

**LINCOLN CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
Weyerhaeuser Office, Libby, Montana
May 17, 2017**

Attendance:

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

Absent: Valene Goff, Excused

Associate Supervisor(s):

Advisor(s): Mike Hensler, MTFW&P; Laura Jungst, U.S.F.S.;

Samantha Tappenbeck, SWCDM

District Administrator: Becky Lihme

Guest(s): Jerry Bennett, County Commissioner; Vincent Backen

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

Public Comment:

Minutes:

a. April 2017

- **Motion** by Don Crawford to approve the minutes of April 2017 as presented;
Second by Darris Flanagan. **Motion passed.**

Financial Report:

a. April 2017

- Mike Justus reviewed the monthly financial report. Office Supplies expense is a little over budget. **Motion** by Mike Justus to approve the Financial Report for April 2017. **Second** Darris Flanagan. **Motion passed.**

Tabled 310 C-04-01-17 and Li-05-17-17 Moved

C-04-01-17 – Todd/Backen, Bobtail Creek

- Wayne Maahs reported he spoke with Mr. Backen today. Mr. Backen received our letter yesterday. Don MacIntyre informed Wayne the District must give Mr. Backen an opportunity to speak before the Board prior to declaring a violation, or, Mr. Backen can waive his opportunity to present his reasons for the activity to not be a violation. Mr. Backen gave Wayne permission to speak on his behalf. Mr. Backen sent an e-mail to Wayne. Information from the e-mail was presented to the Board. Mr. Backen placed the fence after he had issues with wolves and his livestock. He realized he should have applied for a 310 permit. Wayne asked Mr. Backen to file a 310 permit application so that we (LCD) can act upon it. Mr. Backen's cousin will remove the fence today.
- Vincent Backen confirmed the fence had been removed.
- Wayne Maahs noted we (LCD) must follow the 310 Law. The corrective action taken will meet our mitigation.
- Vincent Backen reported the fence posts are still there.

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- Wayne Maahs noted we (LCD) will need to decide if the project is a violation.
- Mike Hensler noted photos will suffice to confirm the mitigation has been completed.
- Wayne Maahs stated the 310 Law would require a 310 permit for the mitigation but for our purpose, the removal can be approved.
- Darris Flanagan asked about the Emergency Action that was taken by Mr. Todd; had the fence been cut by Mr. Todd.
- Vincent Backen replied no; the fence has not been tampered with.
- Wayne Maahs noted Don MacIntyre stated we (LCD) cannot accept an emergency action on another person's property.
- **Motion** by Mike Justus to accept the mitigation and to file a 310 permit application with photos for the work completed. **Second** by Ernie Chacon. **Motion passed.**
- Mike Justus referenced an action taken on another property owner from Tungston Holdings.
- Darris Flanagan clarified the property must have an easement.

Li-05-17-17 – Welch, Callahan Creek

- Wayne Maahs reported a courtesy on-site was conducted and at that time Mr. Welch presented a 310 permit application. The application is incomplete; this is a very convoluted situation.
- Don Crawford noted we (LCD) must declare it (the application) a project or not a project.
- Darris Flanagan stated we (LCD) has 60 days to make a decision.
- Mike Hensler added time is a factor for the county to complete the work they must do.
- Don Crawford added; at the visit we did not have any background information.
- Mike Hensler noted it is important to look at "what am I going to do" in the application. I believe it is to build a road. The county project is a separate issue. My opinion is the 310 permit application is separate from the county. You can act on this 310 permit application. The application is for what he (Mr. Welch) wants to do not what the county wants to do. He has a revetment with substrate next to his existing tires.
- Don Crawford noted he (Mr. Welch) has the property line survey markers in; staked for the 100 year floodplain.
- Wayne Maahs stated the stream channel is up against the tires which are within our jurisdiction. Without other agencies involved, would we (LCD) approve his project.
- Mike Hensler noted Mr. Welch needs to understand what he can and cannot do. This project is no different from the Greer project on Grave Creek; moving rock from one portion of the channel to another.

- Don Crawford commented he wants to help facilitate to help Mr. Welch to understand what he can and cannot do. He has the material from another part of the property. He does not address the needed scour depth in the application.
- Wayne Maahs stated there is not enough information to make a decision.
- Mike Hensler added he (Mr. Welch) wants material that floated in the creek. The location of the material to be used must be in "black and white". No person nor agency is going to move the gravel. He has the right to rip-rap the bank. The county has offered their assistance with equipment. The amount of gravel is not typically an amount approved by the LCD Board.
- Darris Flanagan suggested the Board react to the current 310 permit application by allowing Mr. Welch to remove the rock pile and re-submit a 310 permit application for the other work.
- Jerry Bennett noted the county is under orders to move the gravel. There is gravel remaining on the Welch property. The county has offered to store then place the gravel on his property. Mr. Welch has the rock available.
- Darris Flanagan asked can we make a motion to remove the gravel from the creek but not place the gravel on the embankment?
- Mike Hensler stated the county must remove the gravel; they have the permission.
- Darris Flanagan noted the water will eventually remove the gravel. We could give permission for Mr. Welch to remove the gravel but only that.
- Ernie Chacon clarified Phase 1 is for the county to remove the gravel.
- Wayne Maahs noted the purpose of Mr. Welch's permit application is to build a road on the outside of current flood protection with the thought of armoring the stream side of the road with large rock.
- Ernie Chacon noted this is a two phase approach.
- Darris Flanagan noted our action is to allow the gravel to be removed but it cannot be used on the bank to rip-rap.
- Mike Hensler noted to modify the application allowing Mr. Welch to rip-rap the bank but cannot use the gravel.
- **Motion** by Ernie Chacon to deny the application as presented and to re-submit a new 310 permit application with concise and detailed information on each question. The stock piled river rock and gravel cannot be used as material against the bank.
- Wayne Maahs asked how the county floodplain map correlate with the project.
- Jerry Bennett responded the county is researching this now.
- **Second** by Darris Flanagan.
- Don Crawford expressed he does not like the motion as written. He would prefer to deny placing the fill against the bank; allow rip-rap to be placed; since not enough information was presented allow to build the road, he needs to re-apply.
- Mike Justus reviewed the application; Mr. Welch is not saying what he has as a "thought".

- Laura Jungst suggested to deny the application; we will not allow use of gravel as fill and to re-submit with more complete information.
- Samantha Tappenbeck suggested to write the motion as; “deny the application as incomplete and add be advised the gravel cannot be used as fill material”.
- **Motion failed.** Yes 2 votes; No 3 votes.
- **Motion** Darris Flanagan to deny application Li-05-17-17 as incomplete. Be advised the Board will not allow the stockpile river rock to be used as fill against the bank. If you would like to rip-rap the bank, re-submit a complete 310 permit application. **Second** by Ernie Chacon. **Motion passed.**

NRCS Report – Brian Ressel

- Staff reported Brian stated everything is “status quo”.

MTFW&P Report – Mike Hensler

- No report.

District Administrator’s Report

- Volunteer hours were recorded for April.
- News articles are in the Board Packet.
- A stream trailer demonstration was held at Libby Dam for the STEM program; 96 7th graders attended. A demonstration was conducted on May 5th at Eureka Elementary School for the 4th graders; 56 students attended. The Troy 5th grade Tour is scheduled for May 22nd.
- Staff will set up an exhibit at the “Birds of Prey” Day at Libby Dam on May 20th.
- We did not receive any posters for the NACD Poster Contest.
- Our new copier has been delivered.
- At the Envirothon the senior’s team placed 10th and the junior’s team placed 17th.

Planning Board Report – Mark Romey

- The comment period for the North Star Subdivision was extended. A meeting was held last week and more information was requested by the Planning Board. Another public meeting will be held in June.

GLID Report

SWCDM - Samantha Tappenbeck

- Samantha reported she attended the Clark Fork/Kootenai Basins Council first annual meeting. The objective is to re-vision the Clark Fork Task Force and create a regional forum that brings groups to the table; at the meeting, the Council appointed an executive committee, formed working groups and voted to include the Kootenai Watershed Basin, despite no representation from the

Kootenai present at the meeting. Samantha attended the Upper Kootenai Watershed Meeting. The Mud Creek project will require an archeological survey.

310's

Li-05-01-17 – InterBel Telephone Co-op, Deep Creek #3

Li-05-02-17 – InterBel Telephone Co-op, Deep Creek #4

Li-05-03-17 – InterBel Telephone Co-op, Deep Creek #2

Li-05-04-17 – InterBel Telephone Co-op, Deep Creek #1

Li-05-05-17 – InterBel Telephone Co-op, Laughing Water Creek #1

Li-05-06-17 – InterBel Telephone Co-op, Laughing Water Creek #2

Li-05-07-17 – InterBel Telephone Co-op, Laughing Water Creek #3

Li-05-09-17 – InterBel Telephone Co-op, Edna Creek

Li-05-10-17 – InterBel Telephone Co-op, Ivor Creek

Li-05-11-17 – InterBel Telephone Co-op, Stewart Creek #1

Li-05-12-17 – InterBel Telephone Co-op, Jim Creek #1

Li-05-14-17 – InterBel Telephone Co-op, Edna Creek #3

Li-05-15-17 – InterBel Telephone Co-op, Jim Creek #2

Li-05-16-17 – InterBel Telephone Co-op, Indian Creek

- Wayne Maahs noted to entertain in one motion all the InterBel Telephone Co-op applications.
- **Motion** by Darris Flanagan to approve all InterBel 310 permit applications; reconcile the two 310's with the same coordinates. **Second** by Mark Romey. **Motion passed.**

Li-05-08-17 – Roediger, Silver Butte/Fisher River

- Wayne Maahs reported he, Mark Romey and Mike Hensler conducted the on-site. Mr. Roediger has withdrawn his application.

Li-05-13-17- Hume, Deep Creek

- Ernie Chacon reviewed the project. The project is straight forward. The bank curves and sloughs off. The location is not ideal. The inspection team recommends the bridge be placed further upstream and recommend to approve pending a new location.
- **Motion** by Darris Flanagan to approve Li-05-13-17 as amended to re-locate the bridge 20 to 30 feet upstream. **Second** by Ernie Chacon. **Motion passed.**

Tabled 310's

C-04-01-17 – Todd/Backen, Bobtail Creek – Item moved.

E-04-04-17 – Todd, Bobtail Creek

- Declared not an emergency. No action was taken. The fence was not removed.

New Business:

- a. Oath of Office; Valene Goff
- b. Envirothon Meal Reimbursement Request
 - Staff reported Kirk Sullivan has asked to be reimbursed for meals he paid for the Envirothon students.
 - **Motion** by Mike Justus to reimburse Kirk Sullivan \$39.49. **Second** by Ernie Chacon. **Motion passed.**
- c. Montana Range Tour
 - Information is in the Board packet.
- d. Montana State Fund; Small Business Group
 - No action taken.
- e. MACD Convention, November 14th through 16th Bozeman
 - Information is in the Board packet.
- f. Administrator's Training, Helena, June 14th thru 16th
 - Staff reported she has been asked by Dave Martin to present a power point at the training for the 319 grant process. The registration fee is \$100.00; scholarship funds are available to assist with costs.
 - **Motion** by Darris Flanagan to approve staff to attend the Administrator's Training in Helena. **Second** by Mark Romey. **Motion passed.**
- g. 2018 MWCC Symposium, Whitefish
 - Staff reported Eric Trum, DEQ, has asked for her assistance in planning and coordinating the 2018 SWCC Symposium. John Muhlfeld from River Design Group will also be involved.
- h. Lincoln Conservation District Preliminary 2017/18 Budget
 - Staff presented the 2017/18 Preliminary Budget for review.
- i. Lincoln Conservation District FY 2017/18 Permissive Medical Mill Levy
 - **Motion** by Darris Flanagan to approve 80% of staff medical costs to be covered by the Permissive Medical Mill Levy. **Second** by Ernie Chacon. **Motion passed.**

Unfinished Business:

- a. Grant Update
 - i. Tobacco River – Kassler
 1. Phase I – DEQ 319 Grant
 - Staff reported a Kick-off Meeting has been scheduled for June 19th from 11:30 a.m. to 4:00 p.m. The meeting will be held at the Forest Service Office followed by a site tour. The 319 grant allows for meeting meals to be paid for but they must be approved by the EPA. This may be a lengthy process.

- **Motion** by Mike Justus to approve \$75.00 for a luncheon at the Kick-off Meeting for the Tobacco River Project. **Second** by Darris Flanagan. **Motion passed.**
2. Phase 2 – DNRC Reclamation Grant Application
 - Phase 2 has been funded.
- ii. GLID
 - Staff reported a portion of the bentonite has been placed in the Rolling Hills section of the ditch. Originally, it was to be placed in the Doxie Slough, however, this area still has snow. The remaining bentonite will be placed in the fall.
 - iii. Mud Creek DEQ
 1. 319 Grant
 2. KRN RFP
 3. Watershed Management Grant
 - iv. 223 Stream Trailer
 - Staff reported the stream trailer pass through door has “bowed” and the paint on the top rim has been rubbed off. Butts Auto Body has agreed to repair these items. The trailer will be dropped off on May 31st.
- b. Clark Fork WRP, Thompson River Drainage
 - Samantha Tappenbeck reported landowner outreach letters have been mailed within the Thompson Watershed Basin.
 - c. C-01-01-17, Heinz Kootenai River
 - Item to be taken off agenda.

Final Inspection Reports:

On Sites Needed:

- Greer emergency action.

Open Mic and Other Business:

- Mike Hensler reported on the status of the Davis property. The home is sitting over the embankment.
- Darris Flanagan stated he would like to see the site. It was recommended to meet at the Weyerhaeuser Office at 2:00 p.m. prior to the July Board Meeting.
- Laura Jungst will invite Ben Haggler to the July Meeting. Ben is the new U.S.F.S. hydrologist.

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The next Conservation District Board Meeting will be held on Wednesday, June 21, 2017 at 4:00 p.m. at the U.S. Forest Service Office, Eureka, Montana.

Meeting adjourned at 6:05 p.m.

Respectfully Submitted,

Wayne Maahs, Chairperson

Becky Lihme, District Administrator

Date: _____

