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## **CALL TO ORDER & ATTENDANCE**

Chair Pete Woll called the September 26, 2022, Business meeting to order at 7:00 P.M. in the conference room.

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

**Board members absent:** None.

Also, in attendance were Samantha Tappenbeck and Ginger Kauffman, FCD Staff; Leo Rosenthal, FWP; Katie Ridinger, 406 Docks; Sean Johnson, NRCS; Dan Wallen; Gordon Ash, Associate Supervisor; Sheena Pate, Flathead Rivers Alliance; Lauren Pipkorn.

## **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**

- 8/22/2022 Business Meeting Minutes

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

The following bills were reviewed and listed in Check Detail dated 9/14/2022

1. Byte Savvy \$130.00
2. CHS \$25.00
3. Fisher's Technology \$249.50
4. Flathead Beacon \$528.00
5. Mountain States Leasing \$1,884.86
6. Tetra Tech Inc. \$15,852.75
7. VISA- Samantha Tappenbeck \$1,611.04

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

1. DNRC Conservation Districts Bureau September 2022 e-newsletter
2. Montana Association of Conservation Districts (MACD) District Dispatch 9/2/2022 & 9/15/2022
3. MACD e-newsletter 9/10/2022
4. Whitefish Lake Institute (WLI) summer 2022 e-newsletter

Donna Pridmore motioned "to accept the consent agenda as presented." Verdell Jackson seconded. Motion carried unanimously.

### **PUBLIC COMMENT**

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

### **310's**

**Harrison**, FL-2021-075, Flathead River, dock/permit extension request: Pete Woll explained that the floodplain permit was not approved until 9/2/2022. Work has not been completed, but the applicant submitted the extension request prior to the permit expiring. The applicant is requesting a one-year extension until 9/13/2023. Pete Woll motioned "to approve a one-year permit extension until 9/13/2023." John Ellis seconded. Motion carried unanimously.

**Mazock**, FL-2022-054, Peterson Creek tributaries, culverts: Donna Pridmore explained an onsite inspection was completed 9/21/2022. There are three culverts, and the applicant wants to complete the work this fall and put in powerlines. The powerline will go under only one of the culverts. Donna reviewed the modifications listed in the Team Member Report. Pete Woll noted that two of the pipes are 8-inch and one is 12-inch, and the applicant wants to replace those pipes with 18-inch pipes. Donna added that the existing culverts were PVC. Donna Pridmore motioned "to approve application FL-2022-054 with modifications per the Team Member Report." Roger Marsonette seconded. Motion carried unanimously.

**Pipkorn**, FL-2022-055, Trumbull Creek, bridge: Donna Pridmore explained the onsite inspection was completed 9/20/2022. The bridge is in bad shape and needs to be replaced so the property can be accessed before winter. Donna reviewed the modifications listed in the Team Member Report. Donna Pridmore motioned "to approve application FL-2022-055 with modifications per the Team Member Report." Verdell Jackson seconded. Motion carried unanimously.

**Sneed**, FL-2022-057C, Meadow Creek complaint & **Sneed**, FL-2022-058C, Patterson Creek, complaint: Pete Woll explained several complaints have been filed against Sneed for work on Meadow and Patterson Creeks. An onsite inspection was scheduled for Friday, October 7, 10:00 A.M. at the site.

Complainant Dan Wallen stated he read information on the district website regarding 310-permitting etc. and he filed the complaints due to the blatant disregard for the process of law and the environment and wants to work with the district to provide as much information, photos, and details as needed. Pete Woll explained the complaint process and noted that the district has received responses to all but one of the complaint letters so far but will review that also during the onsite inspection. Mr. Wallen added that he filed the other complaint because earlier in June, the alleged violator drove an excavator on to his property when he was out of town and removed a section of culvert on his (Wallen) property in the streambed. Mr. Sneed said he would repair the damage, but Mr. Wallen did not want him on the property. Pete noted that since it happened on Mr. Wallen's property, even if it was someone else that did the work, Mr. Wallen would have to file the complaint against himself and proceed with trespass charges through civil court. Pete recommended that Mr. Wallen submit a permit application for the removal of the culvert. Mr. Wallen stated the majority of it is still there, but that Mr. Sneed used the

excavator to remove an approximate 13-inch section and took it home with him, it was not left on Mr. Wallen's property. Mr. Wallen didn't know until his neighbor told him that the alleged violator (Sneed) was on the property. The remaining section of culvert is still there and collapsing around the front, but Mr. Wallen hasn't touched it. It is going to have to be repaired because water flows through there. Verdell Jackson asked Mr. Wallen if he had any idea why the alleged violator did it. Mr. Wallen stated that Meadow Creek flows over its banks every spring, as seen in one of the submitted photos. Mr. Wallen stated that the alleged violator believed that he was digging on his property side of the culvert, which is about 30-feet from the property line, in order to make the water flow faster. Historically it has been a 12-inch culvert, and that's all that has been on his property as well. Mr. Wallen stated that the alleged violator told him that he was sorry and thought he was helping, and Mr. Wallen told him no and that it doesn't help. Pete again recommended that Mr. Wallen submit a 310-permit application for the damage that was done so the district has record of it and go through the 310-process. John Ellis asked Mr. Wallen if he is planning on doing anything about the culvert. Mr. Wallen stated he has put this off for 2 years and has been seeking peace with the neighbor and added there isn't a day that goes by the alleged violator is not driving a piece of equipment in the streambed or disturbing the stream. Mr. Wallen did not know what he was going to do but has hired an attorney because Mr. Sneed is in violation of some water rights, not just the streambed law. John Ellis reiterated that Mr. Wallen would need to file a 310-permit application if he decided to do something.

## **NEW BUSINESS**

**July 2022 End of Month Report:** Donna Pridmore explained the July 2022 credit card statements reconciled on 8/17/2022 and bank, Revenue, and Capital Improvement statements reconciled on 8/29/2022. Donna Pridmore motioned "to accept the July 2022 End of Month Report." John Ellis seconded. Motion carried unanimously.

**Flathead River Alliance (FRA) Funding Request:** Samantha Tappenbeck explained the district received a request from FRA for funding in the amount of \$880 to purchase re-usable water cleanup bags. FRA Watershed Coordinator Sheena Pate explained FRA had many partners last year for the cleanup event. FRA wondered how to empower river users to be stewards even beyond the one-day clean-up and how to work further with partners in the Flathead watershed. FRA approached Flathead Basin Commission as well as the district to see if there is interest in partnering with FRA to purchase 5000 re-usable cleanup bags. Approximately  $\frac{3}{4}$  of the cost has already been received. Partner logos would be included on the bags which could be used at future outreach events. The bags are approximately the size of large onion bags and are very sturdy. Samantha noted that if approved, funding would come from the Partner Programs line in the budget. Donna Pridmore motioned "to fund the clean-up bags per the FRA request in the amount of \$880." Verdell Jackson seconded. Motion carried unanimously.

**BSWC Partner Funding Request:** Samantha Tappenbeck explained the district received a request from Lake County CD (LCCD) for \$3000 to share a Big Sky Watershed Corps (BSWC) member for the coming term of service beginning in January and extending through mid-October 2023. The BSWC member would primarily be based at LCCD but serving the whole Flathead Basin. The BSWC member would assist Flathead CD in the Septic Maintenance Reimbursement Program management and implementation, the Pollinator Initiative, and help in the Demonstration Garden. If approved, we would develop an MOU with LCCD and build in 25%

of the BSWC member's time which is 425 hours/approximately 10 weeks for them to be at Flathead CD. Samantha noted the total for a BSWC member is \$12,750, and LCCD has applied for grant funding and are using funds from their budget. \$3000 was allocated for the BSWC member in the Flathead CD budget. Donna Pridmore motioned "to fund the BSWC partner request in the amount of \$3000 to share the BSWC member." Roger Marsonette seconded. Motion carried unanimously.

**Conservation District Operations Audit:** Donna Pridmore explained the DNRC CD Operations Audit is a self-guided audit to be performed by districts to review operations and compliance with state law. The audit was last completed in 2018. This is not a mandatory audit. Donna urged supervisors to read through it and schedule a meeting with Supervisors and Staff to go through the review. The audit was temporarily scheduled for Thursday, January 19, 2023, 10:00 A.M.

**Associate Supervisor Resignation:** Samantha Tappenbeck explained that Associate Supervisor, Kody Coxen has resigned effective 9/21/22. A copy of his resignation letter was included in the meeting packet. John Ellis motioned "to accept the resignation of Kody Coxen as an Associate Supervisor." Roger Marsonette seconded. Motion carried unanimously.

## **REPORTS**

**Flathead CD Staff:** Attached.

**Natural Resources & Conservation Service (NRCS):** Attached.

**DNRC Conservation Districts Bureau:** Attached.

**Flathead County Planning Board (FCPB):** Verdell Jackson reported six small subdivisions were reviewed.

**Whitefish City Planning Board (WCPB):** John Ellis reported a guest house was on the meeting agenda.

**Haskill Basin Watershed Council (HBWC):** The next meeting is Wednesday 9/28/2022.

**Flathead Basin Commission (FBC):** Gordon Ash reported he attended the education and outreach committee meeting. Agenda items included the Adopt-a-Drain project, water quality outreach campaign, and the interactive Flathead Basin septic risk map.

**Flathead River Commission (FRC):** Donna Pridmore reported Commissioner Pam Holmquist called a meeting at the Office of Emergency Services which was attended by Donna Pridmore, Samantha Tappenbeck, National Oceanic & Atmospheric Administration (NOAA) representatives, Lincoln Schutt, Mark Siderius, representatives from Bureau of Reclamation Hungry Horse Dam, and U.S. Army Corps of Engineers (USACE). Discussion was focused on weather events (existing snowpack, rain events, Flathead Lake level, dam discharge) when flooding occurred this past spring. Mark Siderius reported on flooding of farm ground, crop losses etc. due to water backing up because the lake was full and could not handle the additional discharge from Hungry Horse dam. Hungry Horse said they did not have a local

agricultural contact anymore as their old contact was Rusby Seabaugh, who passed away. Mark Siderius will now be the contact regarding flooding on agricultural land. Samantha Tappenbeck stated it is a federally-declared disaster area, however, the kind of flooding that occurred on agricultural crop land (inundation due to upwelling of the saturated alluvial aquifer vs. overland flow) disqualifies farmers from FEMA crop insurance/assistance they offer. It is complete loss in a year with historically high farm input costs. Mark Siderius estimated \$1 to \$1.5 million in losses for agricultural producers in Flathead Valley.

Verdell Jackson asked for more clarification regarding dam operations at the time. Donna stated Hungry Horse dam did know there was an agricultural contact that could provide them with information on how much water was coming up into the lake-influenced portion of the river. John Ellis asked if there was an agreement in place to deal with this type of situation. Samantha added Hungry Horse and Seli's Ksanka Qlispe' (formerly Kerr) Dams are federally mandated in the FERC License to coordinate with each other to make sure that releases are managed to keep the river below flood stage, when possible. The gage that Hungry Horse Dam has available to them for making those determinations is at Columbia Falls, below the confluence of the three forks. The impacts on the lower river are not seen at the Columbia Falls gage. Historically there was a local contact, established through the Flathead River Commission. Rusby was listed as the contact for someone to call and ground truth in real time. Samantha asked at the meeting if there was not some kind of standardization between the gage height at Foys Bend (in the lake-influenced reach) and the gage at Columbia Falls. The answer was no, it is more complicated than that. Donna noted there is no way to tie the stream gage, which has an actual discharge at Columbia Falls, to what happens at Foys Bend, which is only stage. Samantha added there is too much of a back watering effect at Foys Bend to get discharge. Verdell Jackson asked what they were going to do to stop this from happening again. Samantha stated it was just an extremely unfortunate culmination of atmospheric circumstances. There was a very late season snowpack, which one could argue the Bureau of Reclamation should have planned for. However, for the first part of the spring where they are watching the snowpack through April and early May, we were at normal snowpack, and they were predicting a normal runoff year. Then we had a very abnormally cold and wet event at the beginning of May, which dumped a lot more snow in the high country; and then an atmospheric river event dumped a huge amount of precipitation in the high country, which led to a lot of water entering Hungry Horse Reservoir when they were already near full capacity, and they got to the point where they just had to dump water.

Verdell added the water was the highest he had ever seen and due to flooding his crop was cut down by 30%. He agreed that someone from the FRC needs to be responsible for reporting flooding issues to the dam/s. Donna stated Mark Siderius is stepping up and wants to meet with our senators in December and bring it to the federal level. The next FRC meeting is October 12<sup>th</sup>.

**Church Slough Working Group (CSWG):** Donna Pridmore reported that the Working Group held two meetings and is in the draft/editing stage of developing recommendations for consideration by the Fish & Wildlife Commission which is the authoritative agency. She expressed some frustration as she thought the Commission should know how much energy/time/work Church Slough landowners and the public have put into the process, however, that was not included the draft.

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

**Supervisor Areas:** In the recent past Supervisors briefly discussed re-evaluating supervisor areas. Samantha Tappenbeck stated the district divides Flathead County into supervisor areas which are not official by designation or ordinance, so those areas can be shifted around. She noted that with supervisor turnover, it now may be a good time to look at the areas, consider supervisor workloads and possibly reorganize/re-designate Supervisor areas. Samantha provided a map which staff currently uses to determine which supervisor an application, complaint or emergency will be sent to. She also provided a draft proposal for redesignation of those areas. Supervisors discussed areas and workloads and noted, as an option, a supervisor can ask another supervisor to take a 310 if they have too many in their area. Upon further discussion and review of the draft, a few areas were re-adjusted.

**MACD Area & Statewide Meetings:** The MACD Area V meeting will be held October 5<sup>th</sup>. Supervisors planning to attend are Donna Pridmore, John Ellis, Scott Rumsey, Roger Marsonette, Pete Woll, Gordon Ash.

The Statewide Convention is November 15-17, in Helena. Samantha will handle registration for supervisors and staff. Other items regarding convention:

- Need to designate supervisor to vote on resolutions and business items.
- No resolutions have been brought forward from Area V, but current draft resolutions from other areas are included in the board packet for review.
- There is a vacancy for an Area V Director on the MACD Board. The process was provided in the meeting packet.

**Staff Vacancy:** Samantha Tappenbeck stated with a staff vacancy she wanted to talk with the Board about intentions and next steps for moving forward. It may be a good opportunity to look at the current vacancy and job description to see if that is the job we want to replace as is, or if we want to restructure a staff position to meet more long-term district needs. In looking at potential staff retirement in the next few years, it would be good to be thoughtful about it. Samantha requested input from the board and if the Board would like to designate a personnel committee to work on that. John Ellis asked what Ginger Rigdon's duties had been. Samantha stated she was the main point of contact for the office/reception, social media outreach, district newsletter, she advertised events, attended watershed group meetings and some partner meetings; she also handled the majority of 310 Permit correspondence and processing; there was very much an outreach component to her position because of her skill set. Maybe that is not the best fit for a long-term staff position. Maybe we want to look at something like a dedicated permit specialist. At one time we looked at a part-time bookkeeper so the Administrator could perform a more traditional roll with 310 duties, minutes and agendas, public notices, reception, etc. That is an option as well. Another option is to look into a position that would be structured in a way that could be transitional into a District Administrator position upon retirement of current staff. John Ellis asked if it worked to have former staff handle 310's, expressed that as an important function of the district office/position, and that the person needs to be very detail oriented. Samantha replied yes, we will always handle a lot of 310's in Flathead County and it may be a good idea to have a dedicated position. Donna Pridmore stated as a supervisor that has been working with 310's, all Supervisors should come in and see what the process of administering the 310's really entails and how detailed oriented it is. Donna stated she is also of the opinion that whoever is hired to pick up where Ginger Kauffman leaves off when she retires will need at least 18 months of training; that is another thing we must

consider. Donna Pridmore, Pete Woll, Scott Rumsey, and Roger Marsonette agreed to be on a committee and work with Samantha on this.

**Associate Supervisor:** Samantha Tappenbeck reported that we have received a letter of interest and resume from Bill Yankee. He is interested in being Associate Supervisor.

**Office Closed:** The district office will be closed October 10<sup>th</sup> in observance of Columbus Day/Indigenous Peoples Day.

The next 310-meeting is scheduled for Tuesday, October 11, 7:00 P.M. in person and via ZOOM.

Adjournment: Roger Marsonette motioned "to adjourn." Donna Pridmore seconded. Motion carried unanimously. As there was no further business, the meeting adjourned at 9:12 P.M.

Submitted By:  
Ginger Kauffman  
Administrator

Reviewed By:  
Samantha Tappenbeck  
Resource Conservationist

Minutes approved by FCD Board motion made on:

11/14/2022    Donna Pridmore    Secretary/Treasurer  
(Date)                    (Signature)                    (Title – Chair etc.)