



CALL TO ORDER & ATTENDANCE

Chair Pete Woll, called the July 12, 2021, 310-Stream Permit 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; Scott Rumsey, Supervisor; Donna Pridmore, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Also, in attendance were Hailey Graf, Samantha Tappenbeck, Ginger Kauffman, Staff; Kenny Breidinger and Leo Rosenthal, FWP; Fiona Handler, Big Sky Watershed AmeriCorps Member; Jarrod Mohr; Gordon Ash, Associate Supervisor; Terese Lipinski-Kashi; Michael Woods; Bill Whitsitt; Sandy Heil; John & Belinda Jones; Maggie Armstrong; Mike Cotton, FH Stoltze L&L.

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

- Heil, FL-2020-042C, Blaine Creek, complaint
- Heil, FL-2021-032, Blaine Creek, bridge
- Hodge Creek Reserve, FL-2021-003, Hodge Creek, culvert/bk stabilization

Consent Agenda Item 3: Minutes (FCD June 28, 2021, Business Meeting)

Consent Agenda Item 4: Financial

The following bills were reviewed (Check Detail June 30 – July 7, 2021)

1. Byte Savvy \$60.00
2. Chrysta Bourne \$2,588.75
3. Daily Interlake \$77.85
4. Dwight Bergeron \$3,503.15
5. Elysian McIntyre \$936.22
6. Katherine Holley \$202.49
7. KRMC Kid Kare \$1,121.70
8. Montana Conservation Corps \$3,125.00
9. Montana Sky Networks Inc. \$10.00
10. Mountain States Leasing – Kalispell \$3,199.46
11. Snowghost Designs Inc. \$468.22
12. Loring Cox \$3,527.42

13. Montana State Fund \$402.90
14. MT Unemployment Insurance \$122.90
15. Flathead Beacon \$528.00

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

PUBLIC COMMENT

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

310 ONSITE INSPECTIONS

Carlson, FL-2021-044C, Stoner Creek, complaint: Donna Pridmore stated that the onsite inspection has already been done, and Kenny Breidinger explained that the tree that was cut was out of the district’s jurisdiction.

Donna Pridmore motioned “this is not a violation as defined by district rules.” Scott Rumsey seconded. Motion carried unanimously.

Columbia Falls Aluminum Co, FL-2021-055, Flathead River, trail/bridge: An onsite inspection was scheduled for Friday, July 30, 9:00 A.M. at the site.

310’s

Beatty, FL-2020-070, Flathead River, permit modification request: Donna Pridmore explained the landowner is requesting a permit modification to remove Hawthorne shrubs. Donna and Kenny Breidinger recommend the landowner remove the Hawthorn, but replace it with native willow, dogwood of similar size and root size. Kenny noted that the addition of replanting is good mitigation.

Donna Pridmore motioned “to approve the permit modification request; modifications are to require the landowner replace the Hawthorne with native shrubs and willows.” Verdell Jackson seconded. Motion carried unanimously.

Buck, FL-2021-041C, Stoner Creek, complaint: Donna Pridmore stated this is a violation. Before an onsite inspection could be done, Mr. Buck submitted an application. During the onsite he was told he is in violation and that the application would not be approved.

Donna Pridmore motioned “the activity has been initiated on a perennial flowing stream without a permit. The landowner is to reshape the bank and replant with native shrubs, grasses and regrade the slope to 2:2, approximately 40-feet along the streambank.” Lech Naumovich seconded. Motion carried unanimously.

The complaint will remain on the agenda until remediation work is completed.

Buck, FL-2021-048, Stoner Creek, bank stabilization/path: Donna Pridmore motioned “to deny the application because it is outside the remediation of the complaint.” Lech Naumovich seconded. Motion carried unanimously.

Butts, FL-2021-045C, Unnamed, complaint: Donna Pridmore explained that she and Hailey Graf talked with Caitlin Overland, Flathead County Attorney's office, as this is a second complaint regarding the same issues, and the previous complaint was resolved. Caitlin counseled that if the complainant has not submitted any new information or material, then the district can consider the new complaint resolved.

The complainant stated he purchased property 1 ½ years ago, noted that water is no longer flowing in the stream, disagreed with the Board's decision regarding the previous complaint, and stated the cistern should be removed, the fill should be removed as it is blocking the flow of water through his property, and a culvert put in place to allow the flow to continue.

Lech Naumovich stated the flow of a stream cannot be determined in one year. He explained that there are wet and dry years. This is a creek that is evolving. The landscape is becoming afforested, meaning there are greater amounts of forest, with more water going into roots and subsoils which changes subsurface flow. This system is in a trajectory where it is drying up. The previous complaint was remediated to a satisfactory manner and has been resolved. Continued work, including removal of a cistern, will create erosion and deteriorate the system rather than improve it. Kenny Breidinger noted that there is a historic ford there. It is older than the cistern and fill that was placed in the channel. Most of the fill has subsequently been removed and there is not an impoundment anymore. The complaint was remediated.

Mr. Woods asked what his next step would be, such as going to court. John Ellis referred him to Rules 19, 20, 21, 22 of the Adopted Rules of Flathead Conservation District which outline the procedure if he disagrees with the Board's determination.

Donna Pridmore motioned "the complaint has been considered resolved and to send a letter to the complainant stating such." Lech Naumovich seconded. Motion carried unanimously.

FH Stoltze L&L, FL-2021-023, Various streams, bank stabilization/road maintenance/culverts: John Ellis explained the application is for annual road maintenance and culvert extensions. After discussing the minimal use of annual maintenance permits, it was decided not to issue the permit until needed. Kenny Breidinger stated that work such as rip rap or culvert extensions is not annual maintenance and would require submittal of new 310-permit applications. Mike Cotton stated he will get additional information from Paul McKenzie.

John Ellis motioned "to table the application until the September 310-meeting." Donna Pridmore seconded. Motion carried.

FH Stoltze L&L, FL-2021-024, S. Fork Canyon Creek, diversion: John Ellis explained every year water is diverted from South Fork Canyon Creek to Trumbull Creek, and reviewed considerations in the Team Member Report. Kenny Breidinger stated this is a trans-drainage diversion and even with the use of equipment every year there is very little to no signs of erosion or impacts to the stream. This has been going on for a very long time, it is just a matter of placing rocks during low flows. Scott Rumsey asked if there is any

reason to consider a permanent structure. Mike Cotton replied that a permanent structure would inhibit the stream channel.

John Ellis motioned “to approve the application as proposed per the Team Member Report.” Verdell Jackson seconded. Motion carried unanimously.

FH Stoltze L&L, FL-2021-051, Unnamed, bridge/culvert: John Ellis explained the application was originally to remove and replace an old bridge. John reviewed considerations in the Team Member Report, and stated that after the onsite inspection, a modification was submitted 6/18/2021 to replace the bridge with bottomless arched culverts. Kenny Breidinger stated this is a large roadbed going across the bridge which is used for hauling logs. He described the current bridge and noted that bottomless culverts are good for passing debris and bed load, are adequately sized, and are a long-term solution compared to a log-stringer bridge. Work will be done during low flows or in the dry.

John Ellis motioned “to approve the application with modifications per modifications submitted 6/18/2021.” Verdell Jackson seconded. Motion carried unanimously.

Gabbert, FL-2021-018C, Bales Creek, complaint: Donna Pridmore explained that complaint # FL-2018-049C was filed by the same person, and it was found not to be a violation. This is another complaint with no new information.

Donna Pridmore motioned “this is not a violation because no new information has been presented by the complainant. A letter will be sent to the complainant explaining that this has been handled under FL-2018-049C and the board will not take any further action.” John Ellis seconded. Motion carried unanimously.

Griffin, FL-2020-060C, Garnier Creek, complaint: Lech Naumovich explained a shed was placed next to the stream and was in violation. The landowner filed an application to remediate the violation, but work has not yet been completed.

Lech Naumovich motioned “to table until the next meeting.” John Ellis seconded. Motion carried unanimously.

Griffin, FL-2021-022, Garnier Creek, move shed: Lech Naumovich explained that the shed had been moved, however, the gravel was still in place. The landowner will be removing the gravel and adding topsoil per application. They will also be adding a privacy fence.

Lech Naumovich motioned “to approve the application with modifications per the Team Member Report. Modifications are to add a privacy fence.” Scott Rumsey seconded. Motion carried unanimously.

Grob Family Trust, FL-2021-052E, Unnamed, notice of emergency: Donna Pridmore explained that she and Kenny Breidinger met with Harold Glazier. He put in two culverts to keep from washing out two separate logging roads during high runoff. One culvert was perched and set on less than grade, and as mitigation they recommended that he put in energy dissipators below the culverts to break up the current.

Donna Pridmore motioned “approve the emergency with modifications per the Inspection Report.” Lech Naumovich seconded. Motion carried unanimously.

Johnson, FL-2020-038, O’Neil Creek, culverts: Verdell Jackson motioned “to table the application until the next meeting, pending further information.” Scott Rumsey seconded. Motion carried unanimously.

Jones, FL-2021-049, Unnamed stream, culvert: Verdell Jackson explained that the landowner wants to put in a 4’x20’ culvert to access property on the other side of the stream via vehicle. During the onsite inspection the landowner discussed moving the culvert upstream closer to the fence where another culvert and trail are.

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

Kahle, FL-2021-037, Whitefish River, dock/gangway/steps: John Ellis described the site.

John Ellis motioned “to approve the application as submitted and waive the 15-day waiting period.” Lech Naumovich seconded. Motion carried unanimously.

Klempnow-Meece, FL-2020-032, Tepee Creek, permit extension request: Pete Woll explained that the deck replacement is not finished so the landowner is requesting a one year permit extension.

Pete Woll motioned “to approve a one-year permit extension.” John Ellis seconded. Motion carried unanimously.

Lipinski-Kashi, FL-2021-047, Ashley Creek, fencing: Donna Pridmore explained the landowner wants to do some fencing on the property that will cross the stream in two places. The landowner did not want to put in a ford, so crossing options were discussed. Kenny Breidinger explained that there are fences with a breakaway structure so debris will not accumulate, it will allow passage and complies with the stream access law. Work will be done in the fall.

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

Maldonado, FL-2021-054C, Flathead River, complaint: A response has not yet been received from the landowner.

John Ellis motioned “to table until the next 310-meeting.” Verdell Jackson seconded. Motion carried unanimously.

Mohr, FL-2021-053, Flathead River, shed/stairs/hot tub/deck: John Ellis explained the application is for an after-the-fact permit for a shed, stairs, hot tub and hot tub deck. He described the area where the shed is 20 feet from the top of the bank; the 100-year floodmarks is underneath the porch of the shed. Kenny Breidinger added that there is a

breaking grade above the mean highwater mark. The hot tub has untreated water and encroaches upon 20 feet from the top of the bank. It is sitting on a gravel base wrapped in boards. The gravel is considered fill. The stairs are constructed of some type of pressure treated wood which may not meet the Adopted Rules, are removable and go down to the water. Vegetation is growing between the steps, and stakes are driven in the bottom to hold them in place. There is also a trail.

Jarrold Mohr stated he has been working with River Design Group and submitted a permit application to the City of Columbia Falls. He explained that the shed is in the area where brush thinning took place in 2007 under permit #FL-2007-033. It is an uninhabitable structure with no permanent facilities and no running water. The hot tub is a natural cedar wood fired hot tub and is filled from a hose connected to the house. The stairs are pressure treated wood, are portable, rest on the bank, and are removed during highwater. Anna Mohr explained that she drains the tub, cleans it with baking soda, sprays with vinegar then refills with water and does not use bromine chlorine/solution, chemicals or stabilizers to the water in the hot tub. Jarrold added that some of the water is used to water raspberry bushes and that the hose goes to the bottom of the beach where they drain it. The hot tub it is for private use only.

Kenny Breidinger stated this is similar to other projects we have been struggling with lately. The focus is not to concentrate use on to the streambank. The Natural Streambed and Land Preservation Act (NSLPA) is to protect the riparian area, streambed and banks. If we permit structures like this (hot tub, patio, path parallel to the stream etc.), it is concentrating use on to what we are trying to protect. Scott Rumsey reiterated that the original intent of the NSLPA is to protect the immediate streambed and banks in their natural and pre-existing state, and that this goes far beyond that because the hot tub is on the immediate bank. Kenny noted that if this was a new application, this would not be permitted.

John Ellis motioned "to approve the application with modifications; the modifications being the hot tub is to be moved away from the streambank the same distance that the shed is from the top of the streambank, and the wood used in the stairs must comply with the Adopted Rules." Donna Pridmore seconded. Motion carried unanimously.

Peerman, FL-2021-046C, Stillwater River, complaint: Verdell Jackson motioned "to table pending receipt of a response." John Ellis seconded. Motion carried unanimously.

Scott, FL-2021-050, Flathead River, remove & replace boathouse & boat lift: Pete Woll stated during the onsite inspection the consultant noted the landowner wants to add a patio on top of the boathouse. This is not allowed in the Adopted Rules, so the consultant will be submitting new information.

Pete Woll motioned "to table pending further information from the consultant." Verdell Jackson seconded. Motion carried unanimously.

Smoke Showing, FL-2021-043, Swan River, dock/gangway/stairs: Donna Pridmore explained the landowner wants to put in a set of stairs to a gangway and floating dock. There is a trail from the patio to where the top of the stairs will be. Leo Rosenthal added

that the gangway is to be pulled in 4-feet landward so it fits within the Adopted Rules, and the dock must be removed in the winter. Donna reviewed the considerations in the Team Member Report.

Donna Pridmore motioned “to approve the application with modifications per the Team Member Report. FWP has waived their 15-day waiting period.” John Ellis seconded. Motion carried unanimously.

NEW BUSINESS - None.

MATTERS OF THE BOARD/STAFF

2021 NW MT Fair sign up: Samantha Tappenbeck explained that the Northwest Montana Fair will be held August 18-22. The district will share space in the Search and Rescue building with Flathead National Forest and Glacier National Park staff. Their theme is leave no trace, and the district will compliment that with responsible river stewardship and river recreation. A sign-up sheet is available for Supervisors to help work in the booth.

MACD: Pete Woll reported that he has resigned from the Montana Association of Conservation Districts’ (MACD) Board.

Upcoming Events:

- 7/13 9:00 A.M. – Noon: Work in the demonstration garden
- 7, 19 – Noon: Retirement lunch for Ronald Buentemeier in the demonstration garden
- 7/30 6:00P.M.: Pollinators in the Park event at Woodland Park

Upcoming meetings:

- The 2021/2022 Budget meeting is scheduled for Monday, July 19, 9:30 A.M in the conference room.
- The monthly Business meeting is scheduled for Monday, July 26, 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 10:10 P.M.

Submitted By:

Ginger Kauffman Administrator	Hailey Graf Resource Conservationist
----------------------------------	---

Minutes approved by FCD Board motion made on:

<u>8/23/2021</u> (Date)	<u>John Ellis</u> (Signature)	<u>Vice-Chair</u> (Title – Chair etc.)
----------------------------	----------------------------------	---