

**LINCOLN CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
Plum Creek Timberlands Office, Libby, Montana  
July 15, 2015**

**Attendance:**

Board of Supervisors: Darris Flanagan, Chairperson; Valene Goff; Susan Ennenbach; Wayne Maahs; Mike Justus

Associate Supervisor(s):

Advisor(s): Kirk Sullivan, N.R.C.S; Mike Hensler, MtFW&P;

District Administrator: Becky Lihme

Guest(s):

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

**Public Comment:**

**Minutes – Motion** by Susan Ennenbach to approve the minutes of June 2015 as presented. **Second** by Valene Goff. **Motion passed.**

**Financial Report –**

- **Motion** by Wayne Maahs to approve the Financial Report for June 2015. **Second** Valene Goff. **Motion passed.**
  1. FY 2014/15 Final Budget Report
    - Staff noted \$681.45 in grant funds was carried over from FY 2014/15, but should not have been. These funds cleared in June 2014.
    - **Motion** by Mike Justus to approve the Fiscal Year 2014/15 Final Budget Report as presented. **Second** by Wayne Maahs. **Motion passed**
- Staff noted we received our insurance invoice from Payne Insurance in the amount of \$1,110.00 and if there are no objections she make the payment next week; otherwise the payment will be past due. Mike Justus noted this is a budgeted item and expected expenditure for payment.

**NRCS Report – Kirk Sullivan**

- EQIP – A center pivot was recently completed. A proposed pivot is in the planning phase with fall construction planned.
- Due to the hot temperatures and Stage I fire restrictions, thinning has slowed until temperatures cool off; September sometime.
- 2016 EQIP – Fourteen (14) applications are already on file. Eleven applications not funded in 2015 will be considered for 2016 funding. Inventory has been started.
- CSP 2015 – Two (2) applications have been approved for funding. Contracts will be obligated by the end of July.

**MtFW&P Report – Mike Hensler**

- Mike Hensler reported he received a telephone call from a contractor regarding the installation of a well for ground water on the Indian Springs property for drinking water. The question of water rights is the issue. D.N.R.C. states the ground water is connected to the Tobacco River aquifer. There was no answer from D.N.R.C. Mike McClean stated this is a legal issue. If there is excess water then Indian Springs will not need an agreement with D.N.R.C. However, if the ground water connects into Lake Koochanusa, then U.S.A.C.E. would be involved. It will be interesting to see the outcome.
- Wayne Maahs asked how MtFW&P is involved.
- Mike Hensler responded the water right is in-stream flow.
- The grand opening of Libby Pond is August 1<sup>st</sup>.
- The Lincoln Conservation District has been nominated to participate in the “15 and Forward” program. It is about re-visiting our (MtFW&P) vision; who we are.
- There has been channel shifting on Lake Creek (Davis property) away from the house. Someone has dug a road along the embankment from the county road to the house, wide enough for an ATV.

**District Administrator’s Report**

- Volunteer hours were recorded for June.
- News articles are in the Board Packets.
- Staff noted she will be attending a WordPress workshop in Kalispell on Tuesday, July 21<sup>st</sup> and on Thursday, July 23<sup>rd</sup> the Area V Administrator’s Meeting in Missoula.
- Dave martin will be conducting a stream trailer training prior to the August Board Meeting
- An on-site has been scheduled for the Tobacco River Restoration Project (Kassler property) on August 13<sup>th</sup>.
- The DEQ 401 Certificate for the Dunn Creek project is in the Board Packets.
- Staff announced the results from the NACD Poster Contest, state level.
- The Montana AWRA is hosting a river restoration workshop October 8<sup>th</sup> and 9<sup>th</sup> in Missoula.
- The Task Order between River Design Group and DNRC is in the Board packet for the 319 grant proposal.

**Planning Board Report – Mark Romey**

- No report

**GLID Report**

- The question of water availability was asked of Valene Goff. Valene responded she has not talked to Bill regarding water recently.

**310's**

**Li-07-01-15 – Kvalpil, Libby Creek**

- **Motion** by Mike Justus to approve Li-07-01-15 as presented with standard suction dredging requirements; waive fifteen (15) day waiting period. **Second** by Wayne Maahs.
- Mike Hensler asked the Board to consider specifying within the two (2) year 310 permit the actual period of dredging operation; for example July 15<sup>th</sup> through September 1<sup>st</sup> or July 15<sup>th</sup> through October 1<sup>st</sup>. He is receiving phone calls for extensions on other projects.
- Mike Justus was concerned if the dates were changed “mid-stream” by the other agencies then we would be allowing different dates for dredging.
- Darris Flanagan stated we have a current motion on the floor to vote on.
- **Motion passed.**
- Mike Justus noted we can discuss this during the next renewal period; we have already approved 310 permits for suction dredging this cycle, should not change now.

**Tabled 310's**

**Li-06-04-15 – Quirk Cattle Company, Indian Creek**

- Mike Justus reviewed the project. He conducted the on-site and has the following recommendations: The fifteen (15) day wait period is waived; the south wing wall to be anchored two (2) feet below channel depth; four (4) columns or a stem wall will be constructed to support the culvert spillway to maintain the grade control; footings will be dug down below scour depth.
- **Motion** by Wayne Maahs to approve Li-06-04-15 with recommended modifications; the south wing wall to be anchored two (2) feet below channel depth; four (4) columns or a stem wall will be constructed to support the culvert spillway to maintain the grade control; footings will be dug down below scour depth and waive the fifteen day waiting period. **Second** by Valene Goff. **Motion passed.**

**New Business:**

- a. Supervisor/Administrator of the Year Nominations
  1. Due August 15<sup>th</sup>
    - Nomination forms are in the Board Packet.

- b. Staff Vacation Request – September 1<sup>st</sup> through 3<sup>rd</sup>
  - Staff is planning a vacation September 1<sup>st</sup> through 3<sup>rd</sup>. No action needed.

**Unfinished Business:**

- a. Lincoln Conservation District Model Rules –
  - 1. Public Meeting(s) June 17<sup>th</sup>, July 15<sup>th</sup>
    - Darris Flanagan reported LCD conducted two public hearing meetings.
    - **Motion** by Wayne Maahs for the Lincoln Conservation District to adopt the 2015 Model Rules as written. **Second** by Mike Justus.
    - Susan Ennenbach commented it was very appropriate for Wayne to make the motion to approve the Model Rules due to his hard work.
    - **Motion passed.**
- b. Emery Li-12-02-14 Update
  - Wayne Maahs reported he received an e-mail stating Judge Wheelis granted Mr. Emery an additional week to complete the project. Wayne conducted an on-site on June 29<sup>th</sup> and took photos of the project site. Mr. Emery had placed additional woody material; marginal, but made the effort.
    - Susan Ennenbach asked if he (Wayne) felt Mr. Emery had complied with the court order.
    - Wayne Maahs responded we (LCD) did not specify the amount of woody material to be placed.
    - Susan Ennenbach noted you (Wayne) used your judgement in the wood that on-site was sufficient, but Mr. Emery cut it up for firewood.
    - Wayne Maahs noted he was looking at the material remaining.
    - Mike Hensler stated, so all the material was used for firewood.
    - Wayne Maahs responded Mr. Emery complied with the judge's decision.
    - Staff reported she had contacted Bernie Cassidy and Don McIntyre to see if we (LCD) can close this permit. Don MacIntyre replied we still have a civil case. We will not close the permit until we hear back from Bernie Cassidy that the case is closed.
    - Mike Hensler asked if the power box has been moved. It was the location that created this entire project. It is to the advantage of the power company (Northern Lights) to move the box.
    - Wayne Maahs noted Mr. Emery said he has asked for the power box to be moved. It will cost thousands of dollars to move it; charged to Mr. Emery.

- Darris Flanagan noted the case is now in the penalty phase and recommended the Board give Wayne Maahs direction as the District representative.
  - Wayne Maahs stated the case has moved from civil to criminal; assuming the civil is no longer an issue. The judge ruled \$500.00 in criminal court; he seemed very reluctant.
  - Susan Ennenbach noted the judge wouldn't impose a fine; there is no money.
  - Wayne Maahs replied the judge is aware of Mr. Emery's financial situation due to the recent divorce. Mr. Emery complied with the order to repair.
  - Darris Flanagan recommended the District write a letter to Northern Lights informing them of our concerns on the location of the power box and the possible flooding issues.
  - **Motion** by Wayne Maahs for the District to write a letter to Northern Lights and Mr. Emery requesting the power box be moved to eliminate the flooding issue from occurring; cc to Don MacIntyre and Bernie Cassidy. **Second** by Susan Ennenbach. **Motion passed.**
- c. District Credit Card – Update
- No report
- d. Reserve Funds Options for Investment
- Staff presented possible options for the supervisors to consider.
- e. Mil Levy Adjustment – Update
- Staff reviewed the most recent e-mail from Robin Benson.

**Final Inspection Reports:**

- a. Li-06-04-14 - Plum Creek Timberlands, Tributary of Cruian Creek – Tabled
- b. Li-11-03-14 - Lincoln Electric – Item closed
- c. Li-11-01-14, Plum Creek Timberlands, Crystal Creek – Item closed
- d. Li-12-01-14 – Plum Creek Timberlands, Elk Creek – Item closed

**On Sites Needed:**

**Open Mic and Other Business:**

- Wayne Maahs inquired if Tony Prato gave an explanation of his resignation. Staff replied in an earlier conversation with Mr. Prato it seemed he preferred to be a voting member of the Board.

**LINCOLN CONSERVATION DISTRICT**  
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The next Conservation District Board Meeting will be held on Wednesday, August 19, 2015 at 4:00 p.m. at the U.S. Forest Service Office, Eureka, Montana.

Meeting adjourned at 5:10 p.m.

Respectfully Submitted,

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Darris Flanagan, Chairperson

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Becky Lihme, District Administrator

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









