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## **CALL TO ORDER & ATTENDANCE**

Chair Pete Woll called the May 13, 2024, 310-meeting to order at 1:00 P.M. in the conference room.

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

**Board members absent:** None.

Also, in attendance were Samantha Tappenbeck, Jessie Walthers, Ginger Kauffman, FCD Staff; Leo Rosenthal, FWP; Nathan Green, ACOE; Josh Knight; Keegan Siebenaler, 406 Engineering; Jay Winslow; Don Murray; David Stalow; Peter Logan; Jessica Elliott; Zach Guenzler; Lee Pinski; Dan Hogan; William Kim Davis; Tom Frank; Lewis Heil; Pete Wade; Wayne Beatty; Katie Ridinger, 406 Docks; Autumn Patterson; David Wood; John Phelps.

## **CONSENT AGENDA**

### **Consent Agenda Item 1: Signature Authority**

- Authorization for Samantha Tappenbeck to sign on behalf of Supervisors attending the meeting virtually.

### **Consent Agenda Item 2: Accept New 310 Applications**

- Supervisors to remove individual applications from the consent agenda if incomplete or if there is an issue to be specifically addressed.
- To accept all new 310 permit applications as complete and for a project that will alter or modify a stream.

### **Consent Agenda Item 3: Meeting Minutes**

- 4/8/2024 310-Meeting Minutes

### **Consent Agenda Item 4: Financial**

Check Detail dated 04/24/2024

1. Charter Communications \$214.99
2. Digital Communications Systems \$2,850.59
3. MT State Fund \$593.99
4. Mountain Trader \$74.40
5. SpeakWrite \$518.47

Check Detail 05/08/2024

1. CHS \$125.00
2. Daily Interlake \$416.06
3. Digital Communications Systems \$116.32
4. Fisher's Technology \$330.05
5. JBUR-Solutions LLC \$88.00
6. Montana Sky Networks \$10.00
7. Montana State Fund \$641.12
8. Mountain States Leasing – Kalispell \$1,884.86

### **Consent Agenda Item 5: Correspondence**

Mike Kopitzke motioned “to approve the consent agenda.” Bill Yankee seconded. Motion carried unanimously.

### **PUBLIC COMMENT**

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

### **NEW 310'S**

**Brash**, FL-2024-035, Flathead River, fencing: An onsite inspection was scheduled for Wednesday, May 29, 1:00 P.M. at the site.

**Glacier Village Greens**, FL-2024-031, Whitefish River, tree & debris removal: Roger Marsonette motioned to approve FL-2024-031 as proposed.” Mike Kopitzke seconded. Motion carried unanimously.

Roger Marsonette motioned “to amend the motion to waive the onsite inspection.” Mike Kopitzke seconded. Motion carried unanimously.

**Logan**, FL-2024-032, Swan River, dock/gangway: An onsite inspection was scheduled for Monday, May 20, 1:30 A.M. at the site.

**Lowerre**, FL-2024-033, Flathead River, dock/gangway: Katie Ridinger explained that the old permit had expired, so this new application was submitted. An onsite inspection was scheduled for Wednesday, May 29, 3:00 P.M. at the site.

**Phelps**, FL-2024-036, Haskill Creek, bank stabilization: An onsite inspection was scheduled for Wednesday, May 29, 9:00 A.M. at the site.

**Polumbus**, FL-2024-038, First Creek tributary, bridge: An onsite inspection was scheduled for Wednesday, May 29, 10:30 A.M. at the site.

**Schreckendgust**, FL-2024-034, Rhodes Creek, remove sediment & debris: An onsite inspection was scheduled for Monday, June 3, 10:30 A.M. at the site.

**Stalowy**, FL-2024-039, Bear Creek, Grassy Marsh restoration: Pete Woll motioned “to table FL-2024-039 until we consult with legal counsel on this.” Mike Kopitzke seconded. Motion carried unanimously.

**State of MT/NW Energy**, FL-2024-037, Stillwater River, utilities: An onsite inspection was scheduled for Monday, June 3, noon at the site.

### **310's**

**Beatty** (Teri), FL-2024-027, Flathead River/Church Slough, bore/pump etc.: Scott Rumsey explained that an onsite inspection was completed 4/16/2024, and that the project is a pump installation crossing under Lower Valley Road for irrigation purposes on the Beatty property. Scott reviewed the recommendations in the Team Member Report.

Scott Rumsey motioned “to approve application FL-2024-027 with modifications per the Team Member Report.” Bill Yankee seconded. Motion carried unanimously.

**DNRC-KU**, FL-2024-025, Woodland Creek, repair bridges: Scott Rumsey explained an onsite inspection was completed 4/17/2024 and explained the application was for work on a foot bridge.

Scott Rumsey motioned “to approve application FL-2024-0025 as proposed.” Donna Pridmore seconded. Motion carried unanimously.

**Frank**, FL-2024-024, Peters Creek, stream & pond restoration: Pete Woll explained an onsite inspection was completed 4/17/2024 and that the applicant wants to 1) remove an old flume, 2) block a side channel to prevent flooding, and 3) excavate a pond as an available source of water for wildfire mitigation. Discussion held regarding the proposed configuration and use of the pond. Pete noted that Kenny Breidinger voiced concern about the instream pond as instream ponds are not permitted in the Adopted Rules. Additional discussion followed.

Pete Woll motioned “on FL-2024-024 to approve parts 1 and 2 of the application per the Team Member Report, and to deny the instream pond.” Bill Yankee seconded. Motion carried unanimously.

**Fullerton**, FL-2024-003, Flathead River, bank stabilization: This remains tabled waiting for additional information from Paul Bishop.

**Geyer**, FL-2024-030, Wolf Creek, bridge: Pete Woll explained an onsite inspection was completed 4/9/2024 for a railroad car which will be used for the bridge. Amended drawings were received 4/26/2024.

Pete Woll motioned “on FL-2024-030 to approve the application as proposed with amended drawings submitted to increase the size of the bridge, and to waive the 15-day waiting period.” Donna Pridmore seconded. Motion carried unanimously.

**Gress**, FL-2024-004, Flathead River, bank stabilization: This remains tabled waiting for additional information from Paul Bishop.

**Guenzler**, FL-2023-040, Swan River, permit extension request: Pete Woll explained a permit extension request was received 4/19/2024. The permittee needs additional time to complete work.

Pete Woll motioned “on FL-2023-040 to approve a one-year extension.” Donna Pridmore seconded. Motion carried unanimously.

**Jensen**, FL-2024-026C, Echo & Noisy Creeks, complaint: Samantha Tappenbeck explained an onsite inspection was completed 4/24/2024. After the inspection, the district received a request from the complainant to withdraw the complaint. The district reached out to DNRC, and DNRC stated if the district has already documented they cannot willfully ignore the findings. Leo Rosenthal stated that the team found that work had been done on the stream on the Jensen property over the last 2-3 years without a permit. The district needs to find out what is going on up on Noisy Creek, as the water course has changed over the past few years.

Pete Woll motioned “on FL-2024-26C, this is a violation because activity has been initiated on a perennial flowing stream without a valid permit.” Donna Pridmore seconded. Motion carried unanimously.

Discussion held regarding contacting DNRC to request a technical review.

Donna Pridmore motioned “on FL-2024-026C to request a technical review that will extend from the headwaters to Echo Lake for both drainages, to assess the existing condition, and develop alternatives for corrective action on this violation.” Bill Yankee seconded. Motion carried unanimously.

**Krezowski**, FL-2023-077, Haskill Creek, request to withdraw application: Mike Kopitzke explained a request to withdraw the application was received 5/7/2024.

Mike Kopitzke motioned “to accept the withdrawal request for FL-2023-077.” Donna Pridmore seconded. Motion carried unanimously.

**Lee Family Trust**, FL-2024-011, Flathead River, bank stabilization: This remains tabled waiting for applicant to submit a request to withdraw due to cost of mitigation required by Army Corps of Engineers (ACOE).

**Patterson**, FL-2022-066, Garnier Creek, permit extension request: Roger Marsonette explained a permit extension request was received 4/18/2024, as the applicant was not able to complete the project.

Roger reviewed photos from 7/2022 to 5/2024 and noted that there is a lot of head cutting due to the culvert being incorrectly placed. He stated we need to address the entire project but there is concern about continued erosion on the downstream end of the project. Katie Ridinger provided additional photos, and explained the landowner now cannot financially afford to hire engineering assistance to correct the problem. Samantha Tappenbeck explained that the district’s budget does not have funding available and noted that if grants are available the

application process takes time. She voiced concern about district Staff time and capacity but added that she will contact DNRC for guidance on available program funding.

Roger Marsonette motioned “on FL-2022-066 to approve a one-year permit extension per the modifications in the original permit.” Donna Pridmore seconded. Motion carried unanimously.

**Sneed**, FL-2024-007, Flathead River/Church Slough, bank stabilization/dock: Scott Rumsey explained additional planting information was submitted 4/24/2024.

Scott Rumsey motioned “to approve FL-2024-007 as proposed.” Mike Kopitzke seconded. Motion carried unanimously.

**Stalowy**, FL-2024-015C, Bear Creek, alleged violator #2 involvement: Samantha Tappenbeck explained the complaint was tabled as Mr. Heil was named as a second alleged violator in the complaint, and time was needed for Staff to discuss this with legal counsel. Mr. Heil submitted additional documentation. The documentation was reviewed and discussed regarding extent of involvement by Mr. Heil. Roger Marsonette asked Mr. Heil about his SWPPP reporting, and Mr. Heil explained that his notes were specifically regarding SWPPP monitoring.

Bill Yankee motioned “that we do not hold Mr. Heil in violation for FL-2024-015C.” Donna Pridmore seconded. Motion carried with one no vote.

**Wade**, FL-2024-028, Truman Creek, bridge: Scott Rumsey explained an onsite inspection was completed 4/16/2024, and that the bridge will be a railroad car for a tractor crossing to agriculture property.

Scott Rumsey motioned “to approve FL-2024-028 as proposed.” Donna Pridmore seconded. Motion carried unanimously.

**Ward**, FL-2023-108, Echo Creek, remove trees: Pete Woll explained that the onsite inspection was completed 4/24/2024, and onsite photos were reviewed. Pete noted the water is going in several directions, and Mr. Stathas wants to remove some blow down trees to put the water back into its original channel; however, there were no specific plans included in the application. A technical review has been ordered for the area, and whatever is done on Jensen’s property could affect Ward’s property. Leo Rosenthal added that there are concerns about destabilizing the area, and a well thought out design is needed. Other Supervisors agreed that the district should wait until there is a plan for the Jensen property.

Pete Woll motioned “to table the application until the technical review is received and information for the area is received.” Bill Yankee seconded. Motion carried unanimously.

**Whitehead/Svetich**, FL-2024-010, Flathead River, bank stabilization/restoration: This remains tabled waiting additional information from Mikel Siemens.

**Wilson**, FL-2024-005, Flathead River, bank stabilization: This remains tabled waiting for additional information from Paul Bishop.

**Wood**, FL-2023-035, Garnier Creek, permit extension request: Donna Pridmore explained that a permit extension request was received 5/7/2024.

Donna Pridmore motioned “to approve a one-year permit extension for FL-2023-035.” Bill Yankee seconded. Motion carried unanimously.

### **NEW BUSINESS**

**Dyers Woad Request & MOA:** Samantha Tappenbeck explained that the district has received a request from Beaverhead County Weed District to renew the Dyer’s Woad Memorandum of Agreement (MOA). Beaverhead County Weed District needs a local agency to hire a temporary seasonal employee to monitor a Dyers Woad site in Flathead County. Flathead CD has been handling this for several years, and the MOA has not changed. Wages and expenses are covered on a reimbursement basis to Flathead CD for the temporary employee. Discussion followed regarding a possible 10% admin fee to the district and how the district could set up the bookkeeping for these types of requests in the future.

Mike Kopitzke motioned “to sign the Dyer’s Woad MOA with Beaverhead County Weed District.” Roger Marsonette seconded. Motion carried unanimously.

### **MATTERS OF THE BOARD/STAFF**

**Cow Creek Volunteer Planting:** A volunteer planting event is scheduled for Friday May 17th & Saturday, May 18th, 10:00 A.M. to 2:00 P.M. at the Erbes Ranch. The riparian planting of 260 trees is to expand on the Cow Creek Restoration Project, which was implemented in 2019. Samantha Tappenbeck asked if Supervisors may be interested in helping.

**District Vehicle:** Samantha Tappenbeck explained the district car brake pads, rotors and one caliper have been fixed, and that the car is ready to be picked up.

**Bear Creek Update:** Samantha Tappenbeck explained that the Army Corps of Engineers (ACOE) completed an onsite inspection and found Bear Creek is connected to Swan River, is within the jurisdiction of ACOE, and will move forward with a violation. This will then go to the Environmental Protection Agency (EPA) for enforcement of a Clean Water Act violation. The violation will have to be remediated, a plan must be developed, reviewed and approved by ACOE and EPA, and Stalowy will be held to remediation and monitoring requirements. The Department of Environmental Quality (DEQ) completed a stormwater permit review/inspection of the property, found Stalowy to be in violation of his stormwater requirements and will move forward with a violation. All agencies have discussed the importance of coordinating, and Flathead CD will be included. DNRC legal will be reviewing and compiling files for possible court filings and judicial enforcement action.

The next business meeting is scheduled for Tuesday, May 28, 2024, 1:00 P.M. in person and via ZOOM.

**Adjournment:** Mike Kopitzke motioned “to adjourn.” Roger Marsonette seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 5:13 P.M.

Submitted By:

Ginger Kauffman  
Administrator

Reviewed By:

Samantha Tappenbeck  
Resource Conservationist

Minutes approved by FCD Board motion made on:

6/10/2024     Pete Woll     Chair  
(Date)            (Signature)     (Title – Chair etc.)