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### **CALL TO ORDER & ATTENDANCE**

Chair Pete Woll called the September 9, 2019, 310-Stream Permit meeting to order at 7:00 P.M. in the conference room.

### **Board members present:**

Pete Woll, Chair; Lori Curtis, Vice Chair; Dean Sirucek, Secretary/Treasurer; Ronald Buentemeier, Supervisor; John Ellis, Supervisor; Verdell Jackson, Supervisor; Lech Naumovich, Supervisor; being a quorum of the Board.

**Board members absent:** Lech Naumovich. Absence is excused.

Also, in attendance were Hailey Graf and Ginger Kauffman, FCD staff; Kenny Breidinger, MFWP; Ted Nichols; T. Chaffin; J Nichols; Linda Nichols; Bill Witsitt; Mitch King, Montana's Outdoor Legacy; Dean Wrbelis; S. Dublin; Wes Martin; Bonnie M.; Cody Jensen; Clarence Walhood, W&W Marine.

### **MINUTES**

Lori Curtis motioned "to approve the minutes of the August 26, 2019, business meeting as presented." Verdell Jackson seconded. Motion carried unanimously.

### **CORRESPONDENCE**

Email: Newsletters, Publications

1. National Association of Conservation Districts (NACD) - *eResource, Conservation Clips*, <https://www.nacdnet.org/>
2. Flathead Audubon Society - *Pileated Post* <https://www.flatheadaudubon.org/>
3. Montana Fish Wildlife & Parks *Montana AIS (Aquatic Invasive Species) News* <http://cleandraindry.mt.gov/News>
4. Rosebud CD newsletter *Conservation Connection* [www.rosebudcd.com](http://www.rosebudcd.com)
5. Montana Watershed Coordination Council *Watershed News* <http://mtwatersheds.org/app/>
6. Custer County CD newsletter *Conservation Update*  
Contact Carol Watts at [Carol.watts@mt.nacdnet.net](mailto:Carol.watts@mt.nacdnet.net) 406-232-7905 Ext. 3242

Email: Meetings

1. Whitefish Planning Board Meeting, Thursday, September 19, 2109, 6:00 P.M., Whitefish City Council Chambers <http://www.cityofwhitefish.org/>

Email: Announcements

1. The Flathead National Forest is planning to conduct fall prescribed fire projects, when weather, fuel conditions, and air quality become favorable. The project areas include: Forest-wide Pile burning; Swan Lake Ranger District (Lindy Ridge Prescribed Burn, Huey Timber Sale, Louie Timber Sale, Swan Valley Bottom Maintenance Burning); Tally Lake Ranger District (Whitefish Municipal Watershed Prescribed Burn, Radnor Unit 64); Hungry Horse District (Red Whale Fuels Reduction, Belton Rx, Middle Fork Fuels Rx, Coram Pasture Rx); Spotted Bear Ranger District (Aerial Ignition, Hand Ignition). **For more information about these projects, contact the appropriate Ranger Station:** Hungry Horse/Glacier View Ranger District: 406-387-3800; Tally Lake Ranger District: 406-758-5204; Swan Lake Ranger District: 406-837-7500; Spotted Bear Ranger District: 406-758-5376. For precise prescribed fire ignition dates, and times, follow Facebook and Twitter profiles. General forest information can be found online at <http://www.fs.usda.gov/flathead>.

### **FINANCIAL**

The following bills were reviewed:

1. Byte Savvy \$55.00
2. Nicola Butcher \$200.00

John Ellis motioned “to approve the bills as presented.” Lori Curtis seconded. Motion carried unanimously.

### **PUBLIC COMMENT PERIOD**

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

### **310**

**Anderson**, FL2019044, Flathead River, dredging: Pete Woll explained that the property is a man-made lagoon just south of Sportsman’s bridge into which the river has deposited silt. The applicant wants to dredge it to the original depth to allow boats to get in and out. Work will be done during low water using an excavator to reach across and sediment will be hauled out. Pete noted that during the onsite inspection he and Kenny Breidinger also talked to the applicants about invasive water plants that could come in. Kenny added that the sandbar into the river will not be excavated and this will be ongoing maintenance as boat traffic contributes to the area filling in with sediment.

Pete Woll motioned “to approve the application as submitted per the Team Member Report.” Lori Curtis seconded. Motion carried unanimously.

**Dublin**, FL2019054, Flathead River, dock: An onsite inspection was scheduled for Thursday, September 12, 9:00 A.M. at the site.

**FHRR Lot 8 LLC**, FL2019050C, Flathead River, complaint: Ronald Buentemeier motioned “to send the standard complaint letter to the landowner.” Lori Curtis seconded. Motion carried unanimously.

**FHRR Lot 8 LLC**, FL2019051C Flathead River, complaint: Ronald Buentemeier motioned “to send the standard complaint letter to the landowner.” Lori Curtis seconded. Motion carried unanimously.

**Flathead River Ranch Partners LLC**, FL2019048C, Flathead River, complaint: Ronald Buentemeier motioned “to send the standard complaint letter to the landowner.” Lori Curtis seconded. Motion carried unanimously.

**Flathead River Ranch Partners LLC**, FL2019049C, Flathead River, complaint: Ronald Buentemeier Ronald Buentemeier motioned “to send the standard complaint letter to the landowner.” Lori Curtis seconded. Motion carried unanimously.

**Hicks**, FL2019041C, Unnamed stream, complaint: Verdell Jackson explained that the complaint was regarding ponds that were created in 2012/2013 and the stream was diverted. A complaint response was received.

An onsite inspection was scheduled for Wednesday, October 9<sup>th</sup>, 9:45 A.M. at the site.

**Hogan**, FL2019004, Rose Creek, well/cistern/excavation/structures/utilities: Pete Woll motioned “to table until the applicant submits additional information.” Lori Curtis seconded. Motion carried unanimously.

**Kirby**, FL2019031, Flathead River, walkway/ramp: Pete Woll stated this project is in Eagle Bend West. There is a section of property, owned by Montana’s Outdoor Legacy (MOL), between the applicant’s property and the river. MOL and adjacent landowners have expressed concern of trespass issues, however, trespass issues are not under the district’s jurisdiction.

Mitch King, Executive Director of MOL, described their property as wetlands important for habitat and protection from development. MOL focuses on conservation of MT FWP resources and the public enjoyment of that, however, their priority is to make sure that nothing adversely affects, harms or damages the natural integrity of the wetlands. He explained that there are several landowners just east of the wetlands that have structures which began as decks, and now have docks which encroach on to MOL property. They are using jet skis that are causing channelization and are creating negative impacts to the wetland habitat. He is working through other channels to deal with the trespassing issues but has concerns that approving the Kirby application, which includes a deck over the wetland area, would make the issue worse. He recognized that one project to the south (#FL2017032, Flathead River, Brunskill - approved for weed removal, landscaping, fabric, small rock) did have a 310-permit, but no extension was permitted. He asked that the district make it clear to permittee’s that any work beyond the original permit is a violation, and to take enforcement action to clear those up.

Bill Witsitt, a member of the Homeowners Association (HOA) and next-door neighbor to Kirby, stated the Brunskill project did not have permission from the HOA and reiterated that the extension was not permitted by the district. He expressed concerns that the Kirby application did not adequately address weed control, the drawings in the application are confusing, the modifications and addendums are not clear, lacks a side-

profile drawing, property lines are not clearly identified, and the application does not address why the ramp/dock are even needed. He added that the project does not have approval from the HOA and based on his conversations with Flathead County Planning and Zoning, the project would violate their required setbacks. He also asked that the agencies involved stop encroachments, degradation, and require remediation.

Ronald Buentemeier and Mr. Witsitt discussed the responsibility and process for filing a complaint with the conservation district.

Dean Wrbelis, contractor for Kirby, stated that he spoke with Flathead County Planning and Zoning when beginning project planning and was informed that they would need to contact the District. Kirby's intention was to seek approval from the HOA once the project plans had been approved by the District. The floatation device was not preset for docking. It is on Kirby's property, and has been retracted because the water does not come up as high as thought, and the floatation was in case water intruded, so it would go up and down rather than placing piers in the ground. The black underlay was placed to hold the weeds down since weed killer cannot be used in the area. The deck above the underlay is an observation platform to enjoy the wildlife. Kirby's property reaches 5 feet out into the cattails and the property boundary markers can be seen. He added that other property owners along that area have done projects on their properties.

Kenny Breidinger stated several changes have been submitted to the application. Now you have a deck that will run parallel to the river and a gangway that goes down to a float; is the gangway still part of the proposed project? Dean Wrbelis replied no, the gangway was removed from the proposal as the water does not come up high enough to warrant it.

Several supervisors stated that the drawings and all the discussion about the different properties is confusing and suggested that the applicant and neighboring landowners provide more information, clearer drawings and maps so the issues can be better understood. Pete Woll asked that if information is submitted to the district office before the next 310-meeting, that copies be provided for the entire board.

Pete Woll motioned "to take the application to legal counsel to see if the existing surveys are adequate or if we need to do more work to get exact property lines before the application is approved." John Ellis seconded. Motion carried unanimously.

Additional discussion was held regarding filing of complaints. Hailey Graf explained that the complaint process could be confusing because if the structures are on MOL property then they would have to file a complaint against themselves, remove the structures from their property, and deal with the trespass issue in civil court. John agreed that the trespass issue needs resolved in civil court. Mr. King stated that the structures in question start on Eagle Bend resident properties but extend out into MOL property. Lori Curtis added that filing a complaint would be appropriate and very helpful. Pete noted that there is only one dock in the area that was permitted (#FL2000100, Flathead River, Formby) with the approval of Eagle Bend Harbor Village. It was on an old agricultural irrigation site before MOL owned the wetland property.

**Martin**, FL2019046, Whale Creek, debris removal: Ronald Buentemeier showed photos from the onsite inspection and Mr. Martin explained that he would like to remove some dead trees and debris from Whale Creek. Mr. Martin stated that several trees washed into the river and created a diversion so that Whale Creek has changed course over the last two years and is cutting into his property. He expressed concern that if it continues, the Creek will cut off several property owners and cause increased sedimentation.

Kenny Breidinger asked for clarification on where the logs are that need to be removed and Mr. Martin responded that they are on the other side of the creek and on his property line. Ronald stated that because Mr. Martin was not present during the onsite inspection to show them the area, he and Kenny did not see the logs. Ronald asked how many logs would need to be removed and Mr. Martin responded that two large logs would need to be cut in half and other debris cleaned up. Hailey Graf asked where the logs would be placed once they were cut and Mr. Martin replied that he would either move them just out of the way or use a cable and backhoe to drag them across the river to be placed in the area where it is cutting in.

Kenny stated that there have been large adjustments to the river over the last several years and that simply cutting out the logs may not successfully reestablish the original stream channel. He stated that the proposed project may not fix the problem and has potential to cause unforeseen issues both up and down stream. Mr. Martin added that he would still like to try. Ronald stated that another onsite inspection would be needed to reevaluate the proposed work. Dean Sirucek added that this area of the stream is unstable and has historically moved back and forth within the larger stream channel. He also agreed that removing the logs may not cause the stream to move back to its previous location and solve the problem.

An onsite inspection was scheduled for Monday, October 7, 9:30 A.M. at the site.

**Nichols**, FL2019043C, Flathead River, complaint: Lori Curtis stated this is a complaint for filling down by the river, and we have received a response from the landowner. Mr. Nichols explained that he has a paved road that goes almost all the way to the river and has had difficulty with people driving off the road and all the way to the river. To prevent traffic from going down to the river and to repair some damage caused by logs floating into the area, he brought in rock and gravel and removed some debris. He explained that at the time he was unaware he needed a permit. He showed a photo of the area and the damage caused by the logs.

An onsite inspection was scheduled for Thursday, September 12, 10:00 A.M. at the site.

**Nugent**, FL2019053E, Trumbull Creek, notice of emergency: Mr. Petero explained that he has an easement on the Nugent property. The Creek had cut under the corner of his well pump house causing the bank to slough and become unstable. To prevent damage, he stacked 6 to 8-inch rocks by hand along the bank and in the cavity under the corner of the pump house. He provided before and after pictures of the work and explained that he would like to move the pumphouse next spring to a safer location and will apply for a 310-permit for that work.

An onsite inspection was scheduled for Thursday, September 12, 11:30 A.M. Participants will meet at the Family Forestry Expo site.

**Pettey**, FL2019042, Moose Creek, debris removal/road/bridge: Ronald Buentemeier stated that the application is to get across the stream to access additional property. He explained that the creek is very braided in this location and it will be very difficult to find an appropriate location for a bridge. After viewing the site, Ronald and Kenny Breidinger suggested the landowners start by building a 4-foot wide foot trail leaving trees and stumps in place. Kenny added that the alder will grow back quickly and explained that the owners' intention is to create access to the other side of their property for fire mitigation work.

Ronald Buentemeier motioned "to approve the application with modifications per the Team Member Report." Dean Sirucek seconded. Motion carried unanimously.

**Phillips**, FL2019040, Flathead River, tree removal: Pete Woll explained that the application is to remove two Russian Olive trees in the Eagle Bend area. As it is an invasive species, he and Kenny Breidinger recommended the landowners remove all the Russian Olive trees and any suckers.

Pete Woll motioned "to approve the application with modifications per the Team Member Report." Lori Curtis seconded. Motion carried unanimously.

**Prentice**, FL2019052, Flathead River, dock: Pete Woll motioned "to withdraw the application per the request of the applicant." Lori Curtis seconded. Motion carried unanimously.

**Stewart**, FL2019039, Walker Creek, culvert, fill, structure: Cody Jensen, 406 Engineering, explained that they conducted an encroachment analysis, will need a bigger culvert than was originally specified in the application, and provided revised drawings during the meeting. Pete Woll explained that on Friday the Area Supervisor, Lech Naumovich, had been notified that new drawings may be submitted. Lech was unable to attend this meeting but had asked that the application be tabled to allow more time to review the new drawings.

Lori Curtis motioned "to table the application until the October 310-meeting." Verdell Jackson seconded. Motion carried unanimously.

**Westwood Park**, FL2019033C, complaint/tabled pending remediation: Verdell Jackson explained that the landowner is to contact the district when the remediation work is completed so a follow-up inspection can be scheduled.

Verdell Jackson motioned "to table the complaint until we receive the remediation report." Lori Curtis seconded. Motion carried unanimously.

**NEW BUSINESS**

**End of Month Budget Report (July 2019):** The July 2019 End of Month Budget Report was reviewed with the Board.

Lori Curtis motioned “to approve the July End of Month Report.” John Ellis seconded. Motion carried unanimously

**2019/2020 Final Budget:** The FY 2019/2020 budget was reviewed and discussed by staff and the Board.

Lori Curtis motioned “to approve the budget worksheet as presented for Fiscal Year 2019/2020, and to approve the county budget sheets for Fiscal Year 2019/2020.” Dean Sirucek seconded. Motion carried unanimously.

**Staffing:** The meeting was closed. Staff and FWP left the room so the board could discuss staffing.

The meeting was reopened. Lori Curtis motioned “to offer the Resource Conservationist position to Hailey Graf, and for Pete Woll and Lori Curtis to negotiate the salary.” Dean Sirucek seconded. Motion carried unanimously.

Lori Curtis motioned “to advertise for a new Conservation Program Manager position to replace the Assistant Conservationist position. Salary to be determined.” Dean Sirucek seconded. Motion carried unanimously.

**MATTERS OF THE BOARD/STAFF**

**MACD Area Meeting:** The Area meeting will be held September 25th, 9:00 A.M. in Corvallis. Dean Sirucek, Lori Curtis, Pete Woll and Hailey Graf will be attending. Verdell Jackson was not sure.

Lori Curtis motioned “to approve a check to Bitterroot CD up to \$100 for the Area V meeting registration fees.” Dean Sirucek seconded. Motion carried unanimously.

**MACD Resolutions/Dues:** Copies of the proposed MACD Resolutions and MACD Dues were provided to the board. The board will discuss and vote on the proposals at the September Business meeting.

The next business-meeting is scheduled for Monday, September 23, 2019, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Lori Curtis motioned “to adjourn.” Dean Sirucek seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 10:01 P.M.

Submitted By:

Ginger Kauffman  
Administrator

Hailey Graf  
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>9/23/2019</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)