

**LINCOLN CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
U.S. Forest Service Office, Eureka, Montana
October 23, 2017**

Attendance:

Board of Supervisors: Wayne Maahs, Chairperson; Mike Justus; Ernie Chacon; Darris Flanagan; Mark Romey

Absent: Don Crawford; Valene Goff

Associate Supervisor(s): Kirk Sullivan

Advisor(s): Brian Ressel, NRCS District Conservationist; Samantha Tappenbeck, MACD

District Administrator: Becky Lihme

Guest(s): Karl Christians, DNRC, via teleconference

Called to order: 4:00 p.m. by Chairperson Wayne Maahs

Public Comment:

- Karl Christians joined the meeting to present to the supervisors a new program using environmental contingency funds to assist private landowners of the recent fires. There has been \$200,000.00 allotted statewide for re-seeding, resource protection, erosion control, water sources for livestock and possibly salvage logging. The largest hurdle for the salvage logging is the expense of trucking the timber. Karl will e-mail to the conservation districts information and the grant application. Re-seeding generally takes place during the winter months. Karl suggested our District Conservationist, Brian Ressel could provide a grass mix formula for our local landowners.
- Mark Romey asked if the program includes small landowners.
- Karl Christians confirmed the program is for both large and small landowners.
- Mark Romey asked for clarification on the funding. Can it be used for corporate landowners?
- Karl Christians responded, generally, "no". That would be DNRC's call.
- Mike Justus inquired if the program is a cost share or does the grant pay all expenses.
- Karl Christians responded it would be great if there can be landowners working together; cost share could "kick-up" the ranking for better benefit.
- Mike Justus asked if there is a cap to the funding.
- Karl Christians answered not at this time. Laurie Zeller has confirmed \$180,000 at this time.
- Mike Justus asked if cross fencing or perimeter fencing is eligible under the funding.
- Karl Christians answered the project must have a public benefit. Fencing could be a "gray" area; it has never been done before. EQIP could be made available. Put the request in; we (DNRC) can work with it.
- Mike Justus asked if tree planting is eligible.
- Karl Christians noted not as of yet. Other grant funding may be available that could be used. He will get that information released as well.

- Karl Christians left the meeting.

Minutes:

- a. September 2017
 - **Motion** by Mark Romey to approve the minutes of September 2017 as presented. **Second** by Darris Flanagan. **Motion passed.**

Financial Report:

- a. September 2017
 - Mike Justus reviewed the monthly financial report. Lincoln County Credit Union released Patronage Dividends to customers who met specified merits. We (LCD) received \$1250.00.00; which is approximately half of our 310 Administrative funds that we did not receive from DNRC for this fiscal year. **Motion** by Darris Flanagan to approve the Financial Report for September 2017. **Second** Ernie Chacon. **Motion passed.**

NRCS Report – Brian Ressel

- NRCS has asked for \$6,000,000 nationwide to assist landowners involved with the recent fires. 2018 EQIP funds will be available for the projects listed by Karl Christians.
- NRCS is studying the potential problems that can arise from the fires including erosion. Brian distributed fire intensity maps from the Gibraltar and Caribou fires.
- Current EQIP projects are going forward.

MTFW&P Report – Mike Hensler

- Mike Hensler reported he will not be able to attend many 310 on-sites due to funding cuts from the excise tax dollars; a \$2,000,000 hit. Sixty (60) to seventy (70) percent of his budget is mileage. He will let the supervisors determine if he is needed for an on-site.
- The selenium public meetings were held. Mike attended the meeting in Eureka. Good information was presented. One good thing came from the meeting, the misunderstanding on the origin of the selenium. TECK admitted they are causing an increase in the levels of selenium. Barry Roose attended the meeting as asked about the relationship between selenium and riverbanks. TECK admitted to this as well.
- Kirk Sullivan inquired if questions were asked about sampling and the absorption rate.
- Mike Hensler noted there was not a lot of discussion on those topics. MtFW&P takes tissue samples of aquatic species; all levels are higher than the historical numbers. Specific data from water and sediment sampling has not been released. Nitrates have “skyrocketed”. TECK has a \$140,000,000 facility that is taking out a

lot of selenium but algae concerns are being expressed. There will always be selenium exposed from blasting to simply turning a rock over. A treatment plant has been built on Line Creek with plans to construct four (4) more.

District Administrator's Report

- Volunteer hours were recorded.
- Newspaper articles are in the Board Packets.
- The stream trailer has been "winterized".
- We received a "Thank You" letter from the Eureka Branch County Library for our stream trailer demonstration.
- Montana State Fund sent a notice of a modification to our policy.
- We received a \$200.00 scholarship from MACDEO for staff to attend the convention in November.

Planning Board Report – Mark Romey

- Mark reported the Planning Board did not meet.

GLID Report – Valene Goff

SWCDM - Samantha Tappenbeck

- Samantha added to Mike Hensler's report on the selenium meeting; TECK will publish an environmental report.
- A meeting for the watershed group was held in Thompson Falls. The purpose was to bring the stakeholders together and prioritize projects. The timeline to present the WRP draft to SWCDM was revised. The final deadline for comments is December 31st. The final draft will be submitted to DEQ and SWCDM by January 31, 2018.
- Brian Ressel has two (2) applicants for the Ranching for Rivers program.

310's

Li-10-01-17 – Ruffinen, Grave Creek

- Mike Hensler reported the on-site led the inspection team to "don't do" this project. The contractor, Buck Schermerhorn was there. The side channel is an issue; the embankment needs to be built up. Two (2) things pertaining to the project; 1) woodie material is not listed in the application, 2) the applicant should build weirs to head the water to the next meander. Do these items next year in July (bull trout). Mike recommended to deny the application since these items are not included in the scope of work.
- Darris Flanagan noted Buck Schermerhorn, DNRC and county representatives were at the site today. Darris agreed the application should be denied.

- Ernie Chacon noted it will be important to review the next (new) application. Deny the current application as written.
- **Motion** by Ernie Chacon to deny Li-10-01-17 as presented. **Second** by Mark Romey. It was recommended to place in the letter Mr. Ruffinen re-submit an application based on the conversation discussed at the on-site **Motion passed;** one abstain from Darris Flanagan.

E-10-02-17 – Weyerhaeuser Company, Wolf Creek

- Wayne Maahs reported on the project. Weyerhaeuser could have faced possible fines for not completing the project within a specified time-frame. Both Wayne and staff contacted Bob Fisher, DNRC to determine if this project could be considered an emergency action. Bob Fisher responded “yes”, Weyerhaeuser can proceed.
- Darris Flanagan asked who was paying for the project.
- Wayne Maahs responded Weyerhaeuser will receive “credit” for the work.
- Darris Flanagan noted Weyerhaeuser has completed the work; we (LCD) needs to conduct an inspection and we may require mitigation.
- Ernie Chacon asked what if this was not an emergency.
- Wayne Maahs responded this happens a lot; action is taken that may or may not be considered an emergency under the definition. It is kind of a gray area. We could require them to take out the work that was completed.
- Darris Flanagan requested the item tabled until the 310 permit application is received.

E-10-03-17 – Stimson Lumber, Tributary of Pipe Creek

- Mike Justus has visited the site. The area was burnt during the recent fires. Dozer work was done within the stream channel to protect from the fire advancing. Recommended remediation is to put in a culvert or temporary crossing using a wood corduroy.
- Mike Hensler clarified with the emergency was the dozer work.
- Mike Justus added the work was done on private land. If the government does fire protection across a stream; is an emergency action needed?
- Staff explained work completed on private land by a government agency does require the 310 permit process.
- Mike Justus asked is a 124 permit required.
- Mike Hensler noted “no”, he will get the remediation work on perennial streams. Kenny Kindel would be the contact.
- Kirk Sullivan asked if a 124 would be needed on Cat Creek.
- Darris Flanagan noted Mud Creek would be included as private land.

Li-10-04-17 – Stimson Lumber, Tributary of Pipe Creek

- Wayne Maahs reported this is a follow-up permit application to the emergency action.

- **Motion** by Darris Flanagan to approve Li-10-04-17 with the modification to extend the corduroys four (4) to five (5) feet beyond the streambank; waive fifteen (15) day wait period. **Second** by Ernie Chacon. **Motion passed.**

Tabled 310's

Li-09-03-17 – Stoken, Grave Creek

- Darris Flanagan reported Mr. Stoken applied in the application to remove rocks from the channel to help eliminate anchor ice. However, at the on-site the project expanded to digging down three (3) feet.
- Mike Hensler noted he felt bad for homeowners who have built too close to the bank. Grave Creek will always have anchor ice. Digging into the channel will eventually fill in. Mr. Stoken stated it (anchor ice) doesn't happen during spring flow. The ice must be coming in from the dike built years ago.
- Darris Flanagan noted the home has been there as long as he can remember. Mr. Stoken has stated anchor ice had not happened prior to the GLID water diversion.
- Ernie Chacon stated he still is concerned Mr. Stoken did not clarify what he was going to do in the permit application. He (Mr. Stoken) lacked articulating the specifics on the project, for example dredge material.
- Mike Hensler added the dredge material would be used as fill on the new embankment.
- Ernie Chacon noted Mr. Stoken was invited to the Board Meeting to clarify his proposed project.
- Mike Hensler noted the permit listed round rock and if Mr. Stoken is only "plucking" a few rocks, there would be no issue. However, after meeting at the on-site the project "devolved". He (Mr. Stoken) will need to deal with the CORPS and DNRC for the Navigable Rivers Act.
- **Motion** by Ernie Chacon to deny Li-09-03-17. The permit application was not specific in detail. **Second** by Mark Romey.
- Darris Flanagan stated Mr. Stoken first talked about taking rock off his side of the creek; less than 100 feet of channel to be disturbed in the application. At the on-site the 100 feet was expanded. **Motion passed.** One abstain from Darris Flanagan.

New Business:

- a. Presentation of 10 Year Pin to Darris Flanagan
 - Wayne Maahs presented Darris Flanagan with his 10 year pin and certificate from MACD.
- b. 310 Administrative Funds / 2017-18 Operating Budget
 - Staff reported DNRC has notified us 310 Administrative Funds will not be distributed this fiscal year. Therefore, we will not receive \$2,463 of our income.

- After discussion the Board agreed to follow the budget closely and adjust as the fiscal year progresses.
- c. 2018 Western Montana Grazing and Agriculture Conference Donation
 - Staff reported last year the Board sponsored local ranchers to attend the conference in lieu of a monetary donation.
 - Mark Romey suggested Brian Ressel check with ranchers who may like to attend.
 - Mike Justus then suggested the Board wait to next month to make a decision. Item tabled to the November Meeting.
- d. 2017 MACD Auction Gift, Area V
 - Staff reported each district in Area V is asked to donate \$50.00 towards an Area V raffle gift for the convention.
 - **Motion** by Darris Flanagan to donate \$50.00 towards the Area V MACD auction gift. **Second** by Ernie Chacon. **Motion passed.**
- e. MACD By-Laws
 - Ernie Chacon noted the intent of the By-Law changes is for maintenance purposes. After discussion, item tabled for further information.
- f. 310 Permit Joint Application Noxious Weed Measures
 - Staff reported Dan Williams, County Wee Coordinator has asked why current noxious weed conditions and type of prevention is not on the 310 permit application and if it can be included.
 - Mike Hensler noted 310 permits include only the disturbed area of a project.
 - The supervisors asked that Mr. Williams present his change to the 310 permit application for the Board to review.
- g. National Association of Conservation Districts Membership
 - Staff reported the District donated \$400.00 last year.
 - **Motion** by Darris Flanagan to donate \$400.00 to the NACD.
 - Wayne Maahs noted MACD is under NACD; NACD is a strong lobbyist in Washington D.C.
 - **Second** by Ernie Chacon. **Motion passed.**
- h. Review LCD Personnel Manual
 - There were no changes to the LCD Personnel Manual.

Unfinished Business:

- a. Grant Update
 - i. Tobacco River – Kassler
 - 1. Phase I – DEQ 319 Grant
 - Staff reported the 3rd Quarter Report has been filed with DEQ. There was not much to report due to the length of time needed to finalize the modification to the agreement to allow the 319 grant to pay for the

- final design of both Phase I and II.
2. Phase 2 – DNRC Reclamation Grant Application
- ii. GLID
 - GLID staff will be finalizing the grant report soon.
 - iii. Mud Creek DEQ
 1. 319 Grant
 2. KRN / USF&WS Partners for Fish Wildlife Program
 3. Watershed Management Grant
 - Staff reported a “kick-off” teleconference meeting was held with all three grant program representatives, the landowner and Wayne to coordinate funding to proceed with the project.
 - b. Clark Fork WRP, Thompson River Drainage – Reported under SWCDM report.
 - c. Welch, Callahan Creek – No report

Final Inspection Reports:

Li-08-06-17 – Kargol, Iron Creek – Item closed.

Li-09-07-17 – Deer Creek Weyerhauser Company – Item closed

Darris Flanagan and Ernie Chacon visited the Hume project. The bridge looked great.

On Sites Needed:

Open Mic and Other Business:

- Mark Romey and Wayne Maahs visited Don Crawford. He is doing great.
- Mike Hensler asked about a conceptual of Grave Creek completed by River Design Group in 2006. The conceptual would have started at the GLID diversion and continued downstream. It would have included removing gabions and woody debris of upper Grave Creek.
- Mark Romey requested maps of the burnt areas.

The next Conservation District Board Meeting will be held on Wednesday, November 8, 2017 at 4:00 p.m. at the Weyerhauser Office, Libby, Montana.

Meeting adjourned at 5:45 p.m.

Respectfully Submitted,

Wayne Maahs, Chairperson

Becky Lihme, District Administrator

Date: _____

