

**LINCOLN CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
Plum Creek Timberlands Office, Libby, Montana
May 20, 2015**

Attendance:

Board of Supervisors: Darris Flanagan, Chairperson; Don Crawford, Vice Chairperson; Wayne Maahs; Mike Justus; Valene Goff; Susan Ennenbach

Associate Supervisor(s):

Advisor(s): Kirk Sullivan, N.R.C.S; Mike Hensler, MtFW&P

District Administrator: Becky Lihme

Guest(s): Robin Benson, County Clerk and Recorder

Called to order: 4:02 p.m. by Chairperson Darris Flanagan

Open Mic:

Minutes – Motion by Wayne Maahs to approve the minutes of April 2015 as presented. **Second** by Don Crawford. **Motion passed.**

Financial Report – Motion by Wayne Maahs to approve the Financial Report for April 2015. **Second** by Valene Goff. **Motion passed.**

1. FY 2014/15 Revenue vs Expense

- Staff reviewed the projected expense and revenue for the remainder of FY 2014/15. An updated report to be prepared for the June Board of Supervisors Meeting to re-evaluate funding.

NRCS Report – Kirk Sullivan

- 2014 EQIP – A culvert for a pivot crossing has been completed. Two pivots have been completed, however, one pivot is not operational.
- 2015 EQIP – Two applications have been funded; One is a thinning project.
- 2016 EQIP – The deadline for funding consideration is June 1, 2015. Seven applications are already on file.
- Conservation Stewardship Program (CSP) is processing three applications.
- The Conservation District's request for a soil survey is under consideration. Lincoln County was already "on the radar screen". Some preliminary work has been completed. The project is "do-able". We (NRCS and LCD) have been asked to list the areas of priority; agricultural land. Assistance is needed from LCD for gaining access to private land for the survey. The project should begin in the fall. It was suggested to appoint a technical committee.
- Mike Hensler asked if tree farms are considered agricultural.
- Kirk Sullivan responded yes.
- Darris Flanagan asked if anything was needed.
- Kirk Sullivan replied for the LCD Board to begin thinking about July/early fall to begin.

- Wayne Maahs suggested a sub-committee be formed to determine the areas of need.

MtFW&P Report – Mike Hensler

- Black bull heads (an introduced fish) are dying in good numbers.
- Don Crawford asked if this could be attributed to poisoning.
- Mike Hensler noted poisoning was conducted three years ago; killed perch causing the environmental issues.
- The Kooconusa Derby was held this past weekend. MtFW&P officials were looking for any Gerard rainbow caught.
- Don Crawford asked about the size of the winner.
- Mike Hensler replied the derby winner is the smallest in history of the event; three to four pounders were the majority caught, the winner was 7 pounds, 12 ounces.
- Mike Hensler reported illegal introduced species are on the increase particularly in Bull Lake with pike.
- The Corps of Engineers are conducting a study of the habitat of the Kootenai downstream of the dam near Dunn Creek.

Robin Benson, County Clerk and Recorder arrived at the meeting at 4:35 p.m.

The Board invited Ms. Benson to this meeting to discuss the reduction of the current 2014/15 budget revenue reduction. The subject was presented to Commissioner Mike Cole, at the previous meeting.

- Ms. Benson began by reading the invitation e-mail from staff asking for a clarification of the revenue reduction. She reported on her findings. Yes, our budget was incorrectly determined and is less than it should be. She estimates it is approximately \$4,000.00 too low. She explained we have a “floating levy” that is determined by a formula completed solely by the Clerk and Recorder. The amount should be different each year. The levy is determined by the county budget amount after the 15% delinquency is subtracted. It appears in previous years the levy was determined both before and after the 15% delinquency figure. Ms. Benson had contacted Harold Blatty from the MACO, inquiring on how to move forward. Mr. Blatty recommended the levy/budget be reviewed back two fiscal years (FY 2011/12).
- Wayne Maahs responded two years is a small sample size.
- Don Crawford noted we need to establish what is right and to work with the County Commissioners.
- Valene Goff noted the 1.76 mil levy and 1.65 mil levy amounts is a substantial difference.

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- Final recommendation to Ms. Benson is to review the Mil Levy back to FY 2011/12, correct the assessment (plus or minus) and from that point move forward.
- Ms. Benson will need to receive approval from the County Commissioners.
- Ms. Benson announced a workshop held by her office for appointed special district boards. The topic was meeting laws governing boards. The workshop was held for district boards appointed by the County Commissioners.
- It was clarified the LCD Board is not appointed by the commissioners but elected.

Ms. Benson left the meeting at 5:20 p.m.

District Administrator's Report

- Volunteer hours were recorded for April.
- News articles are in the Board Packets.
- Staff reported we had entries for the poster contest in every grade category except for high school. The winners were forwarded to MACD for judging. Those winners will be sent to the national competition.
- Stream trailer demonstrations were held for the Libby 8th grade tour (90 participants); Eureka 4th graders, Earth Day (50 participants); Troy 5th grade tour (25 participants). The Eureka 6th grade tour is scheduled for the week of May 25th.
- The next DNRC Reclamation Planning Grant is due on June 21st.
- Monday is Memorial Day; office will be closed.

Planning Board Report – Mark Romey

GLID Report

- Valene Goff reported GLID was notified by Pam Smith the DNRC/RRGL Costich Drop grant project was not funded.

310's

Li-05-01-15 – Casazza, Tobacco River

- Mike Justus reported he did not do an on-site of the project. Dan Casazza has always done a great job; recommends approving the application.
- **Motion** by Mike Justus to approve Li-05-01-15 as presented. **Second** by Susan Ennenbach. **Motion passed.**

Li-05-02-15 – Stimson Lumber, tributary of Ruby Creek

- Wayne Maahs reported he did the on-site and recommends approval with the placement of energy rock dissipaters at the culvert outlet.
- **Motion** by Wayne Maahs to approved Li-05-02-15 with the modification as presented. **Second** by Don Crawford. **Motion passed.**

Li-05-03-15 – Pluid, Lang Creek

- Mike Justus conducted an on-site of the project and recommended the following: Fifteen day wait period waived; minimum culvert size of 30 inches by 24 feet; bed the culvert a minimum of 4 inches below the stream bed; pack fill material firmly around the culver; place a minimum of 12 inches of fill over the culvert; armor the inlet with 12 inch and larger rock; place a rolling drain dip on each side of the culvert to divert water runoff through the filtration zone before it enters the watercourse; place grass seed or slash filter windrow over the fill material.
- **Motion** by Mike Justus to approve Li-05-03-15 with modifications as presented. **Second** by Wayne Maahs. **Motion passed.**

Li-05-04-15 – InterBel Telephone Cooperative, Meadow Creek

- Standard underground utility bore.
- **Motion** by Susan Ennenbach to approve Li-05-04-15 as presented. **Second** by Valene Goff. **Motion passed.**

Li-05-05-14 – Koocanusa Excavating, Griffith Creek

- Mike Justus reported he and Kirk Sullivan conducted the on-site. The project includes two separate crossings; a small spring fed stream with a 24” culvert; the second replacing a culvert on Griffith Creek. The following are the recommendations: 1. Spring fed stream, Crossing #1/Culvert; Minimum culvert size of 24 inches by 24 feet; Place culvert in alignment with the stream bed; bed the culvert a minimum of 4 inches below the stream bed; pack fill material firmly around the culvert; place a minimum of 12 inches of fill over the culvert; place rolling drain dip on each side of the culvert to divert water runoff through the filtration zone before it enters the watercourse; place grass seed and mulch the fill material around the watercourse. 2. Griffith Creek, Crossing #2; Install a 14 feet wide by 16 feet long bridge capable of supporting 60,000 pounds; pour concrete footings two feet back from the stream bank; the bottom of the new bridge should be a minimum of 9 inches higher than the top of the bank; grass seed and mulch exposed soil adjacent to the creek.
- **Motion** by Mike Justus to approve Li-05-05-14 with modifications as presented. **Second** by Valene Goff. **Motion passed.**

Li-05-06-15/Li-05-07-15 – Walborn, Libby Creek

- **Motion** by Susan Ennenbach to approve Li-05-06-15 and Li-05-07-15 as presented with standard suction dredging requirements. **Second** by Valene Goff.
- Mike Hensler asked about the transfer of use of the permit; Mr. Walborn and the Taylors lease out the dredging equipment.
- Wayne Maahs noted the transfer is ultimately responsible under the USFS Plan of Operations and DEQ.
- Susan Ennenbach added the transfer does not apply to us within regulations.

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- Mike Hensler stated he does not agree.
- **Motion passed.**

Li-05-08-15- NW Montana Gold Prospectors, Big Cherry Creek

- **Motion** by Wayne Maahs to approve Li-05-08-15 as presented with standard suction dredging requirements; **Second** by Don Crawford.
- **Motion passed.**

Li-05-09-15 – NW Montana Gold Prospectors, Libby Creek

- **Motion** by Don Crawford to approve Li-05-08-15 as presented with standard suction dredging requirements. **Second** by Wayne Maahs. **Motion passed.**

Tabled 310's

Li-04-02-15 – Gendron, Libby Creek

- Wayne Maahs reported he and Mark Romey conducted an on-site. The project is on private land upstream from Forest Service land. There are no issues as long as the applicant follows DEQ requirements.
- **Motion** by Wayne Maahs to approve Li-04-02-15 as presented. LCD suction dredging guidelines to be attached with the permit. **Second** by Don Crawford. **Motion passed.**

New Business:

- a. Lincoln Conservation District FY 2015/16 Preliminary Budget
 - Staff reviewed the proposed financial figures for fiscal year 2015/16. She asked the supervisors to provide any changes prior to the next Board Meeting to present the Final Budget FY 2015/16 at the June meeting.
- b. Fiscal Year End Expenditures Deadline
 - Staff asked the supervisors to provide any expenditures for 310 Administrative Funds be submitted the third week of June to pay out all expenses prior to the new fiscal year.
- c. Reserve Funds Options for Investment
 - It was recommended by staff to research possible investments for District reserve funds to obtain a better return. Staff will work with Mike Justus and Darris Flanagan to proposed investments to present to the Board.
- d. 2014/15 Tree and Shrub Sales
 - **Motion** by Susan Ennenbach to close out the 2014/15 Tree and Shrub Sales. **Second** by Valene Goff. **Motion passed.**

Old Business:

- a. Lincoln Conservation District Model Rules –
 1. Public Meeting(s) June 17th, July 15th
 - Staff reported per the Model Rules, two public notices for the Public Meeting on Model Rules changes must be run in the local newspaper 28 and 14 days prior to the meeting(s). The notices have been sent to the Tobacco Valley News for Eureka in June and will be sent to the Western News for Libby in July.
- b. Landowner Workshop
 - Staff distributed the evaluations from the Noxious Weed Workshop. The event had 20 attendees. The expenditures were less than the approved \$250.00.
- c. Emery Li-12-02-14 Update
 1. Court June 1st, 1:30 p.m.
 - Wayne Maahs reported Frank Votapka contacted him through e-mail and attached a letter noting the status of the Emery stream restoration. Don Crawford and Wayne Maahs conducted an on-site earlier today. Wayne distributed photos of the project site. Wayne noted it is up to the Board to determine if the work is done to our satisfaction.
 - Don Crawford noted with time and machine 8 hours was done; considering what we have been through, we got something done.
 - Susan Ennenbach asked about the placement of woody debris in the floodplain.
 - Wayne Maahs responded Judge Wheelis could require the woody debris be placed.
 - Mike Hensler noted what controlled the flooding was the woody debris. Mr. Emery has now removed it all. There are several “channels of escape”. Any one of these could become the creek. Point being, the Board should not be satisfied if the woody debris is not placed. However, hard to require woody debris that no longer exists.
 - It was commented the wood has been cut up for firewood. The Court Order did allow for some existing wood to be harvested by Mr. Emery for firewood.
 - Darris Flanagan commented, we need to have a decision.
 - **Item postponed to later in the meeting.**
- d. Donation to Montana Biological Weed Control Coordination Project – Item tabled to July LCD Board of Supervisors Meeting.
- e. District Credit Card – Update
 - Staff reported she contacted two companies; Capital One and Chase. She reviewed the information from both.

- **Motion** by Mike Justus to apply for a Capital One Business Card; The monthly statement to be included with the monthly financial report; instant alerts for charges; 2 signatures required on check payment. **Second** by Susan Ennenbach. **Motion passed.**

Discussion returned to Emery Li-12-02-14

- Don Crawford stated Mr. Emery was ordered by Court Order to complete the restoration plan. Mr. Votapka reported on the berm removal; dead debris is perpendicular to the stream; wood rounds have been left for Mr. Emery to use as firewood. From what we saw, the berms are adequately done; no woody debris has been moved into the floodplain; all the firewood has been cut (large majority is cut); no apparent grass seeding; opening of wood debris berms has been done with the cutting of firewood. New channels will move. Approximately one half has been completed of what was asked for.
- Mike Justus commented June 1 is coming. Grass seeding still needs to be done.
- Mike Hensler commented we have no evidence the seeding has not been done. Mr. Emery still has time.
- Wayne Maahs stated he will look at the project on the 30th.
- Susan Ennenbach reviewed Mr. Votapka's letter showing what has been completed.
- **Motion** by Don Crawford, as per the Votapka Restoration Plan as ordered by Judge Wheelis on December 1, 2014, of the ten items in the restoration plan the following is the status of those items:
 1. Removal of the berms and placement of the material outside of the current Camp Creek and overflow channel areas making sure not to fill in the low spots or swales. The berms should be taken down to the bank full level of the stream, i.e. the level before the violation as much as practical. Berms will be gently sloped to blend with the current terrain. **Completed.**
 2. The dead intact trees and large woody debris downed the original action will be placed perpendicular to the stream bank above the original stream bank. They will not be placed in the current Camp Creek channel. Wood currently cut into rounds will be left in place for Mr. Emery to salvage for fire wood. A meandering path between the trees will be left open for Mr. Emery to be able to drive a 4 wheeler to access the site and for a pickup to drive to the rounds now cut. **Not completed.**
 3. Woody debris and deleterious material located in the current Camp Creek channel will not be disturbed. **Completed.**
 4. In the areas disturbed by the removal of berms and damaged by dragging woody debris will be grass seeded with pasture mix available

commercially next spring after runoff is finished. **No evidence of completion as of Wednesday, May 20th.**

5. No excavation equipment will be allowed in the stream channel. **It appears no excavation equipment was used within the stream channel.**

6. Effort will be made to protect existing overflow channels to preserve current overflow flooding paths. Woody berms currently in place will be opened to allow for overland flow of flood waters into cedar wetlands to allow flood waters to spread out to minimize erosion to existing ground. **Completed.**

7. In order to do this job, an excavator with a thumb (medium sized - 225 or 235) would be required. It is important to get a good equipment operator (excavator), hopefully with stream restoration experience. **An excavator and experienced operator were used. The equipment lacked power to move heavy debris.**

8. Mr. Votapka required to provide on the ground supervision to the operator of the equipment to make sure the berms are taken down to the correct level and that the material is wasted in the correct areas. **Mr. Votapka was on-site.**

9. All work will take place during low flows either this winter before snow and frozen ground prevent proper work or next spring before spring runoff. **Completed, no heavy spring runoff.**

10. Once the work is completed or if there is a question regarding the scope of the work, the Lincoln Conservation District Supervisors will be consulted. **Completed except as otherwise noted above.**

Staff to write a letter to include these items and status and send copies to Mr. Sprinkle, Mr. Votopka, Bernie Cassidy, Don MacIntyre.

- **Second** by Wayne Maahs. **Motion passed.**

Final Inspection Reports:

- a. Plum Creek Timberlands, Crazyman Creek – Item closed
- b. Plum Creek Timberlands, Tributary of Cruian Creek – Table

On Sites Needed:

Viano

Open Mic and Other Business:

- Darris Flanagan distributed photos of a future 310 permit project on the Tobacco River (near Pidgeon Bridge).
- Wayne Maahs reported the steps installation project on the Kootenai River was excellent.

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- Mike Hensler reported on an article in the Tobacco Valley News. The report noted Lake Koocanusa will be full pool by July. This is no longer correct. The CORP is releasing water as quickly as in-flow for the migration of sturgeon.

The next Conservation District Board Meeting will be held on Wednesday, June 17, 2015 at 4:00 p.m. at the U.S. Forest Service Office, Eureka, Montana.

Meeting adjourned at 7:10 p.m.

Respectfully Submitted,

Darris Flanagan, Chairperson

Becky Lihme, District Administrator

Date: _____

