

**LINCOLN CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
U.S. Forest Service Office, Eureka, Montana
October 16, 2019
4:00 p.m.**

Attendance:

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

Absent: Laura Garner

Associate Supervisor(s):

Advisor(s): Josh Erickson, U.S.F.S.; Brian Ressel, N.R.C.S.

District Administrator: Becky Lihme

Guest(s):

Called to order: 4:00 p.m. by Chairperson, Wayne Maahs

Public Comment:

Minutes:

a. September 2019

- Tom Maffei noted the roll call vote on page 4 should be "yes" for Laura Garner.
- **Motion** by Darris Flanagan to approve the minutes of September 2019 as corrected; Under New Business c. Health Benefit Plan Update, roll call vote Garner should be "yes". **Second** by Tom Maffei. **Motion passed.**

Financial Report:

a. September 2019

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

b. Training and Registration Expense Account

- Staff reported with the upcoming MACD Convention we will exceed the budgeted funds in the Training and Registration Expense Account by \$762.13.
- **Motion** by Darris Flanagan to approve the Training and Registration Expense Account will exceed the budgeted amount by an \$762.13 when the MACD Convention costs are paid. **Second** by Mark Romey. **Motion passed.**

NRCS Report – Brian Ressel

- A new employee Olivia Cannizzo has been hired as an administrative assistant.
- The hiring process for a NRCS partner position is underway. This will be a forestry position funded by NRCS and DNRC. The position duties will be similar to the DNRC position held by Mike Justus to complete Forest Management Plans.
- A summer student position is planned for 2020.

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- The new office renovation and design is in the planning stages. There will be four (4) work stations. New furniture and flooring will be installed
- Year one of the two year Edna-Fortine Creek Forest Resiliency Project has been completed. Brian discussed a map of the project area.
- Other EQIP projects that have been funded are irrigation system, hoop houses and thinning and slash treatments.

MTFW&P Report – Brian Stephens

District Administrator's Report

- Volunteer hours were recorded.
- There is one (1) newspaper article in the Board Packet.
- N.R.C.S. will be conducting an informational Farm Bill Meeting on October 31st in Bozeman.
- DEQ has sent correspondence for public comment.
- Jance Phillips sent an e-mail regarding Dave Neuman allowing water flow through his head gate past the approved date. The Board directed staff to notify Mr. Phillips this is a water rights issue.
- New 310 Rules were sent to the District from Jason Garber, DNRC. We will need to revise our Model Rules and approve a resolution. Jason would like all Districts to have their Model Rules changed by January 2020. The Model Rules revision will be placed on the November Board Meeting Agenda. The Public Comment Meeting will be held prior to the Regular Board Meeting in December.
- We received notification from Montana State Fund of our annual dividend.
- The LCD representative on the Planning Board is a Planning Board Member.
- MACD raffle tickets are available.

Planning Board Report – Laura Garner

SWCDM - Samantha Tappenbeck

310's

C-10-01-19 – Karoglanian/Hollingsworth, West Fisher River

- Wayne Maahs and Don Crawford visited the site. There was no disturbance to suggest work was done within the creek.
- **Motion** by Darris Flanagan to declare C-10-01-19 not a violation. **Second** by Don Crawford. **Motion passed.**

Li-10-02-19 – Hollingsworth, West Fisher River

- Wayne Maahs described the project and the location. The 310 permit application was very sketchy. The project will be 500 feet not 100 feet

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and the project will be more detailed than the information submitted in the application.

- Mr. Hollingsworth participated in the on-site with Wayne Maahs and Mark Romey and will withdraw the application.
- **Motion** by Darris Flanagan to accept the withdrawal of Li-10-02-19. **Second** by Mark Romey. **Motion passed.**

Li-10-03-19 – Easter, Houghton Creek

- Wayne Maahs and Mark Romey conducted the on-site. The project is to clean the existing pond by lowering the level of the water. The pond has a nice dam with a head gate. Recommend to approval as presented.
- **Motion** by Tom Maffei to approve Li-10-03-19 as presented. **Second** by Mark Romey. **Motion passed.**

Li-10-04-19 – Olsen, Lake Creek

- Tom Maffei reported Allen Olsen is doing the project for the landowner. The plan calls for dumping rock onto the streambank. There is no current evidence of the bank sloughing off. The project has no plan for keying in the placed rock. Mr. Olsen has scheduled an engineer to visit the site later. Tom Maffei recommends table the application until the engineer sees the project then amend the application
- Don Crawford noted there is also a violation involved. Rocks were on-site from a previously built patio. The rock placement has the potential for damage in the future.
- Tom Maffei added scouring can occur during high flow. He recommends the rocks be pulled out as mitigation, if a violation is found.
- **Motion** by Don Crawford to table Li-10-04-19. **Second** by Tom Maffei. **Motion passed.**
- Staff noted a complaint form will need to be completed for the alleged violation and placement of rocks.

Tabled 310's: Item Moved

C-09-02-19 – Basden/Harding, Kootenai River

- Wayne Maahs described the location of the project. The team recommends leaving the steps but remove the deck; plant native grass seed; cover with straw for erosion. It will be simple to remove the deck.
- Kathleen Johnson asked why remove the deck structure.
- Wayne Maahs noted a permit was not applied for and the District does not want to set a precedent for the future.
- Kathleen Johnson asked if the deck is set in the streambank.
- Wayne Maahs responded yes.
- Kathleen Johnson asked if a 310 permit application would be needed to do this.

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- Wayne Maahs stated the project could not extend this far into the river embankment.
- **Motion** by Darris Flanagan to declare C-09-02-19 as a violation under the 310 Law with mitigation to seed with native grass and straw for erosion control; maintain the existing silt fence. **Second** by Tom Maffei. **Motion passed.**

New Business:

a. Resolutions for MACD Convention

- Staff explained the process for resolutions through MACD. Staff asked for the copies of resolutions to be brought for a vote at the MACD Convention; two were received; Lake County Conservation District support of the CSKT Compact and the Cascade Conservation District for SWCDM to amend the articles of incorporation. Both are in the Board Packet, a possible third resolution is expected.
- Kathleen Johnson asked about the vote on a resolution.
- Wayne Maahs responded an endorsement for the compact by MACD supports the compact. At the Area V Meeting the LCD abstained.
- Darris Flanagan added our “in favor” vote is we support the compact.
- Kathleen Johnson noted her concern about publicly supporting the compact; not all the information is available. Mark Suta stated eastern Montana is not weighing in on the discussion; remaining neutral on the compact. The compact is now going through the federal process.
- Don Crawford noted we need to make decisions for our vote by the November Board Meeting.
- Kathleen Johnson stated if we (LCD) are opposed to supporting the compact, we need to have a solution.
- Wayne Maahs distributed a graph/map of the water rights without the compact and the water rights that are adjudicated with the compact.
- Kathleen Johnson noted there are 10,000 claims above and beyond the compact. Passing of the compact does not resolve the issues.
- Wayne Maahs noted the Hell Gate Treaty has given Native Americans water rights on every stream in western Montana.
- Kathleen Johnson added the Hell Gate Treaty provides for hunting and fishing.
- No action taken at this time. Item to be placed on November Agenda.
- Staff summarized the resolution submitted by Cascade Conservation District to convert SWCDM from a 501c4 to 501c3. No action. Item to be placed on November Agenda.

b. AIS Grant Program

- Staff reported the AIS grant program is being updated and input or ideas are being requested. She explained the District's position two years ago

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- regarding the supervision and coordination of two AIS inspection stations in Lincoln County.
- Don Crawford stated if the program includes educational training and materials plus how to identify mussels for AIS outreach he would be interested in the grant.
- c. Spring Workshop
 - Staff reported Karl Christians and Jason Garber will be available next spring to conduct a 310 workshop. Susan James, USACE, Libby Dam, confirmed we can use the downstairs meeting room at the visitor center for the workshop. Staff suggested providing education credits for realtors.
 - Contractors and the public will be invited.
- d. EPA Columbia River Basin Restoration Funding Assistance Program
 - No action
- e. Kootenai River Network Kootenai Watershed Public Meetings
 - The letter from the Kootenai River Network announcing the public meetings is in the Board Packet.
- f. NACD Live Auction Donation
 - No action
- g. DNRC Administrative Grant - \$450.00
 - Staff reported we received the requested \$450.00 to purchase a used fire proof and locking file cabinet. Due to the re-arranging of the office space, we now have room for the cabinet.
- h. DEQ, Davis, Lake Creek
 - Staff spoke with Mike Hensler briefly regarding the removal order from DEQ. He is waiting to hear from the DEQ attorney for status on the order.

Unfinished Business:

- a. Personnel Manual
 - Staff asked if there were any corrections to the proposed personnel manual; would the Board like to include the requirements for the new health benefit plan for medical coverage during a leave of absence or new hire.
 - No corrections.
 - **Motion** by Darris Flanagan to approve the September 2019 Personnel Manual as presented. **Second** by Tom Maffei. **Motion passed.**
- b. Grant Update
 - i. Tobacco River – Kassler
 - A site tour will be held tomorrow at the project at 1:00 p.m. with representatives from DNRC and DEQ.
 1. Phase I – DEQ 319 Grant
 2. Phase 2 – DNRC Reclamation Grant
 3. Phase 2 – 319 Interim Grant Funding
 4. Sweet Grass CD Watershed Grant – Phase II

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- ii. Mud Creek - Roose
 - 1. DEQ 319 Grant
 - The DEQ post inspection may be held tomorrow following the Tobacco River.
- c. Conservation Districts Environmental Contingency Grant Program
 - Staff reported Mr. Miller e-mailed requesting the landowner agreement and W-9. Staff re-sent those documents. Mr. Detweiler has not responded.
- d. McCone Conservation District – Soil Health Grant Update
 - Brian Ressel reported he has not had any contact from the district administrator.
- e. Grant Sponsorship Criteria
 - Kathleen Johnson, Darris Flanagan and staff met to discuss the criteria. Staff will compile the information to present to the Board.
- f. Grant Financial Summaries
 - Staff reported grant summaries from the Mud Creek Project and Tobacco River project are in the Board Packet.
- g. Health Insurance Update
 - Staff reported the new United Health Plan effective date has been postponed to January 1, 2020. She is continuing with her current health plan.

Final Inspection Reports

11-03-18 – Weyerhaueser, Richards Creek

On-Sites Needed

Open Mic and Other Business

- Darris Flanagan asked the current Model Rules and Flathead Property Owner Rights be sent out to the Board.

The next Conservation District Board Meeting will be held Wednesday, November 13, 2019 at 4:00 p.m. at the Weyerhaueser Office, Libby, Montana.

Meeting adjourned at 5:40 p.m.

Respectfully Submitted,

Wayne Maahs, Chairperson

Becky Lihme, District Administrator

Date: _____

