



133 Interstate Lane, Kalispell, MT 59901 | www.flatheadcd.org | 406-752-4220

CALL TO ORDER & ATTENDANCE

Chair Pete Woll called the November 12, 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; Lech Naumovich, Supervisor; being a quorum of the Board.

Board members absent: Verdell Jackson, Supervisor; Absence is excused.

Also, in attendance were Hailey Graf, Samantha Tappenbeck, Ginger Kauffman, FCD staff; Kenny Breidinger, MFWP; Ed Stathas; Norm Sudan; Dan Butts.

MINUTES

Correction: Lori Curtis was added to Board members present.

Dean Sirucek motioned “to approve the minutes of the October 28, 2019 business meeting as amended.” Lori Curtis seconded. Motion carried unanimously.

CORRESPONDENCE

Email: Trainings, Workshops

1. DNRC in in the very beginning stages of planning a **Supervisor Summit** for **2020**. If you would like to be in on the planning, or if you have ideas, contact Karl Christians kchristians@mt.gov

Email: Meetings, Notices

1. Whitefish Planning Board meeting, Thursday, November 21, 6:00 P.M., Whitefish City Council Chambers

Email: Newsletters, Publications

1. National Association of Conservation Districts (NACD)
eResource, Conservation Clips,
www.nacdnet.org
2. Montana Watershed Coordination Council *Watershed News*
<http://mtwatersheds.org/app/>



Email: Other

1. USDA's Natural Resources Conservation Service (NRCS) is seeking public comments on [13 conservation practice standards](#). Per direction from the 2018 Farm Bill, NRCS will gather feedback on 94 practices over the coming months through posting on the Federal Register. Comments on these current 13 practice standards are due by Friday, November 22.
<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/newsroom/releases/?cid=NRCSEPRD1502028>
2. SWCDM & MACD announce Stephanie Adams as the new SWCDM Director, and Chuck Cornillie as the new MACD Executive Director.

FINANCIAL

The following bills were reviewed:

1. Byte Savvy \$145.00
2. Center for Native Plants \$73.50
3. Flathead Beacon \$528.00
4. MACD \$3,300.00
5. Montana Conservation Corps \$5,000.00
6. Mountain States Leasing – Kalispell (Nov) \$1,599.73
7. MontanaSky Networks \$10.00
8. Mountain States Leasing – Kalispell (Dec) \$1599.73
9. Susan Hulslander, CPA \$2,194.00
10. Republic Services \$140.00

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

PUBLIC COMMENT PERIOD

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

310

Baker-Johnson, FL2019060, Sunday Creek, dredging pond/culverts: Dean Sirucek stated an onsite inspection was held last week for pond excavation and culvert installation. The team recommended approval with the following modifications: straw bales should be placed in the outlet to prevent turbidity in the stream, dogwood cuttings can be used to stabilize disturbed areas and the tree that recently fell into the stream may be removed. Kenny Breidinger stated this is a historic-type pond and we would not permit this kind of pond now, however, it has been there for quite some time. The landowner wants to put in a culvert to access her property in between the stream and the pond. Dean added that the channel is extremely stable unlike other channels in the area. The proposed project would be low impact. Dean provided photos of the site and reviewed the considerations in the Team Member Report.



John Ellis asked why the landowner wants to dredge the pond. Kenny replied that it has filled in with sediment. The landowner also decided to modify the project from two culverts (inlet and outlet) to one culvert in the inlet.

Dean Sirucek motioned “to approve the application with modifications listed in the Team Member Report.” Lori Curtis seconded. Motion carried unanimously.

Boling, FL2019064, unnamed stream, pond: Dean Sirucek stated he and Leo Rosenthal did an onsite inspection a few weeks ago. The pond is quite a distance away from the stream. It is a small isolated wetland, and the water table is not very high in it.

Dean Sirucek motioned “this is not a project.” Lori Curtis seconded. Motion carried unanimously.

Bradley, FL2019066C, unnamed stream, complaint: Ronald Buentemeier stated the complaint is for a foot bridge that has been installed.

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

Bradley, FL2019067C, unnamed stream, complaint: Ronald Buentemeier stated the complaint is for removal of beaver dams.

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

Kenny Breidinger noted that he has talked to Mr. Bradley several times. Mr. Bradley has been trying to figure out who to apply to for a permit to remove beaver dams that are inundating his land but are not actually on his property. He is now trying to work with the Forest Service to get the dams removed. Hailey Graf stated in moving forward with the complaint process, we will need to know if the referenced beaver dams were actually on Bradley’s property. Kenny added Bradley was licensed to remove beavers on his property.

Butts, FL2019056C, unnamed stream, complaint: An onsite inspection was scheduled for Monday, November 25, 9:30 A.M. at the site.

Coit, FL2019061, Flathead River, dock: Pete Woll stated he and Kenny Breidinger did an onsite inspection on October 28th. This is an existing dock. The piers and beams are rotting out and need to be replaced. The rip rap under the dock has settled since it was placed and will be brought back up under the dock. Work will be done above low water. Kenny added this is minimally intrusive. The existing structure has rotted out and some of the piers are undermined.

Pete Woll motioned “to approve the application with modifications per the Team Member Report.” Lech Naumovich seconded. Motion carried unanimously.



Echo Basin LLC, FL2019058C, Echo Creek, complaint: Pete Woll stated the complainant has chosen to withdraw the complaint.

Pete Woll motioned “to withdraw the complaint per the request of the complainant.” Lori Curtis seconded. Motion carried unanimously.

Ed Stathas stated he is one of the owners of Echo Basin and has lived here since 1978. He noted that the complaint stated that the water stopped flowing in July. He stated that the pond on his property was built in the 1950’s, and that he has seen Echo Creek go from a trickle to 6 inches over his property. He called the complainant and had him come and walk with him through the property. Mr. Stathas stated the problem is below his property and that Echo Lake is currently down 15 feet. He asked if the district had any flow rates for Echo Creek or Noisy Creek. Lori Curtis stated she would see if Whitefish Lake Institute has any information. Dean Sirucek noted that a study was done on Krause Creek in the 1970’s or 1980’s by the Forest Service. Kenny added that Leo Rosenthal has a good data set of surface elevation of Echo Lake. FCD staff will contact Mr. Stathas if any information is found.

Dean stated there is a lot of geologic activity happening which can cause water to periodically shift and be displaced to the surface or underground. It is not a standard drainage that flows all the time. It is very complex because of the geology, the geomorphology and the way the post glacial soil materials.

FHRR Lot 8 LLC, FL2019050C, Flathead River, complaint: Ronald Buentemeier stated this is a complaint regarding a road. He provided photos and explained that a trail was built down the hill, but it is away from the stream. There are several benches between the stream and the trail. Work that was done is not in our jurisdiction. Kenny Breidinger and John Ellis also agreed that this is outside of the jurisdiction of the district.

Ronald Buentemeier motioned “this is outside the jurisdiction of the district and is not a violation of the 310-law.” Lori Curtis seconded. Motion carried unanimously.

FHRR Lot 8 LLC, FL2019051C, Flathead River, complaint: Ronald Buentemeier stated this is a complaint regarding a road. He provided photos and explained that a trail was built down the hill, but it is away from the stream. There are several benches between the stream and the trail. Work that was done is not in our jurisdiction. Kenny Breidinger and John Ellis also agreed that this is outside of the jurisdiction of the district.

Ronald Buentemeier motioned “this is outside the jurisdiction of the district and is not a violation of the 310-law.” Lori Curtis seconded. Motion carried unanimously.

Flathead River Ranch Partners, FL2019048C, Flathead River, complaint: Ronald Buentemeier stated this is a complaint regarding a road. He provided photos and explained that a trail was built down the hill, but it is away from the stream. There are several benches between the stream and the trail. Work that was done is not in our jurisdiction. Kenny Breidinger and John Ellis also agreed that this is outside of the jurisdiction of the district.



Ronald Buentemeier motioned “this is outside the jurisdiction of the district and is not a violation of the 310-law.” Lori Curtis seconded. Motion carried unanimously.

Flathead River Ranch Partners, FL2019049C, Flathead River, complaint: Ronald Buentemeier stated this is a complaint regarding a road. He provided photos and explained that a trail was built down the hill, but it is away from the stream. There are several benches between the stream and the trail. Work that was done is not in our jurisdiction. Kenny Breidinger and John Ellis also agreed that this is outside of the jurisdiction of the district.

Ronald Buentemeier motioned “this is outside the jurisdiction of the district and is not a violation of the 310-law.” Lori Curtis seconded. Motion carried unanimously.

Hicks, FL2019041C, unnamed stream, complaint: Ginger Kauffman explained that the Board had determined this to be a violation. As remediation the landowner was to submit an after-the-fact application, which they did (FL2019068).

John Ellis motioned “the complaint is satisfied by the submittal of application #FL2019068.” Lori Curtis seconded. Motion carried unanimously.

Hicks, FL2019068, unnamed stream, dredging/pond: Kenny Breidinger stated this is an after-the-fact application. No new work was proposed, and a second onsite inspection is not needed. John Ellis reviewed the application. Kenny noted that any additional work will require a new application.

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

Hogan, FL2019004, Rose Creek, well/cistern/excavation/residences/commercial structure/utilities: Pete Woll explained a letter was sent to Mr. Hogan asking if he wanted to continue with his application. Mr. Hogan responded that he would like to table the application until January as he is still waiting for the Letter of Map Amendment (LOMA).

Pete Woll motioned “to table the application until we receive the LOMA information from Mr. Hogan.” John Ellis seconded. Motion carried unanimously.

Hufstedler, FL2019059, Stillwater River, path: Ginger Kauffman explained that the applicant called on 10/28/2019 and said that the landowner cancelled the onsite inspection which was scheduled for that same day.

John Ellis motioned “to table the application until the next 310-meeting; and to send a letter to the landowner informing them that no action was taken or can be taken on the permit application until an onsite inspection is scheduled.” Lori Curtis seconded. Motion carried unanimously.



Martin, FL2019046, Whale Creek, debris removal: Ronald Buentemeier motioned “to table until the December 310-meeting.” John Ellis seconded. Motion carried unanimously.

Oettiker Creek Ranch, FL2019065, Oettiker Creek, replace culvert/bridge: Dean Sirucek explained this application is for a culvert that needs to be re-set. The original application did not discuss the grade, so two modifications were recommended (1) The culvert will be set to grade and imbedded 4-6 inches below the streambed, and (2) disturbed soil should be revegetated following construction. Dean reviewed the considerations in the Team Member Report and provided photos to the Board. Kenny Breidinger stated that much of the flow was going under the culvert and only 1/3 of the flow was going through the culvert as it was not put on-grade or embedded in gravel, so it undercut.

Dean Sirucek motioned “to approve the application with modifications per the Team Member Report. The 15-day waiting period is waived.” Lori Curtis seconded Motion carried unanimously.

Righetti, FL2019062, Haskill Creek, bridge/bank stabilization: Lori Curtis stated this application was approved with modifications per phone poll on 10/28/2019.

Lori Curtis motioned “to approve the October 28, 2019, phone poll.” Dean Sirucek seconded. Motion carried unanimously.

Westwood Park, FL2019033C, Bowser Spring Creek, complaint remediation: Hailey Graf explained that the applicant had been given a permit, however, they put the trail in the wrong place. As remediation, they were required to move the trail back to where it had been permitted, and to notify the district once the trail work was done so that a follow-up inspection could be scheduled. No response had been received so a letter requesting they contact the district was sent 10/28/2019. Hailey read the response and noted that the remediation is not completed. Kenny Breidinger noted that a big part of restoring the path is revegetation which will not happen in the winter. The Board discussed sending a letter to Westwood Park.

Dean Sirucek motioned “to table until the next 310-meeting.” John Ellis seconded. Motion carried unanimously.

NEW BUSINESS

Adopted Rules: Hailey Graf explained that HB383 became law and extended the appeal timeframe from 15 days to 30. All conservation districts are required to update Adopted Rules and forms, and DNRC has provided a timeframe and necessary steps to accomplish this change. Hailey reviewed steps and asked the Board about moving forward with the process.

Lori Curtis motioned “to start the process of making updates to the Adopted Rules.” Lech Naumovich seconded. Motion carried unanimously.



310-Permit attachment modifications: Hailey Graf explained that the Board signs the 310-Permit Conservation District Decision form, however, the permit attachment also has a signature block. Since the permit has already been signed, staff asked if the second signature block in the attachment was necessary. Hailey stated she could contact Caitlin Overland, Flathead County Attorney's Office about this.

Ronald Buentemeier explained that the second signature block is necessary to show that the supervisor has reviewed and approved the attachment, thus protecting and removing responsibility from the staff. The Board agreed that that no changes are necessary.

Cost-Share Contracts: Hailey Graf stated she had received signed contracts and W-9 forms from three approved cost-share applicants. They just need to be signed by the Chair. The following contracts were signed by Chair Pete Woll:
#FCD 2019-09 Barnes/Brega
#FCD 2019-07 Flathead Audubon
#FCD 2019-03 Cameron-Russell

Soil & Water Conservation Districts of Montana (SWCDM) Agreement: Hailey Graf explained that when she and Pete Woll discussed hiring with Samantha, one of Samantha's concerns was finishing the Irrigation Water Management (IWM) process for SWCDM. They agreed that Samantha could begin work with Flathead CD on 11/9/2019 and work on finishing the IWM. SWCDM drafted a formal Agreement between SWCDM and Flathead CD.

The board discussed hours, rates, and dates. Hailey explained the details of the agreement and noted the end date of the Agreement is 12/31/2019.

Lori Curtis motioned "to approve the SWCDM Contract for Services with FCD for Samantha Tappenbeck's time on the Irrigation Water Management project." Lech Naumovich seconded. Motion carried unanimously.

Office Closure: Hailey Graf asked the Board for the option to close the office the Friday after Thanksgiving if necessary.

John Ellis motioned "that the office be closed on November 29, 2019." Lori Curtis seconded. Motion carried unanimously.

MACD Resolutions: Hailey Graft reviewed the MACD resolution process with the Board and stated that the FCD Board needs to agree on a vote to carry forward to convention on each of the following resolutions:

- Dean Sirucek motioned "to support Resolution 19-01." John Ellis seconded. Motion carried unanimously.
- Lech Naumovich motioned "to support Resolution 19-02." Joh Ellis seconded. Motion carried unanimously.



- Lori Curtis motioned “to not support Resolution 19-04.” John Ellis seconded. Motion carried unanimously.
- John Ellis motioned “that the FCD will neither support nor oppose resolution 19-05.” Dean Sirucek seconded. Motion carried unanimously.
- Dean Sirucek motioned “that the FCD support resolution 19-06.” Lori Curtis seconded. Motion failed. Lori Curtis motioned “that the FCD not support Resolution 19-06.” John Ellis seconded. Motion carried.
- Dean Sirucek motioned “that the FCD support Resolution 19-09.” Lori Curtis seconded. Motion carried unanimously.
- Dean Sirucek motioned “that the FCD not support Resolution 19-10.” Ronald Buentemeier seconded. Motion carried unanimously.
- Lori Curtis motioned “that the FCD not support Resolution 19-11.” John Ellis seconded. Motion carried unanimously.
- Dean Sirucek motioned “that the FCD not support Resolution 19-12.” John Ellis seconded. Motion carried unanimously.

John Ellis motioned “to approve Pete Woll to vote in accordance with the Board in support or in opposition of the resolutions. Pete Woll also has the discretion to vote and agree to minor changes.” Dean Sirucek seconded. Motion carried unanimously.

The following supervisors agreed to sit on Standing Committees at the MACD Convention:

- District Operations – Pete Woll
- Soil & Land Use – John Ellis
- Education – Lori Curtis
- Water – Dean Sirucek

MATTERS OF THE BOARD/STAFF

310: Hailey Graf stated she had received an update from Caitlin Overland, Flathead County Attorney’s office regarding the Stalowy 310. She will forward the email to the Supervisors.

Appointed Supervisors: It was noted that terms for John Ellis and Lech Naumovich as appointed supervisors from the City of Whitefish will expire 12/31/2019. John and Lech both expressed interest in continuing. This will be on the November business meeting agenda.



The next business-meeting is scheduled for Monday, November 25, 2019, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Lori Curtis motioned “to adjourn.” John Ellis seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:20 P.M.

Submitted By:

Ginger Kauffman
Administrator

Hailey Graf
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>12/9/2019</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)

