



CALL TO ORDER & ATTENDANCE

Chair Pete Woll called the October 11, 2022, 310-meeting to order at 7:01 P.M. in the conference room.

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

Board members absent: Donna Pridmore, Secretary/Treasurer; Absence is excused.

Also, in attendance were Gordon Ash, Associate Supervisor; Samantha Tappenbeck, FCD Staff; Kenneth Breidinger, FWP; Leo Rosenthal, FWP; Erik Garberg; Matt Bishop, FH Stoltze Land & Lumber; Stephanie Trewhitt; Chuck Sneed; Shane Barfoot; Dan Wallen.

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: Tabled 310's

Buck, FL-2021-041C, Stoner Creek, complaint

- 7/12/201 Complaint remains on agenda until remediation work is complete under permit #FL-2021-106. Permit expires 12/13/2022.

Burden, FL-2022-050C, Krause Creek, complaint

- 9/22/2022 activity initiated without permit. Contractor Ray Veilleux was required to submit permit application. No application submitted as of 10/4/2022.

Hodge, FL-2022-015C, Stillwater River tributary, complaint

- 4/4/2022 Complaint received. Several attempts were made to contact the complainant and alleged violator with no success.
- 9/12/2022 Tabled.
- 9/27/22 Donna Pridmore contacted attorney Camisha Sawtelle for advice on how to handle complaint

Inspiration Drive, FL-2022-007, Whitefish River, path/ret walls/stairs

- Application tabled since July waiting for further information from Casey Malmquist.
- No additional information received as of 10/4/2022.

Kusler, FL-2022-044, Flathead River, dock

- 9/12/2022 Application tabled waiting for additional information
- No additional information received as of 10/4/2022.

Lucke, FL-2022-043C, Flathead River, complaint

- 9/12/22 activity initiated without permit. Landowner was required to submit permit application.
- No application submitted as of 10/4/2022.

Turner, FL-2021-081C, Swan River, complaint

- Tabled until work is completed under permit #FL-2022-008. Permit expires 5/9/2023

Consent Agenda Item 3: Financial

Check Detail dated 9/28/2022

1. Charter Communications \$162.95
2. Montana Sky Networks \$10.00

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

PUBLIC COMMENT

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

310 ONSITE INSPECTIONS

Barfoot, FL-2022-059, Unnamed, remove bridge & replace with culvert: Verdell Jackson motioned “application FL-2022-059 is a project.” John Ellis seconded. Motion carried unanimously.

Verdell Jackson provided a description of the project on an unnamed tributary of Ashley Creek. Discussion held regarding previous complaint #FL-2021-076C and determination on jurisdiction. During the onsite inspection the complaint was found not to be a violation of district rules and outside of jurisdiction. Kenny Breidinger concurred.

Verdell Jackson motioned “to amend the original motion and declare that it is not a project and outside of the district’s jurisdiction.” Roger Marsonette seconded. Motion carried unanimously.

Edwards, FL-2022-062E, Cow Creek, notice of emergency: John Ells read the notice the emergency and noted that Roger Marsonette, Donna Pridmore, and Samantha Tappenbeck had visited the site. Pre-and post-photos were reviewed, and Samantha Tappenbeck explained the circumstances of the crossing failure. She noted that as part of the Cow Creek Restoration project the City of Whitefish built the crossing and did the repair work at no cost to the landowner. Kenny Breidinger concurred that an onsite inspection is not needed. John added that no further action needs to be taken by the applicant.

John Ellis motioned “to approve Notice of Emergency FL-2022-062E.” Verdell Jackson seconded. Motion carried unanimously.

Graham, FL-2022-061, Unnamed, culvert: Roger Marsonette explained the project is to replace a 16-inch culvert with a 24-inch culvert. Roger Marsonette motioned “application FL-2022-061 is a project.” Scott Rumsey seconded. Motion carried unanimously. An onsite inspection was scheduled for Monday, November 7, 2022, 9:00 A.M. at the junction.

310's

Big Sky Investments, FL-2022-052, Garnier Creek, Boring/stormwater/sub: John Ellis explained that the application is for stormwater and boring. It is a large subdivision in Columbia Falls just west of the plywood plant. An onsite inspection was conducted 8/17/2022, and additional items were noted and requested from the applicant before a decision could be made on the application. Erik Garberg, Jackola Engineering, sent an email on 10/5/2022 and attached the plans for the boring. Erik stated the plans indicate the area where the contractor is going to bore utilities and confirmed that it would be outside the stream protection zone. John reviewed each of the five items that were discussed on site. Kenny Breidinger informed Erik that the planting plan should include what is going to be planted, species, number of plants, areas that will be re-seeded etc. Erik stated they will submit the plan before the November 310-meeting to allow time for review. Kenny asked where boring will begin on each approach, as the concern is that boring sites are off the stream banks. Erik responded that the placement depended on the type of boring (directional or jack and bore) the contractor will be doing, and that he can include additional specifications. John noted that boring information can be found in the Adopted Rules.

John Ellis motioned “to table application FL-2022-052 until the November 14, 2022, 310-Permit meeting.” Verdell Jackson seconded. Motion carried unanimously.

Knapton, FL-2022-046C, Bowser Spring Creek, complaint: An onsite inspection was conducted 9/20/2022. Verdell Jackson explained that there was no evidence of any violation. The stream did not go through the one-acre property at all. The site was viewed from the same location as that of photos submitted by the complainant and they could not see anything at all. Evidence submitted by the landowner was an indication that it was an intermittent stream and that it has not flowed in a very long time. Kenny Breidinger provided aerial imagery of the site during the onsite inspection. Kenny indicated that there was no evidence of a dam or diversion on the stream. Some of the associated wetlands were on the property, but the stream itself did not even cross the property.

Verdell Jackson motioned “FL-2022-046C is not a violation as defined by district rules.” John Ellis seconded. Motion carried unanimously.

Ramsey, FL-2022-056, Stillwater River, stairs/landing/gangway/dock: An onsite inspection was conducted on 9/20/2022. Kenny Breidinger explained the application is for a dock/gangway/stairway leading down a steep bank on Stillwater River in the Evergreen area near the Old Steel Bridge/Otter Island. An aluminum stairway will be built on hand driven piles up above the streambank. The platform leading on to the gangway is fairly small and the docks

meet the Adopted Rules. Kenny was fully supportive of the application being approved as proposed.

Scott Rumsey motioned “to approve application FL-2022-056 as proposed.” John Ellis seconded. Motion carried unanimously.

Sneed, FL-2022-057C, Meadow Creek, complaint: An onsite inspection was conducted 10/7/2022. Pete Woll explained that this stream has been manipulated quite a bit and during the onsite inspection they saw what was happening per the alleged violation. Pete stated additional research needs to be done to determine if other permits have been issued on this stream in the past. Gordon Ash concurred with Pete’s account. Leo Rosenthal also concurred that additional information is needed and that it is difficult to determine the channel morphology due to previous work and historical manipulation of the stream channel. Dan Wallen noted that he did submit a letter regarding issues that Pete brought up.

Pete Woll motioned “to table complaint FL-2022-057C for further evaluation.” John Ellis seconded. Motion carried unanimously.

Sneed, FL-2022-058C, Patterson Creek, complaint: An onsite inspection was completed 10/7/2022. Pete Woll stated that it was determined that this was a violation and that activity had been initiated on a perennial flowing stream without a permit. Recommended action is to have the landowner submit after-the-fact application. It has been about three years since the diversion intake was replaced (small pipe replaced with large pipe) and revegetation has occurred and is sufficient. Gordon Ash and Leo Rosenthal concurred with Pete’s account.

Pete Woll motioned “this is a violation, and that activity has been initiated on a perennial flowing stream without a valid permit. Recommended course of action is for the landowner to submit an after the fact application.” Verdell Jackson seconded. Motion carried unanimously.

Sneed, FL-2022-060C, Meadow Creek, complaint: An onsite inspection was conducted 10/7/2022. No Complaint Response has been received to date. Pete Woll motioned “to table complaint FL-2022-060C for further evaluation.” John Ellis seconded. Motion carried unanimously.

Trewhitt, FL-2022-025, Logan Creek, application addendum/ford: After an onsite inspection conducted 9/26/2022, an application addendum was received 10/3/2022. Verdell Jackson described the details that were included in the amendment and noted the location visited during the onsite inspection. Kenny Breidinger stated that the original application was for a vehicle ford crossing using concrete slabs laid in the channel of Logan Creek, and that we permitted something similar upstream years ago. Kenny noted that this would be a temporary access for forestry work. The applicant clarified the location of the proposed ford on her property as opposed to a location where it had previously been installed on a neighbor’s property to which she no longer has access. The applicant clarified the intent of the project and the expected short duration/temporary nature of the ford crossing installation and use. Pete Woll asked if she intended to use concrete slabs and the applicant confirmed. Discussion on use of temporary concrete slabs vs treated wood and how the slabs are placed and removed.

Kenny noted that during the onsite inspection they discussed the options, but at the time, had not determined specific conditions of approval. He articulated the following conditions: making sure equipment is clean free from oil and invasive species, making sure concrete to be placed is likewise clean, revegetating the approaches and disturbed areas. Kenny asked if they plan to do the work this winter, and the applicant confirmed that they need to wait because the contractor had to secure other work while the permit application determination was being made, and now the contractor needs to wait until spring (approximately March – April). Roger Marsonette noted that the ford should be removed prior to spring runoff.

Verdell Jackson motioned “to approve application FL-2022-025 with modifications submitted by the applicant on 10/3/2022 and with modifications discussed at the meeting.” Roger Marsonette seconded. Motion carried unanimously.

NEW BUSINESS

Area V Meeting: John Ellis commended the staff for a well-run Area V Meeting.

MATTERS OF THE BOARD/STAFF

310 Education Letter: Samantha Tappenbeck explained that at the 9/12/22 meeting, discussion was held regarding observed excavator work and rock fill into the Swan River. Waiting on additional information from Supervisors and FWP. Kenny Breidinger stated that he neglected to follow up on this. Staff will contact FWP to get more information on the project vicinity and identify whom to send the educational letter to.

Personnel: John Ellis requested the meeting be closed for a personnel discussion. Pete Woll closed the meeting at 8:36 P.M. Pete Woll reopened the meeting at 8:44 P.M.

The next business meeting is scheduled for Monday, October 24, 2022, 7:00 P.M. in person and via ZOOM.

Adjournment: John Ellis motioned “to adjourn”. Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 8:46 P.M.

Submitted By:

Samantha Tappenbeck
Resource Conservationist

Ginger Kauffman
Administrator

Minutes approved by FCD Board motion made on:

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