

**LINCOLN CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
Weyerhaeuser Office, Libby, Montana  
September 21, 2016**

**Attendance:**

Board of Supervisors: Darris Flanagan, Chairperson; Don Crawford, Vice-Chairperson; Wayne Maahs; Mark Romey; Mike Justus; Valene Goff  
Associate Supervisor(s): Ernie Chacon  
Advisor(s): Mike Hensler, MtFW&P  
District Administrator: Becky Lihme  
Guest(s): Frant Votapka; Dave Deshazer

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

**Public Comment:**

**310's Li-09-02-16 moved**

- Frank Votapka reviewed with the Board the application; the current application is the same as the previous submitted in 2014.
- **Motion** by Wayne Maahs to approved Li-09-02-16 as presented; waive the fifteen (15) day wait period. **Second** by Mark Romey. **Motion passed.**

**Minutes:**

- a. August Minutes
  - **Motion** by Wayne Maahs to approve the Minutes of August 2016 as presented. **Second** by Valene Goff. **Motion passed.**

**Financial Report:**

- a. August 2016
  - Mike Justus reviewed the financial report for August.
  - Staff noted the final budget as approved by the County Commissioners is in the Board Packet.
  - **Motion** by Mike Justus to approve the Financial Report for August 2016. **Second** Valene Goff. **Motion passed.**

**NRCS Report – Brian Ressel**

- Staff noted a written report is in the Board Packet.

**MTFWP Report – Mike Hensler**

- The Callahan and Keeler Creek projects will follow the original plan to remove all of the gravel.
- The hydroacoustics count of Kooconee has been completed. Large numbers of Kooconee but they are small; under 10 inches.

### District Administrator's Report

- Volunteer hours were recorded for August
- Tree and shrub sales program packets have been mailed out. We have received one inquiry from the classified advertisements placed in Libby and Eureka.
- A salary survey conducted by Laurie Zeller is in the Board Packet.
- The FY 2016/17 310 Administration funds were received in the amount of \$5,234.16.
- Lisa Oedewaldt contacted District staff on behalf of Mr. Davis. Mr. Davis is planning on creating a ford to access his property.
- The District was awarded "Best of Show, Educational Exhibit" at the Lincoln County Fair.

### Planning Board Report – Mark Romey

- The Planning Board Meeting was held last night.
- Two Lakeshore permits were recommended; Middle Thompson Lake, handicap accessible deck; Upper Thompson Lake, dredge a channel for boat access.
- Velvet Grove subdivision built in three (3) phases near Eureka; twenty-seven (27) residential lots. Phase I will have 12 lots. The infrastructure will be completed in Phase I, then Phase II will begin.
- October 31<sup>st</sup> is the next meeting.

### GLID Report – Valene Goff

- Bentonite will be ordered this week to repair a section of Doxie Slough.

### 310's

#### Li-09-01-16 – Snyder, Libby Creek

- Wayne Maahs reported he spoke with the land owner and they are in the process of "getting their ducks in a row". There is no rush for the 310 permit. Wayne will schedule an on-site. Item tabled to October Board Meeting.

#### Li-09-02-16 – Rankin, Pine Creek, Item discussed earlier.

#### Li-09-03-16 – Brown, Prospect Creek

- Wayne Maahs reported after walking the project site and referring to topo mapping it is indicated the creek is intermittent.
- **Motion** by Wayne Maahs to declare Li-09-03-16 as not a project. **Second** by Don Crawford. **Motion passed.**

### Tabled 310's

#### V-06-02-16 – Richards/Frontier, Crowell Creek

- Wayne Maahs conducted an on-site; there is no indication the creek has changed its channel. Technically this is a violation. To move the cable would be more disruptive than leaving it in its location. At the location the creek crosses the road, the channel has been diked. To move the cable, a 310 would need to be filed

the channel has been diked. To move the cable a 310 application would need to be filed.

- Declaring this a violation it makes Frontier realize they must obtain a 310 permit.
- Staff asked about the flooding on Mr. Richards property.
- Wayne Maahs responded he did not see any evidence of flooding from the creek; the water is likely ground water rising. The violation is not causing the flooding.
- Ernie Chacon asked if this was a violation.
- Wayne Maahs responded yes; there was no 310 permit filed sixteen (16) years ago.
- Don Crawford asked for clarification.
- Darris Flanagan responded the box is not causing the flooding; it appears to be ground water.
- Don Crawford noted if you believe it is a violation, we need to have remediation.
- Wayne Maahs noted that would require removal of the box; he does not know how they will move the cable.
- Darris Flanagan commented this is sixteen (16) years later.
- Mike Hensler asked, first, is this a violation, second, is it causing damage. Frontier could re-set the post on the bank.
- Wayne Maahs described the location in detail.
- Darris asked staff to research if there is a statute of limitations on 310 permit and/or violations.
- Mark Romey asked do we know it was a violation back then.
- Don Crawford stated an individual has a concern about flooding. We are not making a judgement.
- Wayne Maahs will set up an on-site with the representatives from Frontier.
- Mike Justus noted the stream may not have been there sixteen (16) years ago; the channel has moved.
- Wayne Maahs stated he saw no evidence of a historic channel.
- Item tabled for on-site and further research.

**New Business:**

- a. DNRC 223 Grant – Stream Trailer
  - Staff provided an estimate of \$2,500 to re-paint the stream trailer and \$500.00 to create a pass through door to operate the water valves.
  - **Motion** by Mike Justus to apply for a DNRC 223 Grant to pay \$3,000 for re-painting and creating a pass through door on the Rolling Rivers Stream Trailer. **Second** by Valene Goff. **Motion passed.**
- b. Soil Health Workshop, October 25<sup>th</sup>, Missoula
  - Mike Justus is interested in attending.

- c. 2016 Watershed Symposium, October 24<sup>th</sup> through 26<sup>th</sup>, Billings
  - Staff reported scholarship funds are available to cover the cost of travel and hotel accommodations. No interest.
- d. MACD Convention, November 15<sup>th</sup> through 17<sup>th</sup>, Sidney
  - No interest.
- e. InterBel DSL-Silver Package Rate Change
  - Staff noted the letter from InterBel is in the Board packet. The e-mail fee will be increasing \$2.00.
- f. Possible Violation
  - Wayne Maahs informed the Board a complaint was received from Representative Mike Cuff. The complaint originated from a letter sent to Mr. Gianforte from a resident in Libby. Wayne thought it could possibly be two projects; Double N Diversion on Big Cherry Creek or Beebe on Libby Creek. This could be a ground water issue.
  - Staff reported she presented Mr. Cuff with a complaint form to pass on to the complainant and told him the form can be accessed on our website.
  - Darris Flanagan stated Mike Cuff had also contacted him and told him the complaint also stated we (LCD) gave a private non-profit a permit to drain Libby Creek.
  - Wayne Maahs stated he believes the complaint in on the Beebe Ditch.
  - After further discussion, no action was taken. A formal complaint has not been filed.

**Unfinished Business:**

- a. Area V Meeting, September 27<sup>th</sup>
  - Only Wayne Maahs, Ernie Chacon and Becky Lihme will be attending.
- b. Grant Update.
  1. Tobacco River - Kassler
    - A. Phase 1 – DEQ 319 Grant
      - Staff is coordinating with Dave Martin, DNRC the Request for Qualifications.
    - B. Phase 2 - DNRC Reclamation Grant Application
  2. 223 GLID – Reported on earlier.
  3. 223 Mud Creek
    - A. Close Grant
      - Staff noted the final budget is in the Board packet.
      - **Motion** by Valene Goff to close 223-16-3441. **Second** by Wayne Maahs. **Motion passed.**
    - B. DEQ 319 Grant

- Staff reviewed the budget for the 319 grant and asked the Board to consider providing \$7,500.00 in-kind to meet the 40% match under Administration and Education/Outreach.
  - **Motion** by Don Crawford to provide \$7,500.00 in-kind to the DEQ 319 Grant application for Mud Creek. **Second** by Mark Romey. **Motion passed.**
4. 223 Yaak River Assessment
- The final payment has been paid to Yaak Valley Forest Council. Staff is preparing the Final Report and invoice to send to DNRC.

**Final Inspection Reports:**

Li-02-02-15 – Leisz, Lake Creek – No report

Li-07-01-16 – Hume, Deep Creek

- Darris Flanagan conducted the on-site. Item closed.

**On Sites Needed:**

**Open Mic and Other Business:**

- Darris Flanagan asked the Board to consider holding the annual dinner in Libby following the November Board Meeting. Item to be placed on the October agenda.
- Dave Deshazer inquired about his diversion; where does it begin to clean debris. Can he obtain an annual maintenance permit and how does he get one?
- Mike Hensler responded he must first determine if it is a channel, ditch or canal on his Forest Service special use permit. This will determine his “footprint”.
- Don Crawford noted he will need to coordinate with water rights and the Forest Service.
- Dave Deshazer stated his next step will be to talk with Bonnie Geber, USFS.
- Mike Hensler will assist Dave with his Forest Service agreement.
- Wayne Maahs added it is critical for the Forest Service to understand your (Deshazer) water right.
- Dave Deshazer noted he will negotiate with the Forest Service for the point of diversion for the water right.
- Ernie Chacon recommended Mr. Deshazer outline what he will need to discuss with Bonnie Geber.
- Mike Hensler noted to have the Forest Service special use permit then apply for the annual maintenance permit.

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**Weyerhauser Office, Libby, Montana**  
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The next Conservation District Board Meeting will be held on Wednesday, October 19th, 2016 at 4:00 p.m. at the U.S. Forest Service Office, Eureka, Montana.

Meeting adjourned at 5:55 p.m.

Respectfully Submitted,

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Darris Flanagan, Chairperson

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Becky Lihme, District Administrator

Date: \_\_\_\_\_









