



CALL TO ORDER & ATTENDANCE

Vice-Chair, John Ellis, called the November 8, 2021, 310-meeting to order at 7:00 P.M. in the conference room.

Board members present: John Ellis, Vice Chair; Lech Naumovich, Secretary/Treasurer; Donna Pridmore, Supervisor; Scott Rumsey, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Board members absent: Pete Woll, Chair. Absence is excused.

Also in attendance were Ginger Kauffman, Hailey Graf, Virginia Rigdon, Samantha Tappenbeck, Flathead Conservation District (FCD); Leo Rosenthal & Kenny Breidinger, Fish Wildlife and Parks (FWP); Gordan Ash, Associate Supervisor; Emily Harkness, Associate Supervisor; Lew Weaver; Brad Bennett, Water & Environmental Technologies; Ivan Turner; Melissa Brickl, Water & Environmental Technologies; Rory Young, Spartan Holdings; Jane Benson; Angie Leduc, Rocky Mountain Law Partners; Cathy Mitchell; Robert Lewis; Doug White.

CONSENT AGENDA

Consent Agenda Item 1: Signature Authority

- Authorization for Hailey Graf to sign on behalf of Supervisors attending the meeting virtually.

Consent Agenda Item 2: Tabled 310's

- Griffin, FL-2020-060C, Garnier Creek, complaint
- Mitchell, FL-2021-099, Stillwater River, remove car & veg/road
- Turner, FL-2021-081C, Swan River, complaint
- Turner, FL-2021-096, Swan River, retaining wall

Consent Agenda Item 3:

- Meeting Minutes (10/25/2021)

Consent Agenda Item 4: Financial

The following bills were reviewed (Check Detail dated 10/27/2021)

1. Charter Communications \$162.95
2. Montana Sky Networks \$10.00
3. NACD \$775.00
4. Terese Lipinski-Kashi \$7,500.00

Consent Agenda Item 5: Correspondence

Lech Naumovich motioned “to approve the consent agenda as presented.” Verdell Jackson seconded. Motion carried unanimously.

PUBLIC COMMENT

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

310 Onsite Inspections

Curtis, FL-2021-104, Swan River, stairs: An onsite inspection was scheduled for Tuesday, December 7, 9:30 A.M. at the site.

Eller, FL-2021-105, Flathead River, riprap: An onsite inspection was scheduled for Wednesday, December 8, 10:15 A.M. at the site.

Lost Horizon Ranch, FL-2021-101, Pleasant Valley Fisher River tributary, temporary bridge: An onsite inspection was scheduled for Friday, November 12, 1:00 P.M. at the site.

Northern Cross Ranch LLC, FL-2021-103, Unnamed Stream, culvert: An onsite inspection was scheduled for Tuesday, November 16, 10:00 A.M. at the site.

Spartan Holdings, FL-2021-102, Stillwater Rv., water sewer mains/slope/pond: An onsite inspection was scheduled for Friday, November 12, 9:15 A.M. at the site.

Weaver, FL-2021-092, Flathead River, bank stabilization: An onsite inspection was scheduled for Wednesday, December 8, 9:00 A.M. at the site.

310's

Buck, FL-2021-041C, Stoner creek, complaint, motion correction: Donna Pridmore explained that previous permit application FL-2021-048 was denied. A reminder letter was sent to the applicant that a new 310 permit application was needed for the work done.

Donna Pridmore motioned “to table this complaint until we receive a new 310 permit application.” Verdell Jackson seconded. Motion carried unanimously.

Ghorai, FL-2021-100, Swan River, walkway/dock: Leo Rosenthal explained that the path on top of the bank was not disturbing any vegetation and the gangway conformed to the Adopted Rules. Hailey Graf noted that we had not received the Team Member Report yet.

John Ellis motioned “to approve the project as proposed.” Verdell Jackson seconded. Motion carried unanimously.

Glazier Ranch Inc., FL-2021-095, Weberg Creek, pond sediment removal: Verdell Jackson explained the stream runs into a pond and that the pond has been cleared of sediment before. An excavator with a long reach will be used and will not get into the water. A suggested modification to the application will be to place a bale of hay below the culvert to catch any disturbed sediment.

Kenny Breidinger explained that this is an intermittent unnamed tributary of Weberg Creek which ultimately runs into Ashely Creek.

Verdell Jackson went on to describe a temporary bridge that will be used to access the other side of the stream for future work. This is not part of the current application.

Verdell Jackson motioned "to approve with modifications stated in the Team Member Report." Donna Pridmore seconded. Motion carried unanimously.

Grob Family Trust, FL-2021-094, Unnamed, energy dissipators/rock armoring: Donna Pridmore explained this application was a follow up for a notice of emergency which Harold Glazier submitted after a rain event washed out a road. Culverts were placed at that time. As suggested by Kenny Breidinger, the applicant also installed energy dissipators below the emergency culverts.

Donna Pridmore motioned "to approve the after the fact the permit." Verdell Jackson seconded. Motion carried unanimously.

Hale, FL-2021-084, Swift Creek, rip rap/willow cuttings: Lech Naumovich detailed the location of the property. He noted that riprap had been installed historically in this location for bank stabilization. He gave the dimensions of the proposed riprap as 98 linear feet and noted that there seems to be no other alternative. Previous riprap had two designs, one without geo-textile fabric and one with geo-textile fabric. He stated that the preferred design would not include geo-textile fabric, as this allows vegetation to establish and grow through the riprap. Other modifications included adding willow cuttings to naturalize the area, adding willows on the bank at a spacing of one to three feet and tying in the new rip rap with the existing rip rap.

Lech Naumovich motioned "to approve the application with the modifications presented in the Team Member Report." Donna Pridmore seconded. Motion carried unanimously.

Hodge Creek Reserve HOA, FL-2020-052E, Hodge Creek, notice of emergency: Verdell Jackson explained that a local lake supplied water to an HOA. A water control structure allowed the Homeowners Association to control the water flow into the stream. Beavers came in and plugged up the pipe. A new pipe was placed in accordance with the notice of emergency. After the onsite inspection the applicant/HOA was required to submit a 310-permit application for a permanent solution. The application number is FL-2021-003.

Verdell Jackson motioned “to approve the notice of emergency as being satisfied by the pipe that has been installed to provide water to the stream.” Donna Pridmore seconded. Motion carried unanimously.

Hodge Creek Reserve HOA, FL-2021-003, Hodge Creek, replace flow control: Verdell Jackson explained that this application was a follow up to notice of emergency #FL-2020-052E, and now the applicant is requesting to withdraw their permit application as they do not have funds to proceed.

Kenny Breidinger explained that under the notice of emergency, a perforated piece of PVC pipe was inserted into the outlet structure of the dam and has been working since that time. The board asked Kenny whether this pipe has any negative impacts on the stream. Kenny explained that there is no way to control the amount of water held back by the stream, and the pipe could be susceptible to further beaver modification. He noted that this solution has been working since the time of installation. If additional work needs to be done, a new 310 permit application will be required.

Verdell Jackson motioned “to approve the request for the withdrawal and send a letter to the applicant stating if additional work needs to be done that another 310-permit application will need to be submitted.” Donna Pridmore seconded. Motion carried unanimously.

Maldonado, FL-2021-054C, Flathead River, complaint: John Ellis explained that the district has been unable to contact the alleged violator. An onsite inspection was conducted from the closest vantage point, and the team found that three large culverts had been placed in the river. The board discussed the next steps for this complaint.

John Ellis motioned “to find the complaint valid and that activity has been initiated on a perennial flowing stream without a valid permit.” Lech Naumovich seconded. Motion carried.

John Ellis motioned “to refer this complaint to Caitlin Overland, District County Attorney’s office.” Lech Naumovich seconded.

Discussion continued among the board regarding how to contact the alleged violator and whether it was appropriate to send this along to the county attorney. Hailey Graf read from the Adopted Rules which stated that a letter needs to be sent informing the landowner of the violation and a deadline for corrective action needed to be clearly defined.

John Ellis withdrew the motion “to refer this complaint to Caitlin Overland, the district attorney.” Lech Naumovich withdrew his second.

Lech Naumovich expressed concern that a large flow event which could float the material down the river.

John Ellis motioned “to send a letter to the owner addressing the violation per the Adopted Rules.” Lech Naumovich seconded. Motion carried unanimously.

Donna Pridmore noted that specifics be detailed in the letter such as the course of action to rectify the violation and a deadline in which to do so. Kenny Breidinger noted that an additional 310-permit application must be sent detailing the work to be done. The board created a deadline for action as 30 days after receipt of the letter of violation.

Peerman, FL-2021-046C, Stillwater River, complaint: Verdell Jackson explained that getting in touch with the current landowner has been difficult, however after contacting Cailin Overland, District attorney, he was advised to go knock on the door to reach the landowner. This was successful and the landowner agreed to an onsite inspection on Friday, November 12, 10:30 A.M. on her property. Verdell Jackson noted that while speaking with the landowner, he learned the landowner wanted to remove a tree which had fallen across the Stillwater River. He will provide a blank 310-permit application to the landowner at the onsite inspection.

Ray Family Trust, FL-2021-088, Stoner Creek, stream restoration/cistern/debris removal etc.: Donna Pridmore explained that at the onsite inspection it was suggested that the application be amended to include riparian fencing to keep livestock out of the stream. There was also discussion about hardened crossings and bridges for livestock to move on the property. The application was previously tabled awaiting further information from the landowner detailing the crossings and fencing. Donna noted that watershed support program funds could potentially be used for this project.

Kenny Breidinger had questions on the location and dimensions of the proposed bridge. The applicant Robert Lewis explained that the bridge design was generic and would vary based on the selected location of the bridge. Exact locations of the bridge have not been determined yet. The project will not start until late spring.

The board agreed that the application should be tabled until the applicant determines the locations of the proposed bridges.

Donna Pridmore motioned “to table the application until more information is received.” Lech Naumovich seconded. Motion carried unanimously.

Scott, FL-2021-050, Flathead River, boathouse/lift/deck/walkway/patio: Kenny Breidinger explained that the application is to replace an existing boat house and to build a deck that is set back from the river. He asked the landowner if the proposed material on the boathouse was going to be a non-reflective surface. The roof will be shingled and non-reflective. John Ellis added that this application with the noted modifications meets the Adopted Rules.

John Ellis motioned “to approve the application with modifications received on 11/01/2021 and in accordance with the Team Member Report.” Verdell Jackson seconded. Motion carried unanimously.

Switzer-Rogers, FL-2021-059C, Swan River, complaint: Leo Rosenthal explained there was a for sale sign on the property the last time he drove past and that he believes the Curtis application #FL-2021-104 is the same property.

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

White, FL-2021-014, Flathead River, permit violation: Donna Pridmore explained that this was the original application and that a second application was required. See discussion on application # FL-2021-098.

White, FL-2021-098, Flathead River, boat ramp/boat dock/fire pit area/patio: Donna Pridmore explained that since last meeting, Mr. White emailed that he has abandoned plans for the boat ramp. He is trying to hire a revegetation contractor to remediate slopes of boat ramp area and plans to maintain a walking path. His contractor will be able to give plans for how he will cut back stairway/sidewalls/retaining walls. These areas will be sloped so they are not so square sticking out of the bank and cover with native stone.

The board discussed the proposed dock/gangway dimensions. The board wanted to know how the 5-foot depth on the engineering drawings was determined. Donna explained that a survey was done by Sam Strickland at Waatti Engineering to determine that depth, but the district has not seen that survey yet. Donna also noted that the wings on the deck are not within the dimensions discussed in the Adopted Rules. Lech Naumovich added that we are still waiting on additional information from the applicant.

Doug White explained his efforts to reach out to contractors for revegetation of the project area and for additional information from his contractor on aspects of the dock dimensions. He explained that his boat is 36' which is the length of the proposed dock.

Angie LeDuc wanted to clarify that the Flathead Conservation District is waiting for a formal and complete submission of amendments and that she and her client will be presenting a complete package when it is ready.

Doug White explained how the 5-foot depth was determined and that photos would be supplied to show this determination. Angie LeDuc stated that the 36' length was already approved in the previous permit application.

Donna Pridmore motioned "to continue to be table the applications until additional amendments are received." Lech Naumovich seconded. Motion carried unanimously.

NEW BUSINESS

Medical Insurance Renewal: Current medical insurance ends 12/31/2021, and medical insurance renewal information is due 11/17/2021. Hailey Graf noted that medical insurance plan options have not changed, and cost increase falls within the 2021/2022 budget.

John Ellis motioned "to approve the medical insurance for staff for calendar year 2022." Donna Pridmore seconded. Motion carried unanimously.

Trumbull Creek Grant #RRG-20-1750 Amendment: Hailey Graf explained that the grant date has been extended from 12/31/2021 to 12/31/2022, and the Board would need to approve and sign the contract amendment with the Department of Natural Resources.

Donna Pridmore motioned “to approve the amendment for the Trumbull Creek grant.” Verdell Jackson seconded. Motion carried unanimously.

MATTERS OF THE BOARD/STAFF

Convention Resolutions: Hailey Graf explained the Board previously stated that they wanted to vote on the resolutions and on who would carry that vote forward at the convention coming up the week of November 15, 2021.

- Resolution 21-01 – “Collecting an assessed fee from Montana hunting and fishing licenses to be used for Montana county road maintenance and repair.”
The board voted in favor of this resolution.
- Resolution 21-02 – “Groundwater Monitoring Resolution.”
The Board voted in favor of this resolution.
- Resolution 20-03 – “Resolution on Northeastern Montana Buried valley MACD resolution.”
The Board voted in favor of this resolution.
- Resolution 20-04 – “Resolution to address stock water rights on federal grazing district allotments.”
The Board voted against this resolution.
- Resolution 20-05 – “Resolution Opposing the Federal Government’s “30 x 30” Land Preservation Goal.”
The Board voted against this resolution.
- Resolution 20-06 – “Resolution to Declare Wolves a Predator in Eastern Montana.”
The board voted against this resolution.

Lech Naumovich motioned “to vote in accordance with the record shown tonight based on the six motions. Also, we appoint Pete Woll, Chairman to vote for the FCD supervisors if available, or find a representative if Pete is not available.” Donna Pridmore seconded. Motion carried unanimously.

Turner Technical Review, FL-2021-096: Hailey Graf explained that she was having a hard time finding an engineer that would accept this project. A structural engineer is needed to review the integrity of the retaining wall. Hailey will continue to reach out to companies until she can find an appropriate contractor.

The next business meeting is scheduled for Monday, November 29, 2021, 7:00 P.M. via ZOOM.

Adjournment: Lech Naumovich motioned "to adjourn." Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:45 P.M.

Submitted By:

Virginia Rigdon
Administrative Assistant

Ginger Kauffman
Administrator

Hailey Graf
Past Resource Conservationist

Samantha Tappenbeck
Interim Resource Conservationist

Minutes approved by FCD Board motion made on:

11/29/2021 Pete Woll Chair
(Date) (Signature) (Title – Chair etc.)