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## **CALL TO ORDER & ATTENDANCE**

Chair Pete Woll called the September 11, 2023, 310-meeting to order at 7:00 P.M. in the conference room.

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

**Board members absent:** John Ellis, Vice Chair. Absence is excused.

Also, in attendance were Samantha Tappenbeck, Ginger Kauffman, FCD Staff; Mark Siderius, FCD Associate Supervisor; Leo Rosenthal, FWP; Tory Baughn; Mikel Siemens; Larry & Becki Booker; Don Murray; Casey Malmquist; Laurel Fullerton; Sandy Heil; Jason Stevens; Ty Mocabee.

## **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: Minutes**

- 8/14/2023 310-Permit Meeting Minutes

### **Consent Agenda Item 3: Financial**

Check Detail dated 8/28/2023 - 8/30/2023.

1. VISA (Donna Pridmore) \$99.95
2. VISA (Samantha Tappenbeck) \$2,372.42
3. Charter communications \$162.95
4. Daily Interlake \$67.82
5. MT Sky Networks Inc. \$10.00
6. Mountain States Leasing \$1,884.86

### **Consent Agenda Item 4: Correspondence**

- None

Donna Pridmore motioned “to accept the consent agenda as presented.” Mike Kopitzke seconded. Motion carried unanimously.

## **PUBLIC COMMENT**

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

### **310 Onsite Inspections**

**Booker**, FL-2023-082, Swan River, trail/stairs/landing: Pete Woll explained the application was submitted as remediation for complaint FL-2023-075C. Pete Woll motioned “to accept FL-2023-082 as a complete application.” Donna Pridmore seconded. Motion carried unanimously.

Pete Woll motioned “to approve FL-2023-082 as proposed. This satisfies complaint FL-2023-075C.” Donna Pridmore seconded. Motion carried unanimously.

**Christensen**, FL-2023-087, Tobie Creek, utilities: Donna Pridmore motioned “to accept FL-2023-087 as a complete application.” Bill Yankee seconded. Motion carried unanimously. An onsite inspection was scheduled for Friday, September 29, 9:00 A.M. at the site.

**Clobes**, FL-2023-084C, O’Neil Creek, complaint: Donna Pridmore explained a response letter was received from the landowner. An onsite inspection was scheduled for Friday, September 29, 11:00 A.M. at the site.

**Fullerton**, FL-2023-090, Flathead River, bank stabilization: Pete Woll motioned “to accept FL-2023-090 as a complete application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, October 3, 10:30 A.M. at the site.

**Gress**, FL-2023-091, Flathead River, bank stabilization: Pete Woll motioned “to accept FL-2023-091 as a complete application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, October 3, 10:30 A.M. at the site.

**Heil**, FL-2023-088, Blaine Creek, bridge: Pete Woll motioned “to accept FL-2023-088 as a complete application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, October 3, 12:30 P.M. at the site.

**Maltbie**, FL-2023-094C, Mount Creek, complaint: The complaint letter was mailed 9/7/2023, but a response has not yet been received. Scott Rumsey motioned “to table until the October 10<sup>th</sup> 310-meeting.” Mike Kopitzke seconded. Motion carried unanimously.

**Miles Whitefish Inv**, FL-2023-096, Whitefish River, dock, gangway, stairs etc.: Roger Marsonette motioned “to accept FL-2023-096 as a project.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Thursday, September 28, 9:00 A.M. at the site.

**Osborn Landing HOA**, FL-2023-095, Swan River, thin & trim brush: Pete Woll motioned “to accept FL-2023-095 as a complete application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Friday, October 6, 9:30 A.M. at the site.

**Rediger**, FL-2023-081, Flathead River/Goodrich Bayou, footpath: Roger Marsonette motioned “to accept FL-2023-081 as a complete application.” Donna Pridmore seconded. Motion carried unanimously.

An onsite inspection was scheduled for Thursday, September 28, 10:30 A.M. at the site.

**Reilly**, FL-2023-089, Unnamed, culvert: Roger Marsonette motioned “to accept FL-2023-089 as a complete application.” Donna Pridmore seconded. Motion carried unanimously.

An onsite inspection was scheduled for Thursday, September 28, 11:30 A.M. at the site.

**Siderius**, FL-2023-086, Flathead River, replace irrigation intake & pump site: Pete Woll motioned “to accept FL-2023-086 as a complete application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, October 3, 9:30 A.M. at the site.

**Skyline Metal Roofing**, FL-2023-085, E. Spring Creek, shop & parking area: Scott Rumsey motioned “to accept FL-2023-085 as a complete application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Wednesday, September 27, 9:00 A.M. at the site.

**Stalowy**, FL-2023-083C, Bear Creek, complaint: Pete Woll explained that an onsite has not yet been scheduled as the district is waiting for a response from Mr. Stalowy. Don Murray commented that the complainant is upstream from Stalowy and can see the site from his property. Don stated Stalowy has previously been through this process before all the way to the Montana Supreme Court and noted that neighbors and other landowners are concerned as Mr. Stalowy is excavating in the creek. Samantha Tappenbeck explained that Stalowy received the complaint letter on 9/7/2023 and has 15 days from that date to submit a response. Pete Woll motioned “to table FL-2023-083C until we receive the response from the landowner.” Donna Pridmore seconded. Motion carried unanimously.

**Thompson**, FL-2023-093C, Unnamed, complaint: The complaint letter was mailed 9/7/2023. Scott Rumsey motioned “to table FL-2023-093C until the October 10<sup>th</sup> 310-meeting.” Bill Yankee seconded. Motion carried unanimously.

**Wilson**, FL-2023-092, Flathead River, bank stabilization: Pete Woll motioned “to accept FL-2023-092 as a complete application.” Donna Pridmore seconded. Motion carried unanimously. An onsite inspection was scheduled for Tuesday, October 3, 10:30 A.M. at the site.

### **310's**

**Andrews**, FL-2022-069, Flathead River, permit modification request: Pete Woll explained that this was tabled at the last meeting to provide Supervisors time to view the site. After viewing the site, Supervisors recommended that the applicant submit another application for the revegetation/planting portion of the project. Samantha Tappenbeck will work with the applicant on a list of species.

Pete Woll motioned “to approve the permit modification request submitted 8/30/2023.” Scott Rumsey seconded. Motion carried unanimously.

**Birk**, FL-2021-011, Flathead River, bank stabilization: Donna Pridmore explained that Mr. Birk did not submit an application by September 1<sup>st</sup> as required; but instead submitted a response and asked for another onsite inspection. Discussion held regarding assessment of fines for violations. Samantha Tappenbeck stated she contacted the attorney and that she does have a

letter template if needed. Donna Pridmore motioned “to table FL-2021-011 until the September business meeting.” Roger Marsonette seconded. Motion carried unanimously.

**BNSF/FCDEA**, FL-2023-078, Stillwater River, debris removal/revegetate/weed control: Roger Marsonette explained that a revegetation plan was submitted 9/5/2023. He reviewed the plan with the Board, and Donna Pridmore noted they had a discussion onsite regarding stabilization of the slopes also. The applicant was also encouraged to utilize the district’s seedling program. Roger Marsonette motioned “to approve FL-2023-078 with modifications submitted on 9/5/2023.” Donna Pridmore seconded. Motion carried unanimously.

**Booker**, FL-2023-075C, Swan River, complaint: Pete Woll explained an onsite inspection was held 9/7/2023. The landowner improved some groundwork going down the bank on an existing trail. Very minimal work and stabilization was done, as tree roots could be seen sticking up through the gravel. Steps were made from treated material and went down the bank so they could pull their kayaks in and out. The path is approximately 2½ feet wide. Leo Rosenthal stated it is an existing trail that was cut into the bank but has been there for quite some time. They added a small amount of material to surface the trail and boards to retain the material. When onsite, the landowner noted that rebar anchors are in deep to support the boards. Leo added that the stairway that was built is what we would prefer to access the river, and rock is minimally armoring that.

Pete Woll motioned “that FL-2023-075C is a violation, and activity has been initiated on a perennial flowing stream without a valid permit. The recommended course of action is to apply for an after the fact 310-application. The landowner has submitted application #FL-2023-082.” Donna Pridmore seconded. Motion carried unanimously.

**Brazan**, FL-2023-008, Stillwater River, pier: This application remains tabled until further information is received from the applicant.

**Guesdon**, FL-2023-079, Echo Creek, remove silt & weeds: Pete Woll explained that the onsite inspection was held 9/7/2023. This is a small off-stream pond, and they want to clean out the silt and weeds. Leo Rosenthal stated it is off channel and is bermed with spoils from when it was originally created. They also want to clean the inlet and outlet. Leo voiced concern that it should not be allowed to capture the entire channel of Echo Creek. The landowner does need a water right to divert water into the pond, however water rights are not under the jurisdiction of the district. If the landowners clean out the vegetation, then water would flow through at all water levels. The pond will be cleaned out first, then the outlet and the inlet. There would be no exchange during the excavation of the small man-made pond. It is not a big impoundment, and they are not deepening or shaping. Scott Rumsey voiced concern about warming water and vegetation regrowth.

Pete Woll motioned “to approve FL-2023-079 with modifications. The modification is to maintain the natural morphology of the streambed during vegetation removal.” Donna Pridmore seconded. Motion carried unanimously.

**Krezowski**, FL-2023-077, Haskill Creek, excavation/fill/bank stabilization: An onsite inspection was held 8/17/2023. Mike Kopitzke stated that the discussion during the onsite was to table the application until additional information is received from the engineer. Mike Kopitzke motioned

“to table FL-2023-077 until additional information is received from the engineer.” Donna Pridmore seconded. Motion carried unanimously.

**Levesque**, FL-2023-029, Flathead River, bank stabilization: Scott Rumsey explained Mikel Siemens submitted additional information today. Samantha Tappenbeck noted that Kenny Breidinger has not had a chance to review it. Mikel explained that work will be done when the ground is frozen, however, she still needs to get the Army Corps of Engineers (ACOE) and Floodplain permits. Scott Rumsey motioned “to table until the October 310-meeting, and until we receive additional information from Mikel Siemens.” Bill Yankee seconded. Motion carried unanimously.

**Paddock**, FL-2023-080C, Ashley Creek, complaint: A complaint letter was sent 8/8/2023, however, the complaint letter came back to the office 9/5/2023 as unclaimed. Samantha Tappenbeck will contact the attorney regarding procedure. Supervisors and FWP will view the site from the public road on Wednesday, September 27, 9:45 A.M. at the site.

**Winthrop**, FL-2023-045, Stillwater River, clean diversion intake: Donna Pridmore stated an email was received from Mikel Siemens 9/6/2023 stating new information, plans and drawings will be submitted later. Donna asked Mikel if she wanted to submit a new application. Mikel stated new designs are being created, and they want to continue with this project. She also noted that she still needs to get Floodplain and ACOE permits. Donna Pridmore motioned “to continue to table FL-2023-045.” Roger Marsonette seconded. Motion carried unanimously.

## **NEW BUSINESS**

**Cow Creek Seedling Order:** Samantha Tappenbeck explained that restoration work was done on Cow Creek. At the upstream most private property, some areas were fenced off and planted, while other areas were fenced off and a heavy-duty weed mat was laid down to try and kill infestation of reed canary grass for several years before planting. FWP recently sprayed those enclosures which had encroaching reed canary grass. Now, those areas need to be planted. Samantha noted that the original grant is closed and requested funding from the district budget to purchase seedlings for planting at the Erbes property as part of the Cow Creek Restoration Project. 180 containerized seedlings: cottonwood, dogwood, alder totaling \$1,672.08 would be purchased. Discussion held regarding the possibility of talking with Natural Resource Conservation Service (NRCS) and Farm Service Agency (FSA) about funding sources/programs for watering sites for the cattle.

Donna Pridmore motioned “to approve \$1,672.08 for the seedlings for Cow Creek.” Bill Yankee seconded. Motion carried unanimously.

**Area V Meeting Registration:** Samantha Tappenbeck explained that the Area V meeting will be held September 26 in Philipsburg. She asked Supervisors that are interested in attending to contact her so she can register everyone for the event and pay registration fees by check this Wednesday.

**September Business Meeting Date/Time:** Samantha Tappenbeck requested that the time of the business meeting on Monday, September 25, be moved to 10:00 A.M. so Supervisors and Staff

can travel to the Area V meeting. Samantha noted that the final budget will be on that agenda. The Board agreed to the time change.

**MATTERS OF THE BOARD/STAFF**

**Whitefish Trail Design and Maintenance Guidelines for Review:** Samantha Tappenbeck explained that the district has received a request from Staff at the City of Whitefish for review of the Whitefish Trail Design and Maintenance Guidelines as information was added in response to a previous review. Copies were provided to the Board.

The next business meeting is scheduled for Monday, September 25<sup>th</sup> at 10:00 A.M., in person and via ZOOM.

Adjournment: Donna Pridmore motioned “to adjourn.” Roger Marsonette seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:42 P.M.

Submitted By:

Ginger Kauffman  
Administrator

Reviewed By:

Samantha Tappenbeck  
Resource Conservationist

Minutes approved by FCD Board motion made on:

10/10/2023	Pete Woll	Chair
(Date)	(Signature)	(Title – Chair etc.)