

**LINCOLN CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
U.S. Forest Service Office, Eureka, Montana
April 19, 2017**

Attendance:

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

Associate Supervisor(s): Kirk Sullivan

Advisor(s): Mike Hensler, MTFW&P; Brian Ressel, N.R.C.S.

District Administrator: Becky Lihme

Guest(s): Art Sanders; Ellie Sanders; Stephanie Hester, D.N.R.C.; Dave Martin, D.N.R.C.

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

Public Comment:

Minutes:

a. March 2017

- **Motion** by Darris Flanagan to approve the minutes of March 2017 as corrected; Page 1; under MtFW&P Report add “ The county does not want removal of the gravel bar”. **Second** by Valene Goff. **Motion passed.**

Financial Report:

a. March 2017

- Mike Justus reviewed the monthly financial report. **Motion** by Mike Justus to approve the Financial Report for March 2017. **Second** Mark Romey. **Motion passed.**

NRCS Report – Brian Ressel

- The federal hiring freeze was lifted last week; hopefully the N.R.C.S. office will hear on the District Conservationist position.
- The State Office sent a request to the Eureka Ranger Station for additional office space. The request was denied. The topic will be re-opened if a second employee is hired.
- Kirk Sullivan will chaperone two (2) teams, representing Lincoln County, to the Envirothon. Tim Thier will be the second chaperone. We will have one team comprised of seniors and a second team of juniors.
- Eight (8) EQIP projects have been funded for this year; six (6) forestry and two (2) crop land.

MTFW&P Report – Mike Hensler

- Dennis Welch contacted Mike Hensler regarding his property on Callahan Creek. Mr. Welch’s property was effected by the gravel placement the county conducted last year. Mr. Welch wants to place rip-rap within the channel and use the bedload the county will remove.

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- Wayne Maahs will look at the proposed project site next week.
- Mr. Welch also intends build a road atop the rip-rap he places.
- Don Crawford stated he could join Wayne on the inspection.
- D.N.R.C. is starting netting to assess non-native pike. The perch population is up as well.

District Administrator's Report

- Volunteer hours were recorded for March.
- News articles are in the Board Packet.
- Tree and shrub orders will be in this week. Staff will pick-up the Montana Seedling Nursery order at the D.N.R.C. Kalispell Office on Friday.
- A stream trailer demonstration is scheduled for tomorrow at Libby Dam for the STEM program; 96 7th graders are expected. The next demonstration is on May 5th at Eureka Elementary School for the 4th graders.
- Correspondence from Lewis and Clark Conservation District is in the Board Packet.
- Staff will attend the "Birds of Prey Day" at Libby Dam on May 20th.
- Bonnie Geber sent an e-mail letting us know of a possible Plan of Operations for sluicing.

Planning Board Report – Mark Romey

- Three (3) lakeshore permits were recommended by the Planning Board; two (2) on Bull Lake and one (1) on Crystal Lake.
- Negative responses have been received on the North Star Landing subdivision near Douglas Hill near Eureka. Comments include motor bikes and the planned sewage system. An error was made on the dates for public comment so fifteen (15) additional days were allowed.
- The project consists of 144 units on 90 acres.
- Mike Hensler asked about the marina.
- Darris Flanagan responded the marina would be permitted by the Forest Service. The project is on private land.

GLID Report

- There is still snow in some sections of the ditch where the bentonite is to be placed. The ground is too wet to mix with the bentonite. The ditch will be opened later than May 1st.

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310's

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

- Wayne Maahs described the project site. The two properties are adjacent, across the creek with a bridge for access. On the Backen, property a fence was placed across the creek at both ends of the property. The fence was left in the channel over the winter months. Mr. Todd asked Wayne Maahs what he could do. Wayne informed him he could file a complaint. Shortly after, the water flow came up from the recent rain kicking water against the abutment. Mr. Todd cut the fence to release the flow and debris.
- Mike Hensler asked if he (Mr. Todd) had permission from the landowner.
- Wayne Maahs responded no. No one knows where they (Backen) live in the winter. Wayne reviewed his on-site report and recommended to declare the complaint as a violation; remediation would include removing the fence during high water.
- Mike Hensler noted the entire fence is the issue and noted if Mr. Backen wants to put in a fence, the project must be approved by the Board.
- Don Crawford commented the barbed wire is the issue. Mr. Backen could place the wire in the spring and remove in the fall.
- Mike Justus commented the Board has approved different types of fencing in the past.
- **Motion** by Don Crawford to declare C-04-01-17 a violation and to remediate the removal the existing fence. **Second** by Darris Flanagan.
- Mr. Backen will need to apply for a 310 permit for the remediation and contact the District for an on-site. The letter is to be mailed certified.
- **Motion passed.**

E-04-04-17 – Todd, Bobtail Creek

- Wayne Maahs explained the emergency action taken by Mr. Todd
- Darris Flanagan commented we (LCD) cannot make a determination on another person's property.
- Mike Justus noted we cannot allow action on another person's property; we have no authority.
- Don Crawford stated he (Mr. Todd) would have had to do the emergency action on his own land to warrant emergency action. There was another way contacting the landowner.
- Staff was directed to contact Don MacIntyre and Laurie Zeller regarding emergency action of other person's property.
- Item tabled.

Li-04-02-17 – Kavpil, Libby Creek

- **Motion** by Darris Flanagan to approve Li-04-02-17 for two (2) years, as presented with standard suction dredging requirements. **Second** by Don Crawford. **Motion passed.**

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Li-04-03-17 – Williams (Halfway House Bar & Grill), Payne Creek

- Wayne Maahs described the project and the location. The project is to build a foot bridge across the creek.
- Mike Hensler stated he thought it was a deck and referenced the application; it was verified to be a deck.
- Wayne Maahs noted he has driven past the project site twice; there will be ample room for the piers.
- Don Crawford commented he doesn't see a problem; no heavy equipment will be brought in.
- Mike Hensler noted the deck will reduce vegetation to control erosion.
- Don Crawford added there will be short grass.
- **Motion** by Don Crawford to approve Li-04-03-17 as presented; waive the 15 day wait period. **Second** by Darris Flanagan. **Motion passed.**

Li-04-05-17 – InterBel Telephone Cooperative, Fortine Creek

- **Motion** by Darris Flanagan to approve Li-04-05-17 as presented. **Second** by Valene Goff. **Motion passed.**

Li-04-07-17 - Cameron, Indian Creek

- **Motion** by Darris Flanagan to approve Li-04-07-17 as presented; the waive 15 day wait period. **Second** by Valene Goff. **Motion passed.**

Li-04-08-17 – Greer, Grave Creek

- **Motion** by Don Crawford to table Li-04-08-17 until we hear from other permitting agencies.
- Darris Flanagan commented it is not our (LCD) responsibility. The CORP can take a while to approve a permit whereas we must act within 60 days.
- Mike Hensler added if he (Mr. Greer) doesn't file a permit with the CORP, he is in violation of the Clean Water Act.
- Don Crawford **withdrew** the motion to table Li-04-08-17. Don Crawford does not approve of the project as it stands as it will cause problems downstream
- **Motion** by Don Crawford to deny Li-04-08-17 as presented. **Second** by Mark Romey.
- Mike Hensler discussed the options for the applicant:
 - Use trees to protect the bank now.
 - Rip-rap is not an option due to the cost.
 - Mike Hensler told Mr. Greer he most likely will not be permitted by the CORP.
- Kirk Sullivan suggested a debris jam on the channel corner.
- Mike Hensler suggested this summer Mr. Greer create a woody debris jam; dig deep into the embankment and channel.
- Mike Justus recommended alternatives using bio-engineering.
- Don Crawford did not think the current plan will solve anything.

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- Kirk Sullivan recommended providing Mr. Greer with options. He (Mr. Greer) can then choose which best suits his needs.
- **Motion passed.** Darris Flanagan voted against.
- Wayne Maahs asked if we have a booklet to send to Mr. Greer on bio-engineering.
- Dave Martin volunteered to contact Bob Fletcher for information he may have for Mr. Greer to use.
- Don Crawford noted grants are available.
- Staff suggested the 223 grant program.
- Dave Martin added there is a technical 223 grant available for the design of a project.
- Mike Justus recommended Bob Cuffe to take a look at the project site.
- Mike Hensler noted for Mr. Greer to take action now to get through the spring and then, in the summer, do a more detailed project.
- Wayne Maahs suggested we include with the letter we (LCD) can give assistance in finding solutions.

Tabled 310's

New Business:

- a. Appointment of Valene Goff as Urban Supervisor
 - **Motion** by Mike Justus to accept the appointment of Valene Goff as Lincoln Conservation District Urban Supervisor from the Town of Rexford. **Second** by Ernie Chacon. **Motion passed.**
- b. Oath of Office; Ernie Chacon
 - Sheriff Robbie Bowe was unable to attend the meeting.
- c. AIS Presentation, Stephanie Hester, DNRC
 - Stephanie Hester provided a detailed presentation of the aquatic invasive species threat in Montana.
- d. DNRC Administrative Funds for Computer and Office Equipment
 1. Copier
 - **Motion** by Darris Flanagan to approve the request for DNRC administrative funds to purchase the Kyocera M2635DN from J2 Office Products. **Second** by Ernie Chacon. **Motion passed.**
 2. Telephone
 - **Motion** by Mark Romey to purchase a new telephone with speaker capabilities for the office. **Second** by Valene Goff. **Motion passed.**
- e. Montana Biological Weed Control Coordination Project Donation
 - Staff reported we (LCD) made a donation of \$150.00 last year. The Weed Control staff provided a presentation at our Noxious Weed Workshop.

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- **Motion** by Darris Flanagan to make a donation of \$100.00 to the Montana Biological Weed Control Coordination Project. **Second** by Valene Goff. **Motion passed.**
- f. Darris Flanagan Signer for Chairperson
 - Darris Flanagan noted with Wayne being in Libby it would be beneficial for the District for him to be allowed to sign for Wayne on District business.
 - **Motion** by Valene Goff to approve Darris Flanagan as a signer on behalf of Wayne Maahs, Chairperson to the Lincoln Conservation District. **Second** by Don Crawford. **Motion passed.**
- g. DNRC Range Loan Improvement Program
 - Staff reviewed the information in the Board Packets. The information is available to ranchers through the District.
- h. Staff Work Schedule May 1st, 2nd, 3rd
 - Staff reported she is having guests May 1st through 3rd and her hours will vary.
- i. Ernie Chacon, Authorized to be Signer on Checking Account
 - **Motion** by Darris Flanagan to authorized Ernie Chacon to be a signer on the Lincoln Conservation District Checking Account at Lincoln County Credit Union. **Second** by Don Crawford. **Motion passed.**
- j. Quick Books Required Update
 - Staff reported we (LCD) will be required to purchase an upgrade to our QuickBooks program prior to May 31st.
- k. 2017-18 Lincoln County Budget
 - Staff reported we received a new budget format from Robin Benson. We (LCD) may not be required to do the new format; just complete the Mill Levy verification form.
- l. SWCDM Bridger Plant Materials Center Donation
 - The information on the donation request is in the Board Packet.
 - **Motion** by Mike Justus to not donate to the SWCDM Bridger Plant Materials Center this year. **Second** by Ernie Chacon. **Motion passed.**
- m. KRN Restoration Forums; April 24th & 28th
 - The KRN Forum meeting information is in the Board Packet.
- n. Social Security 218 Form
 - Staff reported Laurie Zeller sent out an e-mail notifying conservation district administrator's many districts had not filed the required Section 218 Agreement form for participating in both MPERA and Social Security. Staff contacted Meghann Spring. Ms. Spring returned the Section 218 form information to us for the Chairperson's signature. Our District joined both MPERA and Social Security in 2004.

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- **Motion** by Darris Flanagan to sign the Section 218 Agreement. **Second** by Valene Goff. **Motion passed**

Unfinished Business:

- a. Grant Update
 - i. Tobacco River – Kassler
 - 1. Award Request for Proposal from River Design Group
 - Staff reported we received one RFP from River Design Group. We did receive four inquiries.
 - **Motion** by Valene Goff to award the Project Manager Contract to River Design Group. **Second** by Mark Romey. **Motion passed.**
 - 2. Phase 2 – DNRC Reclamation Grant Application
 - SB 7 is on its way to the Governor's Office for signature.
 - ii. GLID
 - iii. Mud Creek DEQ
 - 1. 319 Grant
 - 2. KRN RFP
 - Staff reported Jim Dunnigan e-mailed noting KRN received four (4) requests for proposals. All four (4) projects should be funded. An archeological survey will need to be completed on any project that "breaks ground"; this will include Mud Creek. Jim Dunnigan will coordinate this with U.S.F&W.S.
 - 3. Watershed Management Grant
 - We were awarded \$10,000.00 to complete the final design.
 - 4. SWCDM Mini Education Grant
 - We did not receive funding for this grant. It is from federal funding and cannot be used as a match with the 319 federal grant program.
 - iv. 223 Stream Trailer
 - Staff reported the stream trailer re-paint has been completed. We also had approval from DNRC to purchase two (2) new deep cell batteries and battery charger.
- b. Clark Fork WRP, Thompson River Drainage
 - Wayne Maahs agreed to serve as the liaison for LCD.
- c. C-01-01-17, Heinz Kootenai River
 - Wayne Maahs described this complaint is within the city limits of Troy. Jess Stoska sent an e-mail to Wayne with the information he had gathered. Wayne noted the next step is to turn the complaint over to the County Commissioners.

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- Mike Justus recommended writing a letter to the commissioners with a carbon copy (c.c.) to Mr. Heinz.
- **Motion** by Mike Justus to refer complaint C-01-01-17 to the County Commissioners. Mike Hensler added to address the letter to Mike Cole. **Second** by Valene Goff. **Motion passed.**

Final Inspection Reports:

On Sites Needed:

Open Mic and Other Business:

- Kirk Sullivan noted three (3) meals during the Envirothon are not provided by MACD and asked if the Board can assist with these costs.
- Darris Flanagan asked Kirk to bring the receipts back to be placed on the May agenda.

The next Conservation District Board Meeting will be held on Wednesday, May 17, 2017 at 4:00 p.m. at the Weyerhauser Office, Libby, Montana.

Meeting adjourned at 6:45 p.m.

Respectfully Submitted,

Wayne Maahs, Chairperson

Becky Lihme, District Administrator

Date: _____

