
CALL TO ORDER & ATTENDANCE

Chair Pete Woll called the December 11, 2023, 310-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; Roger Marsonette, Supervisor; Scott Rumsey, Supervisor; Bill Yankee, Supervisor; Mike Kopitzke, Supervisor; being a quorum of the Board.

Board members absent: None.

Also, in attendance were Samantha Tappenbeck, Jessie Walthers, Ginger Kauffman, Flathead CD Staff; Susan Hulslander, CPA; Jay Sandelin; Sharon DeMeester; Ross Gilbert; Rudy Koestner; Mary T. McClelland; Ardis Larsen, Larsen Engineering; Eric Bruguier, FIIP; Elizabeth Blacker; Carole & Richard Murphy; Helen Lundgren; Connor Loughran, 406 Engineering; Shane Hendrickson, BIA; Becky Williams; David Stalowy.

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: Accept New 310 Applications

- Motion “to accept all new 310 permit applications as complete and for a project that will alter or modify a stream.”
- Supervisors to remove individual applications from the consent agenda if incomplete or if there is an issue to be specifically addressed.

Minutes Item 3: Minutes

- 11/13/2023, 310-Permit Meeting

Consent Agenda Item 4: Financial

Check Detail dated 12/6/2023

1. Diamond Sprinkler Systems \$221.67
2. Fisher’s Technology \$287.00
3. Flathead Beacon \$500.00
4. Montana Sky Networks Inc. \$10.00
5. Mountain States Leasing – Kalispell \$1,884.86
6. Successful Signs & Awards \$58.00
7. William Norton \$993.54

Consent Agenda Item 5: Correspondence

- DNRC CDB Report – December 2023

John Ellis motioned “to approve the consent agenda.” Mike Kopitzke seconded. Motion carried unanimously.

PUBLIC COMMENT

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

310 Onsite Inspections

Camisade LLC, FL-2023-115, Flathead River, dock: An onsite inspection was scheduled for Friday, December 22, 2023, 10:00 A.M. at the site.

Hicklin, FL-2023-114, Echo Creek, bridge/riprap: An onsite inspection was scheduled for Thursday, January 4, 2024, 11:15 A.M. at the site.

Maltbie, FL-2023-094C, Mount Creek, complaint: An onsite inspection was scheduled for Wednesday, January 3, 2024, 11:30 at the site.

Sneed (Carson), FL-2023-113, Flathead River, bank stabilization/dock: An onsite inspection was scheduled for Wednesday, January 3, 2024, 9:00 A.M. at the site.

Wilkinson, FL-2023-110, Swan River, brush trimming & thinning: An onsite inspection was scheduled for Thursday, January 4, 2024, 10:15 AM at the site.

Wright/Tzou, FL-2023-112, Swan River, riprap/dock/stairs: An onsite inspection was scheduled for Thursday, January 4, 2024, 9:30 A.M. at the site.

310's

Ambler, FL-2023-071, McDonald Creek, house: Samantha Tappenbeck explained a request to withdraw the application was received 12/11/2023. Roger Marsonette motioned “to accept the request for withdrawal of the application.” Donna Pridmore seconded. Motion carried unanimously. Mike Kopitzke abstained from voting.

Bellwoar, FL-2023-100, Whitefish River, walkway/steps: Mike Kopitzke stated the application was approved with modifications on 11/13/2023 to use natural vegetation to stabilize the bank and approve the rock pathway. Jay Sandelin was contacted, as staff found that there was no information regarding dimensions/materials to be used etc. or schematic/drawing of the rock pathway and steps in the application. Mr. Sandelin provided the additional information 12/8/2023, and the application was placed back on the agenda.

Mike Kopitzke motioned “to retract the motion made on 11/13/2023 for the project on Whitefish River.” John Ellis seconded. Motion carried unanimously. Mike Kopitzke motioned “to approve FL-2023-100 per the application as modified by not doing rip rap, but letting the natural

vegetation stabilize the bank, and according to the amendment submitted 12/8/2023 for the pathway.” John Ellis seconded. Motion carried unanimously.

Birk, FL-2021-011, Flathead River, violation & remediation: Donna Pridmore explained this was tabled 11/13/2023 waiting for information from Eric Urban, representative for the landowner. Samantha Tappenbeck noted that Eric sent an email 12/5/2023 stating he would submit information for the January 2024 meeting. This remains tabled until information is received for the January meeting.

Egging, FL-2023-107, Abbot Creek, residential structure: Mike Kopitzke explained that the onsite inspection was completed 11/17/2023. The residence sits at the very top of the bank, and the landowner wanted to excavate the bank to enlarge the structure. Leo Rosenthal stated this would be a large excavation of the bank. The reasonable alternative would be to expand landward instead of excavating the bank. Mike Kopitzke motioned “to deny application FL-2023-107 based on the amount of excavation on the bank, and the impacts to the bank are excessive.” John Ellis seconded. Motion carried unanimously.

Flathead Indian Irrigation Project (FIIP), FL-2023-111C, Little Bitterroot River, complaint: Bill Yankee reviewed the complaint and the response to the complaint which was received 12/8/2023. Discussion regarding jurisdiction and applicable permits for maintenance of irrigation infrastructure and information to gather during complaint inspection.

Shane Hendrickson, Superintendent for the Bureau of Indian Affairs and acting project manager, explained that FIIP manages the dike across outlet from Little Bitterroot Lake to the Little Bitterroot River, and they had removed illegally placed rock in front of the headworks which had created a dam in front of the dam. The material was cleaned out with a mini excavator. Because of the rock berm it slowed water velocities down so that there was sediment aggradation inside the headworks so that had to be hand-shoveled because it was prohibiting them from closing the head gate. At the time they did not realize that the S-siphon (invert that goes through the dam and out the outlet) flushed overnight and caused some of the downstream flooding. They sent a crew member the next day, closed it and stopped the flooding. The flood waters reached out onto the floodplain, but they are not aware of any damages from that event. Just did work on the lake side of the dam. The work was done on the lakeshore, and they were not aware of a complaint downstream of the dam.

An onsite inspection was scheduled for Tuesday, December 19, 2024, 10:30 A.M. at the dam site. Staff will reach out to the downstream landowner to request access permission.

Fullerton, FL-2023-090, Flathead River, request to withdraw application: Pete Woll explained a request to withdraw the application was submitted 11/14/2023. The applicant is working with an engineer to amend project design/plans. Pete Woll motioned “to accept the request to withdraw the application.” John Ellis seconded. Motion carried unanimously.

Gress, FL-2023-091, Flathead River, bank stabilization: Pete Woll explained the application was tabled 11/13/2023 and a technical review was requested by the Board. Samantha Tappenbeck stated that the applicant contacted the office and is working with an engineer to amend project design/plans. The district request for a technical review is on hold, and the application remains tabled until additional information is received.

Jenkins, FL-2023-109, Unnamed, re-deck bridge: Scott Rumsey explained that the onsite inspection was completed 11/27/2023. This is a small, short-span bridge and the deck and stringers are failing. Kenny Breidinger stated that the span of the bridge and height of the stringers are not changing. Scott Rumsey motioned “to approve the application as proposed and waive the 15-day waiting period.” John Ellis seconded. Motion carried unanimously.

Koestner, FL-2023-098, Stillwater River, culvert/rip rap: Donna Pridmore stated an application was submitted 9/13/2023. The applicant submitted additional information for a box culvert on 12/7/2023. Donna Pridmore motioned “that FL-2023-098 be accepted with specifications submitted 12/7/2023.” Motion failed for lack of a second.

Mr. Koestner interjected to explain that he wants to change back to a 36-inch round pipe culvert upstream and submitted a new drawing during the meeting. The drawing was reviewed, and the specifics of the project area and proposed design were discussed. Donna and Kenny Breidinger stated that there should not be fabric under culvert. Mr. Koestner stated that the length of the pipe is 20 feet and the depth of fill over the culvert is 5 to 6 feet as proposed. Roger Marsonette stated that 20 feet is not going to be long enough per the standards in the Adopted Rules. Roger stated that per the standards in the Adopted Rules, the culvert would need to be 36 feet in length and showed Mr. Koestner the example calculations in the Adopted Rules.

Donna Pridmore motioned “to approve the application with modifications and per the addendum received 12/11/2023. No fabric is to be placed under the culvert, and the culvert must be 36-feet long.” John Ellis seconded. Motion carried unanimously. John Ellis motioned “to waive the 15-day waiting period.” Donna Pridmore seconded. Motion carried unanimously.

Krezowski, FL-2023-077, Haskill Creek, excavate/fill/bank stabilization: John Ellis explained that the application remains tabled until additional information is received from the applicant.

Sneed (Chuck), FL-2022-057C, Meadow Creek, remediation: The complaint was tabled 11/13/2023 until the remediation work is completed under permit FL-2023-106.

Stalowy, FL-2023-083C, Bear Creek, violation & remediation: Pete Woll explained that on 11/13/2023 the Board determined this is a violation. As remediation the landowner is to hire a professional consultant to provide a remediation plan for restoration of the Grassy Marsh area of Bear Creek. The proposed plan must be submitted in the form of a 310-permit application by 1/16/2024. An email was received today stating that Mr. Stalowy has hired River Design Group to provide a remediation plan and 310 permit application. This complaint remains tabled until the application is received.

Stalowy, FL-2023-101C, Bear Creek, complaint: Pete Woll explained that an onsite was scheduled for 11/28/2023, however Mr. Stalowy was not available that day. Due to incoming winter weather. Supervisors & FWP viewed the site from neighboring properties on 12/1/2023. A letter was sent to Mr. Stalowy on 12/4/2023 advising him to cease all unpermitted work in the vicinity of Bear Creek. A response was received 12/8/2023. An onsite inspection was scheduled for Wednesday, December 20, 2023, 10:00 A.M. at the site.

Ward, FL-2023-108, Echo Creek, remove fallen trees: Pete Woll explained that the onsite inspection completed 11/28/2023. The applicant wants to re-channel and remove debris from the stream. Echo Creek is flooding into an area of the Ward property that is used for camping (there is no permanent residence or structure there). The applicant is a downstream landowner and wants a channel to get the water to his pond downstream. During the onsite inspection, they noticed that the upstream landowner rechanneled the stream, removed vegetation, and ripped. This likely changed the stream, may have increased velocity, and blew out material into the floodplain on the Ward property. As a result, the stream is now working its way through the floodplain and wants to flood & braid through the area. Leo Rosenthal stated that Echo Creek is a high gradient stream coming out of the mountains and then changes to a flat gradient and hits an alluvial fan in this location. Ed Stathas is the applicant and has a water right but is not getting the water he has historically received via Echo Creek. The proposed plan is to channelize Echo Creek and prevent flooding. They were looking for a quick fix but there is no quick fix. The applicant was going to contact FCD for assistance with design work and possible grant funding for a better design. The application for the proposed work is not adequate.

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

Wilson, FL-2023-092, Flathead River, bank stabilization: Pete Woll explained the application was tabled 11/13/2023 and a technical review was requested by the Board. Samantha Tappenbeck stated that the applicant contacted the office and is working with an engineer to amend project design/plans. The district request for a technical review is on hold, and the application remains tabled until additional information is received.

Winthrop, FL-2023-045, Stillwater River, clean diversion intake: Donna Pridmore explained the application was submitted 4/18/2023 and remains tabled until additional information is received from Mikel Siemens.

NEW BUSINESS

Annual Financial Report: Susan Hulslander, CPA, presented the Annual Financial Report ending June 30, 2023. The report will be sent to the State of Montana. She noted that the district is under the \$750,000 limit that would require an audit and fee to the state. John Ellis motioned “to approve the annual financial report.” Bill Yankee seconded. Motion carried unanimously.

Supervisor Resignation: Samantha Tappenbeck explained Supervisor John Ellis submitted his resignation effective 12/31/2023. Bill Yankee motioned “to accept John Ellis’s letter of resignation.” Roger Marsonette seconded. Motion carried unanimously.

Western MT Grazing & Ag Conf Sponsorship: Samantha Tappenbeck explained Western MT Grazing and Ag Conference will be co-hosted by Missoula and Lake County Conservation Districts on January 25-26, 2024, in Missoula. Samantha recommended the silver sponsorship. Two staff are interested in attending, and asked if Supervisors were interested in attending. John Ellis motion “to sponsor the Western Montana Grazing and Agriculture Conference as a silver sponsor in the amount of \$250.” Bill Yankee seconded. Motion carried unanimously.

Personnel: Pete Woll explained Samantha Tappenbeck had a satisfactory annual performance review 3/1/2023, and a step increase is past due. Pete Woll motioned “to increase Samantha Tappenbeck from Grade 9/Step 9 to Grade 9/Step 10 to be effective the 1st pay period in January 2024.” Donna Pridmore seconded. Motion carried unanimously. Pete Woll closed the meeting for Board discussion, and Staff and FWP left the room. Pete Woll then re-opened the meeting. Bill Yankee motioned “to award Samantha Tappenbeck \$1500.00.” John Ellis second. Motion carried unanimously.

Adopted Rules Review & Revision: Donna Pridmore asked Supervisors to submit any proposed changes to the Adopted Rules. Samantha Tappenbeck will send current Adopted Rules to Supervisors and FWP to review.

MATTERS OF THE BOARD/STAFF

Partner Programs Funding: Samantha Tappenbeck explained that Flathead CD had received a request that was time sensitive to get an ad placed in the winter edition of Flathead Living Magazine. She gave the go ahead for the expenditure of \$500 for advertisement of Living in Flathead Guide in Flathead Living Magazine and wanted to bring it to the attention of the Board.

AIS Partner Program Draft MOU: Samantha Tappenbeck explained the district received a draft, not-to-exceed contract between FWP and FCD for the Board’s review and approval. This is a partner position for a roving AIS education specialist. Samantha stated FWP has a local contact for the partner position, however, the FCD will be doing the hiring, and we have a lot of flexibility. This can be more than one position. Discussion held regarding specifics included in the contract. Samantha will bring this back to the Board for final approval.

The next 310-permit meeting is scheduled for Monday, January 8, 2024, 1:00 P.M. in person and via ZOOM.

Adjournment: Donna Pridmore motioned “to adjourn.” John Ellis seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:22 P.M.

Submitted By:

Ginger Kauffman
Administrator

Reviewed By:

Samantha Tappenbeck
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>1/8/2024</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title – Chair etc.)