

**LINCOLN CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
U.S. Forest Service Office, Eureka, Montana
June 19, 2019
4:00 p.m.**

Attendance:

Board of Supervisors: Wayne Maahs, Chairperson; Darris Flanagan, Vice Chairperson; Don Crawford; Kathleen Johnson; Mark Romey

Absent: Laura Garner; Tom Maffei

Associate Supervisor(s): Mike Justus

Advisor(s): Brian Stephens, MTFW&P; Josh Erickson, U.S.F.S.

Guest(s): Kenneth Wimer; Stormy Langston, Judge; Mary Hendrix, DNRC

Called to order: 4:08 p.m. by Chairperson Wayne Maahs

Public Comment:

- Staff introduced Mary Hendrix, DNRC.

Items Moved:

New Business:

- a. Appointment of Darris Flanagan as Urban Supervisor, Town of Eureka
 - **Motion** by Kathleen Johnson to appoint Darris Flanagan as Urban Supervisor for the Town of Eureka to the Lincoln Conservation District Board of Supervisors. **Second** by Mark Romey. **Motion passed.**
- b. Oath of Office, Darris Flanagan
 - Stormy Langston, Judge, presided over the swearing in of Darris Flanagan.
- c. Envirothon – Derek Deshazer, LCHS
 - Derek Deshazer thanked the Board for their support of the Lincoln County High School Envirothon by funding the registration fee for two teams. Derek commented the students learned a lot from the testing portion of the program. To prepare for the Envirothon, the students visited both the Tobacco River and Mud Creek Restoration Projects. Derek welcomed any suggestions from the supervisors for possible educational preparation for the competition.
 - Wayne Maahs stated the Board appreciates Derek's effort in the program.
 - Derek noted the Envirothon is the only academic competition at both the state and federal level.

310's

C-06-01-19 – Friedman/Wimer, Yaak River

- Wayne Maahs reported the activity on the Yaak River is from the previous landowner. An on-site was held to determine if there was a violation; yes there had been. Mr. Wimer is responsible for some of the work, any other work is by the previous owners. Rock has been dumped over the

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embankment edge effecting two overflow channel. No extraction had been done. The recommended course of action is to plant Alder shrubs every 10 feet. Any removal of rock could cause damage.

- Don Crawford commented the biggest problem to the river is the lack of shade. The landowners thought they were doing the right thing. He recommends “spot removal” of rock to create planting areas; every 10 to 15 feet.
- Brian Stephens agreed with the planting; doing too much would do more harm than good.
- Mike Justus asked about the timing to complete the planting.
- Wayne Maahs replied fall.
- Mr. Wimer inquired where to obtain the plants.
- Mike Justus recommended a nursery in Kalispell or transplant.
- Wayne Maahs noted to keep the plantings as close to the water as possible.
- **Motion** by Don Crawford to declare C-06-01-19 a violation under the 310 Law. **Second** by Darris Flanagan.
- Wayne Maahs explained a 310 permit application will be required prior to any planting.
- Don Crawford noted not to remove any rock other than planting areas; approximately 30 plants; alder, dogwood or willow; plant in the fall.
- **Motion withdrawn.**
- **Motion** by Don Crawford to declare Li-06-01-19 a violation under the 310 Law. Mitigation to plant approximately 30 plants native to the area. **Second** by Darris Flanagan. **Motion passed.**

Final Inspection Reports - Li-08-01-17 – Canavan-Fofield, S. Fork Yaak River

- Mike Justus reported he conducted the final inspection on the project. It was done well; good project. Item closed.

Minutes:

- a. May 2019
 - **Motion** by Darris Flanagan to approve the minutes of May 2019 as presented. **Second** by Kathleen Johnson. **Motion passed.**

Financial Report:

- a. May 2019
 - Staff reported we did not receive our April Mill Levy check from the county treasurer for deposit in May.
 - **Motion** by Darris Flanagan to approve the May Financial Report as presented. **Second** by Mark Romey. **Motion passed.**

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NRCS Report – Brian Ressel

- Brian Ressell extended his appreciation to everyone for attending the Local Work Group Meeting. Funding has just now been received for the Targeted Implementation Plan (TIP). All applicants were funded; 500 acres of treatment. Other projects outside of the TIP program area were also funded, for example, the veterans program funding.

MTFW&P Report – Brian Stephens

- A gold eye fish was recently caught in Sophie Lake. Further research will tell if the fish was born in Sophie Lake or a transplant.

District Administrator's Report

- Volunteer hours were recorded.
- The National Watershed Coalition will hold their convention September 30th through October 2nd.
- The Prairie Populist is asking for reports from the conservation districts due June 24th.
- Staff would like to develop criteria for accepting landowner requests for grants sponsorships for restoration projects.
- Wayne Maahs appointed Darris Flanagan and Kathleen Johnson to a sub-committee to develop criteria for sponsorship of grants for private landowner restoration projects.
- Staff asked if the Board would like to purchase ball caps with the District logo. She can proceed to obtain price quotes.
- MACD is asking for resolutions to present at the Area Meetings for the MACD Convention. Resolutions are due in August.

Planning Board Report – Laura Garner

SWCDM - Samantha Tappenbeck

- Samantha Tappenbeck reported her contract with SWCDM has been extended for 2 years. Her job duties will be changing. She will be working with the NRCS Local Work Group program, the DEQ 319 septic cost share program for Flathead County and the Irrigation Water Management program through NRCS.
- Ann McCauley and Jessica Makus have resigned from MACD. Dan McGowan was dismissed without cause from MACD.
- Staff noted Jeff Tberi has agreed to fill-in the position of director until a new director is hired.

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310's:

Li-06-02-19 – Peterson, Libby Creek

- **Motion** by Don Crawford approve Li-06-02-19 as presented for 2 years with the suction dredging letter. **Second** by Mark Romey. **Motion passed.**

Li-06-03-19 – Weyerhaeuser, Tributary of Pleasant Valley, Fisher River

- Wayne Maahs described the project and reported there will be minimal impact.
- **Motion** by Don Crawford approve Li-06-03-19 as presented. **Second** by Kathleen Johnson. **Motion passed.**

Li-06-04-19 – Kern/Croucher, Star Creek

- **Motion** by Darris Flanagan to approve Li-06-04-19 as presented for 2 years with the suction dredging letter. **Second** by Kathleen Johnson. **Motion passed.**

Li-06-05-19 – Kern/Croucher, Yaak River

- **Motion** by Darris Flanagan approve Li-06-05-19 as presented for 2 years with the suction dredging letter. **Second** by Kathleen Johnson. **Motion passed.**

Li-06-06-19 – Smith, Brimstone Creek

- Kathleen Johnson described the project to raise the roadbed and install a 20 foot culvert; backfill with gravel.
- **Motion** by Darris Flanagan to approve Li-06-06-19 as presented. **Second** by Tom Maffei. **Motion passed.**

Tabled 310's

C-05-05-19 – Pelphrey, Deep Creek

- Staff reported we received the registered letter back from the post office after being “unclaimed” by the addressee. County Attorney, Marcia Boris, recommended the sheriff’s department serve the letter to the Pelphrey’s. Staff sent the letter and attachments to the civil department of the sheriff’s department to be recorded and served by a deputy.

Li-05-08-19 – W.R. Grace, Rainy Creek

- Wayne Maahs described the access requirements to visit the site; must travel in a sealed vehicle. Kurt Hafferman was scheduled to make a presentation on the project since an on-site was not reasonable.
- Don Crawford commented he had no issue with the project but would like a presentation at some point.
- **Motion** by Don Crawford to approve Li-05-08-19 as presented. **Second** by Mark Romey.
- Mark Romey asked if this project is a dam.
- Don Crawford stated is the construction of a coffer dam.
- Darris Flanagan noted this is the first 310 permit application for this project.

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- Staff explained up to this point, the work has been completed under DEQ. Now it is under a private contractor.
- **Motion passed.**

New Business:

- a. Appointment of Darris Flanagan as Urban Supervisor, Town of Eureka – Item moved.
- b. Oath of Office, Darris Flanagan – Item moved
- c. Envirothon – Derek Deshazer, LCHS – Item moved
- d. Lincoln Conservation District FY 2019/20 Preliminary/Final Budget – June 2019
 - Staff reported the projected payment for FY 2019/20 310 Administrative Funds was received from Laurie Zeller. The new amount is \$1,800 and is amended in the budget. The amount approved for the Permissive Medical Mill Levy of \$21,300 is amended in this budget. We will receive our final Mill Levy funding in August.
 - **Motion** by Kathleen Johnson to approve the Lincoln Conservation District FY 2019/20 Preliminary/Final Budget. **Second** by Darris Flanagan. **Motion passed.**
- e. Permissive Medical Mill Levy New Rate Implementation
 - Staff reported we will receive the funding for the new Medical Mill Levy rate in December. The Board can elect to pay the stipend earlier, based on the district budget.
- f. Local Work Group – Resource Concerns
 - Staff reported she placed this item on the agenda should the Board need to approve the EQIP Resource Concerns. No action required.
- g. 2018/19 Tree Sales Report
 - Staff reviewed the income and expense report for the 2018/19 tree and shrub sales program.
- h. 223 Grant Ranking
 1. Boundary Signs
 - Staff reported we did not receive funding for the signs, however, we can use 310 Administrative funding. Wayne Maahs requested we purchase the Idaho state line sign. The sign has been made and is ready for installation. Laurie Zeller is seeking funding to purchase the remaining signs through DNRC funds.
 2. Lincoln County Weed District
 - Not Eligible

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- Staff reported this grant application was not funded since the Lincoln County District Weed Board had not applied for the Noxious Weed Trust Fund grant program.
- i. FEMA Reseeding, Reforestation and Weed Abatement Program
 - Staff reviewed the information packet sent by Laurie Zeller. This project is for landowners affected by the 2017 fires and is a cost share program.
- j. NRCS Memorandum of Understanding with Lincoln Conservation District
 - Staff reported we will be receiving our new Memorandum of Understanding with NRCS soon.
- k. Liability Insurance Packet
 - Staff reported she contacted Kim Thomas to verify the rolling rivers stream trailer is included within the insurance coverage. All the other liability coverages are the same as the previous year. Our amount billed has been reduced from last year.
 - **Motion** by Darris Flanagan to approve the Montana Association of Counties and Payne West Insurance Agent Appointment and Agreement for Liability Coverage. **Second** by Mark Romey. **Motion passed.**
 - **Motion** by Darris Flanagan to approve payment of the 2019/20 Liability Insurance payment invoice. **Second** by Kathleen Johnson. **Motion passed.**
- l. Notification Emergency Not Reported – Tobacco River
 - Staff reported the landowner came into the District Office requesting guidance to repair erosion along the Tobacco River. Staff provided a list of four local contractors she could contact. A 310 permit application to install rip-rap had been approved for the previous owner. The new erosion occurred downstream of that rip-rap when an overhanging tree fell. The current landowners installed a wooden barrier and backfilled with dirt in an attempt to stop the erosion. The wooden barrier has since collapsed in the riverbed. Staff had the landowner complete an after-the-fact emergency action form for the installation of the wooden barrier.
 - Don Crawford stated since the report is beyond the fifteen day requirement, it is a violation.
 - **Motion** by Don Crawford to declare the Notification of Emergency a violation under the 310 Law for the action taken and not reporting within the 15 day statute. **Second** by Darris Flanagan. **Motion passed.**
 - Josh Erickson has seen the site and will assist in the recommended remediation.

**Kurt Hafferman, Hafferman Engineering joined the meeting to present on behalf of
W.R. Grace, Rainy Creek**

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Unfinished Business:

- a. Grant Update
 - i. Tobacco River – Kassler
 - 1. Phase I – DEQ 319 Grant
 - 2. Phase 2 – DNRC Reclamation Grant
 - Contract July 1st
 - Staff reported the contract will be available for signature on or near July 1st.
 - 3. Phase 2 – 319 Interim Grant Funding
 - Contract Increase
 - Staff reported we will receive an amended contract to our current contract with DEQ.
 - 4. Sweet Grass CD Watershed Grant – Phase II
 - ii. Mud Creek - Roose
 - 1. Request of Conditional Receipt and/or Waiver of Lien Rights by Landowner Barry Roose
 - Darris Flanagan commented we don't know for certain if John Muhlfeld, River Design Group, Project Manager, paid all the contractors. The contract is with River Design Group and Lincoln Conservation District, not the landowner.
 - **Motion** by Darris Flanagan to not sign either the release of lien presented by Barry Roose or the release of lien prepared by Don MacIntyre. **Second** by Kathleen Johnson.
 - Mark Romey commented he does not see why we should agree to the release of lien.
 - **Motion passed.**
 - 2. DEQ 319 Grant
 - 3. DNRC 223 Grant
 - We have submitted the final summary report and invoice.
- b. Conservation Districts Environmental Contingency Grant Program
 - 1. Grant Extension
 - Staff reported we have one landowner that would like to seed his property this fall. Karl Christians, DNRC, was contacted and approved to extend the grant contract to December 2019.
 - 2. Ben Miller Cost Share Increase
 - Staff reported landowner Ben Miller has incurred more cost than was within his agreement for the cost share program. He was allotted \$1,760 in the agreement but has requested \$2,107.05 and increase of \$347.05. Our grant is for \$23,000 and we will only use \$16,720 pending reimbursement requests by all four landowners.

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- **Motion** by Don Crawford to approve the cost-share increase of \$347.05 for Ben Miller. **Second** by Darris Flanagan. **Motion passed.**
- Brian Ressell noted John Doble did a good job with his seeding project. The ground was harrowed prior to distributing the seed.
- c. Mini Education Grant – Historical Village Interpretive Sign
 - We received our reimbursement in the amount of \$325.00.
- d. McCone Conservation District – Soil Health Grant Update
 - Brian Ressell reported we are asking for funding to reseed the where heavy equipment and soil was disturbed outside the Tobacco River restoration project area.

On-Sites Needed

Open Mic and Other Business

- Wayne Maahs reported this past Sunday her received a call Bobtail Creek was “running brown”, like chocolate milk. After visiting the location, it appeared the source of the silt was from a fire area on Church Creek. Wayne called a representative from Stimson Lumber; fill from two 30 inch culverts has “blown out” creating a “flash flood”. They will repair is as soon as possible under an emergency action. Wayne will do an inspection after the work is completed.

The next Conservation District Board Meeting will be held Wednesday, July 17, 2019 at 4:00 p.m. at the Weyerhaeuser Office, Libby, Montana.

Meeting adjourned at 6:10 p.m.

Respectfully Submitted,

Wayne Maahs, Chairperson

Becky Lihme, District Administrator

Date: _____

