

**LINCOLN CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
Weyerhaeuser Office, Libby, Montana  
September 18, 2019  
4:00 p.m.**

**Attendance:**

Board of Supervisors: Darris Flanagan, Vice Chairperson; Tom Maffei; Laura Garner; Kathleen Johnson; Mark Romey; Don Crawford

Absent: Wayne Maahs

Associate Supervisor(s):

Advisor(s): Brian Stephens, MTFW&P

District Administrator: Becky Lihme

Guest(s): Jance Phillips; Charles Park; Barbara Neuman; Dave Neuman; Gene Auge

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

**Public Comment:**

**Minutes:**

a. August 2019

- **Motion** by Mark Romey to approve the minutes of August 2019 as presented. **Second** by Tom Maffei. **Motion passed.**

**Financial Report:**

a. July 2019

- **Motion** by Kathleen Johnson to approve the August Financial Report as presented. **Second** by Tom Maffei. **Motion passed.**

**Item Moved C-09-01-19** – Phillips, Neuman, Pleasant Valley/Fisher River

- Staff reported the complaintant asked this item to be withdrawn.
- **Motion** by Tom Maffei to withdraw C-09-01-19. **Second** by Laura Garner. **Motion passed.**

**Item Moved Li-08-01-19** – Neuman, Pleasant Valley/Fisher River

- Tom Maffei reported after the project on-site was conducted the applicant amended the application proposal.
- Dave Neuman noted the amendment is based upon the recommendation from Jake Mertes, County Floodplain Coordinator.
- Jance Phillips added he presented the information from Mark Pitman, DNRC to Mr. Neuman.
- Dave Neuman stated if he were to continue with the proposed cap, the new height of the dam would require a floodplain permit. A floodplain permit would not be required if he does not raise the level of the dam. Mortar mix will chip off. Mark Pitman has recommended using epoxy; 6 mm thick to

- support the concrete. The revised plan was sent to Mark Pitman and Jake Mertes.
- Tom Maffei noted this is a two level dam and the proposal is to make the dam flat but not increase the level of the entire dam and cover with epoxy. Bentonite clay will be placed as a sealant along the bottom of the wall.
- Don Crawford asked how the bentonite will be applied.
- Dave Neuman responded the bentonite will be poured. The bentonite will spread and expand along the upstream side of the dam.
- Tom Maffei noted there is no appearance of erosion; no bank work. There is no turbidity as structure currently exists; no effect on stream flow; no aquatic habitat will be affected.
- Laura Garner asked what happens to the original diversion.
- Dave Neuman responded the bentonite will be poured around the diversion. Dave Neuman introduced Gene Auge. Mr. Auge worked on the original construction of the diversion.
- Darris Flanagan stated the original construction does not affect what we are doing today.
- Dave Neuman stated yes it does; the workmanship put into the structure built in the 1950's.
- Mr. Auge stated the dam was built by hand and poured in sections over three summers.
- Dave Neuman posed questions to Mr. Auge describing the original structure.
- Jance Phillips asked what this has to do with today's issue. There is no debate on the height of the dam as long as it is no higher than now.
- Tom Maffei noted the washing of the equipment and to follow Best Management Practices.
- Don Crawford stated the Forest Service would clean equipment prior to entering the watercourse.
- Darris Flanagan call for a motion.
- Jance Phillips noted the applicant cannot raise the level of the dam.
- Laura Garner commented if he raises the dam now, won't you get a wash effect on the downstream side.
- Jance Phillips explained the washing effect Laura Garner was describing.
- Dave Neuman commented Mark Pitman did not express concern about leveling the dam to the same height the entire distance of the dam. He needs to move the rocks that are placed at the foot of the dam every few years.
- **Motion** by Mark Romey to approve Li-08-06-19 as presented with the amendment provided by the applicant; Follow Best Management Practices

#1 and #2 as listed on the inspection report; equipment is to be cleaned for weed seed; waive fifteen (15) day wait period; follow guidelines as established by Mark Pitman, DNRC. **Second** by Laura Garner. **Motion passed.**

**Item Moved C-09-02-19 - Bawden/Harding, Kootenai River**

- Staff reported Dr. Harding contacted her. He is very cooperative. Wayne Maahs and Don Crawford will schedule the on-site. Item tabled.

**Item Moved 09-03-19 – Welch, Callahan Creek**

- Staff reported this the after the fact 310 permit from Mr. Welch for the diversion on Callahan Creek.
- **Motion** by Tom Maffei to approve Li-09-03-19 as presented. **Second** by Mark Romey. **Motion passed.**

**Item Moved Li-09-04-19 - Ward, No Name Creek (Eureka)**

- Laura Garner reported the project is on a forty-four (44) acre parcel. The water is over flow from Sinclair Creek. The project is within a marsh area. The applicant wants to place a twenty-four (24) foot culvert, maybe twenty-six (26) foot due to the road width. The gravel fill will increase with the widening of the road. The marsh may disappear from clearing for the culvert.
- Darris Flanagan clarified the water comes from the GLID ditch. The watercourse flows year around.
- Kathleen Johnson noted the shorter culvert will affect the rise; the longer culvert will have less issues.
- Laura Garner noted two (2) feet will not affect anything.
- Darris Flanagan stated the variance will be 14 feet from 12 feet for the road. The culvert length will remain the same.
- Kathleen Johnosn asked about the shorter culvert placement.
- Darris Flanagan responded moving the culvert closer to the trees is probably not important. The gravel will need to be higher.
- **Motion** by Laura Garner to approve Li-09-04-19 with the road variance from twelve (12) feet to fourteen (14) feet, placement of a twenty-six (26) foot culvert; waive the fifteen day wait period. **Second** by Kathleen Johnson. **Motion passed.**

**Item Moved Li-09-05-19 – Shaver, French Creek**

- Don Crawford conducted the on-site. The project is within a wet meadow across multiple properties; the creek is not perennial but intermittent. The channel appears to have been ditched. Everything he observed indicates this is an intermittent stream. No scour channel; low-lying clumps of alder.
- **Motion** by Don Crawford to declare Li-09-05-19 does not fall under Lincoln Conservation District jurisdiction and is not a project under the Natural Streambed and Land Preservation Act (310 Law). **Second** by Mark Romey. **Motion passed.**

- Don Crawford directed staff to include in the letter we recommend contacting the CORPS since the project area could be wetland.

**Item Moved** New Business c. Health Benefit Plan Update

**1. Leave of Absence Coverage / Waiting Period for New Employees / ACH Payment Authorization**

- **Motion** by Don Crawford to implement within the health benefit program, Waiting Period for new hires – Date of hire (no waiting period). **Second** by Tom Maffei. **Motion passed.**
- **Motion** by Laura Garner to implement for medical coverage during a leave of absence – No, we do not offer medical coverage during a leave of absence. **Second** by Kathleen Johnson. **Motion passed.** Roll call vote: Johnson yes; Crawford no; Garner no; Maffei no; Romey yes; Three (3) yes, two (2) no.
- **Motion** by Tom Maffei to allow ACH as the form of payment for medical health benefits for employees. **Second** by Laura Garner. **Motion passed.**

**Item Moved** New Business d. Personnel Manual Update

- After discussion, item tabled.

**Item Moved** New Business e. Area V Meeting

**1. Hotel Accommodations**

- Staff reported Darris Flanagan and she are asking for hotel accommodations due to the distance travelled to the Area V Meeting. The other supervisors attending have other accommodation plans.
- **Motion** by Mark Romey to approve for one (1) night accommodation for Becky Lihme and two (2) night accommodations for Darris Flanagan. **Second** by Tom Maffei. **Motion passed.**

**Item Moved** New Business f. 318 Authorization

- Staff reported the 318 Authorization through MTFW&P was initially completed with Mike Hensler.
- Brian Stephens noted Sanders County Conservation District completes the 318 Authorization with their permit letter. Brian will present the MTFW&P letter to staff at the meeting the 310 permit application decision is made to be mailed with the 310 approval letter.
- Mark Romey asked if there is a permit fee associated with his approval.
- Brian Stephens responded, no as long as the permit is processed through him.

**Item Moved** Unfinished Business a. Hats

- Staff reviewed the two (2) options for hats; mesh or cloth.
- **Motion** by Laura Garner to purchase twenty-four (24) hats with the option of 50% mesh and 50% cloth. **Second** by Kathleen Johnson. **Motion passed;** No vote by Don Crawford.

**MTFW&P Report – Brian Stephens**

- Brian Stephens reported MTFW&P finished the fish assessments on the Kootenai River and Lake Koocanusa.

**District Administrator's Report**

- Volunteer hours were recorded.
- The 310 permitted workshop discussed at the August Meeting will need to be scheduled in the spring. The staff from DNRC will not be available until then. Susan James from the CORPS, Libby Dam, confirmed we may use the meeting room at the visitor center for the workshop.
- We received a third place ribbon for our exhibit at the county fair.
- Tree and shrub sales packets have been sent out.
- Susan Bawden, DEQ, has requested our information regarding the Davis property on Lake Creek.

**Planning Board Report – Laura Garner**

- No one from the Eureka area attended the public comment hearing for the new county growth policy; there were a couple from the Libby area. The proposed growth policy has been sent on to the commissioners.
- The planning board approved a repair and expansion of a boat ramp on Logan Creek.

**SWCDM - Samantha Tappenbeck**

**310's: Items Moved**

**C-09-01-19** – Phillips/Neuman, Pleasant Valley/Fisher River

**C-09-02-19** – Bawden/Harding, Kootenai River

**Li-09-03-19** – Welch, Callahan Creek

**Li-09-04-19** – Ward, No Name Creek (Eureka)

**Li-09-05-19** – Shaver, French Creek

**Tabled 310's: Item Moved**

**Li-08-06-19** – Neuman, Pleasant Valley/Fisher River

**New Business:**

- a. November Board Meeting/MACD Convention
  - Staff reported the November Board Meeting is the same week as the MACD Convention.
  - **Motion** by Kathleen Johnson to move the November 20<sup>th</sup> Board of Supervisors Meeting to November 13<sup>th</sup>. **Second** by Mark Romey. **Motion passed.**

- Staff noted if attendees spouses want to attend the costs are in the Board Packet.
- b. MACD Annual Dues Structure
  - Staff reported a copy of the proposed dues structure is in the Board Packet. Our (LCD) annual dues would decrease. The proposed dues structure will be discussed at the Area Meetings and the MACD Convention.
- c. Health Benefit Plan Update – **Item Moved**
- d. Personnel Manual Update – **Item Moved**
- e. Area V Meeting – **Item Moved**
- f. 318 Authorization Procedure – **Item Moved**

**Unfinished Business:**

- a. Hats – **Item Moved**
- b. Grant Update
  - i. Tobacco River – Kassler
    - 1. Phase I – DEQ 319 Grant
    - 2. Phase 2 – DNRC Reclamation Grant
      - Gary Decker e-mailed a project update.
    - 3. Phase 2 – 319 Interim Grant Funding
    - 4. Sweet Grass CD Watershed Grant – Phase II
  - ii. Mud Creek - Roose
    - 1. DEQ 319 Grant
      - John Muhlfeld e-mailed a project update.
- c. Conservation Districts Environmental Contingency Grant Program
  - Staff reported Mahlon Detweiler contacted Brian Ressel to report he is unable to complete his re-seeding this fall. Enos Miller has not contacted the District since submitting his Landowner Agreement this past spring, which has since expired. We did not receive the required W-9 form from Mr. Miller. Since the grant is not due until June of 2020, staff asked for direction from the Board as to close the grant at this time or extend the re-seeding projects with the landowners.
  - **Motion** by Don Crawford to offer an extension to Enos Miller with a new Landowner Agreement and W-9 due by November 1, 2019 and seeding completed by May 1, 2020. **Second** by Kathleen Johnson. **Motion Passed.** Mark Romey, no vote.
  - **Motion** Laura Garner to extend the Landowner Agreement with Mahlon Detweiler and seeding is to be completed by May 1, 2020. The signed landowner extended agreement will be due December 1, 2019. **Second** by Mark Romey. **Motion passed.**
- d. McCone Conservation District – Soil Health Grant Update

- e. Grant Sponsorship Criteria
  - Kathleen Johnson and Darris Flanagan will meet to establish the sponsorship criteria.

**Final Inspection Reports**

11-03-18 – Weyerhaeuser, Richards Creek

**On-Sites Needed**

**Open Mic and Other Business**

The next Conservation District Board Meeting will be held Wednesday, October 16, 2019 at 4:00 p.m. at the U.S. Forest Service Office, Eureka, Montana.

Meeting adjourned at 5:44 p.m.

Respectfully Submitted,

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Wayne Maahs, Chairperson

\_\_\_\_\_  
Becky Lihme, District Administrator

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







