

**LINCOLN CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
North Lincoln County Annex - Eureka  
June 21, 2023, 4:00 p.m.**

**Attendance:**

Board of Supervisors: Kathleen Johnson, Chairperson; Don Crawford; John DeLeo; Gary Pershall

Absent:

Associate Supervisor(s):

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

District Administrator: Rae Lynn Hays

Guest(s): Chris Hindoien, Dustin Lobdell, Rocky Mountain Insurance Services

**Called to order:** 4:01 p.m. by Chairperson, Kathleen Johnson

**Public Comment:** None

**Minutes:**

- May 17, 2023, PMML Public Hearing meeting minutes
  - **Motion** by John DeLeo to approve the minutes of the May 17, 2023, PMML Public Hearing. **Second** by Don Crawford. **Motion** passes unanimously.
- May 17, 2023, regular meeting minutes
  - **Motion** by Don C. to approve the May 17, 2023, meeting minutes. **Second** by Gary Pershall. **Motion** passes unanimously.

**Financial Report:**

- Rae Lynn Hays provided a financial report since the treasurer recently resigned. With the change of address, the bank statements were delayed.
- **Motion** by Don C. to approve the April and May financial reports. **Second**, John D. **Motion** passes unanimously.

**NRCS Report – Brian Ressel**

- No report

**MTFW&P Report – Brian Stephens**

- No report

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

- Volunteer hours were recorded.
- LCD received thank you notes from the Montana Bio Control Project and the Forest Stewardship Program.
- Numbers at the AIS station have been comparable to 2018. All invoices will be submitted to MT FWP for reimbursement this week. The Port of Roosevelt will be conducting OPS during the holiday weekend.
- Rae Lynn surveyed board members for preferred dates to attend the CD Funding Forum.

**Planning Board Report –**

- No report

**310's**

**C-10-02-22, Neumann, Phillips Pleasant Valley Fisher River Civil Penalty**

- Rae Lynn H. said Caitlin Overland, the MACD attorney, emailed to say that Mr. Neumann was served by the Lincoln County Sheriff's Office on June 12. Mr. Neumann has 20 days from service of the complaint to file an answer or otherwise appear in court. If he does not do so, the next step would be to consider looking into filing a default.

**Li-06-01-23, Noble, McGinnis Creek**

- Don C. and Brian Stephens conducted the site inspection. Don said the banks are straight and he did not see a problem with what was proposed. The biggest concern would be staying far enough away from the bank, so it does not cave. The bank is very spongy. There is also an existing livestock entry point that could be used to cross with an excavator if needed.
- **Motion** by Don C. to accept Li-06-01-23 as a project and approve with modifications. The contractor should begin the project 3 ft back from the bank. One back and forth crossing is permitted at the livestock crossing. **Second** by Gary P.
- **Motion** passes unanimously.

**Li-06-02-23, Fischer, Lewis, Tobacco River**

- Don C. and Brian S. conducted the site visit. The current owner has not made any significant changes. The work was done prior to landowners purchasing the property. The owner took out existing steps and set down the flagstone on an existing gravel pad. The Previous owner also placed some rocks near the stream where erosion is taking place. Water is also coming down a channel from the

gravel pit. The current owners are selling the property and will disclose that erosion measures will need to be addressed and a 310 permit will be required.

- **Motion** by Don C. to declare no violation on C-06-02-23. **Second** by Gary P.
- **Motion** passes unanimously.

**Li-06-03-23, NWMT Gold Prospectors, Libby Creek**

- This application is a renewal for dredging.
- **Motion** by Don C. to accept Li-6-03-23 as a project and approve as submitted. **Second** by Gary P.
- **Motion** passes unanimously.

**Li-06-04-23, NWMT Gold Prospectors, Cherry Creek**

- This application is a renewal for dredging.
- **Motion** by Don C. to accept Li-6-04-23 as a project and approve as submitted. **Second** by Gary P.
- **Motion** passes unanimously.

**Li-06-05-23, Walborn, Libby Creek**

- This application is a renewal for dredging.
- **Motion** by Don C. to accept Li-6-05-23 as a project and approve as submitted. **Second** by Gary P.
- **Motion** passes unanimously.

**Li-06-06-23, Walborn, Libby Creek**

- This application is a renewal for dredging.
- **Motion** by Don C. to accept Li-6-06-23 as a project and approve as submitted. **Second** by Gary P.
- **Motion** passes unanimously.

**Li-06-07-23, Sims, Young Creek**

- Gary P. and Brian S. conducted the site visit. A couple trees on a steep bank are being undercut by water. One spruce tree fell over. The neighbor is concerned the other trees may fall.
- **Motion** by Gary P. to accept Li-6-07-23 as a project and approve as submitted. **Second** by Don C.
- **Motion** passes unanimously.

**Li-06-08-23, Sims, Young Creek**

- Gary P. and Brian S. conducted the site visit. The landowner has a small area next to the stream where she wants to remove weeds that are obstructing her view of the creek. This application is for a maintenance permit.
- **Motion** by Gary P. to accept Li-6-08-23 as a project and approve as submitted for a 10-year maintenance permit. **Second** by John D.
- **Motion** passes unanimously.

**Li-06-09-23, Dunlap, Murphy Creek**

- Gary P. and Brian S. conducted the site visit. The proposed project will be an improvement to the stream. It has been ditched in years past and is full of sediment. This will add sinuosity and vegetation. It is a nicely engineered project.
- **Motion** by Gary P. to accept Li-6-09-23 as a project and approve as submitted. **Second** by John D.
- **Motion** passes unanimously.

**Postponed 310's.**

**1. Li-04-01-23, Ekman, Tobacco River**

- Postponed until the landowners are back in Montana.

**2. Li-04-03-23, Dugopolski, Pike Creek**

- Kathleen J. said this project is the result of a violation where the LCD asked the landowners to remove sandbags from the stream. After discussion with the landowner, the team learned that this has been an ongoing problem and the previous landowner suggested continuing to add to existing layers of sandbags. Brian S. is concerned that the greater risk is in removing the sandbags.
- **Motion** by Kathleen J. to deny the application. The applicant can leave the sandbags in place to prevent sedimentation and degradation downstream. The landowner is not permitted to add any more sandbags. If a future need arises to address water levels, the landowner must submit a 310 application. **Second** by Gary P.
- **Motion** passes unanimously.

**3. Li-05-01-23, Voyles, Tributary of Laughing Water Creek**

- Gary P. said the board discussed this application at the last meeting. More information was required to make a decision. The amendment indicates that the contractor will pump water out of the pond and release it on the other side of the driveway into the stream.
- **Motion** by Gary P. to approve Li-05-01-23 as submitted. **Second** by John D.
- **Motion** passes unanimously.

**4. Li-05-03-23, Noble, Fortine Creek**

- Gary P. said this is a project that needs to be completed. Garrett, the contractor on the project, said the rock will be fresh crush. The Riprap will be coming out of the ground. The intent is to have a 1:1 or 1:1.5 slope when finished. They will not be able to work from the tracks as there is not enough room. With the amendment, the contractor plans to work from the right of way, set supersacks at the edge of the creek, remove the roadway and then build a ramp. A base of 3-5' riprap will be placed and then begin building up towards the tracks. The road will be put back in place after the repairs are completed.
- **Motion** by Gary P. to approve Li-05-03-23 as submitted. **Second** by John D.
- **Motion** passes unanimously.

**New Business:**

- **Permissive Medical Mill Levy**
  - **Motion** by Don C. to approve. **Second** by Gary P.
  - **Motion** passes unanimously.
- **2023-2024 LCD Preliminary Budget**
  - **Motion** by Don C. to approve. **Second** by Gary P.
  - **Motion** passes unanimously.
- **Personnel Policy Update**
  - Postponed as the update is not complete.
- **RMIS Insurance Quote**
  - Chris H. said they are currently working with forty-four special districts in Montana. He reviewed the current proposal for LCD insurance and legal requirements.
  - **Motion** by Gary P. to approve proposal from RMIS. **Second** by John D.
  - **Motion** passes unanimously.
- **Local Working Group**
  - Postponed. Brian Ressel was not present.
- **Resignations from Mike and Laura Garner**
  - Mike and Laura Garner have moved from the area and resigned their positions as supervisor, Vice-Chairman, Treasurer, Supervisor for Administrator, and Planning Board Representative.
  - **Motion** by Don C. to accept the resignations. **Second** by John D.
  - **Motion** passed unanimously.

- **Appoint CD representative to the Lincoln County Planning Department**
  - The existing board members feel taxed with current commitments and are not sure they can take on one more task. John D. asked if it is possible to discontinue our representation on the planning board. Rae Lynn will check to see if it is possible to just have Jesse Haag provide updates.
  - **Motion** by John D. to postpone. **Second** by Don C.
  - **Motion** passes unanimously.
- **Appoint Supervisor for District Administrator**
  - **Motion** by Don C. to appoint Gary P as the supervisor for the District Administrator. **Second** by John D.
  - **Motion** passed unanimously.
- **Elect Treasurer**
  - **Motion** by Gary P. to nominate John D. as Treasurer. **Second** by Don C.
  - **Motion** passed unanimously.
- **Elect Vice-Chair**
  - **Motion** by Don C. to nominate Gary P. as Vice Chair. **Second** by John D.
  - **Motion** passed unanimously.

#### Unfinished Business

- **Filling Supervisor Vacancy**
  - Joe Lewicki expressed interest in serving as a supervisor for the LCD. Lewicki retired from the Forest Service.
  - **Motion** by Don C. **Second** by John D.
  - **Motion** passed unanimously.

#### Final Inspection Reports

Li-08-05-22, Chappelow No Name Creek - Complete

#### Open Mic and Other Business –

Gary P. discussed wanting to ensure sufficient time for finding a replacement for the District Administrator position if Rae Lynn resigns.

The meeting was adjourned at 6:29 p.m.

Respectfully Submitted,

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Kathleen Johnson, Chairperson

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Rae Lynn Hays, District Administrator

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