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## **CALL TO ORDER & ATTENDANCE**

Chair, Pete Woll called the December 13, 2021, 310-meeting to order at 7:00 P.M. in the conference room.

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

**Board members absent:** Donna Pridmore, Supervisor Absence is excused.

Also, in attendance were Ginger Kauffman, Samantha Tappenbeck and Virginia Rigdon, Flathead Conservation District (FCD) Staff, Kenny Breidinger, Fish Wildlife & Parks (FWP), Rory Young, Cathy Mitchell, Richard Ginnett, Allen Ream, Leo Rosenthal (FWP), Greg Eller, Dee Johnson, Gordan Ash, Associate Supervisor, Aaron Eslick, Bill Whitsitt.

## **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**

- Mitchell, FL-2021-099, Stillwater River, remove car & veg./rd
- Turner, FL-2021-081C, Swan River, complaint
- Turner, FL-2021-096, Swan River, retaining wall
- White, FL-2021-014, Flathead River, permit violation
- White, FL-2021-098, Flathead River, boat ramp/boat dock etc.

### **Consent Agenda Item 3:**

- Meeting Minutes (11/29/2021)

### **Consent Agenda Item 4: Financial**

The following bills were reviewed (Check Detail dated 12/8/2021)

1. Carolyn Chichowski \$911.25
2. CHS \$251.98
3. Flathead Beacon \$528.00
4. Kimberly Dru Fedderly \$2,407.05
5. Montana Sky Network \$10.00
6. River Design Group \$3,440.35

### **Consent Agenda Item 5: Correspondence**

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 meeting agenda.

### **310 Onsite Inspections**

**Ginnett**, FL-2021-107, Garnier Creek, underground utilities: John Ellis explained that the application submitted was for boring under a creek for utilities installation. Kenny Breidinger and John Ellis stated that if the boring is 5 feet or more under the creek that they could waive the onsite inspection. Allen Ream, the contractor for the project, confirmed that boring would be five feet under the creek.

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

Lech Naumovich noted that he had been on the site and that everything looked to be in order.

**Johnson**, FL-2021-108, Beaver Creek, remove debris/canary grass: An onsite inspection was scheduled for Thursday, December 16 at 9:30 A.M. at the site.

### **310's**

**Buck**, FL-2021-106, Stoner Creek, re-slope & vegetate streambank: Scott Rumsey explained that this was originally a violation and that during excavation of Stoner Creek that banks were over steepened. The suggested modification is to slope the bank back to a minimum of 1.5:1 but 2:1 would be preferred, and that the area would be reseeded once re-sloping was completed.

Scott Rumsey motioned “to approve the modifications as listed in the team member report.” John Ellis seconded. Motion carried unanimously.

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

John Ellis motioned to table this complaint until the remediation work is completed under FL-2021-106.” Scott Rumsey seconded. Motion carried unanimously.

**Curtis**, FL-2021-104, Swan River, stairs, floating dock on the Swan River: Pete Woll noted that it was a well put together application. He described the dimensions of the dock and explained that the design allowed vegetation to grow underneath the stairs. Leo Rosenthal added that we have worked with this contractor several times before. The docks are well designed and temporary in nature. He noted that turnaround time with the county is up to 9 months. He wonders if we could have a meeting with Flathead County Floodplain to allow these projects to be completed in a timely manner.

Pete Woll motioned “to approve the application as proposed and per the team member report.” John Ellis seconded. Motion carried unanimously.

Scott Rumsey asked if the floatation for the dock included Styrofoam. The design does not include Styrofoam.

**Eller**, FL-2021-105, Flathead River, rip/rap: Pete Woll explained that this is a bank stabilization project. He explained that a similar project on this property was permitted in 2004. The old project had stabilization cloth which was causing the rip/rap to slide. He noted that this fabric does not deteriorate.

Kenny Breidinger explained that there is active erosion on site. The proposed project is approximately 600 feet long. He explained that the previous project failed and there is a lot of exposed plastic material on the bank.

The board was unclear if this property had an active Conservation Reserve Program easement on it. If this is the case, the landowner will need to get permission from the Natural Resources Conservation Service, which facilitates the Conservation Reserve Program. The board will provide a copy of the old permit to the landowner to review.

Pete Woll motioned "to table until we can do further research on the past application" John Ellis seconded motion carried unanimously.

**Griffin**, FL-2020-060C, Garnier Creek, complaint: Lech Naumovich explained that this is a complaint from last year where a shed was placed approximately 6 feet from the stream bank. The alleged violator asked to move the shed in response to the complaint. After a follow up visit was completed, it was noted that the shed was moved to an appropriate location. Lech noted that the applicant discussed installing a fence but abandoned those plans.

Lech Naumovich motioned "to resolve this complaint." Scott Rumsey seconded. Motion carried unanimously.

**Lost Horizon Ranch**, FL-2021-101, Pleasant Valley Fisher River, temporary bridge: Verdell Jackson explained that the landowners had some timber they wanted to harvest on the other side of the stream. The applicant would place a temporary bridge to access the other side of the stream and would subsequently remove the bridge once timbering operations were completed. It was suggested to approve the project under the condition that the disturbed area be reseeded with grass once the project was completed.

Verdell Jackson motioned "to approve the application with the modifications listed in the team member report." John Ellis seconded. Motion carried unanimously.

**Northern Cross Ranch LLC**, FL-2021-103, Unnamed Stream, culvert: Lech Naumovich explained that this project is located in the North Fork. The project is to install a culvert for a creek crossing over one of the tributaries of Moose Creek. There does not seem to be impacts to adjacent wetlands. Kenny Breidinger added that it met our adopted rules and standards.

Lech Naumovich motioned “to approve the project as proposed.” Scott Rumsey seconded. Motion carried unanimously.

**Maldonado**, FL-2021-054C, Flathead River, complaint: John Ellis explained that this was a complaint concerning three concrete pipes put in the channel of the Flathead River. The district attempted to deliver a notice of complaint by certified mail on two separate occasions, however both times the letter came back as *Unable to Deliver*. Per recommendation from the County Attorney, Supervisors viewed the property from an adjacent property. Last meeting a motion passed which stated, “to send a letter to the owner addressing the violation per our adopted rules.” This letter also had specifics about a deadline in which to respond stating that if the landowners do not respond within 30 days, the matter will be turned over to the attorney. John Ellis noted that he hand delivered the letter to the Maldonado’s mailbox on December 10, 2021. He clarified that we are now waiting 30 days from the 10<sup>th</sup> of December for a response from the Maldonado’s.

John Ellis motioned “to table until the next 310 meeting.” Verdell Jackson seconded. Motion carried unanimously.

**Peerman**, FL-2021-046C, Stillwater River, complaint: Verdell Jackson explained that this complaint addressed timber being cut on the banks of the Stillwater River. He continued by explaining that getting in touch with the landowner was difficult but that he was able to contact her after visiting the property and knocking on the door. An onsite inspection was set up. During the onsite inspection, it was noted that the timber that had been cut in several places. Some of the trees seemed to be in the jurisdiction of the FCD and others did not. The dates the trees were cut was unknown. Kenny Breidinger noted that as far as he could tell it looked like they had been cut within the last few years. He also explained that a larger logging operation took place further back from the bank. A discussion took place amongst the board, regarding the stability of the bank and whether these activities impacted the slope or not. Kenny Breidinger noted that he thought this was a violation and that the Peerman’s should have had a permit to remove some of the trees, however no dirt work had been done.

John Ellis read from the official complaint, “clear cut of mature trees along the floodplain and the banks of the Stillwater River.” He continued by explaining that the area where the most recent logging had taken place was not on the unstable bank. He also stated that the logging the complaint was addressing was not within the FCD’s jurisdiction.

Verdell Jackson added that the landowner expressed interest in removing a tree from the Stillwater River. He explained that a 310 permit would be needed for that work.

John Ellis motioned “that the activity as set forth in the complaint letter is not a violation as defined by district rules.” Verdell Jackson seconded. Motioned carried unanimously.

Kenny Breidinger noted that the important thing is that the Peerman’s understand that any work to be done along the Stillwater River will need a 310 permit.

**Ray Family Tr.**, FL-2021-088, Stoner Ck, stream restoration/cistern/debris removal: Kenny Breidinger explained that this project was meant to enhance the habitat along the creek. He explained that there was an incised channel which used to lead to Lost Lake and that the riparian area has been heavily grazed. He explained that the applicant wanted to excavate some pools and lay back the banks as well as add some bridges so the landowner could access either side of the creek. Ginger Kauffman noted that changes submitted on 11/24/2021 removed the bridges from the original application. After some discussion among the board and FWP it was determined that there was not enough information to present and that they would need to wait until Donna Pridmore came back to explain the details of the project.

John Ellis motioned "to table the application until Donna Pridmore can present the information." Lech Naumovich seconded. Motion carried unanimously.

**Spartan Hldgs**, FL-2021-102, Stillwater Rv., water sewer mains etc.: Verdell Jackson explained that the construction site had filter fabric surrounding the property and extending the length of the river. He explained that the river was below the project site approximately 25 feet. He added that most of the project is not within the FCD's jurisdiction.

Kenny Breidinger noted that this project had been approved in the past, but planning took over a year and the permit expired. He explained that there was a stormwater pond on the site. The outfall goes into the Stillwater River and over some riprap which acts as an energy dissipator. He clarified that if the applicants chose to use landscaping fabric underneath the riprap then all exposed sections would need to be removed.

Verdell Jackson moved "to approve the application with modifications." John Ellis seconded. Motion carried unanimously.

**Switzer-Rogers**, FL-2021-059C, Swan River, complaint: Pete Woll explained that it was assumed that this complaint was on the same property at the Curtis application FL-2021-104, however after the onsite inspection it was determined that they were not the same property. Pete Woll would like to have the staff go to the Flathead County Plat Room to determine who the new owner of the property is, so that the district can proceed with the complaint.

Pete Woll motioned "to table the complaint until the Plat room has been contacted." Verdell Jackson seconded. Motion carried unanimously.

**Weaver**, FL-2021-092, Flathead River, bank stabilization: The landowner stabilized the bank and found that there were some old car bodies on the river. Overtime the riprap has slipped down into the river. This section of riprap is estimated to be no longer than 50 feet. Pete Woll noted that most of the work would be done from the road.

Pete Woll motioned "to approve as proposed as per the team member report." Verdell Jackson seconded. Motion carried unanimously.

## **NEW BUSINESS**

**Copier Maintenance/Service Agreement** – Ginger Kauffman explained that the district currently has a service contract with Anders Business Solutions, however that contract will not be renewed in the coming year, as staff shortages prevent the business from taking on this commitment. FCD has received a quote from Fisher’s Technology which is comparable to the rates with ABS. Ginger noted that the technician from ABS moved to Fishers Technology and we would be able to continue working directly with him. She also explained that she contacted two other businesses for a quote, with no response and one which did not service Konica printers.

John Ellis motioned “to approve the copier service agreement with Fisher’s Technology of Boise Idaho.” Verdell Jackson seconded. Motion carried unanimously.

**Furniture & Equipment Disposal Request** – Ginger Kauffman explained that FCD got 8 filing cabinets from the Natural Resources Conservation Service (NRCS), but we could only use 2 of the cabinets. The rest will be taken by Pacific Steel and Recycling for recycling. She also explained that FCD would like to dispose of a broken monitor.

John Ellis motioned “to approve the furniture disposal request dated 12/13/2021.” Verdell Jackson seconded. Motion carried unanimously.

**Records Disposal Request** – Ginger Kauffman explained that every year we go through the record disposal process. Two forms were discussed as a part of the records disposal. The state form RM88 is not required to be reviewed by the state office and those records are ready to be disposed of. The RM60 lists documents that are older than 10 years and are required to be offered to the state archives or the DNRC. The DNRC does not want these records. We are still waiting to hear back from the state archives.

John Ellis motioned “to approve the disposal of records documented on RM88.” Verdell Jackson seconded. Motion carried unanimously.

**Annual Financial Report** - Ginger Kauffman explained that each year the FCD is required by the Department of Administration to complete an annual financial report. The CPA completed the report for us, and she can attend the January board meeting if supervisors have any questions. There will be no audit this year and no filing fees. The report needs to be approved and sent to the state. Lech Naumovich noted that he saw no irregularities.

John Ellis motioned “to approve the State of Montana, Department of Administration – Local Government Services Bureau – Annual Financial Report for the FCD for the fiscal year ending 6/30/2021.” Verdell Jackson seconded. Motion carried unanimously.

**Flathead Beacon annual contract** - Samantha Tappenbeck explained that the annual contract had been received from the Flathead Beacon. There were no notable changes to the contract.

John Ellis motioned “to approve the Flathead Beacon Annual Contract in the amount of \$6336.00.” Verdell Jackson seconded. Motion carried unanimously.

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

**Krause Creek project budget amendment** – Samantha Tappenbeck explained that Hailey Graf contacted the Department of Natural Resources to amend the budget for the Krause Creek grant. The bottom line has not changed; however, some budget line items were changed. DNRC gave approval via email, however for auditing purposes an official signed contract amendment is needed. The DNRC agreed to send along a formal budget amendment but do not anticipate getting it to the district before the holidays.

The project was installed this fall and the district has received invoices. Samantha explained that she wanted the board to review the summary of the amendment that she provided and approve the changes so that payment could be remitted to River Design Group.

John Ellis motioned to approve the notice of budget amendment for the grant agreement number #RRG-21-1782. Verdell Jackson seconded. Motion carried unanimously.

**Krause Creek project invoice** - Samantha Tappenbeck explained we received an invoice on November 18, 2021. The request for reimbursement from the Department of Natural Resources (DNRC) has already gone through and so no action is required on this agenda item.

**Nutrient Work Group** - Samantha Tappenbeck explained that she was a representative for conservation districts west of the divide for the nutrient work group. The work group is an advisory stakeholder group to the Department of Environmental Quality (DEQ) as they implement Senate Bill 358 which rolls back the numeric nutrient standards and transitions to narrative nutrient standards. She explained that the group requested additional involvement from the participants which would extend through May or June of 2022. The board discussed the time commitment that this might involve. Samantha indicated the importance of involvement from CDs and continuity of representation but noted that she could send a formal letter of resignation from the group if not an appropriate use of time.

Lech Naumovich requested that this be a standing item on the business meeting agenda. This would allow the board to check in with Samantha and make sure that she is not being stretched too thin.

### **Other Discussion/ Matters of the Board:**

**Projects done without a permit** - Scott Rumsey asked about the protocol for dealing with violations or projects done without a permit seen in the field. Ginger Kauffman explained that a complaint needed to be filed to follow the process. Complaints can be filed by anyone. The board will discuss further in January.

**Staff Positions:** John Ellis wanted to discuss the recent staff turnover and the implications to the district. This will be discussed in January.

**Trees across the river** - Verdell Jackson asked if a tree could be removed from a river if it was not an emergency. The board concluded that a regular 310 permit application is all that is needed.

**Personnel Policy** - John Ellis wants to discuss changes to the personnel policy in January. This item will be added to the January Business meeting agenda.

**Photos of the Flathead River** - Kenny Breidinger explained that Jason Moore from the legislative Water Policy Interim Committee was looking for photos of the Flathead River prior to the construction of Kerr Dam. Staff will contact several agencies to determine if these photos exist.

**Flathead River Commission** – Samantha Tappenbeck explained that this group is meeting on Thursday, December 16, 2021. She wanted to determine the role of the FCD versus the role of the Flathead River Commission in the Flathead River Erosion Study. FCD has applied for a Watershed Management Grant. The FCD should hear back about the status of the grant in mid-January.

The next Business meeting is scheduled for Monday, January 10, 2022, 7:00 P.M. via ZOOM.

Adjournment: Verdell Jackson motioned “to adjourn.” John Ellis seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:15 P.M.

Submitted By:  
Virginia Rigdon, Administrative Assistant

Reviewed By:  
Samantha Tappenbeck, Interim Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>1/10/2022</u>	<u>Pete Woll</u>	<u>Chair</u>
Date	Signature	Title – Chair etc.