

**LINCOLN CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
Plum Creek Timberlands Office, Libby, Montana
September 16, 2015**

Attendance:

Board of Supervisors: Darris Flanagan, Chairperson; Don Crawford; Wayne Maahs; Mark Romey; Mike Justus

Associate Supervisor(s):

Advisor(s): Kirk Sullivan, N.R.C.S

District Administrator: Becky Lihme

Guest(s): Barry Roose; Roy and Clarice Johnson; Jeremy Hagens; Tom Cole; Greg Hoffman

Called to order: 4:00 p.m. by Chairperson Darris Flanagan

Public Comment:

310 Permit Application(s) Moved

Li-09-05-15 – Hageness, Kootenai River

- Wayne Maahs reviewed the project.
- Mr. Hageness apologized for the work that had been completed without a 310 permit. It is his full intention to “make it right”.
- Wayne Maahs and Mike Hensler conducted the on-site. The roots of the removed plants have not been damaged. The recommendation is to do nothing but water to bring back the existing vegetation.
- Mike Hensler agreed adding the water every other day.
- Wayne Maahs added should the existing vegetation not come back, then plant with native vegetation.
- **Motion** by Wayne Maahs to accept Li-09-05-15 as presented. **Second** by Don Crawford. **Motion passed.**

Li-09-09-15 – Cole Flower Creek

- Don Crawford reviewed the project; NRCS had previously rip-raped the area. The original rock had asbestos; EPA brought in replacement rock.
- Mr. Cole reported the replacement rock was not placed correctly and the rocks are relocating themselves. There was never a problem with erosion until the rocks were replaced.
- Don Crawford explained the plan is to take the loosened rock, plus other rock from the site and armor 60 feet of the embankment. The plan includes removing larger rocks from the gravel bar.
- Kirk Sullivan asked did the rocks move because they were not keyed in.
- Mr. Cole responded they were not keyed in. He wants to key the rocks in. The bank is about 15 feet tall.
- Don Crawford commented as long as the project stays off of the far bank there should be no issues. Someday he may have to lay back the embankment.
- Kirk Sullivan asked how deep with Mr. Cole key in the rocks.

- Mr. Cole responded 1 ½ feet at least. The creek can have a very powerful flow. He plans to key in deep enough so not to have to do the work again.
- **Motion** by Don Crawford to approve Li-09-09-15 as presented; waive 15 day wait period. **Second** by Wayne Maahs.
- Mark Romey asked how this effects the dam upstream from the project.
- Mike Hensler replied it has no effect.
- **Motion passed.**

Li-09-07-15 – Thompson, Bobtail Creek

- Wayne Maahs described the location and project. The Thompson's have hired Todd Butts to develop the design. Wayne and Don Crawford conducted the on-site. Everything Todd was planning to implement is feasible.
- Mr. Thompson explained without the project the neighbors will be effected by high water. The project needs to be completed before spring run-off.
- Don Crawford commented another project was done years ago.
- Mr. Thompson described the previous project.
- Don Crawford added the area was fenced to keep out cattle.
- Mr. Thompson was told cattle were causing erosion and placed fencing on both sides of the channel to keep cattle out. He commented he probably did not plant enough alders before to reduce erosion.
- Don Crawford commented Todd's plan looked reasonable.
- Mike Hensler added it is good to keep the cattle off. The stream is trying to meander. Todd is planning to straighten, but he is taking down the bank; this should be okay.
- Mr. Thompson noted the existing 90 degree bends were 45 degrees.
- Mike Hensler noted when you straighten out a channel the speed of the water increases, causing more gravel movement.
- Mr. Thompson stated the project is not straightening but placing the channel at 45 degrees.
- Don Crawford commented you (Mr. Thompson) have been a good steward. Your proposal is good and will ease the situation. None of us know how long it will last. The channel has wanted to meander. This is a reasonable proposal.
- Wayne Maahs asked Mike Hensler if he would suggest a grade control be added.
- Mike Hensler commented with a grade control there would still be a problem but the floodplain will help.
- Don Crawford added vegetation will help.
- Mike Hensler agreed vegetation will be important. With the possibility of a mild winter the vegetation should be able to get established.
- Mike Justus suggested 6 foot fencing to protect the vegetation that are in the plan. This would be a less expensive option than what is in the plan to keep the deer from browsing.

- Kirk Sullivan noted from Todd's report the issue is constriction and not knowing the pebble size we don't know if down cutting is an issue; but will keep in mind.
- **Motion** by Don Crawford to accept Li-09-07-15 as presented and include on the decision form to consider building in grade control. **Second** by Wayne Maahs.
Motion passed.

Li-09-01-15 – Roose, Mud Creek

- Darris Flanagan explained this 310 annual maintenance permit application is for a dam on Mud Creek.
- Mr. Roose provided an aerial map of the location and described the history to the dam and project. He has applied for a 404 permit with the Corps of Engineers and is waiting for the decision.
- **Motion** by Don Crawford to approve Li-09-01-15 as presented; waive the 15 day wait period; the permit is contingent on approval of all other permit; 10 year maintenance permit.
- **Second** by Mark Romey.
- Mike Hensler commented the 10 year maintenance plan may create some issues. It is easy to re-file if needed.
- Mr. Roose noted the application allows for an annual maintenance.
- **Motion failed.**
- **Motion** by Don Crawford to approve Li-09-01-15 as presented provided all other permits are in place. The permit is valid for one year. **Second** by Mark Romey.
Motion passed.

New Business – Item C Moved Roose, Conceptual Design /223 Grant

- Staff reviewed the status of the proposal. Mr. Roose approached the District to sponsor a DNRC Reclamation Planning Grant to create a restoration plan for a section of Mud Creek. Staff recommended to create a conceptual plan first. After discussing with Alicia Stickney from DNRC, it was agreed the project would not qualify under a reclamation grant. Staff then checked with Laurie Zeller and this project would qualify for a DNRC 223 grant for up to \$20,000.00.
- Mr. Roose described his project.
- Mike Hensler added there are other opportunities for funding, for example Future Fisheries.
- **Motion** by Mike Justus to sponsor a DNRC 223 to develop a conceptual plan along Mud Creek for Barry Roose. **Second** by Valene Goff. **Motion passed.**

Minutes –

- **Motion** by Mark Romey to approve the minutes of August 2015 as presented. **Second** by Valene Goff. **Motion passed.**

Financial Report –

- Staff noted the Mil Levy deposit for July was placed into our savings account not checking by LCCU.
- **Motion** by Mike Justus to approve the Financial Report for August 2015.
Second Valene Goff. Motion passed.

NRCS Report – Kirk Sullivan

- The fall project is pending due to bull trout considerations.
- Thinning and slash treatments are slow due to the hot weather and Stage II fire restrictions.
- Sixteen applications have been received for 2106. Thirteen applications that were not funded from 2105 will also be considered for 2016 funding.
- The Conservation Stewardship program has 2 forestry contracts
- A team from Bozeman are visiting from the state and area office today to conduct Quality Assurance reviews.
- The Barnaby Fire threatened the SNOTEL equipment site on Stahl Peak. Crews are conducting repairs and bringing the site back on line.

MtFW&P Report – Mike Hensler

- No report

District Administrator's Report

- Volunteer hours were recorded for August.
- News articles are in the Board Packets.
- The monthly report from Laurie Zeller is in the Board Packet.
- MACD Board elections are coming up. Dwight Crawford and Pete Woll's positions are up for election.
- Staff asked Mike Justus and Valene Goff if they are interested in attending the MACD Convention.
- Unused 319 grant funds have come available. It was agreed to have staff submit the Tobacco River Restoration project as a candidate.
- Robin Benson sent an e-mail inquiring about the Water Conservancy District. Wayne Maahs commented the conservancy was created by property owners along Libby Creek. There is \$25,000 in the county account.

Planning Board Report – Mark Romey

- The Planning Board did not meet in August

GLID Report

- No report

310's

Li-09-02-15 – Ruffinen, Grave Creek

- Darris Flanagan described the project history. Mr. Ruffinen want to divert the water in the channel to the opposite bank by bringing in large rocks.
- Mike Hensler commented the rocks will end up in the middle of the creek. He suggested to raise the elevation to allow the water but not the substraight.
- Darris Flanagan stated the concern is with the rocks going into the overflow.
- Mike Hensler added there is a chance of movement but it could be devastating when the creek flows.
- Darris Flanagan drew a diagram to demonstrate the proposed project.
- **Motion** by Don Crawford to table Li-08-01-15 for an on-site inspection on Wednesday, October 21st **Second** by Wayne Maahs. **Motion passed.**

E-09-03-15 – Clowers, Edna Creek

- Darris Flanagan explained none of the proposed emergency action has taken place. The only work done is painting of the steel beams to be used.
- **Motion** by Mike Justus to declare E-09-03-15 not an emergency. **Second** by Wayne Maahs. **Motion passed.**

Li-09-04-15 – Clowers, Edna Creek

- **Motion** by Mike Justus to approve Li-09-04-15 as presented; waive 15 day wait period. **Second** by Mark Romey. **Motion passed.**

Li-09-06-15 – Raynor, Seventeen Mile Creek

- Mike Justus reviewed the application. The project area has been accessed in the past. The span is too wide for a culvert. This is a one-time access and will be completed by October 31st.
- **Motion** by Wayne Maahs to approve Li-09-06-15 as presented; waive 15 day wait period. **Second** by Don Crawford. **Motion passed.**

Li-09-08-15 – Yaak Valley Forest Council, Clay Creek

- **Motion** by Wayne Maahs to approve Li-09-08-15 as presented. Include in the decision form for applicant to notify the Supervisors of when the project will occur to observe the technique. **Second** by Mark Romey. **Motion passed.**

C-09-10-15 – Johnson/Yorum Ranch, Brimstone Creek

- Mike Justus conducted an on-site from the adjacent property. There was no alteration or modification to the streambank. This appears to be a water rights issue.
- **Motion** by Mike Justus to declare C-09-10-15 as not a violation; no modification to the streambank. **Second** by Valene Goff. **Motion passed.**

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Li-09-11-15 – Driggs, Indian Creek

- Mike Justus reported he and Kirk Sullivan conducted the on-site. The project is to install a head gate with a weir. The weir is to measure the water flow for the Water Rights Commission.
- **Motion** by Mike Justus to approve Li-09-11-15 as presented; waive 15 day wait period. **Second** by Valene Goff. **Motion passed.**

Tabled 310's

C-08-03-15 – Franklin/Cordara, Sinclair Creek

- Staff reviewed the letter prepared with Don MacIntyre to mail to Mr. Cordara. The Board requested the date for the on-site be coordinated with Mr. Cordara.

V-08-03-15 – Hensler, Kootenai River

- **Motion** by Wayne Maahs to close V-08-03-15. **Second** by Mark Romey. **Motion passed.**

C-08-04-15 – Kilbreath, Lake Creek

- Wayne Maahs reported he was not able to locate the property. Staff is asked to send a letter to notify the property owner of the complaint and to set-up an on-site.

New Business:

- a. County Mil Levy FY 2015/16
 - Staff reviewed the 2015/16 Fiscal Year Mil Levy Budget received from Lincoln County.
- b. River Design Group 319 Grant Application Funding Change Order
 - The request is in the Board Packet. Due to unforeseen additional expenses, John Muhlfeld is asking for additional funding, up to \$1,860.00. DNRC has already paid for the Preliminary 319 Application and Application to this date.
 - **Motion** by Mike Justus to approve payment of up to \$1,800 to complete the DEQ 319 Application. **Second** by Mark Romey. **Motion passed.**
- c. Roose, Conceptual Design/223 Grant
 - Item discussed earlier.
- d. Area V Meeting, September 30th, Libby Dam
 - Staff asked who would be attending the Area V Meeting for registration purposes: Wayne Maahs, Kirk Sullivan, Valene Goff, Mike Justus, Mike Hensler.

Unfinished Business:

- a. Emery Li-12-02-14 - Update
 - The final court document is in the Board Packet. Item closed.

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- b. District Credit Card – Update
 - No report
- c. Mil Levy Adjustment – Update
 - No report
- d. Tobacco River Restoration 319 Grant – Update
 1. DUNS Number
 2. Registration with SAM
 - Staff reported she had registered the District with DUNS and SAM to qualify for applying for federal grants.

Final Inspection Reports:

- a. Li-06-04-14 - Plum Creek Timberlands, Tributary of Cruian Creek – Tabled
- b. Li-05-05-15 – Koocanusa Excavating, Griffith Creek – Item closed
- c. Li-10-04-14, Vincent, Fisher River/Silver Butte – Item closed

On Sites Needed:

Open Mic and Other Business:

- Mike Justus reported he inspected Li-06-04-15 and there were no problems. Application can be closed.
- Mike Hensler reported on the on-site with DEQ on Grave Creek.
- Mark Romey reported on the associate members who resigned recently. We need to clarify with any new applicants they are appointed for their expertise and they are non-voting members.

The next Conservation District Board Meeting will be held on Wednesday, October 21, 2015 at 4:00 p.m. at the U.S. Forest Service Office, Eureka, Montana.

Meeting adjourned at 6:33 p.m.

Respectfully Submitted,

Darris Flanagan, Chairperson

Becky Lihme, District Administrator

Date: _____

