



CALL TO ORDER & ATTENDANCE

Chair Pete Woll called the May 9, 2022, 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; Lech Naumovich; Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Board members absent: None.

Also, in attendance were Samantha Tappenbeck; Virginia Rigdon, Ginger Kauffman, FCD Staff; Kenny Breidinger, FWP; Kevin Malloy; Linda Grady; Gordon Ash, FCD Associate Supervisor; Cathy Mitchell; Andy Ferris; Stephanie Trehitt; Tia Komberec; Sean Hays; Katie Ridinger; Kody Coxen, FCD Associate Supervisor; Leo Rosenthal, FWP; Linda Grady; Kevin Wise; Bill Whitsitt; Michelle Huff; Jeff Larsen; Michelle Glazier; Elysian McIntyre; Matt Martin; Jacob Feistner, plan4approval Land Use Consulting; Ken Swanstrom; Scott Dunham; Ivan Turner.

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
- Inspiration Drive Properties, FL-2022-007, Whitefish River, dock
 - Tabled until after the special meeting
- Turner, FL-2021-081C, Swan River, complaint
 - Tabled until FL-2022-008 is completed

Consent Agenda Item 3: Minutes

- FCD 3/28/2022 Business Meeting Minutes

Consent Agenda Item 4: Financial

Check Detail dated 4/13/2022

1. BCBS \$2,132.17
2. CHS \$50.00
3. Daily Interlake \$58.17
4. FFE \$10,000.00

5. Fisher's Technology \$435.14
6. Flathead Beacon \$528.00
7. Montana Sky Networks \$10.00
8. MT State Fund \$567.30
9. Mountain States Leasing-Kalispell \$1,884.86

Check Detail 4/18/2022

1. Montana Sky Networks \$25.00

Check Detail 4/21/2022

1. VISA (Donna Pridmore) \$45.45
2. VISA (Samantha Tappenbeck) \$1,248.37

Check Detail 4/27/2022

1. Charter Communications \$162.95
2. MACD \$17,000.00
3. Montana Sky Networks \$10.00

Consent Agenda Item 5: Correspondence

1. May 2022 issue, DNRC Conservation Matters Newsletter

Consent Agenda Item 6: Phone Polls - None

John Ellis motioned "to approve the consent agenda." Verdell Jackson seconded. Motion carried unanimously.

PUBLIC COMMENT

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

310 Onsite Inspections

Brassaw, FL-2022-019C, Whitefish River, complaint: The complaint letter was sent 4/26/2022, no response received to date. John Ellis motioned "to table until the June 310-meeting." Verdell Jackson seconded. Motion carried unanimously.

Glazier Ranch Inc., FL-2022-024, Webert, culvert: Verdell Jackson motioned "this is a project." Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, May 24, 3:00 P.M. at the site.

Hays, FL-2022-017, Flathead River, dock: Pete Woll motioned "this a project." Lech Naumovich seconded. Motion carried unanimously. Kenny Breidinger explained this is a narrow strip of land down to the water, with a lift station set out into the water. An onsite inspection was scheduled for Thursday, May 26, 9:30 A.M. at the site.

Hodge, FL-2022-015C, Stillwater River tributary, complaint: The complaint letter was sent 4/4/2022 and was then returned. The complaint letter was resent 4/21/2022. Lech Naumovich

motioned “to table until further information is received.” John Ellis seconded. Motion carried unanimously.

Huff, FL-2022-023, Unnamed, channelize: Donna Pridmore motioned “this is a project.” Lech Naumovich seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, May 24, 9:00 A.M. at the site.

Komberec, FL-2022-018, Flathead River/Church Slough, riprap: Donna Pridmore motioned “this is a project.” Lech Naumovich seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, May 24, 10:30 A.M. at the site.

Kuhns Road LLC, FL-2022-012C, Stillwater River tributary, complaint: The complaint letter was mailed on 3/24/2022, then came back. A new address was found, and the complaint letter was remailed on 5/4/2022. Verdell Jackson motioned “to table until the next meeting.” Lech Naumovich seconded. Motion carried unanimously.

Moore, FL-2022-021, Unnamed, remove concrete structure: Lech Naumovich motioned “this is project.” John Ellis seconded. Motion carried unanimously. An onsite inspection was scheduled for Thursday, May 26, 1:00 P.M. at the site.

Sonju, FL-2022-020, Ashley Creek, riprap/ remove vegetation: Donna Pridmore motioned “this is a project.” Lech Naumovich seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, May 24, Noon at the site.

Trehitt, FL-2022-025, Logan Creek, crossing: Verdell Jackson motioned “this is a project.” Roger Marsonette seconded. Motion carried unanimously. Verdell Jackson motioned “to table until the water goes down, and the landowner contacts the district.” Lech Naumovich seconded. Motion carried unanimously.

Winter Sports Inc., FL-2022-022, Haskill Creek tributary, crossing: John Ellis motioned “this is a project.” Lech Naumovich seconded. Motion carried unanimously. An onsite inspection was scheduled for Monday, June 6, 1:00 P.M. at the site.

Smith, no #, Unnamed creek, site visit: The district office received a phone call regarding a possible violation however the caller did not want to submit a complaint. FCD staff mailed the Education letter to the landowner. After contacting the district office, the landowner met with Scott Rumsey and Roger Marsonette onsite. The landowner asked that the district send a letter stating the project was not under the district’s jurisdiction, however the landowner did not submit a 310-permit application. The Board noted that the process needs to be followed, so the landowner must submit a permit application, then the Board can make a formal determination.

310's

Birky, FL-2022-016, Blaine Creek, bridge: Pete Woll explained an onsite inspection was held April 19. Discussion held regarding HS-20 standards in Chapter 3, Project Standards, E. 2.g. of the Adopted Rules which states stringers for bridges must conform to a load carrying capacity of Highway Standard-20 (HS20).

Pete Woll motioned “to table until he can contact Mr. Birky regarding HS20 loading on the bridge.” John Ellis seconded. Motion carried unanimously.

Dunham, FL-2022-010, Hemler Creek, galvanized arch: Scott Rumsey explained an onsite inspection was held April 19.

Applicant Scott Thomas reviewed the old permit #FL-2011-057. Scott Rumsey stated that the stringers on the short-span bridge are failing. Initially the proposal was to put in an arch culvert but that has changed, and we are waiting for additional information from the applicant. Scott Thomas explained the client emailed him just this afternoon. The proposal now is to replace what is there. Nothing will be done down in the streambed. He would remove the timber bridge structure and bridge deck and replace it with materials on top of the existing abutments. There are 7 timbers across the abutments, and the plan is to do the same thing with taller timbers to make it stronger. He will not go down below the level of the existing abutments and will stay above the road surface as it is now. He will also deal with the road surface, possibly put in water bars, and get the water off of the bridge. He noted that it is not engineered, and that he had counselled the landowner that is probably not in their best interest.

HS-20 standards in the Adopted Rules, requirements for and verification of engineering stamps, load limits and safe passage of large vehicles were discussed. Roger Marsonette stated the Adopted Rules do not require an engineering stamp, but stringers for bridges must conform to a load carrying capacity of Highway Standard-20 (HS20). Samantha Tappenbeck asked if engineered drawings are needed if it does not meet those standards. Donna Pridmore stated if we don't follow the standards then we must document why. Supervisors agreed and noted that it would be wise to table, get legal advice, and come back with information at the next meeting. The applicant briefly discussed alternate access to the property, noted that the bridge is on an easement, and that he will contact his client.

Scott Rumsey motioned “to table until additional information is received regarding HS-20 requirements for bridges, and additional information is received from the applicant.” Donna Pridmore seconded. Motion carried unanimously.

Kowalka, FL-2022-005C, Lost Creek, complaint: A complaint response was received 4/22/2022. Verdell Jackson explained he had recently been on site and that the landowner is currently working under permit #FL-2021-039 to put in a culvert.

Verdell Jackson motioned “to send a letter stating this is not a violation as work is being done under a valid permit.” Donna Pridmore seconded. Motion carried unanimously.

McIntyre, FL-2022-009, Krause Creek, cabin: An onsite inspection was held 4/20/2022, and an application addendum was submitted 5/04/2022. Gordon Ash explained that the applicant wants to build a small cabin approximately 50-feet from the stream, and Pete Woll noted that the project is within the jurisdiction of the district. Pete Woll motioned “to approve the application with modifications per the addendum submitted 5/4/2022 and per the Team Member Report.” Donna Pridmore seconded. Motion carried unanimously.

Mitchell, FL-2021-099, Stillwater River, permit modification: The permit was approved with modifications at the 4/11/2022 meeting. Cathy Mitchell attended the meeting via ZOOM and was informed she must submit a map of the approved 1500 square foot area (at the bottom of the access road).

Cathy Mitchell came into the district office 4/21/2022 to talk with Samantha Tappenbeck and Pete Woll stating she thought she was approved for 4500 square feet instead of 1500 square feet. She also submitted a request for permit modification and map with a modified footage of 4500 square feet. The modified area would not get any closer to the immediate stream bank; it would extend it by approximately 30-feet east and by approximately 25-feet north. It would not go into the willows and not cut into the toe of the slope. No dirt will be hauled out or in, they will just cover the holes. Cathy Mitchell stated the area would be smoothed so it can be mowed and maintained to keep it looking nice and be more walkable, as right now it is a bunch of swales, they will stay 40 feet from the river, and an excavator will be used to smooth the area.

Kenny Breidinger questioned if the area was going to be flattened, smoothed, or brush hogged. Lech Naumovich stated his concern is the differential and height from the streamside edge to toe slope that is shown as 50-feet (on the map submitted with the modification request). He added that when onsite, there was a max of 30-feet before getting to the toe of the slope, and voiced concern regarding slope stability. He added, having a machine down there that size, it's going to be flat, parking lot flat.

Roger Marsonette noted if the applicant does what they are talking about, as far as filling in the low areas, potentially, there is a certain point from the west edge out to the river that could be even higher than the level area that is smoothed. I doubt that if you knock off the highs to fill in the lows that it is going to be the same level as the bank (that buffer between the west edge/bank) without bringing in fill material. I think it will be lower. Coming up from the bank there is a little buffer, then it will drop down into the area you have sloped, and then it starts back up the hill. Donna Pridmore stated there is not enough material in the humps to fill in all the lows. If they leave all the snowberry/buffalo berry, right along the top of the immediate bank they will have a little hump. Then they will have the flat area so any runoff coming off the smoothed area will be trapped and not get into the river, unless they make a big, massive hole in pulling the car out. That would be the only avenue for any erosion to come down through and off that hump.

John Ellis motioned "to approve the permit modification request submitted 4/21/2022." Verdell Jackson seconded.

Pete asked if there were any more questions. Roger if the applicant is going from 1500 square feet to 4500 square feet, and why is this much room needed. Cathy stated that she started off with 37, 679 square feet, then dropped it to 16,646 square feet, and at the last meeting she understood/thought that if she gave up the trail to the south and the land to the south, that the land to the north (between the juniper trees and the brush) would be approved bringing it down to approximately 4500 square feet. The approved motion was for 1500 square feet. After receiving the request for the map showing the 1500 square feet, she asked for the modification. She noted that the area may be used for a wedding and recreation.

Question called:

Yes - Pete Woll, Verdell Jackson, Donna Pridmore, John Ellis

No - Lech Naumovich, Roger Marsonette, Scott Rumsey

Motion passed 4-3.

Switzer- Rogers, FL-2021-059C, Swan River, complaint: Pete Woll explained an onsite inspection was held 4/20/2022 with the new landowner. They found that the previous owner had put in a path and cut down trees without a permit. During the onsite, the new landowner noted he will submit a permit-application if he does any work. Leo Rosenthal added that no further work is needed to satisfy the violation.

Pete Woll motioned “to remove the complaint from the agenda because of new ownership.” Lech Naumovich seconded. Motion carried unanimously.

Turner, FL-2022-008, Swan River, retaining wall: Donna Pridmore explained an onsite inspection was held 4/7/2022, and reviewed the considerations in the Team Member Report. Additional information was requested and received 4/30/2022. A survey of the 100-year flood level was done upon which engineering diagrams are based.

As background, Mr. Turner explained he had built a retaining wall with treated 6x6’s, then a complaint was filed. He stated that he had received bad information and was told if he was 30-feet away from the stream that he did not need a permit. He noted that he wants to do it right, and that he has hired engineering firms and an excavating company.

Jacob Feistner explained the addendum which included a survey site plan showing the location of the exiting wall (related to the 100-year floodplain), and a modified engineered wall plan. He stated that a lot of the fill will be removed. The wall will be stair-stepped, will be constructed dependent on contour lines and will be visible in some places. Two sets of stairs will be built to access terraces. Work will be done during low water, straw waddles will be placed, and the area replanted.

Leo Rosenthal added they have submitted all requested information. The wall will be engineered, so we have some assurances that the material will not go into river, and the landowner is getting a good project.

Donna Pridmore motioned “to approve the application with modifications submitted 4/30/2022.” Scott Rumsey seconded. Motion carried with one no vote - John Ellis.

Vukonich, FL-2022-011, Flathead River, riprap: Pete Woll explained that an onsite inspection was held 4/19/2022, and additional information was requested regarding the power line. Jeff Larsen explained that the power line will be moved away from the shore because they need to lay back the bank. Pete stated that information is still needed regarding the power line, a narrative and new drawing, and details and drawing on stairs going down to dock.

Pete Woll motioned “to table until further information is received from the applicant.” Verdell Jackson seconded. Motion carried unanimously.

Whitefish Community Foundation, FL-2022-013, Whitefish River, stormwater: Lech Naumovich explained that an onsite inspection was held 4/20/2022. The applicant purchased the property

next door, and a portion of that will be turned into a parking lot. The parking lot will produce runoff which will flow into a stormwater treatment system. Lech described the site, system process, and reviewed photos and engineered drawings. He noted that this type of system has been used several times and was approved by the City of Whitefish. He noted the following modifications listed in the Team Member Report: 1) Maintain all existing vegetation on site below outflow pad. 2) Monitor for erosion regularly after any major storm, especially below the outflow. 3) Repair any damage quickly to the outflow. 4) For the first 12 months after install visually inspect the sump pump level every 3-months to ensure the tank does not overflow. 5) Removal of the old wood structure, fuel tanks and trash are part of the project. Equipment impact will be minimalized during removal.

Andy Ferris, TD&H Engineering, stated the tank is a standard manhole structure, is 4-feet in diameter, is a cylindrical structure and approximately 6-feet deep. He further explained the system as in the drawings. Kenny Breidinger noted below the rip rap that's used as an energy dissipator, it continues to flow down the streambank, and that is why the team asked for monitoring after storm events to make sure that it is not incising the channel and is working. Andy stated that approximately .57cfs comes out during a 100-year storm event. Lech added that the apron/energy dissipator is 10-feet long.

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

Lech Naumovich motioned "to waive the 15-day waiting period per FWP." Donna Pridmore seconded. Motion carried unanimously.

Whitefish Community Foundation, FL-2022-014, Whitefish River, dock: Lech Naumovich explained the application is for a removable dock. Several issues were noted during the 4/20/2022 onsite inspection. Old steps going down into the river below mean high water could be seen; and the applicant wanted to install the dock below mean highwater, so they discussed extending the gangway above mean highwater.

Lech Naumovich motioned "to approve the application with modifications per the Team Member Report, and to waive the 15-day waiting period." John Ellis seconded. Motion carried unanimously.

NEW BUSINESS

March End of Month Report: The March End of Month budget report was provided to the supervisors in the meeting packet. Donna Pridmore motioned "to accept the March end of month budget report." Verdell Jackson seconded. Motion carried unanimously.

Education Grant application: Samantha Tappenbeck explained the district received an Education Grant application from Flathead Audubon in the amount of \$5,015.00 to purchase binoculars for 7th and 8th grade field trip programs. Samantha noted that funding is still available in that budget line.

Donna Pridmore motioned "approve the education grant application in the amount of \$5,015.00." Verdell Jackson seconded. Motion carried unanimously.

Flathead Basin Commission sub-lease: Samantha Tappenbeck explained the district received a request for sub-lease of office space to Flathead Basin Commission (FBC) staff, Emilie Henry. FBC would pay \$100/month for desk space, facilities, and internet access. Samantha drafted and sent the sub-lease to DNRC, who signed and returned it for district signatures. Samantha noted that the building owner Tim Birk, Mountain States Leasing-Kalispell, was contacted and has no issue with the arrangement.

Joh Ellis motioned “to approve the Flathead Basin Commission sub-lease.” Donna Pridmore seconded. Motion carried unanimously.

Dyers Woad Memorandum of Understanding (MOU): Samantha Tappenbeck explained this is a renewal of a MOU with the Beaverhead County Weed District (BCWD). A seasonal employee is hired by FCD but works for BCWD here in Flathead County. FCD will provide the wages, worker’s compensation, unemployment, FICA and Medicare payments for that employee. This is a pass-through MOU and BCWD reimburses the district for all expenses covered under this agreement. Danner Pickering is the employee that has been working on this project for the past couple of years treating very localized populations of the noxious weed Dyer’s Woad in the Tally Lake area.

John Ellis motioned “to approve the Dyer’s Woad MOU.” Lech Naumovich seconded. Motion carried unanimously.

Personnel: Samantha Tappenbeck explained the Personnel Committee reviewed and updated the job description for the Conservation Program Manager position and has recommended to post the job announcement. The job announcement states the salary is commensurate upon experience, however, Samantha suggested the range the Board look at is the same as the former Program Manager was hired at Grade 9 Step 4 -Grade 9 Step 6. She would like to post the position for 3 weeks May 10 - 31, hold interviews June 1-8, then provide a recommendation from the Personnel Committee for the candidate to hire to the Board at the June 13, 310-meeting.

Donna Pridmore motioned “to approve the edited job description and salary for the Conservation Program Manager and timeline provided by Samantha Tappenbeck.” Verdell Jackson seconded. Motion carried unanimously. Lech Naumovich abstained from voting.

Flathead River Erosion Study: Samantha Tappenbeck explained the district received one response to the Request for Proposals (RFP) for this project. The Projects Committee, and members of the Flathead River Commission (FRC) evaluated the proposal and provided a recommendation to the Board. She reminded the Board that the FRC role in this is that the district sponsored their grant application, and FRC is a partner and collaborator on the Flathead River Erosion Study.

Three budget proposals submitted by Tetra Tech were reviewed and timelines and locations were discussed. Donna Pridmore stated the FRC recommended that Samantha negotiate as many monitoring sites (where erosion pins have already been placed) as possible for a 2-month period with available funding. Samantha noted that Tetra Tech did a good job of providing a scale able project design, and they have indicated that there is opportunity to adjust, be flexible,

match what is proposed to the available budget, and to what the district and FRC want out of the study. She explained that the district has secured \$33,500 in grant funding and has applied for \$20,000 in additional grant funding. She proposed FCD support the project out of the operating budget through the Watershed Support Program in the amount of \$20,000.00, and noted that if all those funds are secured, it will total \$73, 500.

Pete Woll voiced concern about the 2-month timeframe, noting boat traffic starts Memorial Day weekend and goes steady until the third week in September. Kenny Breidinger stated FRC discussed limited funding, that we will not get all the answers we need, but the funding we have will get us enough information to demonstrate that there is additional need for more research. Lech Naumovich suggested negotiating for a 3 ½ month period. Donna noted that it may not be possible to catch Memorial Day. Samantha stated we are contending with the timeline: on the front end the contract and associated details will take time to get in place and deploy by June 1; then on the back end, significant data analysis and summary, and delivering a report to WPIC, which ends mid-September. She added that she sent a letter for WPIC's May 18th meeting requesting a special meeting in mid-October but that has not yet been approved.

Samantha explained a first step is to set up a meeting with Tetra Tech. She requested Board approval to develop a contract for services with Tetra Tech and described what that would include. She also requested Board approval in the amount of \$20,000 from district funding to support the project. She will bring the negotiated contract with Tetra Tech back to the Board, and when approved, Pete would sign the contract. Available funding and expected expenditures in the Watershed Support Program budget line were discussed and the Board agreed that more funding could be used for the project.

Lech Naumovich motioned "to allow Samantha Tappenbeck to move forward with contract negotiations and associated forms with Tetra Tech, and to approve \$30,000 from the Watershed Support Program; whether it is this or next year's budget." Donna Pridmore seconded. Motion carried unanimously.

MATTERS OF THE BOARD/STAFF

Krause Creek field trip: Samantha Tappenbeck explained Krause Creek is nearing peak runoff conditions. The landowners are available after May 11 and could host a field trip with Supervisors, FWP, and the project manager to view the site at high flow. Samantha will contact everyone with a final date.

Special Meeting: The dates of June 14 or 16, at 11:00 A.M. were decided upon for the special meeting. Samantha Tappenbeck will contact everyone involved.

Potential attendees include Flathead CD (FCD), FCD legal, DNRC, FWP, applicants/developers, Whitefish City Mayor, Whitefish City Council, Whitefish Planning Board, Whitefish Planning and Public Works department heads - Dave Taylor and Craig Workman, the Whitefish Bike Trail Pedestrian Committee, and the public.

District staff will reach out to the City of Whitefish for a shape file of the trail system, then query the district databases for what has/has not been permitted prior to the meeting. Location for the meeting (Whitefish City Hall, Fairgrounds, Hilton Garden Inn, Red Lion Inn), meeting set up,

and hiring a transcriptionist were discussed. District staff would still produce minutes and note the transcription. Pete Woll stated he could facilitate the special meeting.

Supervisors noted the special meeting is to discuss 310-law and City of Whitefish trail planning/policy; to discuss what has been done in the past, what we are currently doing, and how issues can be avoided in the future. There will be no public comment period as no decisions will be made at this meeting.

Supervisors agreed that the Inspiration Drive application will be placed on a subsequent 310-meeting where public comment would be provided, and a decision made.

The next business meeting is scheduled for Monday, May 23, 2022, 7:00 P.M. and will be held Via ZOOM and in person in the conference room.

Adjournment: Verdell Jackson "to adjourn." John Ellis seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 11:03 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.)