

**LINCOLN CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
Lincoln County Annex, Eureka
October 16, 2024, 4:00 pm
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Attendance:

Board of Supervisors:

Kathleen Johnson, Chair; Gary Pershall; Randy Evins, Ed Bratten
(Zoom): John DeLeo; Wayne Maahs

Absent: Don Crawford

Associate Supervisor(s) Wayne Maahs

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

District Administrator: Rhonda Rockwell

Guest(s): Jesse Haag – Planning Department (Zoom)

Called to order: 4:02 p.m. by Kathleen Johnson, Chair

Public Comment- Kathleen J. mentioned that Wayne Maahs had been awarded a 30 year pin at the Area Five Meeting, and it will be given to him at the November board meeting in Libby. Mike Justus also received a pin. Mike has moved out of state and will not be a member of the board.

Minutes-

- September 18, 2024, meeting minutes
- **Motion** to accept September Minutes by **John Deleo**, **Second** by **Gary Pershall**
- **Motion Passes unanimously**

Financial Report-

- **John D.** presented the Treasurers report.
- **Motion** to approve by **Randy E.** , **Second** by **Ed Bratten**, **Motion** passes unanimously.

MT FW&P- Brian Stephens-

- Busy field days are almost to a close. Bull trout /red count enumeration is almost done. Gillnet lake monitoring of kokanee salmon is about mid-way through. Kathleen J. asked if the kokanee monitoring is collected only on Lake Koocanusa. Brian S. remarked that the monitoring is done on any lake in Lincoln County that FWP stocks kokanee. FWP monitors size and maturity. FWP can then adjust stocking rates.
- Brian also commented that their crew was at Grave Creek, and the red count doesn't look good for the set threshold of FWP to open the fishery on Lake Koocanusa. The report has been that way for a few years. Gary P. asked if that was due to low water. Brian S. said he cannot answer for certain. It is a theory. Juvenile abundance indexes are all high. But we aren't seeing the adults return like in the past. 4 -5 years of monitoring red counts indicates lots of offspring, however the adults are not coming back.

Grant Administrators Report Rae Lynn Hays-

- Rae Lynn just finished quarterly reports for Grave Creek restoration preliminary engineering as well as Glen Lake Dam survey Project. She reminded all that this was the grant that the board approved changing the scope of work to construction. A formal request has been made. Also, an amendment. Rae Lynn is waiting to hear back from them.
- The new grant manager indicated they only do two reimbursements; one after deliverables and another when the final report is submitted. Rae Lynn read the contract – it does say 50% is available 30 days after the contract is executed. Remaining 50% upon completion of the final report. If it is a financial hardship for the district, they can put in a request for that amount. Or do one request when deliverable and final report is submitted. Rae Lynn wants to know how the board wants to proceed.
- Would they want to take money out of savings to pay invoices to date- (which would be 21,406.80 remaining in grant total).
- Or does the Board want to submit the claim to DNRC as they are,
- Or would they prefer to ask the engineer if he wants paid at the end of the project? Kathleen J. asked what WWCs opinion is on this. Rae Lynn brought out that she just received this email today and has not been able to talk to WWC. On other projects the protocol was that we received half of the grant money, then the other half when final report came in. Kathleen asked if the board needs to decide today. Gary P. asked how much we have in savings. Rhonda said about 97,000. Kathleen asked Rae Lynn her feelings on holding all the invoices until completion of the project. Rae Lynn, in her opinion, said she would not like to hold on to 40,000 in invoices until the end. Kathleen then asked if this was all for preliminary engineering and if the district would be reimbursed by DNRC. Rae Lynn said yes. Kathleen asked how long it would be until reimbursed. Rae Lynn anticipated not too long. It has been surveyed and WWC has talked to landowners. What WWC needs is documents from the last project that Rhonda had sent. Kathleen asked what amount the grant is for. Rae Lynn answered 40,000. Rae Lynn also clarified that in the past, we were reimbursed half of the amount for work that has been done. Then we received the other half when all engineering was complete.
- Gary P. asked if there was an option of paying a percentage down. Rae Lynn replied that the monies in question are 20,000, not the whole 40,000. She also mentioned that the money could be transferred to checking from savings. Gary P. remarked he would not like to hold all invoices. John D. agreed.
- John D. wanted clarification on when the grant money is paid out- upon engineering completion or final report. Rae Lynn clarified that this grant is specifically for preliminary engineering. The final report is the preliminary engineering along with board signing it declaring the work is done. DNRC said in today's email that they don't like to reimburse half up front, even though their contract does state they can. Rae has submitted a 15,510.20 invoice to DNRC. That is what prompted the email from DNRC. The grant manager said they would like to pay at the end of the project. John D. asked how long to complete engineering. The hang up is the documents Rhonda sent; WWC cannot find them. They need a plan for restoring those 3 areas. And the cost associated with construction.

Grant Administrators Report Rae Lynn Hays-continued

John D. mentioned paying something up front. Kathleen asked if the amount would be 20,000
Rae Lynn mentioned the amount of invoices to date is 18,593.20.

- **Motion** to approve paying 18,593.20 out of savings by **Gary P, Second by John D.**
- **Motion passes unanimously**
- Rae Lynn further commented in response to Kathleen J. about Rae Lynn working with Rhonda to get the invoices paid from WWC, Rae Lynn answered that Rhonda has the invoices, we just need John D. to move the amount of invoice into checking from savings. Then Rhonda can write a check for the invoices. Rae Lynn only needs to know the check numbers and date they were paid.
- Rhonda wanted to know who makes the transfer from savings. Rae Lynn replied that John D. normally does the transfers. However, anyone can call and transfer monies.
- Kathleen asked if we are being reimbursed for AIS costs. Rae Lynn replied that we are. Kathleen asked if there is anything else on that project we need to know? Rae Lynn replied that the contract is nearing close. Ends November. We will still get reimbursement for Rhonda and Sabrinas time and travel expense along with Cooks invoices. There should be discussions with FWP about next year's grant amount. Rae Lynn explained that she did not calculate retirement into liabilities. This seems to be a new issue; the understanding was that you had to be a permanent employee and work 30 hours or more. The year's projected amount does not include retirement. We can investigate what is paid to Rhonda and see how much is paid to her to possibly calculate retirement. Employers pay the higher percentage.

District Administrators Report- Rhonda Rockwell-

- The end of the month is the FWP Fall Partner Meeting. Rae Lynn suggested to Rhonda that Sabrina could accompany Rhonda due to the fact she is now the station's site lead. Due to that, the office will be closed Oct 29 and 30.
- It seems MPERA must be offered to AIS workers. Further information is needed. Gary P. asked how much that would cost. Rhonda said it varies by employee. Kathleen agreed there should be further research.
- The Model Rules from DNRC seems to have changed. The board needs to look it over and decide if they want to change theirs as well. Kathleen wanted to know exactly what had changed. Rhonda read what violation language had changed. It was discussed that they do not need to act today, Rhonda just wanted to make them aware she would be getting information to them on what seems to have changed.

310s

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

- Rhonda received a letter today from RMIS. She called Chris at RMIS to enlighten her on the intent of the letter and what should be done about the error in the conservation districts name. Chris told her it is a letter of intent that Glatfelter is representing the district in the legal matters involving Neumann and Benson. He will call the attorney to correct the district's name. Chris has also had no reply to his calls to Kim More. John D. has had the same issue.

E-10-01-24, Interbel, Summit, Dickey, Stillwater

- Kathleen J. asked Brian S. his thoughts on this. Further discussion went to an email about his interpretation of this project. Kathleen read Brians report. A site visit was not necessary. It seemed to him from previous projects that they ran another channel. So, if they are using an existing bore, it is a very simple project.
 - **Motion by Gary P.** to accept and approve the application.
 - **Second by John D.**
 - **Motion passes unanimously.**

Li-10-02-24, Noble, Parmenter

- **Brian S. and Don C.** did the site visit. Brian commented that the site is a difficult one. The county had done some work a couple of years ago. There had been woody debris that accumulated and was causing bedload material, hence, causing a back eddy. The project a couple of years ago by the county attempted to get flow going downstream instead of eddying along the bank. Unfortunately, the erosion has continued and there is a house and septic that are starting to be threatened. Brian S. said that it looks like there is plans to address the septic after the bank is stabilized. The situation is bad, and something needs to be done. It looks like the intent for the project is to place rip rap along the steep exposed bank that is eroding. 2 to 3 foot rap on bottom hopefully bedded and keyed in. The top end of the project would have one-foot rap and tie into some mature trees. Then carry on down to other mature trees. Diagram there is a log that they want to swing up against far bank. Because it is catching alluvium and piling up. Their intent is

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to suggest the creek find a new route. The intent is to armor bank, so the house and septic are not threatened.

They are going to move some bedload around to see if flow will make the bend without eroding the bank. Brian said that the threat is imminent, and something has to be done.

The stream is completely dry now and would be best done immediately.

There was discussion that this is a time sensitive project and should be done before the next run-off event. There was discussion that 15 day waiting period should definitely be waived.

- **Gary P. made a motion** to accept, approve and waive the 15 day
- **Second, by Ed Bratten**
- **Motion passes unanimously.**

Jesse H. wanted to point out that there has not been a floodplain permit submitted to his office yet. He urged caution about waiving the 15 day, as it may give people the wrong impression. There are strict guidelines on types of rip rap that they follow.

Li-10-03-24, St. Pierre, Big Cherry

Don C. and Rhonda did the site visit. Rhonda reported that DNRC informed us that we must have an application even if we help him fill it out. That is what happened on the site visit. Don wanted Mr. St. Pierre to take the material back about 4 feet that is under the bird house. Also to remove enough rocks from the creek so water could flow more freely.

John D. has seen the site and wanted to know if there would be heavy equipment. Rhonda and Kathleen said the application says it will be done by hand. John D. mentioned that is a lot of material to be done by hand. Gary P. asked what timeline there is. It was discussed that the deadline is November 1, 2024, for anything that obstructs stream flow. John D. commented that it would be good for the board to be notified when he starts work so a board member can observe.

Jesse H. mentioned that normally he would like more information on the project. He thought it was a very good idea to have a board member look at it. He wanted to further have noted that Mr. St. Pierre has said before he would remove it and continued instead to make it bigger.

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

Li-10-04-24, Cochran, Kingsley, Spring Creek

John D. asked Brian S. for his thoughts. Brian replied that it has been withdrawn, so this does not require action. Rhonda made mention that she had talked to Hailey about this and her advice, since it was on the agenda, was to discuss that the board accepts his withdrawal. John replied that they will be submitting a new application.

- **Withdrawal accepted**

Unfinished Business-

Postponed 310s

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

Kathleen mentioned that she feels we have satisfied this by deciding it was a violation last board meeting. Kathleen was provided an email from Rhonda that had just came in. Kathleen read it aloud. Hailey said we can consider it satisfied by the decision being it was a violation, OR consider it still open until application is submitted and remediation complete. Gary P. brought out that we should keep it open until resolved. John D. agreed

- **Motion by Gary P. to keep open until resolved.**
- **Second by John D.**
- **Motion passes unanimously**

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

Kathleen reminded all that at the last board meeting this complaint was postponed until we had more information from Caitlin Overland. Rhonda read the draft letter based on advice from Caitlin O. Kathleen brought out that this a complaint and the district must investigate that complaint. Also of note is that we remind him that he can petition for a declaratory ruling.

- **Motion by Gary P. to send letter to Western Roots Law attorney.**
- **Second by John D.**
- **Motion passes unanimously.**

Ed B. questioned the possibility that Mr. Sill may own the property down to low water mark. There was discussion about whether Mr. Sill placed the sign when water was low, if the sign is on his property. Rhonda brought out that the fact is, he put it up without a permit. Kathleen answered Ed B. about how emergency actions take place.

New Business-

MACD Annual Convention/ change board meeting to 13th

Kathleen brought up the need to move the date of the next board meeting to November 13th so that it does not interfere with the MACD convention.

- **Motion by Randy E. to move next board meeting to November 13th, 2024**
- **Second by Ed B.**
- **Motion passes unanimously.**

Kathleen J. informed the board that she and Rhonda would be attending the MACD convention on November 19th through 21st. This requires board approval.

- **Motion by Gary P. to approve travel**
- **Second by Ed B.**
- **Motion passes unanimously.**

Resolutions-

- **Resolution 24-01-Resolutuin to reduce the Use of Neonicotinoids in Montana**

Motion by to Gary P. to oppose the resolution, second by Randy E., Motion stands opposed.

- **Resolution 24-02- NACD to Encourage NRCS to Return Some Hiring Responsibilities Back to individual States**

Motion by Gary P. to support the resolution Second by Ed B. Motion stands supported

- **Resolution 24-04- for Managed Aquifer Potential in Montana**

Motion by Gary P. to support, Second by John D. Motion stands supported

- **Resolution 24-03 for MTDOT/BNSF Invasive Species Cooperation**

Motion by John D. to support, second by Gary P. Motion stands supported.

CD Law updates

Laws have been changed and the district will need to purchase a bond. The board would like more information about why we would take off crime and then have a bond.

- **Motion by Ed, B to purchase bond.**
- **Second by John D.**
- **Motion passes unanimously.**

Proxy signatures

Hailey had mentioned that every board member that votes on a decision should sign the decision form. This is difficult for a zoom participant. In that instance it is possible to do a proxy signature. John wanted to know if we could do a signature electronically. Discussion continued about various scenarios of getting someone's signature. Gary P. was in favor of having a proxy signature. It was clarified that this would only be for the decision form. Ed B. was favorable to having a proxy signature.

Still need Don C. opinion.

MPERA-AIS workers

Rhonda informed the board that new information has come to light regarding AIS workers. Each employee needs to be provided with a form from MPERA upon hiring to opt in or out of MPERA. Gary P. wanted to know how much this costs. Rhonda explained that the cost varies depending on each employee each paycheck. There is a percentage paid by each employee and a percentage paid by employer.

Rhonda's vacation

Rhonda is requesting vacation time November 25, 26th, and 27th. She has family visiting.

- **Motion by Gary P. to approve Rhonda's vacation time**
- **Second by Randy E.**
- **Motion passes unanimously.**

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Personnel Policy-

- Motion to approve language that seasonal employees are not job attached by Gary P.
- Second by Ed B.
- Motion passes unanimously.

Final Inspection Reports:

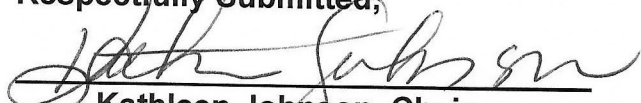
Li-10-03-24, AFM Pleasant Valley, Fisher River

- Close file

Open Mic and Other Business

Meeting adjourned at 6:06pm

Respectfully Submitted,


Kathleen Johnson, Chair


Rhonda Rockwell, District Administrator

Date: Nov 13, 2024