



CALL TO ORDER & ATTENDANCE

Chair, Pete Woll called the May 10, 2021, 310-meeting to order at 7:00 P.M. in the conference room.

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

Also, in attendance were: Hailey Graf and Samantha Tappenbeck, Flathead CD (FCD) Staff; Fiona Handler, Big Sky Watershed Corps Member; Kody Coxen, Associate Supervisor; Gordon Ash, Associate Supervisor; Kenny Breidinger, Fish Wildlife & Parks (FWP); Leo Rosenthal, FWP; Mitch King, Montana Outdoor Legacy Foundation (MOLF); Roger Noble; Katie Ridinger, 406 Docks; Doug White; Melissa Brickl; Bill Kahle; John Gangemi; Arsalan Chishty; Ruthanne Coffey; Stephanie Reynolds; Harold Kowalka; Sandy Heil; Mikel Siemens, Core Water Consulting; Kathy and Paul Kusler; Jay and Laura Youngman; Bruce Boody; Deena and Bill Brunskill; Ken Gautreau; Brian Hogue; Cate Walker; Sean Johnson; Casey Malmquist; Jeff Whitlock, F.H. Stoltze.

CONSENT AGENDA

Consent Agenda Item 1: Signature Authority

- Authorization for Hailey Graf to sign on behalf of Supervisors attending the meeting virtually.

Consent Agenda Item 2: Tabled 310's

- FH Stoltze L&L, FL-2021-023, Various streams, annual road maintenance/culvert ext.: Forester Jeff Whitlock will contact the district when the site is viewable.
- FH Stoltze L&L, FL-2021-024, S. Fork Canyon Creek, channel alteration/diversion: Forester Jeff Whitlock will contact the district when the site is viewable.
- Hodge Creek Reserve, FL-2021-003, Hodge Creek, culvert/bk stabilization
- Legacy Mtn, FL-2020-064C, Unnamed, complaint/Technical Review, Legacy Mtn, FL-2021-002C, Unnamed, complaint/Technical Review
 - Mikel Siemens, Core Water Consulting, explained that in April she and Verdell Jackson viewed the site as well as surrounding areas. Mikel reviewed each of the types of information allowed to be used by the district for jurisdictional determinations, summarized findings in her report, and concluded that it is not a perennial stream and not within the jurisdiction of 310-law. This will be on the June 14, 310-meeting agenda.

Consent Agenda Item 3: Financial

The following bills were reviewed in Check Detail 4/23/2021 – 4/28/2021

1. VISA (Samantha Tappenbeck) \$336.75

2. VISA (Hailey Graf) \$1,542.23
3. MACD \$17,000.00
4. Montana Sky Networks \$33.25

Consent Agenda Item 4: Minutes

- April 26, 2021, Business Meeting

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's

Big Mtn/Whitefish Mtn Resort, FL-2021-028, request to withdraw application: A request to withdraw the application was submitted on 4/13/2021.

Lech Naumovich motioned “to withdraw the application.” Verdell Jackson seconded. Motion carried unanimously.

Brunskill, FL-2021-016, Flathead River, platform/dock: An onsite inspection was held on April 21st. Kenny Breidinger described the site as being landward of the river with the MOLF wetland area between Brunskill's property and the river. Canals are dredged through the wetland and are kept open by use to the current location of the dock. Supervisors noted that the channeling is very detrimental to the health of the wetland as the channels make a flow avenue through the MOLF wetland to the Brunskill property increasing erosion. The channels and alterations diminish wetland filtering capacity and water retention functions. Brunskill's stated that the channels were there when they moved in. Kenny Breidinger noted that in reviewing aerial photos the main channel straight east from the Brunskill property was constructed sometime between 2015 and 2016.

Mitch King explained that MOLF is having a property line survey done for the wetland area, which they own, and is working with the district on re-vegetating and with others to figure out how to close off those channels and restore the wetland. Supervisors and FWP noted that if traffic was kept out of the channels, it would benefit the wetlands as they would begin to accumulate silts and revegetate over time.

Trespass, stream access law, degradation and channelization of the MOLF wetland area were further discussed. The landowner stated that deer are using the area. Supervisors noted that woody debris/roots in the channels have been removed with a chainsaw, and that obvious channelization can change the habit of wildlife.

Mr. Brunskill stated that due to a recent surgery and handicap issues they need the platform so they can use their kayaks, additional they want to add rock to prevent erosion. The Board asked Brunskill's to submit an application addendum as rock was not included in the application.

Supervisors described hesitancy in making a decision on the project without seeing the site. Supervisors John Ellis, Lech Naumovich and Verdell Jackson will meet at the district office on Wednesday, May 19, 10:15 A.M., and Hailey Graf will take everyone to view the area. Mitch King approved Hailey showing the Supervisors the area. Brunskill's additionally agreed to the site visit.

Pete Woll motioned "to table the application until the next 310-meeting." John Ellis seconded. Motion carried unanimously.

DeVore, FL-2020-062, Whitefish River, request to withdraw application: A request to withdraw the application was submitted on 4/20/2021.

Lech Naumovich motioned "to withdraw the application." John Ellis seconded. Motion carried unanimously.

Duffey, FL-2021-034, Cow Creek, soil test pit: Kenny Breidinger stated that since FCD is implementing the project and funding is coming through DEQ, this is 124-permit, not a 310-permit.

John Ellis motioned "this it is not a project under our jurisdiction." Verdell Jackson seconded. Motion carried unanimously.

Gabbert, FL-2021-018C, Bales Creek, complaint: Donna Pridmore reported that the complaint letter came back as undeliverable.

Donna Pridmore motioned "to consult with the attorney about what to do when the landowner can't be reached." John Ellis seconded. Motion carried unanimously.

Gautreau, FL-2021-015, Wild Bill Creek, culvert/road construction/core drill: Donna Pridmore explained that the landowner originally planned to put in a squash culvert, however, during the onsite it was obvious that the culvert would be too small, and the location was in a complex area. Mr. Gautreau submitted an amendment for a bridge on 4/19/2021, and explained that the location for the bridge, which will be for vehicle passage, has been adjusted north about 25-feet from the original culvert location. It will be upstream of the old wooden foot bridge, which will stay in place.

Donna Pridmore motioned "to approve the application with modifications submitted 4/19/2021 and per the Team Member Report." Verdell Jackson seconded. Motion carried unanimously.

Goldberg, FL-2021-040, Swan River, gangway/dock: An onsite inspection was scheduled for Thursday, May 20, 9:30 A.M. at the site.

Griffin, FL-2020-060C, Garnier Creek, complaint: Lech Naumovich motioned, "to table the complaint until work is completed under permit #FL-2020-022." Verdell Jackson seconded. Motion carried unanimously.

Griffin, FL-2021-022, Garnier Creek, shed: An onsite inspection was scheduled for Monday, May 17, 9:30 A.M. at the site.

Heil, FL-2020-042C, Blaine Creek, complaint: Pete Woll explained that at the previous meeting, the complaint was satisfied by submittal of the 310-application.

Heil, FL-2021-032, Blaine Creek, culverts: An onsite inspection was scheduled for Wednesday, May 19, 9:30 A.M. at the site. The 310-permitting process and timelines were explained to the complainant.

Heitz, FL-2021-029, Flathead River, jet ski dock/shore ramp: An onsite inspection was scheduled for Wednesday, May 19, 11:00 A.M. at the site.

Johnson, FL-2021-038, O'Neil Creek, culverts: An onsite inspection was scheduled for Tuesday, May 25, 10:20 A.M. at the site.

Kahle, FL-2021-037, Whitefish River, gangway/dock: An onsite inspection was scheduled for Friday, May 14, 9:00 A.M. at the site.

Kowalka, FL-2021-039, Lost Creek, culvert: An onsite inspection was scheduled for Tuesday, May 25, 11:20 A.M. at the site.

Harold Kowalka asked if he could start the project and add gravel on top of the rocks as was listed in the application. Pete Woll explained that no work can begin until a permit is issued.

Kummerfeldt, FL-2021-033E, Whale Creek, notice of emergency: An onsite inspection was scheduled for Friday, May 14, 11:15 A.M. at the site.

Kusler, FL-2021-004, Flathead River, dock: Pete Woll explained that Kusler's submitted an application for a second dock on one property. The application was tabled, so the district could consult with the attorney. Per legal, the property is solely owned by Kusler, the easement doesn't change the ownership, and by the Adopted Rules there can only be one dock. Kuslers were informed that they must submit an application if they want to move the original dock for wheelchair access.

Pete Woll motioned "to deny the application for the second dock because the Adopted Rules only allow one dock per landownership." Donna Pridmore seconded. Motion carried unanimously.

LeDonne, FL-2021-036, Flathead River, steps: An onsite inspection was scheduled for Monday, May 17, 10:30 A.M. at the site.

Moore, FL-2021-030, Meadow Creek, utilities: Lech Naumovich explained that the application is for utilities. Boring will take place 7-feet under the lowest part of the creek and have a 100+ foot buffer on either side, which fits the Adopted Rules.

Lech Naumovich motioned “to waive the onsite inspection and approve the application as presented.” Verdell Jackson seconded. Motion carried unanimously.

95 Karrow LLC, FL-2021-027, Whitefish River, grading/dock/trail etc.: John Ellis explained that the project area fronts Whitefish River and is being developed into multi-use properties. Permit #FL2019017 was extended until 5/28/2021, however, the project could not be completed by that date. A new application was submitted, and an onsite inspection was scheduled. During the April 22 onsite concerns came up regarding the trail and dock.

Melissa Brickl, Roger Noble and Bruce Boody explained that the design has been modified to fit within the Adopted Rules, provided copies to the Board at the meeting, and reviewed updated details of the boardwalk, gangway and dock. The stormwater system, irrigation structure, debris removal, and bank stabilization were additionally discussed.

Supervisors and FWP voiced concern regarding the trail, as it is proposed to be constructed of asphalt, which is an imperviable surface, and not permitted under the Adopted Rules. Also, it will be within 10 feet of the river in places and will require the removal of riparian vegetation. FWP and Supervisors agreed that moving the trail up away from the stream would mitigate impacts to the riparian area and help to protect the streambank, the river, and water quality.

Due to the late hour, all parties agreed to schedule another meeting to discuss trail, bridge, and stormwater issues. John Ellis will contact Roger Noble to coordinate a special meeting.

John Ellis motioned “to approve the application in part which will allow the project to start to move forward. The parts being approved include the bank stabilization, irrigation, dock, boardwalk, and debris removal. The parts reserved for a later meeting include the bridge, trail and stormwater system.” Verdell Jackson seconded. Motion carried unanimously.

PacifiCorp, FL-2021-031, Swan River, screen/debris boom: An onsite inspection was scheduled for Thursday, May 20, 10:30 A.M. at the site.

Ruther, FL-2021-026, Morning Slough, pond: John Ellis reported that an onsite inspection was held on April 22, and the location of the pond is nowhere near any other water.

John Ellis motioned “this is not a project under the jurisdiction of FCD.” Verdell Jackson seconded. Motion carried unanimously.

Sneed, FL-2021-001C, Bear Creek tributary, complaint: Pete Woll explained that the ownership changed hands shortly after the complaint was filed, and an onsite inspection was scheduled with the new landowners. During the onsite they found the structure was approximately 50+ years old. As the structure will need maintenance, the new landowners will submit a permit application.

Pete Woll motioned "this activity is not a violation as defined by our district rules." John Ellis seconded. Motion carried unanimously.

Stromsted, FL-2021-035, Flathead River, bank stabilization: An onsite inspection was scheduled for Monday, May 17, 11:45 A.M. at the site.

White, FL-2021-014, Flathead River, dock: Donna Pridmore explained that the applicant submitted an amendment on 5/3/2021 which addresses issues discussed during the onsite inspection and meets the Adopted Rules.

Donna Pridmore motioned "to approve the application with modifications per the amendment received May 3, 2021." Verdell Jackson seconded. Motion carried unanimously.

Donna Pridmore motioned "FWP waived the 15-day waiting period." John Ellis seconded. Motion carried unanimously.

NEW BUSINESS - None

MATTERS OF THE BOARD/STAFF

Supervisor 310 Areas: This will be discussed at the budget planning meeting on May 13.

The next Business meeting is scheduled for Monday, May 24, 2021, 7:00 P.M. via ZOOM.

Adjournment: John Ellis motioned, "to adjourn." Donna Pridmore seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 10:50 P.M.

Submitted By:

Hailey Graf Resource Conservationist	Samantha Tappenbeck Conservation Program Manager	Ginger Kauffman Administrator
---	---	----------------------------------

Minutes approved by FCD Board motion made on:

<u>5/214/2021</u> (Date)	<u>Pete Woll</u> (Signature)	<u>Chair</u> (Title – Chair etc.)
-----------------------------	---------------------------------	--------------------------------------