

LINCOLN CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
Libby AFM Building
September 18, 2024, 4:00 pm
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Attendance:

Board of Supervisors:

Kathleen Johnson, Chair; John DeLeo; Don Crawford, Wayne Maahs; Gary Pershall (zoom), Randy Evins-zoom, Kurt West (zoom), Ed Braaten - zoom

Absent:

Associate Supervisor(s) Wayne Maahs

Advisor(s): **Brian Stephens (FWP)**

District Administrator: **Rhonda Rockwell**

Guest(s): Jesse Haag – Planning Department. Mark Peterson, Leonard Peterson, Roger Clift

Called to order: 4:00 p.m. by Kathleen Johnson, Chair

Public Comment- None

Minutes-

- **August 2024 meeting minutes**
- **Motion to accept July 2024 by John D.**
- **Second by Gary P.**
- **Passes unanimously**

Financial Report-

- **John D.** presented the financial report.
- **Motion** to approve by **Don C.**
- **Second** by **Gary P.**
- **Motion passes unanimously.**

MT FW&P- Brian Stephens-

Grant Administrators Report Rae Lynn Hays-

WWC engineering is meeting with landowners to do surveys and compile data. They will continue with engineering plans. There should be a quarterly report coming soon.

District Administrators Report- Rhonda Rockwell

FWP would like to come to a board meeting in November or December to discuss the Troy AIS station. It offers a larger grant than the Eureka station. FWP really would like our district to take over this. They will leave it open to us, but in the future may look into another district taking it over in the best interest of the station.

To rewrite the District's Personnel policy Rhonda still needs more answers.

310s

C-10-02-22, Neumann, Phillips, Fisher River

John D. has called the attorney twice and left messages. No calls have been returned. Jesse H. is also waiting for information from their attorney.

E-09-01-24, Cochran, Kingsley Creek

John D. and Brian S. did a site visit. There was concern about a bridge in the diagram from the landowner. It is not stated whether this bridge is existing or will be built. On the site visit John D. noticed there was a log bridge, but it may not withstand weight of equipment if it is used. It was reminded that the application asked for Kingsley Creek to be delisted, and that is not an action the board can take. John D. had told the landowner that he needs to provide the board with detail as to how and where of the home being built and tapping into the spring. The landowner did not change the application, only added some pictures that simply do not provide enough information. John D. brought out that we should deny the application but make sure there is a phone call explaining.

- **Motion by John D.** to deny the application
- **Second by Don C.**
- **Motion passes unanimously.**

Li-09-02-24, Bushfield, Tobacco River

Supervisors discussed that this is the application to remove the dam.

- **Gary P. made a motion** to approve
- **Second, by John D.**
- **Motion passes unanimously.**

Li-09-03-24, Clift, Sinclair Creek

Rae Lynn H. reported there will be no equipment in the stream, and well away from the stream. Roger Clift agreed and added that it is a well-engineered project. Brian S said it seems to have plenty of span and height. He would like to get the work done before fall. It was agreed that there have been enough members there during the siphon blow-out and ultimately the engineering seems well designed that this could be approved, waive 15 day

- **Motion by Gary P. to accept and approve, and waive 15 day**
- **Second by John D.**
- **Motion passes unanimously.**

Li-09-04-24, GLID, Therriault Creek

It was explained that this project will use failsafe methods to ensure no erosion goes into the creek. Straw wattles and silt fence will be used. Evergreens will be planted every 10'.

It was brought out that this seems to all be well away from Therriault Creek.

- **Motion to accept and approve by Randy E.**
- **Second by Ed B.**
- **Motion passes unanimously.**

Li-09-05-24, GLID, Grave Creek

Supervisors agreed there will be no impact to the stream, and this should be declared not a project.

- **Motion to declare not a project by Gary P.**
- **Second by Randy E.**
- **Motion passes unanimously.**

Li-09-06-24, Fancher/Moses, Therriault Diversion

Joe M. explained that the project of removing a junk vehicle is miles after the diversion and is time sensitive.

Supervisors agreed there will be no impact to the stream, and this should be declared not a project.

- **Motion by Gary P. this is not a project**
- **Second by John D.**
- **Motion Passes unanimously**

Li-09-07-24, GLID, Therriault Diversion

Supervisors agreed there will be no impact to the stream, and this should be declared not a project.

- **Motion by Gary P. this is not a project**
- **Second by John D.**
- **Motion passes unanimously**

Unfinished Business-

Personnel Policy -

Postpone- awaiting more information

Postponed 310s

C-04-01-24, St Pierre, Big Cherry Creek

Jesse Haag was present and explained that he has been to the site and the work done is changing the hydraulics to the creek during high water. They could visually see that. The neighbor has voiced concern that due to Mr. St. Pierre actions he will lose bank, and possibly his home. Jesse also explained his site visit and debris Mr. St. Pierre had piled along the floodway. He went on to explain there is a difference between floodway and floodplain. Jesse voiced concern of this being remedied-at least the jetty- before high water levels. It is a very volatile creek, and historically, at one point washed away a structure in the area in the past. Wayne M. brought out a point for consideration that if the county can declare this an emergency, it would be something to consider if it would make things move faster. It was brought out that even with that action, historically, a 310 was needed. Don C. made 3 or 4 attempts to make a site visit. It was clear to all it is a violation; however, mitigation needs to be agreed on before requiring Mr. St. Pierre to fill out an application. It was asked if since it is floodway, if Jesse H. has any pull to get action sooner.

Jesse brought out that it is his understanding that the landowner declares emergency. John D. asked Jesse if he thought Mr. St. Pierre would act or respond, in his opinion. Jesse said he is good about sending back letters, but they never have an outlined action. Kathleen asked Jesse if sending a letter by sheriff had any merit. Jesse said that the letters the health board sent, Mr. St. Pierre claims he never received, so further correspondence has been sent by sheriff to ensure he received it. It was brought out by Jesse that the county attorney maybe the next, although they really do not want to. It also is difficult to think of what the possible outcome will be of requiring Mr. St Pierre to fill out an application, as he has stated he is unable. Rhonda brought out that Hailey told her if she must help him while doing it in the office -we must have an application filled out. The consensus is that the streambed and bank need to be restored before high water. Don C. said we need to declare a violation. Wayne M. asked what fines or penalties would be. Don C. said we just need to declare a violation, and decide what remediation is today, without addressing penalties. Gary reminded all that a 310 could hold us up. There was discussion over pictures and what has been done by Mr. St. Pierre and what the best possible mitigation might include steps of remediation of jetty first.

C-04-01-24, St Pierre, Big Cherry Creek- continued

- **Motion by Don C.** to declare a violation, require a 310-application submitted by Oct 1, and remind him Rhonda is available to help.
The letter should state he needs to restore the bed and bank to natural state.
Require him to remove jetty by Nov 1. The bank terrace, etc. should be restored by September 1, 2025
- **Second by John D.**
- **Motion passes unanimously**

C- 08-03-24, DEQ, Emerson, Lake Creek

John D. did the site visit and observed that the rocks had been removed from the creek. There were only 5 and they were in shallow water and caused no disturbance.

- **Motion by Gary P.** to close the file.
- **Second by Ed B.**
- **Motion passes unanimously.**

C-06-02-24, Sill, Leiss, Kootenai River

Discussion was about a new letter, from Western Roots Law Firm. There was discussion about the attorney misconstruing the law or being incorrect. Gary P. wondered if the attorney should see a picture of the sign in the water to understand her clients' actions. Don C. asked if having the Corp of Engineers involved since it is a navigable stream and the sign being a safety issue would be possible. It was discussed that we really need an attorney, possibly Caitlin, to review the letter from Western Roots Law, and tell us exactly where his attorney is incorrect and provide us with more guidance on a letter to Western Roots Law.

- **Motion by Gary P.** to postpone and get information from Caitlin
- **Second by Ed B.**
- **Motion passes unanimously.**

New Business-

Mini-Trainings-

Rhonda has sent out these to the board per Catey B. They contain valuable training and answer many questions the board has. Everyone was encouraged to read them.

Area 5 Meeting- Everyone is encouraged to attend.

Amended Budget-

Rhonda R. explained the need to amend was due to levy income amounts now being given to her from county. The other amendment is the expense for grant writing now

- **Motion to approve amended budget by Don C.**
- **Second by John D.**
- **Motion passes unanimously**

Final Inspection Reports:

Li-07-02-23 Sims, Young Creek- close file

Li-06-07-23, Sims, Young Creek- close file

Li-05-01-24, Interbel, Mills Spring- close file

Open Mic and Other Business

Adjourn