inspection, they had discussed the option of possibly approving this project in stages. To date, the applicant has not been able to finish the top of the road and install drainage. Work is currently stopped per direction from the Board. The applicant would like to put ¾ crushed gravel to finish the top of the road and have it sloped from center off to both sides so that there is equal runoff from the road. On the upstream side of the road, where it is running into the culvert, to have potentially pull the fill off the top of the culvert to bring it back, and to remove the concrete curbs and finish sloping on the upstream side where it is not currently eroding.

John Ellis asked for input from Mark Siderius. Mark noted that this is the situation and now the applicant must work with what he's got. Additional discussion regarding the difficulty of sourcing materials (e.g., CMP greater than four feet in diameter). Katie noted additional details regarding the circumstances around the emergency work, and that the applicant used what was available at the time.

The board discussed the option of approving initial recommendations and then waiting until the water has receded from the runoff to assess channel conditions in order to consider future work to address unresolved issues: inadequate size of the pipe, stream velocity, and potential fish barrier.

Roger Marsonette motioned "to approve with modifications." John Ellis seconded. Motion carried unanimously.

Additional discussion regarding funding and technical assistance to the landowner for addressing these larger issues.

Reese, FL-2022-006, Garnier Creek, permit extension request: John Ellis motioned "that the request for a permit extension be granted for one year until 4/11/2024." Donna Pridmore seconded. Motion carried unanimously.

Robinson, FL-2023-050C, Little Deer Creek, complaint: Donna Pridmore explained that a response to the complaint has not yet been received. Donna Pridmore motioned "to table until the June 310-Meeting." John Ellis seconded. Motion carried unanimously.

Shkurinskiy, FL-2023-038C, Mooring Creek, complaint: Gordon Ash explained an onsite inspection was held 4/14/2023. Upon inspection they found it was not a violation, as equipment had not entered the riparian zone.

Gordon Ash motioned "complaint FL-2023-038 is not a violation." Donna Pridmore seconded. Motion carried unanimously.

Shkurinskiy, FL-2023-041, Mooring Creek, bridge/culverts: Gordon Ash explained they met with the landowners and determined that with the amendments to the application, the team would recommend approval with modifications as specified in the Team Member Report.

Kenny Breidinger got a call regarding a conservation easement on the property, and they discussed the crossing and whether a culvert or bridge would be most appropriate. The land

trust that held the easement was going to look into possible access solutions from a neighboring property. Samantha Tappenbeck stated that Flathead Land Trust is waiting to see what the board's determination is. Bogdan Shkurinsky stated that they have inquired and there are no other easements or options for access, and that the conservation easement allows access to build a bridge. Roger Marsonette noted that this the bridge is not for regular, heavy-vehicle traffic, it is for small equipment such as a small tractor, so it does not need to meet the HS 20 loading requirements as specified in the Adopted Rules.

Gordon Ash motioned "to approve the application with modifications for a bridge per the Team Member Report." Roger Marsonette seconded. Motion carried unanimously.

Sneed, FL-2022-057C, Meadow Creek, complaint: Pete Woll explained we are waiting on an application from the landowner explaining work that was done and additional work that is proposed. An application has not yet been received. Pete Woll stated that the due date for the application had been previously extended from 4/15/23 to 5/1/23. Connor Laughran from 406 Engineering is working with the landowner on the application. Connor explained why an application has not yet been received: a previous employee at 406 Engineering left and the application was handed over to Connor. He did a site visit last week and this is a high priority.

Discussion regarding the technical review that was ordered and is due 6/2/23. Part of the criteria for the technical review is a review of the new application and a comparison of information included in the application with what was actually done on the ground.

Pete Woll motioned "to allow the applicant until 6/5/2023 to submit the application." John Ellis seconded. Motion carried unanimously.

Sneed, FL-2022-058C, Patterson Creek, complaint: The complaint remains tabled.

Sneed, FL-2023-009, Patterson Creek, complaint remediation. The application remains tabled.

Toth, FL-2023-036, Swift Creek, debris removal: Donna Pridmore explained an application was submitted to remove a tree from someone else's property.

Donna Pridmore motioned "to deny the application." John Ellis seconded. Motion carried unanimously.

Turner, FL-2021-081C, Swan River, complaint: This complaint remains tabled.

Turner, FL-2022-008, Swan River, permit extension request: Pete Woll still needs to complete work, backfill, vegetation. Still within the time frame. Mr. Turner submitted additional information at this meeting. Mr. Turner explained construction issues, back fill and planting is yet to be completed. And asked for an extension.

Pete Woll motioned "to grant a one-year extension for the permit." Donna Pridmore seconded. Motion carried unanimously.

Winthrop, FL-2023-045, Stillwater River, clean diversion intake: An onsite inspection was conducted, and additional information was requested during the inspection. Donna Pridmore

noted that an addendum was submitted in the form of a memorandum on 5/1/2023. Mikel Siemens stated that upon review of Adopted Rules and definition of a “project”, she believes that the proposed work would not qualify as a project per Adopted Rules definition #37 and therefore would not require a 310 Permit. The definition states that a project “does not include customary and historic maintenance and repair of existing irrigation facilities that do not significantly alter or modify the stream in violation of 75-7-102, MCA.”

Mikel Siemens stated that no excavation would take place but that they would use a vacuum truck to remove the turbid sediment removed with a pressure washer from the top of the buried intake. Mikel stated that they will use the existing pump, backflush with a 4” trash pump, and use 80 gal/min pressure washer that is mounted on the vacuum truck pointed at the intake diversion location. The water source would be City of Kalispell water.

Kenny Breidinger noted that during the onsite inspection there was discussion about placing a larger pipe over the existing culvert on the intake, which was a potential amendment to the diversion structure. Mikel noted that with the water coming up they cannot do anything at this time and she does not know the condition of intake. Work will be done in the fall. However, Mikel is respectfully requesting consensus that a 310 permit is not needed for this proposed work so that they are able to take action at the appropriate time without coming back to FCD for a 310 permit.

Donna Pridmore noted that if there are significant modifications to the existing intake structure it would fall under 310 jurisdiction. KB noted that the proposed work would involve significant changes to the stream bank and involve a suction dredger, high pressure pumps to excavate the intake structure, and the location is on the inside of the river bend and the river is migrating. Donna noted the work would occur on a deposited mud flat which is over the intake of the pump for the irrigation. Discussion about how sedimentation could be controlled. Kenny noted that once this work is done, maintenance will have to be done routinely in order to keep it functional. Mikel concurred that the intake has not been used for a number of years and stated that its current condition is due to lack of use, but that the plan moving forward is to use it annually.

Roger Marsonette stated that this should be considered a project.

Donna Pridmore motioned “that FL-2023-045 is a complete application.” John Ellis seconded. Motion carried unanimously.

Donna noted that on the Team Member Report, they included general comments that this is the investigation part of the project because they don’t know where the intake is or what the project would be. The only modification that was recommended was that all the pumped water will be deposited far enough to prevent flow back into river. Scott Rumsey asked if there were any containment measures during suctioning and removal of sediments to isolate the area around the pump intake so that sediment is not discharging into the stream. Donna noted that as long as they leave the trash pumps in the area of sediment removal it should be able to handle the sediment discharge. Discussion held regarding potential isolation barriers that might be used to contain the sediment.

Donna Pridmore motioned “to table the application until the water drops and additional information is received.” John Ellis seconded. Motion carried unanimously.

Wood, FL-2023-035, Garnier Creek, bridge/residential structure: Donna Pridmore stated that the Ginnetts had started the project. The property was then sold and purchased by Wood who wants a bridge. He has submitted HS20 information.

Donna Pridmore motioned “to approve the application with modifications.” John Ellis seconded. Motion carried unanimously.

NEW BUSINESS

Declaratory Ruling, Hearing Officer contract agreement: Samantha Tappenbeck explained that in past declaratory rulings, the hearing officer role has been filled by the DNRC Stream Permitting Coordinator under the purview of that position, and that individual was therefore compensated for their time. DNRC has advised that the hearing officer role cannot be filled by the individual currently in that position because of a perceived conflict of interest. The board appointed Laurie Zeller as the hearing officer for the declaratory ruling. We have looked into options for compensating the hearing officer for the substantial time that will be required during the declaratory ruling process. FCD can hire the hearing officer on a short-term basis with compensation at the rate requested, including compensation for mileage and lodging expenses. Samantha drafted a conservative cost estimate of \$15,000. The options for funding this position include:

1. Fund the position directly from the FCD budget.
2. Request grant funding from DNRC for reimbursement of costs to fund the position.
3. Appoint the hearing officer as an associate supervisor (note the requested rate is above the current supervisor pay rate).

John Ellis motioned “to hire Laurie Zeller as the hearing officer as a short-term hire for the FCD at \$45/hour, including mileage, meals, and lodging expenses for the duration of the declaratory ruling proceedings.” Donna Pridmore seconded.

Roger Marsonette noted that it was previously stated that the hearing officer could not be compensated and asked for an explanation for why we are now able to compensate the hearing officer and how this would be perceived. Hailey Graf noted that she was initially mistaken, and that conservation districts have historically used the person in her position, so they were already being compensated in that role. Camisha Sawtelle noted that there is nothing in statute that says the hearing officer cannot be compensated.

Motion carried with one no vote.

MATTERS OF THE BOARD/STAFF

Whitefish River Path, Bike/Ped Meeting: Samantha Tappenbeck explained a meeting will be held 6/5/2023 at 8:30 A.M. at Whitefish City Hall to discuss the draft River Trail Guidelines.

College Scholarship Awards: Supervisors were asked if they are interested in attending the awards ceremonies and to please contact Jessie Walthers.

Additional matters brought before the board:

- John Ellis requested that we review the emergency procedure in the Adopted Rules and discuss at the Business Meeting on 5/22/23.
- FDIC: With taxes being paid at the end of May, John Ellis reminded the Board and Staff that if an account holds over \$250,000.00 it will not be insured per FDIC regulations and funds must be moved.

The next Business meeting is scheduled for Monday, May 22, 2023, 7:00 P.M. in person and via ZOOM.

Adjournment: Donna Pridmore motioned “to adjourn.” John Ellis seconded. Motion carried unanimously. As there was no further business, the meeting was 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>6/12/2023</u>	<u>John Ellis</u>	<u>Vice-Chair</u>
(Date)	(Signature)	(Title – Chair etc.)