

**LINCOLN CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
North Lincoln County Annex, Eureka  
October 14, 2021, 4:00 p.m.**

**Attendance:**

Board of Supervisors: Darris Flanagan, Chairperson; Laura Garner; Kathleen Johnson; Mike Garner, Katrina Newton, Don Crawford

Absent: Wayne Maahs

Associate Supervisor(s):

Advisor(s): Brian Stephens, MT FW&P,

District Administrator: Rae Lynn Hays

Guest(s): Clay Campbell, City of Troy Power and Light; Tom Woolf, MT FWP; Russ Hartzell, MT FWP and Melissa Brickl, Water and Environmental Technologies

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

**Public Comment:** None

**Minutes:**

- September 2021 Minutes
  - **Motion** by Mike Garner to approve the minutes of the September 2021 meeting. **Second** by Kathleen Johnson. **Motion passed.**

**Financial Report:**

- September 2021
  - Kathleen Johnson presented the treasurer report and noted that the petty cash amount of \$29 was excluded on the written report. **Motion** by Kathleen Johnson to approve the September 2021 financial report as presented. **Second** by Mike G. **Motion passed.**

**NRCS Report – Brian Ressel**

- No report

**MTFW&P Report – Brian Stephens**

- Brian Stephens reported that MT FW&P is almost finished with the bull trout count and is now netting Kokanee.

**District Administrator's Report – Rae Lynn Hays**

- Volunteer hours were recorded
- Rae Lynn Hays discussed the field trip at Graves Creek that included Brian Stephens, Darris Flanagan, Kirk Sullivan, and Jim Dunnigan. They reviewed sites from Ruffinen's to below the highway. It is evident that portions of the previous restoration work failed. In addition, landowners below the restoration work are concerned about erosion and flooding. Rae Lynn is trying to contact RDG as well as DEQ. There was no consensus from the group as to whether it would be best to fix portions of the failed restoration or consider an entire new plan for the stream.

- Brian Gorman plans to submit a 310 application for moving the stream channel that is considered Brimstone Creek to where he believes the channel was originally. There is technical support to assist the district if needed. Mr. Gorman wonders if the district could consider financial support for stream restoration. Josh Erickson planned to attend the meeting to provide insight but was ill.
- Rae Lynn attended the UC3 Conference in Missoula. The group discussed AIS Inspection Stations as well as invasive species impacting Montana.
- Tree and shrub sales are currently taking place.
- The MACD conference will be in person in Great Falls.

#### **Planning Board Report – Laura Garner**

- The planning board did not have a meeting to report

#### **310's**

##### **Li-10-01-21 – Southern Pines Plantation, Green Diamond Timber, Wolf Creek**

- Brian S. and Don Crawford conducted the team inspection. Don said the applicant will be lifting the bridge with a crane.
- **Motion** by Don C. to declare Li-10-01-21 a project and approve the application as presented. The 15-day wait period should be waived. **Second** by Laura Garner.
- **Motion** passed

##### **C-10-02-21 – Russell, Fortine Creek**

- Laura G. reported that the damage to the stream bank is visible from the road.
- **Motion** by Laura to declare C-10-02-21 a violation for crossing the stream with equipment to construct a road. Stream crossing must cease immediately. Mitigation is required to restore the disturbed portion of Fortine Creek including revegetation. A 310 permit will be required for stream crossing in the future. **Second** by Kathleen J.
- **Motion** passed.

##### **Li-10-03-21 – City of Troy Power and Light, Callahan Creek**

- Clay Campbell reported that they needed to routinely cross Callahan Creek to maintain utility lines.

- **Motion** by Don C. to accept Li-10-03-21 as a project and approve the maintenance application as presented for five years and waive the 15-day wait period. **Second** by Laura G.
- **Motion** passed.

**Li-10-04-21** – Kok, Laughing Water

- Melissa Brickl reported that she had been hired by the Koks to assist with designing an irrigation diversion. Their previous application had been denied due to the complexity of the project and the lack of a detailed design. The Koks are also working with the Forest Service on a special use permit. Brian S. suggested that the project include a 1/8" diameter screen at the intake.
- **Motion** by Kathleen J. to accept Li-10-04-21 as a project, approve the application with the 1/8" screen modification, and waive the 15-day wait period. **Second** by Mike G.
- **Motion** passed.

**Li-10-05-21** – Idaho Forest Group, Dutch Creek

- Don C. and Brian S. conducted the team inspection. Don C. said the applicant would like to put in a bridge that will be left over the winter to conduct slash work. Upon completion, the bridge would be pulled. They will need to cross the creek with an excavator to obtain access on the other side of the stream to initiate construction. Don C. also recommended that the applicant cross at a different location. Kathleen J. recommended the equipment be cleaned prior to stream crossing to prevent spread of noxious weeds.
- **Motion** by Don C. to accept Li-10-05-21 as a project and approve the application with the following modifications: change the location of the crossing as noted during the onsite inspection; two stream crossings are permitted for the purpose of bridge construction; two stream crossings are permitted for the purpose of bridge removal; and equipment must be cleaned prior to crossing the stream to prevent the spread of noxious weeds. **Second** by Katrina Newton.
- **Motion** passed.

### Postponed 310's

#### C-09-01-21 – Kowalski, Meadow Creek

- Laura G., Don C. and Brian S. conducted the team inspection. Laura reported that the water body was not a pond as it was 26x15 feet and about 18 inches deep. It is runoff water from the ditch that Mr. Kowalski uses for watering stock. Mr. Kowalski has a water right and the water does not return anywhere.
- **Motion** by Laura G. to declare C-09-01-21 as no violation of the 310 Law.  
**Second** by Katrina N.
- **Motion** passed.

#### C-09-09-21 – Brousseau, David, Davis Creek

- Don C. said Mr. David cleaned out the creek and removed the dam his kids built. There is one log that spanned the creek that remains.
- **Motion** by Don C. to declare C-09-09-21 a violation for an unpermitted dam. Mitigation includes removal of the remaining log that is spanning the creek. In the letter, it should be acknowledged that the district appreciated his cooperation and quick removal of the dam. **Second** by Mike G.
- **Motion** passed.

#### C-09-10-21 – Leader, Keeler Creek

- Brian S. and Don C. followed up on Wayne Maah's inspection of an alleged unpermitted culvert installation. Brian S. expressed concern about Mr. Leader pulling the culvert out now because of bull trout. It should be done after July 15 but before September 1 of next year. Another concern involves the potential for sediment entering the stream.
- **Motion** by Don C. to declare C-09-10-21 a violation of the 310 Law for an unpermitted culvert. The following mitigation is required: Install a water bar to prevent sediment from entering the stream immediately; remove the existing culvert ensuring that no fill material enters the stream; restore the banks or replace the culvert with one that is 36" and 30' in length; place rock at the outlet as an energy dissipater; seed the exposed area with grass seed and place loose straw to prevent erosion; the culvert removal and potential new culvert installation must be conducted between July 16, 2022 and August 31, 2022 to protect bull trout; a 310 application will need to be submitted for this work by May 1, 2022. **Second** by Mike G.
- **Motion** passed.

**C-09-11-21 – York, Price, Tobacco River**

- Laura G. reported that the pond is ground fed and has been there for a couple of years. It was properly permitted.
- **Motion** by Laura G. to declare C-09-11-21 as no violation of the 310 Law.  
**Second** by Kathleen J.
- **Motion** passed.

**C-09-12-21 – Minor, Wheeler, Price, Tobacco River**

- Laura G. said the inspection team located a pipe that does not connect to anything. The pond appears to be ground fed.
- **Motion** by Laura G. to declare C-09-12-21 as no violation of the 310 Law.  
**Second** by Kathleen J.
- **Motion** passed.

**C-09-12-21 – West, Price, Tobacco River**

- Laura G. said that it would have been the landowner's responsibility to obtain a 310 permit.
- **Motion** by Laura G. to declare C-09-12-21 as no violation of the 310 Law.  
**Second** by Mike G.
- **Motion** passed.

**New Business:**

- **Pollinator Seed**
  - Rae Lynn H. reported that in past years, CDs in Area 5 received pollinator seed at no cost because of a grant. This year, the cost will be about \$360 for seed. This amount is not in the current budget.
  - **No motion.**
- **NACD Invoice**
  - Rae Lynn H. said last year the district paid \$300 to NACD for dues. Mike G. asked about the possibility of paying more to receive the insurance benefit.
  - **Motion** by Laura G. to pay \$300 to NACD. **Second** by Katrina N.
  - **Motion** passed.
- **MACD Conference in Great Falls**
  - Kathleen J. said she will be attending as will Rae Lynn H. Katrina N. is interested. Rae Lynn will register attendees and LCD will cover expenses as noted in last month's minutes.

- **Wayne Maahs resignation/replacement**
  - Board members reviewed Wayne's resignation letter. The board also received letters of interest from Tom Maffei and Michael Mee. Don C. said it would be helpful to have someone who is in the Libby area to replace Wayne.
  - **Motion** by Mike G. to accept Wayne's letter of resignation, appoint him as an associate supervisor, and fill his supervisory position with Tom Maffei. **Second** by Kathleen J.
  - **Motion** passed.
- **Election of new vice chair**
  - **Motion** by Don C. to appoint Mike G. as vice chair. **Second** by Laura G.
  - **Motion** passed.
- **Personnel review**
  - Darris F. closed the meeting for personnel review.

**Unfinished Business:**

- **AIS Inspection Stations**
  - Kathleen J. noted the importance of AIS inspection stations in the management of invasive species. Additionally, if the district manages the station, it shows support of that effort as well as support of local jobs. Laura G. expressed concern about the administrator's plate being full and the added work not being worth the amount of money the district would receive. Mike G. concurred. Don C. asked Rae Lynn's opinion since it would affect her most. Rae Lynn suggested trying it for a year.
  - **Motion** by Kathleen J. for the district to manage the AIS Inspection Station in Eureka. **Second** by Don C. Votes in favor: Kathleen J., Darris F., Katrina N., and Don C. Opposed: Laura G. and Mike G.
  - Motion passed.
- **Hosting Local Working Group**
  - Rae Lynn H. reminded everyone that the Local Working Group would be held November 3 at the fairgrounds in Eureka.

**Final Inspection Reports**

- Mike G. reported that Li-08-01-21, Miller, Sinclair Creek is complete. The creek was not impacted by the project.
- The remainder of the final inspection reports have not been completed.

**Open Mic and Other Business –**

The next Conservation District Board Meeting will be held Wednesday, November 10, at 4:00 p.m. The meeting will be at the American Forestry Management Office in Libby as well as conducted via Zoom.

Meeting adjourned at 6:30 p.m.

Respectfully Submitted,

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Darris Flanagan, Chairperson

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Rae Lynn Hays, District Administrator

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