



# FLATHEAD

CONSERVATION DISTRICT  
Locally-led Conservation Since 1945

133 Interstate Lane, Kalispell, MT 59901 | [www.flatheadcd.org](http://www.flatheadcd.org) | 406-752-4220

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## **CALL TO ORDER & ATTENDANCE**

Chair Pete Woll called the October 15, 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.

Also, in attendance were Hailey Graf and Ginger Kauffman, FCD staff; Leo Rosenthal and Kenny Breidinger, MFWP; Steve Rosso, Flathead Lakers; Sean Dublin; Mary Baker-Johnson; Matt Bishop, FH Stoltze L&L; Rick Hensley; Cody Jensen; Steven Harvey.

## **MINUTES**

Lori Curtis motioned “to approve the minutes of the September 23, 2019, business meeting as presented.” Dean Sirucek seconded. Motion carried unanimously.

## **CORRESPONDENCE**

### **Email: Announcements, Notices, Workshops, Meetings**

1. Beaverhead Conservation District Administrator position. The job description can be found at <http://beaverheadcd.org/>. Interested applicants can send their resume and answers to questions in the job description to [beaverheadcd@gmail.com](mailto:beaverheadcd@gmail.com).
2. Noxious Weed Trust Fund Grant Training Workshop, November 6, 2019, at the Fergus County Weed District in Lewistown, 10:00 A.M. – 3:00 P.M. To register contact [Greta.Dige@mt.gov](mailto:Greta.Dige@mt.gov), or call 406-444-7882 by October 28<sup>th</sup>.
3. Feral Swine Coordination summit, Friday, November 15, 2019, 8:00 A.M. – 4:00 P.M., Northern Hotel, Billings, MT. To register contact Stephanie Hester by November 1<sup>st</sup> at 405-444-0547 [shester@mt.gov](mailto:shester@mt.gov). Space is limited.
4. Please join us on October 31, 2019 at the NRCS state office at 10 East Babcock Street, Bozeman, Montana 59715 at 10:00 am to hear about the 2018 Farm bill changes to Regional Conservation Partnership Program (RCPP) and the future direction of RCPP in Montana. The meeting will be held in the 2<sup>nd</sup> floor conference room or room number 243. Please email an RSVP to Kelley Barkell, 406-587-6849 [kelley.barkell@udsa.gov](mailto:kelley.barkell@udsa.gov) by Friday October 18<sup>th</sup> with the names of



those attending. Since we are in a federal building all attendees will need to bring a government issued photo id to enter the building. Contact Kelly Barkell or Jerry Shows [jerry.shows@usda.gov](mailto:jerry.shows@usda.gov) with any additional questions.

#### Email: Grants

1. DNRC Reclamation & Development Grants to fund planning and assessment for natural resource projects. Submit applications to [www.fundingmt.org](http://www.fundingmt.org)  
Contact Heidi Anderson Folnagy, DNRC RDG Program Manager 406-441-6691  
[handersonfolnagy@mt.gov](mailto:handersonfolnagy@mt.gov)

#### Email: Newsletters, publications

1. National Association of Conservation Districts (NACD)  
*eResource, Conservation Clips*, [www.nacdnet.org](http://www.nacdnet.org)
2. Flathead Audubon newsletter *The Pileated Post* [www.flatheadaudubon.org](http://www.flatheadaudubon.org)
3. Montana Fish, Wildlife & Parks *AIS News* Many watercraft inspection stations are now closed. Other stations on high risk corridors will remain open through October.
  - Over 110,000 watercraft were inspected this season by partner and FWP staff.
  - 14 watercraft intercepted transporting zebra/quagga mussels into the state.
  - Over 100 watercraft intercepted transporting aquatic weeds.
  - Over 11,000 inspections conducted at Glacier National Park.
  - Over 1,700 mussel veliger early detection samples have been collected.
  - FWP coordinated with the Flathead Lake Biological Station to conduct a detailed survey on Tiber Reservoir utilizing environmental DNA and microscopy analysis. No evidence of invasive mussels was detected. US Fish and Wildlife Service divers surveyed Tiber Reservoir in August. No evidence of invasive mussels was detected. New Zealand mudsnails (NZMS) were detected at a private hatchery facility near Hamilton. The facility was quarantined, and eradication will soon be initiated. Survey efforts in the area are ongoing. NZMS are found in several locations east of the Continental Divide, but this is the first detection west of the Divide in Montana.
4. Montana Watershed Coordination Council 10/3/19 issue of *Watershed News*  
<http://mtwatersheds.org/app/>
5. Flathead River to Lake News <https://flatheadlakers.org/>

#### **FINANCIAL**

The following bills were reviewed:

1. Byte Savvy \$55.00
2. Conservation Services \$3,236.42
3. Flathead Beacon \$576.00
4. Heart of Sky Fencing \$10,000.00
5. Mild Fence Company \$9,350.00
6. MontanaSky Networks \$10.00
7. Mountain Trader \$80.00
8. TrueNorth Steel \$553.76
9. CenturyLink \$311.82



10. Mild Fence Company \$100.00
11. VISA \$4941.22

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

### **PUBLIC COMMENT PERIOD**

**Oettiker Creek Ranch**, FL2019065, Oettiker Creek, replace culvert with bridge: Matthew Bishop, FH Stoltze L&L, stated he had submitted a 310-application just today and asked if it was possible to schedule an onsite inspection.

An onsite inspection was scheduled for Thursday, October 31, noon at the site.

### **310**

**Baker-Johnson**, FL2019060, Sunday Creek, culverts/gates/dredging: An onsite inspection was scheduled for Thursday, October 31, 10:00 A.M. at the site.

**Boling**, FL2019064, Unnamed stream, pond: An onsite inspection was scheduled for Tuesday, October 22, 9:00 A.M. at the site.

**Butts**, FL2019056C, Unnamed stream, complaint: Dean Sirucek stated the complaint is regarding a dam that was built across the stream. After looking at the photos, he talked with Cathy Olsen at the DNRC Water Resources office and learned that the landowner does not have a water right. Cathy requested to attend the onsite inspection when scheduled. Dean added that Water Resources attendance could make a difference in what the district may/may not recommend as mitigation.

Ronald Buentemeier asked that the County Attorney be contacted to see if DNRC Water Resources can be part of the onsite team. Hailey Graf will contact the County Attorney’s office.

Dean Sirucek motioned “to send the standard complaint letter.” Lori Curtis seconded. Motion carried unanimously.

**Coit**, FL2019061, Flathead River, maintenance of existing dock: An onsite inspection was scheduled for Monday, October 28, 9:00 A.M. at the site.

**Dublin**, FL2019054, Flathead River, dock/parking barrier: Pete Woll stated an onsite inspection was held September 12<sup>th</sup>. The landowners want to modify the existing dock by lengthening it, as it is too small for their boat, and changing it to an F-configuration to better protect the boat and the dock, especially during storms. Pete and Kenny Breidinger agreed that the modifications are within the guidelines of the Adopted Rules.

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



**Echo Basin LLC**, FL2019058C, Echo Creek, complaint: Pete Woll motioned “to send the standard complaint letter.” Lori Curtis seconded. Motion carried unanimously.

**FH Stoltze L&L**, FL2019057E, Porter Creek, notice of emergency: Dean Sirucek stated the notice of emergency is for a bridge. The stringers were rotten and unsafe, so a temporary timber bridge was placed on top of the old bridge. Matt Bishop explained that the temporary bridge will be removed when work is done, then the decking of the old bridge will be removed. Some smaller log abutments were set, and crushed rock was placed over the logs coming up to the bridge. The existing bridge is 16-feet long and the temporary bridge is 20-feet long, so it is hanging over the existing bridge.

Dean Sirucek motioned “to approve the notice of emergency, with the modification that the old bridge decking is to be removed.” Lori Curtis seconded. Motion carried unanimously.

**FH Stoltze L&L**, FL2019063, Haskill Creek, utilities: John Ellis stated the application is from NW Energy to bore under the stream. Kenny Breidinger added the application states they will bore 50-feet back from each side of the streambank and under the stream to a depth of 6-feet. John and Kenny Breidinger agreed this is exempt under the guidelines in the Adopted Rules and the onsite inspection can be waived.

John Ellis motioned “to waive the onsite inspection and approve the application as submitted.” Verdell Jackson seconded. Motion carried unanimously.

**FHRR Lot 8 LLC**, FL2019050C, Flathead River, complaint: An onsite inspection was scheduled for Monday, October 28, 11:30 A.M. at the site.

**FHRR Lot 8 LLC**, FL2019051C, Flathead River, complaint: An onsite inspection was scheduled for Monday, October 28, 11:30 A.M. at the site.

**Flathead River Ranch Partners**, FL2019048C, Flathead River, complaint: An onsite inspection was scheduled for Monday, October 28, 11:30 A.M. at the site.

**Flathead River Ranch Partners**, FL2019049C, Flathead River, complaint: An onsite inspection was scheduled for Monday, October 28, 11:30 A.M. at the site.

**Hicks**, FL2019041C, Unnamed stream, complaint: Verdell Jackson reported the complaint is regarding ponds that were dug. Verdell stated that the ponds are about 2-feet deep. A wooden culvert had been removed and a walking bridge had also been built.

Kenny Breidinger stated the ponds were dug in 2012. He noted that the stream was channelized a long time ago by someone other than the current landowner. Pete Woll asked if the ponds are just a wide spot in the stream. Kenny replied more or less; there is no dam, the channel leaving is narrow, and the ponds plug up with debris.



Both Verdell and Kenny agreed that this is a violation and the landowner should submit an -after-the- fact application detailing work that had been done. If any additional work is proposed, another application must be submitted.

Verdell Jackson motioned “this is a violation. As remediation the landowner must submit an after-the-fact permit application for work that has been done.” Lori Curtis seconded. Motion carried unanimously.

**Hogan**, FL2019004, Rose Creek, well/cistern/excavation/residence/commercial structures/utilities: Pete Woll stated a letter was sent to the Hogan’s asking if they were still interested in moving forward. Mr. Hogan replied yes and asked that the application be tabled as they are still waiting on the Letter of Map Amendment (LOMA). Pete noted that the Work Completion form for the dock was received, so he will do a Follow-Up Inspection.

Pete Woll motioned “to table the application for another month.” Lori Curtis seconded. Motion carried unanimously.

**Hufstedler**, FL2019059, Stillwater River, path: Verdell Jackson reported had he received a call from Mr. Hufstedler who had constructed a walking path behind his house down to the river. The path is approximately 90 percent completed. Mr. Hufstedler has submitted a 310-application, so an onsite inspection needs to be scheduled.

An onsite inspection was scheduled for Monday, October 28, 2:45 P.M. at the site.

**Kirby**, FL2019031, Flathead River, walkway/ramp: Pete Woll stated that copies of the application were sent to FCD supervisors for review. Pete and Hailey Graf met with Caitlin Overland, County Attorney who counselled the district regarding the application.

Pete Woll motioned “to deny the application for the following reasons:

- a. Boardwalk covers the entire length of the property (96-feet).
- b. The property line is not clearly staked which could impact the adjoining properties.
- c. The boardwalk would remove riparian vegetation. This is against Adopted Rules:  
CHAPTER 2, CONSTRUCTION STANDARDS & MATERIALS, Section D,  
EROSION, SEDIMENTATION AND STORM RUNOFF,  
2. Standards
  - b. The natural protective armament of the stream and streambank must be preserved.
  - c. Natural vegetation must be preserved wherever possible and as specified in the rules adopted under the Montana Streamside Management Zone Law.



d. The stated purposes of the project are weed control and a walkway, however, the proposed project is not a reasonable alternative for either stated purpose. Dean Sirucek seconded. Motion carried unanimously.

Steve Rosso stated he is on the Flathead Lakers Board which has submitted comments regarding the Kirby application. He thanked the Flathead CD Board for its citizen involvement in protecting our streams and lakes and for considering the environment when making decisions. He commented that it is important to look at the stated purpose of the project as the true purpose can be hidden and it seemed obvious to him that the purpose of the proposed project was to access the neighboring property. He expressed his support for the board's decision and thanked them.

**Martin**, FL2019046, Whale Creek, debris removal: Ronald Buentemeier stated this should be tabled as Mr. Martin is trying to figure out what to do. Where he wanted to do the work is on Forest Service property, so he cannot do that.

Ronald Buentemeier motioned "to table the application." John Ellis seconded. Motion carried unanimously.

**Nichols**, FL2019043C, Flathead River, complaint: Lori Curtis stated the complaint was for filling in the 100-year floodplain. The work is approximately 100-150 feet away from the river and not under the jurisdiction of the district. Kenny Breidinger and Pete Woll noted that Mr. Nichols was removing concrete from the fill when they arrived for the onsite inspection.

Lori Curtis motioned "this is not a violation as defined by Flathead CD rules." John Ellis seconded. Motion carried unanimously.

**Nugent**, FL2019053E, Trumbull Creek, notice of emergency: Lori Curtis stated the applicant has a pumphouse on Trumbull Creek and the bank sluffed away from the corner of the pumphouse. Pete Woll noted the applicant placed rock under the corner of the pumphouse by hand. Mr. Nugent may submit a 310-permit application sometime later to move the pumphouse.

Lori Curtis motioned "to approve the notice of emergency." John Ellis seconded. Motion carried unanimously.

**Oliver**, FL2019055, Unnamed stream, boring/septic line: Verdell Jackson stated the application is to bore a septic line under the stream. The landowner explained that they need to put a drain field across the creek. The creek is approximately one-foot wide and one-foot deep. They will bore 22-feet back from each side of the streambank and 6-feet below the lowest point of the stream and can be sleeved if needed. Ronald Buentemeier



stated this meets the Adopted Rules just like utilities, so the onsite inspection can be waived, and sleeving is a good idea in case there are any problems.

Verdell Jackson motioned “to waive the onsite inspection and approve the application as submitted.” Lori Curtis seconded. Motion carried unanimously.

**Righetti**, FL2019062, Haskill Creek, bridge: Lori Curtis stated the application is for bridge over Trumbull Creek to allow the applicant access to property on the other side of the stream.

An onsite inspection was scheduled for Thursday, October 24, 9:15 A.M. at the site.

**Stewart**, FL2019039, Walker Creek, culvert/fill/residential structure: Lech Naumovich stated a site visit was held August 22<sup>nd</sup>. The application is for a culvert for allowing access across Walker Creek. Lech explained that the surrounding land had been historically farmed and cleared and there is no woody riparian vegetation currently. He added that modifications were submitted by 406 Engineering to specify a larger culvert. Lech and Kenny Breidinger questioned the need for such a large culvert but Cody Jensen, 406 Engineering, stated they ran a HEC-RAS (Hydrologic Engineering Center River Analysis System) model and talked with Mark Pittman, DNRC, several times before determining that it is necessary. Leo Rosenthal asked if the culvert is counter and Cody replied, yes.

Lech Naumovich motioned “to approve the application with modifications submitted 9/6/2019.” Lori Curtis seconded. Motion seconded. Motion carried unanimously.

**Westwood Park**, FL2019033C, Bowser Spring Creek, remediation: Verdell Jackson motioned “to table and send a reminder letter regarding the remediation.” John Ellis seconded. Motion carried unanimously.

## **NEW BUSINESS**

**Flathead County Planning Board Representative:** Ginger Kauffman reported that the district received a letter from the Flathead County Planning & Zoning (FCP&Z) office stating that Dean Sirucek’s term on the Flathead County Planning Board will end 12/31/2019. FCP&Z asked that the district provide a recommendation to them by November 15<sup>th</sup>. Dean agreed to continue for another year.

John Ellis motioned “to appoint Dean Sirucek as the Flathead CD representative on the Flathead County Planning Board.” Lori Curtis seconded. Motion carried unanimously.

**Annual Financial Report – CPA Engagement Letter:** Ginger Kauffman explained that at the end of each Fiscal Year, an Annual Financial Report is required by the State of Montana Local Government Services (MLGS) office to, in part, determine if an audit is needed. And, each year, the district must approve and sign a CPA Engagement Letter allowing our CPA, Susan Hulslander, to prepare that report. Susan will present the report to the board at the business meeting. After the report is approved, she will submit it to MLGS.





Lori Curtis motioned “to approve and sign the Hulslander & Schmidt CPA Engagement Letter.” John Ellis seconded. Motion carried unanimously.

**Trumbull Creek Grant #RRG-20-1750 Agreement:** Hailey Graf reported that the district office has received the Trumbull Creek grant agreement.

Dean Sirucek motioned “to approve the agreement for Trumbull Creek Grant #RRG-20-1750.” Lech Naumovich seconded. Motion carried unanimously.

**District Logo:** Hailey Graf stated at the last meeting the board briefly discussed purchasing vests with the new district logo embroidered on them. She contacted several companies and learned cost would be approximately \$40 per vest with the logo embroidered on it, and an additional \$45 to transfer the logo into their software. Hailey stated she would like to move forward with this process.

John Ellis motioned “approve up to \$550 to have the Flathead CD logo transferred to a clothing manufacturer/embroidery company and for the purchase for up to 12 vests.” Lori Curtis seconded. Motion carried unanimously.

Dean Sirucek asked about costs for putting the logo on caps. Hailey will bring further information to the board.

**Staffing:** Hailey Graf stated she had sent packets to the Board containing applications for the Conservation Program Manager position, and the board has reviewed those applications. She asked if there were any questions, or if further discussion was needed.

Lori Curtis motioned “to offer Samantha Tappenbeck the new position of Conservation Program Manager.” Verdell Jackson seconded. Motion carried unanimously.

Lech Naumovich motioned “for Pete Woll, Lori Curtis and Hailey Graf to be on a committee to bring this forward to Samantha Tappenbeck, and to negotiate salary and benefits etc.” Ronald Buentemeier seconded. Motion carried unanimously.

Pete Woll stated that Hailey Graf has over 40 hours of comp time due to work on the Demonstration Garden, Cow Creek, attendance at the Area V meeting etc. Hailey explained the Personnel Policy states if over 40 hours of comp is earned, the employee must arrange to take time off to use up the comp. However, being short staffed, she has not been able to do this.

Pete Woll motioned “to pay Hailey Graf overtime in lieu of comp time until the new hire is on board. The comp time accrued will be used up within the next 6-months.” Lori Curtis seconded. Motion carried unanimously.

The board thanked Hailey for all the overtime she has been putting in.





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

**310 Follow-Ups:** Ginger Kauffman explained that in processing Follow-up Inspection (FUI) forms she noticed the current form is not adequate. Upon discussions with Pete Woll and Hailey Graf, a new 310 Follow-up Inspection form was drafted. Hailey stated these are small changes, but important. As an example, if a permit is approved for certain work and the applicant completes that work, but then also builds a dock, which was not approved in the permit, we needed a section to note that work was not done in accordance with the permit. Copies of the draft FUI were provided to the board for review and discussion. Supervisors asked that the check box for photos be added back into the form.

**Outreach:** Hailey Graf provided supervisors with copies of a 310 Outreach Letter regarding working in a stream. After discussion and suggestions from the Board, Hailey will adjust some of the wording and add graphics.

**Adopted Rules Updates:** Information from DNRC regarding legislated amendments to Adopted Rules was provided to Supervisors for review and to discuss at the October business meeting.

**FDIC:** Information from the bank was provided to Supervisors to review and to discuss at the October business meeting.

**Cost-Share Ranking:** Hailey Graf provided copies of the new Cost-Share applications and ranking sheets to the Board. She asked that the Supervisors review and rank the applications before the October business meeting. She further explained that she has held onsite inspections with each applicant, and that we do not have funding left in the current budget for all the applications.

Lech Naumovich asked for a spreadsheet that includes the applications that have already been approved.

**MACD Resolution:** Hailey Graf explained this is an additional resolution from one of the areas which was provided during the area meeting. This resolution may or may not be discussed at convention. Copies of all the resolutions will be provided at the business meeting so Flathead CD can review and move forward on at convention.

**Montana Headwaters Statewide Report:** Lech Naumovich asked that copies be provided to the Supervisors.

**AIS UC3:** Lori Curtis provided cards with AIS information, which were created specifically for Farmers, Ranchers and Water Users. The cards were developed by FWP, DNRC, and the Central Eastern Montana Invasive Species Team.



The next business meeting is scheduled for Monday, October 28, 2019, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Lori Curtis motioned “to adjourn.” Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:08 P.M.

Submitted By:

Ginger Kauffman  
Administrator

Hailey Graf  
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>10/18/2019</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)

