

**LINCOLN CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
Via Teleconference  
August 19, 2020  
4:00 p.m.**

**Attendance:**

Board of Supervisors: Wayne Maahs, Chairperson; Darris Flanagan, Vice-Chairperson; Tom Maffei; Laura Garner; Don Crawford; Kathleen Johnson; Mike Garner

Absent:

Associate Supervisor(s):

Advisor(s): Brian Stephens, MTFW&P; Brian Ressel, NRCS

District Administrator: Becky Lihme

Guest(s):

**Called to order:** 4:03 p.m. by Chairperson, Wayne Maahs

Meeting held via teleconference.

**Public Comment:**

**Minutes:**

a. July 2020

- **Motion** by Tom Maffei to approve the minutes of July 2020 as presented. **Second** by Kathleen Johnson. **Motion passed.**

**Financial Report:**

a. FY 2020/21 Amended Budget – Permissive Medical Mill Levy/Mill Levy Verification

- Staff reviewed the mill levy in the amended budget. Increased income was distributed to the payroll expenditure to subsidize the employee annual and sick leave pay out.
- **Motion** by Darris Flanagan to approve the FY 2020/21 Amended Budget. **Second** by Mike Garner. **Motion passed.**

b. July 2020

- Staff reviewed the July financial report.
- **Motion** by Kathleen Johnson to approve the July Financial Report. **Second** by Don Crawford. **Motion passed.**

c. Permissive Medical Mill Levy One Time Payment

- Staff reported in previous years she used a formula for determining the monthly permissive medical mill levy income and mill levy income. This fiscal year, the permissive medical mill levy is \$1,200 and could be made in one payment.
- **Motion** by Laura Garner to deposit the Permissive Medical Mill Levy of \$1,200.00 income in one payment; two payments, if needed. **Second** by Darris Flanagan. **Motion passed.**

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- d. Funds Transfer for Employee Retirement Annual Leave/Sick Leave
  - **Motion** by Tom Maffei to transfer \$3,500.00 from hold-over/unspent funds to Payroll Expense. **Second** by Darris Flanagan. **Motion passed.**

**NRCS Report – Brian Ressel**

- Brian Ressel reported on the collaborative Joint Chiefs Program. A thinning project is planned for the Highway 2 corridor south of Libby. The largest complaint is the U.S. Forest Service needs to implement fuels reduction.
- DNRC sent out letters this week for EQIP. The Edna Creek project area is in year 4 of 5.
- A project proposal for the Glen Lake area has been submitted.
- High tunnel projects are very popular and are “overtaking” fuels reduction projects in numbers and participants.

**MTFW&P Report – Brian Stephens**

- MTFW&P just completed the juvenile bull trout population estimates in spawning tributaries of the Kootenai Watershed. The main stem Kootenai River trout population monitoring will be in the following weeks.
- A brown trout, turned into MTFW&P, was caught below Libby Dam and is under investigation to determine its origin. This is the second confirmed brown trout in this section of river in recent years.

**District Administrator's Report**

- Volunteer hours were recorded.
- DEQ has opened the “Call for Applications” for the 319 Non-source point grant program. Applications are due by October 14<sup>th</sup>.
- Staff asked for those who need to have name badges replaced or new.
- We received a thank card from the MT Biocontrol organization.
- DEQ has issued a comment period for Indian Springs subdivision in Eureka.

**Planning Board Report – Laura Garner**

- Laura Garner reported one application for lake shore work was received from Meuse on Sophie Lake for the construction of stairs and a retaining wall above the high water mark. The Planning Board required cloth underlayment.

**310's**

**C-08-01-20 – Wagner, North Fork O'Brian Creek**

- Don Crawford reported that he, Tom Maffei and Brian Stephens conducted the on-site. The landowner did not attend. The inspection team is recommending this be a violation and to send notice of the violation. A second on-site will be needed to determine mitigation. Mr. Fleming has had health problems which delayed him

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contacting the LCD. He will be happy to cooperate with LCD. Don Crawford is optimistic about Mr. Fleming working with LCD.

- **Motion** by Don Crawford to declare C-08-01-20 a violation under the 310 Law. Staff will notify Mr. Fleming of the decision and the request for an on-site. **Second** by Tom Maffei. **Motion passed.**

**Li-08-02-20 – Noble, Libby Creek**

- Wayne Maahs described the project as the applicant wants to fill a “swimming hole” at his irrigation ditch. He will place bags of dirt to divert the water during the work. The project will not require much excavation.
- Don Crawford noted this will be a long French drain. Any soils will be placed on top of the drain.
- Brian Stephens would like to be contacted prior to work for fish salvage.
- Wayne Maahs recommended to approve as presented.
- Tom Maffei noted to waive the fifteen day wait period.
- Wayne Maahs noted work must be completed by the the 27<sup>th</sup> for bull trout. The applicant is working with the EPA; the sacks are considered “fill” within the stream.
- **Motion** by Tom Maffei to approve Li-08-02-20 as presented; assign Darris Flanagan as the designated signer; note in the letter for the applicant to contact Brian Stephens prior to work; waive fifteen day wait period. **Second** by Don Crawford. **Motion passed.**

**Li-07-03-20 – Katsilometes, Lake Creek**

- **Motion** by Wayne Maahs to declare Li-07-03-20 a project; table for an on-site inspection **Second** by Mike Garner. **Motion passed.**

**Li-08-03-20 – Cuffe/Lake Rene LLP., Clay Creek**

- Tom Maffei, Wayne Maahs and Brian Stephens conducted the inspection. The project is to remove six trees below the Lake Rene Dam. Rip-rap will be keyed into the bank on one side of the dam and keyed into an existing concrete slab on the other. Brush and riparian vegetation will remain. The proposed work will have no impact on the dam. Wayne Maahs recommended to approve as presented.
- **Motion** by Tom Maffei to approve Li-08-03-20 as presented; assign Darris Flanagan as designated signer; waive fifteen day wait period. **Second** by Don Crawford. **Motion passed.**

**C-08-04-20 – Roediger, Worth-Rogers, Silver Butte River**

- Wayne Maahs reported he contacted Ms. Worth-Rogers. She is in quarantine from COVID19 and she will be available after the 20<sup>th</sup> for an inspection.

**Li-08-05-20 – Evensen/Arnold, Lake Creek**

- Wayne Maahs reported this application is same as the previous application. Don Crawford, Tom Maffei and Brian Stephens conducted the inspection. Previous the work had been completed without a 310 permit and was declared a violation. Rock had been placed into Lake Creek. The 310 permit to complete the mitigation

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called for rip-rap to be placed in Lake Creek. The application was denied due to no engineer's design. The current application has an engineer's design. The inspection team recommends to approve the project, however, the Board needs to discuss removal of the rock previously dumped over the embankment.

- Darris Flanagan asked if the original violation mitigation is part of this application.
- Don Crawford replied yes.
- **Motion** by Don Crawford to approve Li-08-05-20 as presented; assign Darris Flanagan as designated signer; maintain construction dates as indicated on application for bull trout. **Second** Mike Garner. **Motion passed.**

**Li-08-06-20** – Dutton, Libby Creek

- It was determined an inspection was not held for this particular rock harvesting location. Wayne Maahs and Don Crawford had conducted the on-site for Mr. Dutton's other permit application along Highway 2.
- Wayne Maahs recommended the Board declare this a project and table for an inspection.
- It was noted the requested start date is August 20<sup>th</sup>. Rock harvesting in Libby Creek will be concluded by the next Board meeting due to bull trout.
- Don Crawford noted the applicant seems very reliable if he has permission with the county.
- Brian Stephens noted Mr. Dutton can start on August 20<sup>th</sup> but must be out of the water course on September 1<sup>st</sup>.
- Staff noted to include Rock Harvesting Guidelines with the permit.
- Brian Stephens noted rock will be collected from the floodplain.
- Wayne Maahs noted this is still a project under the 310 Law.
- Don Crawford stated it is within the high water mark.
- **Motion** by Don Crawford to approved Li-08-06-20; no activity in wetted stream bed after September 1<sup>st</sup>; waive fifteen day wait period; assign Darris Flanagan as the designated signer. **Second** by Tom Maffei. **Motion passed.**

**E-08-07-20** – Ziegenhagen, Sinclair Creek

- Laura Garner reported a recent storm caused a tree to fall into the stream bed changing the water course causing water to be cut-off from the cistern. At the time of the inspection, the water was back to normal course.
- Darris Flanagan recommended approval with no further action.
- **Motion** by Laura Garner to declare E-08-07-20 an emergency under the 310 Law with no further action required; assign Darris Flanagan as designated signer. **Second** by Darris Flanagan. **Motion passed.**

**Li-08-08-20** – Vredenburg, Dickey Creek

- Darris Flanagan reported he has been in contact with Mr. Vredenburg. Mr. Vredenburg wants to replace only the head gate. He misunderstood the

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alternatives portion of the application. There is no problem to change head gate as presented.

- **Motion** by Darris Flanagan to approve Li-08-08-20 as presented; assign Darris Flanagan as designated signer. **Second** by Laura Garner. **Motion passed.**

**Tabled 310's:**

**Li-07-03-20 – Katsilometes, Lake Creek**

- Don Crawford reported the applicant is not ready to implement the project this Year. At the inspection, he withdrew the application and will re-apply next year.
- Wayne Maahs directed staff to acknowledge the withdrawal with a letter.

**New Business:**

- a. Appointment of District Administrator
  - Wayne Maahs reported the hiring committee selected three candidates to interview.
  - Darris Flanagan asked to make note Kathleen Johnson did not serve on the selection committee and will not participate in the discussion or vote to name a district administrator.
  - Wayne Maahs stated all the candidates were good. The committee recommends to offer the position to Rae Lynn Hays.
  - **Motion** by Darris Flanagan to hire Rae Lynn Hays as the District Administrator. Should Rae Lynn not accept the position Erica Luchik is the first alternate and Samantha McCurry second alternate. **Second** by Laura Garner. **Motion passed.** Kathleen Johnson, abstain.
- b. Big Sky Watershed Corps Member 2021
  - Staff reported Big Sky Watershed is accepting requests for interns for 2021.
  - Don Crawford noted not to pursue with a new administrator.
  - Wayne Maahas agreed.
  - Laura Garner stated “too much too soon”.
  - No action.
- c. Pollinator Initiative Cost Share Program
  - Staff reported on the cost share program for large acreages. We received our pollinator seeds too late this past spring to adequately conduct the program for small garden plots.
  - Kathleen Johnson noted this would be a good project for Rae Lynn.
  - Don Crawford had many questions. He will e-mail those questions to the staff and she can forward them to Heidi at Lake County CD.
- d. Area V Meeting – Virtual Format
  - Staff reported this years' Area Meetings will be conducted by virtual format via Zoom.

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**e. Records Management Training – August 25<sup>th</sup>**

- Staff reported a records management training will be conducted via Zoom on August 25<sup>th</sup>. She will be able to participate until 11:00 a.m. The presentation will be recorded. Rae Lynn can review the information.

**Unfinished Business:**

**a. MACD/SWCDM Reorganization Update**

- No report

**b. Grant Update**

**i. Tobacco River**

**1. Phase I – DEQ 319 Grant**

**2. Phase 2 – 319 Interim Grant Funding**

- Staff reported the post inspection with DEQ will be September 2<sup>nd</sup> or 3<sup>rd</sup>.
- The As-built monitoring reports will not be completed prior to the administrator's retirement. She will volunteer to complete the final report to submit to DEQ.
- Staff reported we did not receive funding from the 223 grant for the boundary signs. The RCAC committee recommended the three conservation districts get together to replace signs.
- Kathleen Johnson stated staff did a good job putting together the grant application. The signs do impact public views of conservation districts.

**Final Inspection Reports**

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

- Wayne Maahs reported the required mitigation has been completed.

**On-Sites Needed**

- Wayne Maahs reported on-sites are needed for the following:
  - Skinner
  - Karuzas
  - Parrish
  - Roediger
  - Tisher

**Open Mic and Other Business**

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The next Conservation District Board Meeting will be held Wednesday, September 16, 2020 at 4:00 p.m. The meeting will be conducted via teleconference for COVID19 guidelines.

Meeting adjourned at 5:30 p.m.

Respectfully Submitted,

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Wayne Maahs, Chairperson

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Becky Lihme, District Administrator

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









