

MINUTES
Missoula Conservation District
August 14, 2017

Missoula Conservation District
August 14, 2017 at 7:00 pm
3550 Mullan Rd, Ste 106, Missoula, MT 59808

Missoula Conservation District Attendees:

Libby Maclay, Supervisor & Vice Chair
Paul Parson, Supervisor
Bob Schroeder, Supervisor
Art Pencek, Supervisor
Jen McBride, Staff
Monica Perez-Watkins, Staff
Brendan Hallmark, Big Sky Watershed Corps
Member

Additional Attendees:

Ladd Knotek, MT FWP
John Hart, Deputy County Attorney
Jim Simpson, Lake County CD
Heidi Fleury, Lake County CD
Matt Ulberg (MS-10-17)
E. Vose Babock (MS-10-17)
Meredith Hampton (CM-07-17)

Absent:

Tim Hall, Supervisor & Chair
Travis Greenwalt, Supervisor & Treasurer
Sidney Wills, Supervisor
Bart Morris, Associate Supervisor
John Bowe, NRCS

Call Meeting to Order – 7:01 pm by Libby Maclay, Vice Chair.

Minutes– Libby Maclay moved to approve the July 10, 2017 minutes as submitted. Paul Parson seconded the motion, motion passed – unanimous.

Treasurer's Report – Monica Perez-Watkins reported \$30,775.95 in the District checking account.

Public Comment – No public comment.

NRCS Report - District Conservationist John Bowe was absent but provided the Board with the NRCS report. The report included information on new Technical Assistance, Environmental Quality Incentive Program recent contract work and applications, Conservation Stewardship Program existing contracts and applications, and Wetland Reserve Program existing easements and an application.

Lake County Conservation District (LCCD) – LCCD Chair Jim Simpson and Conservation Coordinator Heidi Fleury were in attendance to discuss the 2018 Western Montana Grazing and Agriculture Conference. Monica Perez-Watkins, Missoula CD's Conservation and Communications Coordinator, will assist Fleury and LCCD in conference preparations. Fleury thanked the Missoula CD Board of Supervisors for approving the \$5,000.00 back up fund, which is to be used only if grant and other funding is not secured for the conference. Fleury provided the board and staff a copy of the conference draft agenda. She and Simpson discussed costs, 2017 attendance, and stated that the 2018 conference will be its third.

Libby Maclay asked Simpson to discuss LCCD's Swan Study for the Swan Conservation Forest Initiative. Simpson explained that the initiative would establish 60,000 acres of conservation forest on federal lands. The Department of Natural Resources and Conservation (DNRC) would manage the land for 100 years under state laws, rules, and regulations. The forest would be managed for forest fuels reduction and for timber harvest, with the generated

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revenue to be used to cover the cost of management and fire protection. Net revenue would be deposited to a LCCD Conservation Fund. Simpson said that public comments on the initiative are due August 31, 2017, and that thus far, the majority of received comments oppose the initiative.

Simpson said that under this program, LCCD would be a beneficiary to earn revenue for conservation work. The board discussed state land management and the similarities and differences between this proposal and state trust lands. Bob Schroeder asked about the net revenue from state land going to LCCD instead of Montana public schools. The board asked staff to resend a forwarded email from Simpson on the initiative.

New 310 Permit Applications

MS-10-17 – Clark Fork Cattle Company – Clark Fork River – Tram Reconstruction (RE: MS-34-09 & MS-09-12-Bank Work; Geocode: 04232403101070000)

Jen McBride reviewed the project to construct a tram in the Clark Fork River, showed PowerPoint images, and reviewed previous applications submitted by the applicant, Clark Fork Cattle Company, in 2009 and 2012. The previous applications were for projects to stabilize the bank, revegetate and plant, and to remove a temporary access ramp. The revegetation was to be completed as proposed in the application (Application No. MS-09-12) and the board required that the bench be revegetated with willow cuttings, bush plantings, and native grasses. McBride continued her review of the previous projects, noting that her predecessor's follow-up notes state that the planting did not occur as permitted.

Matt Ulberg, an engineer working on the project, described the project and project partners. The Board of Supervisors and Ladd Knotek asked about the tram's purpose. Ulberg explained it was for crossing. Currently, the applicant must drive approximately 40 minutes on an unmaintained timber road to reach the opposite side of the river. A boat crossing was discussed, but is not ideal for the applicant because of seasonal constraints. Knotek voiced his concerns regarding the rock of refusal in the application's design plans, stating that the river will likely move again, exposing the rock and causing more erosion issues. McBride reported that the site does not appear revegetated as required by the previous permit. The landowner and applicant Vose Babcock explained that he planted willows, but struggled with vegetation survival. The board discussed modifications that the county floodplain administration may have for the project and they also discussed the need for a bond to be in place prior to project commencement. The bond is to ensure the tram's removal upon the end of its useful life or abandonment.

Art Pencek moved to approve Application No. MS-10-17 as a project for review and approve the application with modifications in the team member reports with the condition that a \$40,000 bond is secured prior to beginning the project. Paul Parson seconded the motion, motion passed – unanimous.

The project to reconstruct a tram in the Clark Fork River is approved with modifications incorporating the following:

- Prior to beginning this project, complete the vegetation portion of projects outlined in previous Permits No.'s MS-34-09 & MS-09-12 (included with the decision letter)
- Remove the debris remaining in the Clark Fork River from the prior tram support
- Remove construction of rock refusal from design plans, as this "rock key" will eventually become exposed and exacerbate issues, including erosion, on the Clark Fork River
- Position new tram at the furthest possible location from the current low water channel
- The minimum clearance of a loaded car must provide safe passage of watercraft at high water

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- If the river channel moves, all infrastructure that is inundated by the river must be removed
- Prior to beginning the project, a bond of \$40,000.00 must be posted for the removal of the structure at the end of its useful life or abandonment
- Instream work is to occur during the low water period, July 15 – October 15
- Revegetate all disturbed areas with native riparian vegetation
- Maintain the District's standards for vegetation survival rate: 75% survival after 1 year of the project completion date and 50% survival after 2 years of the project completion date
- If Missoula County Floodplain Administration or another agency requires additional modifications to the project, a document incorporating updated designs and plans must be submitted to Missoula Conservation District for approval
- Otherwise proceed with the project as proposed in Application No. MS-10-17

MS-16-17 – Montana Rail Link – Clark Fork River – Bridge Rehabilitation (Geocode: ROW north of 04242726402020000)

McBride reviewed the project to rehabilitate piers on an existing bridge on the Clark Fork River, noting that the project is similar to a project approved September 12, 2016, Permit No. MS-25-16. The bridge is the same as the previous permit, but this project is for piers inside the active channel. McBride read the modifications required in the previous permit. Art Pencek and Ladd Knotek reviewed their team member reports.

Art Pencek moved to approve Application No. MS-16-17 as a project for review and to approve the application with modifications in the team member reports and include those required under Permit No. MS-25-16. Bob Schroeder seconded the motion, motion passed – unanimous.

The project to rehabilitate bridge piers is approved with modifications incorporating the following:

- Notify the District office when you begin and complete the project
- Do not remove vegetation or disturb areas outside of the bridge easement and travel route identified during the field visit
- Remove all fill imported into the 100-year floodplain and riparian corridor, including temporary structures such as the access road
- Reseed disturbed segments of the easement with native grasses
- Provide a riparian restoration plan for all disturbed sites outside of the easement
- Maintain the District standards for vegetation survival rate - 75% survival after 1 year of the project completion date and 50% survival after 2 years of the project completion date - for each riparian planting practice
- Otherwise proceed with the project as proposed in Application No. MS-16-17

MS-17-17 – Montana Rail Link – Donovan Creek – Culvert Maintenance and Inspection (Geocode: ROW south of 04209517201080000)

McBride reviewed the project to clean and inspect a railroad crossing culvert in Donovan Creek. She reported that the culvert was poorly placed and that there is a fish barrier on the upstream end, with debris depositing at the outlet. Pencek and Knotek reviewed their team member reports.

Art Pencek moved to approve Application No. MS-17-17 as a project for review and approve the application with modifications in the team member reports. Bob Schroeder seconded the motion, motion passed – unanimous.

The project to clean and inspect a culvert is approved with modifications incorporating the following:

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- Do not disturb the streambanks or remove riparian vegetation outside of the immediate culvert area
- Remove all fill from the site and place outside of the stream corridor
- Otherwise proceed with project as proposed in Application No. MS-17-17

MS-18-17 – Richard Christopher for Ninemile Mines Inc. – Ninemile Creek – Bridge Remediation (RE: MS-02-16 - Greg Sikes for of Ninemile Mines Inc. - Ninemile Creek Bridge Upgrade; Geocode: 04263521101020000)
McBride reviewed the project to remediate a bridge on Ninemile Creek following insubstantial work to upgrade the bridge under Permit No. MS-02-16, approved February 8, 2016. The application was required of the landowner, Ninemile Mines Inc., at the previous District meeting, held July 10, 2017. Pencek and Knotek reviewed their team member reports.

The board discussed projects in which the landowner and applicant are separate entities or individuals, and the applicant does not fulfill the requirements of the 310 permit. Pencek stated that the applicant is the agent, inferring that the responsibility falls to the landowner (in cases in which the applicant and/or contractor is not the landowner). He used a housing analogy for clarity: If a house is not up to code, the responsibility of remediation is with the owner of the house, not the contractor. John Hart stated that the 310 law does not draw a distinction between the landowner and the applicant, but that Missoula Conservation District's Administrative Rules require landowner approval of all projects.

Art Pencek moved to approve Application No. MS-18-17 as a project for review and approve the application with modifications in the team member reports. Bob Schroeder seconded the motion, motion passed – unanimous.

The project to remediate the bridge is approved with modifications incorporating the following:

- Pack fill material between abutment and streambank
- Do not place additional fill on stream margins or within the cement banks
- Reseed the original disturbed areas with native seed mix
- Block the adjacent ford access if heavy equipment is present
- Maintain the District's standards for vegetation survival rate - 75% survival after 1 year of the project completion date and 50% survival after 2 years of the project completion date
- Otherwise proceed with project as discussed during the site visit and as proposed in Application No. MS-18-17

MS-19-17 – Brian Beckman – Clark Fork River – Vegetation Removal (Geocode: 04232307101020000)

McBride informed the board that the application to remove vegetation was submitted after site visits. Knotek is requesting a site visit, therefore the application will be reviewed at the next meeting on September 11, 2017.

310 Applications Awaiting Authorized Ditch Representative

MS-12-17 – Doug Grimm – Rattlesnake Creek – Ditch Work (Geocode: 04220011305190000)

McBride reiterated that the application for ditch work should not have been added to the agenda of the previous meeting because it was incomplete. Additionally, the application was taken from the District office by the applicant, who was working to obtain a landowner signature. The application was not returned.

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McBride recommended that the Board of Supervisors deny the application since it is incomplete, stating that it could be resubmitted in the future, if it is completed. The board agreed.

Art Pencek moved to deny Application No. MS-12-17 for further review because it is incomplete. Paul Parson seconded the motion, motion passed – unanimous.

MS-14-17 – Michael Conner – Rattlesnake Creek – Debris Removal (Geocode: 04220011305190000)

McBride reported that she met applicant Michael Conner onsite with Knotek and Tim Hall to discuss the project. The work is in accordance with previously approved designs (Permit No. MS-01-14) and with standard ditch maintenance to obtain water. After the site visit, Conner withdrew Application Nos. MS-14-17 and MS-15-17.

MS-15-17 – Michael Conner – Rattlesnake Creek – Diversion Work (Geocode: 04220011305190000)

See Application No. MS-14-17 above.

Existing 310 Permits

MS-28-16 – Kimberly Hannon – Clark Fork River – Stairs to the River (Permit Expires: September 12, 2017; Re: CM-04-16 - Stairs to the River; Geocode: 04209507303040000)

McBride reported on updates to the project to place stairs to the Clark Fork River, approved at the September 12, 2016 meeting. The channel has moved since the project's approval, and the applicant would like to change the location of the stair placement and request an extension. McBride reviewed the application's original conditions and showed the board images of three separate options for the new location.

Art Pencek moved to approve an extension to Permit No. MS-28-16. Paul Parson seconded the motion, motion passed – unanimous.

The Board of Supervisors agreed to extend the project deadline and updated the project requirements as follows:

- An extension is allowed until October 31, 2018
- Relocate the stairs to the new position, "Option 1," down to the gravel bar, as discussed on-site and shown in the picture to the right (included in decision letter)
- Otherwise, install the stairs as proposed in Application No. MS-28-16

The original requirements of the Permit No. MS-28-16 included the following:

- Stairs must be installed as described and depicted in Application No. MS-28-16
- Stairs may be in place annually from July 1 through October 31
- Ensure that stairs are camouflaged while in place (as discussed at the District meeting, staining or painting the stairs the color of the surrounding bank is sufficient for camouflaging)
- Otherwise install the stairs as proposed in Application No. MS-28-16

MS-30-16 – Randy Koch - Clark Fork River – Regrade, Revegetation (Permit Expires: September 12, 2017; RE: CM-06-16 - Rock and Equipment near River; Geocode: 04232307101150000)

McBride reviewed the permit's requirements for revegetation and regrading. She then discussed her July 11, 2017 follow-up visit to the site of Permit MS-30-16. On site, applicant Randy Koch requested to modify the mowing boundaries to shorter distances from the river. The board reviewed

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images, some included the proposed mowing boundaries compared to the boundary that is a 50-foot distance from the ordinary high water mark. McBride also reported that vegetation in the project area has transitioned to noxious weeds and that revegetated plant survival is not on track to meet the requirements outlined in the applicant's September 19, 2016 decision letter. She added that she contacted Koch's contractor in the fall of 2016 about installing browse protectors to ensure vegetation survival. There were no browse protectors in place.

The Board of Supervisors decided that the project to regrade and revegetate is not completed according to the specifications approved in the permit and require compliance with the original conditions of Permit No. MS-30-16.

The original conditions of Permit No. MS-30-16 included the following:

- Remove all rock and do not place rock within 50-feet of the ordinary high water mark of the river
- Do not further disturb the riparian corridor; cease mowing and clearing of vegetation within 50-feet of the ordinary high water mark of the river
- Allow natural vegetation to reestablish
- Replant the riparian area with native grasses, shrubs, and woody plants (included with letter)
- Vegetation survival rates must meet 75% after one year, and 50% after two years
- Otherwise proceed with project as proposed in Application No. MS-30-16

McBride told the board that much of Koch's neighborhood is encroaching on the river with landscaping. She reminded the board that notice of the 310 law was sent to Koch's immediate neighbors in the fall of 2016. The board discussed neighborhood violations and methods to improve compliance, such as hiring a 310 law enforcement officer. The board also discussed the possibility of forming a committee to discuss the most effective ways to ensure compliance with the public regarding the need for riparian buffers.

MS-27-16 – Grass Valley French Ditch Company – Clark Fork River – Diversion Dam Removal (Permit Expires September 12, 2017; RE: EM-01-16 – Diversion Dam) Geocode: 04219924201020000

McBride explained that the permit to remove the rock diversion dam was added to the agenda because the applicant did not submit a new application, but wanted to construct another rock dam in the river (and remove it again) this year. After posting the agenda, a fatal accident occurred while work was conducted farther downstream on the main diversion dam. McBride reported that she spoke with the applicant and the applicant said that the ditch company would not be working in the river to construct a temporary dam.

MS-42-16 – K3, LLC c/o Nick Checota - Blackfoot River – Fill and Vegetation Removal (Permit Expires: January 9, 2018) Geocodes: 04220121401230000 & 04220122101300000

McBride reported that she conducted a follow-up visit for the installed riparian fence and showed the board images of the fence over PowerPoint. The board stated that the fence seemed adequate and discussed issues the applicant may have with revegetation due to the rocky and loose sediment on the bank.

Complaints

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CM-04-17 – Kenneth and Lorraine Aukschun – Petty Creek – Bridge Work (Geocode: 04219613301060000)

For discussion, see 310 Issues: Petty Creek.

Paul Parson moved to determine Complaint No. CM-04-17, the bridge on Petty Creek, a violation of the 310 law. Bob Schroeder seconded the motion, motion passed – unanimous.

The board determined that a 310 application for the bridge must be submitted to the District in order to remedy the violation.

CM-05-17 – MPG Ranch – North Woodchuck Creek – Structure Demolition Geocode: 04197627104070000

McBride told the board that she and Brendan Hallmark visited the site approximately one week prior to the meeting. They observed that additional cleanup has not occurred since the previous cleanup, which occurred initially following the structure demolition. A certified letter was sent to the MPG Ranch land manager, but was returned to the District office unanswered. Certified letters sent to the ranch attorney and representative were successfully sent. Bob Schroeder will hand deliver the returned certified letter to the land manager.

The District will continue to monitor the site for the required cleanup prior to the September 1, 2017 deadline, which was set at the previous July 10, 2017 meeting.

CM-06-17 – Selway Builders – Mormon Creek – Ford Crossing (Geocode: Road Easement/ 04209233402040000)

McBride reviewed the violation of a vehicle that forded Mormon Creek without a permit. She did a follow-up visit after the violator, Selway Builders, remediated the forded tracks by hand and reseeded with native seed mix. She approved of the handwork, but said the area could use more seed. McBride will follow-up with Selway Builders regarding the application of additional seed.

Art Pencek moved to dismiss Complaint No. CM-06-17, as Selway Builders did the work the Board of Supervisors required of it to remediate the violation. Bob Schroeder seconded the motion, motion passed – unanimous.

CM-07-17 – Meredith Hampton – Clark Fork River – Vegetation Removal (Geocode: 04220026201020000)

McBride reviewed the complaint regarding vegetation removal by Meredith Hampton on the Clark Fork River near an apartment complex. Hampton was in attendance and clarified that she is a tenant and does not represent the apartment complex. She explained that she removed the vegetation, initially in 2015 after a storm resulted in treefall, and again recently for river access.

McBride said she was in contact with Morgan Valliant of Missoula Parks and Recreation, since the property shows that it is owned by the city on the county's online property information system. She read Valliant's recommendations for revegetation to the board. The board asked Hampton if she could comply with Valliant's recommendations, she said she could.

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Paul Parson moved to determine Complaint No. CM-07-17, regarding vegetation removal on the Clark Fork River, a violation of the 310 law. Art Pencek seconded the motion, motion passed – unanimous.

The board requires the following revegetation conditions to remedy Complaint No. CM-07-17:

- Plant between fifty (50) and seventy-five (75) native riparian shrubs, such as woods rose and snowberry (list of native riparian shrub species enclosed with decision letter)
- Bench cut the planting holes horizontally so they form mini basins that ensure that the planted shrubs will catch water rather than lose it to the incline of the bank
- Hand water the planted shrubs
- Install methods of erosion control, such as rolled fabric or coir logs on the slope
- Complete shrub planting within one (1) year of the date of this letter
- Maintain the District standards for vegetation survival rate - 75% survival after 1 year of the project completion date and 50% survival after 2 years of the project completion date - for each riparian planting practice

CM-08-17 – Keith Beck – Swan River – Debris and Vegetation Removal Geocode:

04299218402230000

McBride reviewed the location of the anonymous complaint regarding the removal of woody debris and vegetation within and along the Swan River. The Board of Supervisors reviewed images from a July 27, 2017 site visit over PowerPoint. The images showed cut debris in the channel, machinery tracks near the banks of the river, debris removed from the channel, and some vegetation removed from the banks.

McBride informed the board that property owner Keith Beck spoke with her and FWP fisheries biologist, Leo Rosenthal, over the phone prior to work occurring at the cabin site. Both encouraged Beck to apply for a 310 permit. Beck did not submit an application. McBride encouraged Beck to schedule a visit to discuss the 310 law. McBride again spoke with Beck after the work occurred and the District received the complaint. Over the phone, Beck confirmed that he removed a debris jam and cut some logs so that his child could swim in the river. McBride said he also cleared low brush, including Oregon grape, to create a campsite along the river. McBride noted that the septic work that occurred at the site was permitted by the county and the work is likely outside of the area the where the conservation district takes jurisdiction. McBride added that Beck was cooperative during their conversation that followed the complaint and allowed her to visit the property.

After hearing about the pre and post-work correspondence and reviewing the images, the Board of Supervisors determined that the work that occurred, including the machinery on the banks, the clearing of vegetation, and the debris removal, is a violation of the 310 law. The Board of Supervisors discussed a fine of \$500.00 for the violation, but due to Beck's cooperation after the complaint was submitted, the fine was reduced to \$300.00.

Art Pencek moved to determine Complaint No. CM-08-17, regarding vegetation and debris removal on the Swan River, a violation of the 310 law and to assess a fine of \$300.00. Paul Parson seconded the motion, motion passed – unanimous.

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The board requires that Beck pay the fine and cease and desist additional work that impacts the Swan River. Such work includes debris removal, machinery on the banks of the river, and any vegetation removal that occurs within the 50-feet of the ordinary high water mark of the Swan River. The board also requires that Beck allow for vegetative regeneration and treat weeds that may inhibit the regeneration of vegetation.

310 Permit Follow-Ups

MS-04-14 – Job/Sandefur/Roberts (Corri Smith – New Lessee) - Clearwater River - Ramp Removal and Restoration (Permit Expired: May 12, 2015; RE: CM-20-13 – Vegetation Removal & Access Ramp; Geocode: 04254010302180000)

McBride reviewed the permit concerning the remediation of vegetation removal and a non-permitted access ramp within the riparian buffer of the Clearwater River on DNRC leased property. She reported on a July 27, 2017 site visit, which was conducted to follow-up on the revegetation progress, and presented the images taken on-site to the Board of Supervisors. The site continues to be in violation of the 310 law.

McBride discussed past correspondence with the previous lessees, the new lessee, and the DNRC unit manager for the leased properties. In 2016, the unit manager told McBride via email that the District's revegetation requirements and the treatment of noxious weeds and mowing exclusion within 25-feet of the river were included in the lease transfer conditions.

The District first wrote to the new lessee, Corri Smith, on July 21, 2016, to inform her of the 310 law and of the previous lessees' work to comply with the law through revegetation and ramp removal requirements. The letter also asked Smith to contact the District office to discuss the riparian vegetation. Smith did not contact the office and the leased property continues to be in violation of the 310 law. McBride told the board about her July 27, 2017 site visit to Smith's leased property, during which she discussed the board's requirements with Smith. Smith agreed to move a motor home out of the riparian buffer and to replant riparian shrubs, but she did not readily agree with not mowing within the specified riparian buffer. Revegetation work includes the survival of five red osier dogwood shrubs planted by the prior lessees and to not mow within 25-feet of the ordinary high water mark of the river. McBride said she encouraged Smith to attend the meeting to speak to the Board of Supervisors directly. Smith did not attend. The board determined that the site remains in violation of the 310 law.

Art Pencek moved to write Smith a second letter outlining what is required to be in compliance with the 310 law; he added that staff should write the DNRC Unit Manager and Land Use Planner to ask for assistance to bring the DNRC leased properties into compliance with the 310 law. Bob Schroeder seconded the motion, motion passed – unanimous.

In order for Smith to comply with the 310 law and conditions of Permit No. MS-04-14, the following conditions are required:

- Hand plant a minimum of five native riparian shrubs (list of suitable species enclosed with letter) within the riparian buffer of the Clearwater River

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- Meet the District standard of vegetation survival rate of: 75% after one year of project completion and 50% survival after two years of project completion (if this standard is not met, additional revegetation work will need to be completed in the future to ensure long term stability of the project)
- Browse protection (anchored fencing) is highly recommended to ensure survival requirements are met
- Do no mow within 25-feet of the ordinary high water mark of the river (this is to allow native vegetation to re-establish – weed treatment is encouraged)
- Move the RV outside of the 25-foot boundary from the ordinary high water mark of the river (this is to allow native vegetation to re-establish)

MS-33-13 – Brandon & William Grosvenor – Clearwater River – Bank Restoration following Violation (Permit Expired: May 12, 2015; RE: CM-19-13 – Vegetation Removal & Access Ramp; Geocode: 04254010302198001)

McBride reported similar circumstances on the site of Permit No. MS-33-13, another DNRC leased property directly north of the site of Permit No. MS-04-14. She visited the property on July 27, 2017, and told the board that she observed continued efforts to refrain from placing items or mowing within the riparian buffer, but revegetation on the access ramp is minimally successful. The board determined that the site remains in violation of the 310 law.

Art Pencek moved to have staff send a letter to lessees requiring compliance with the 310 law; he added that staff should write the DNRC Unit Manager and Land Use Planner to ask for assistance to bring the DNRC leased properties into compliance with the 310 law. Bob Schroeder seconded the motion, motion passed – unanimous.

In order for lessees to comply with the 310 law and fulfill the requirements of Permit No. MS-33-13, the following conditions are required:

- Eliminate the river access ramp using topsoil, native seed mix, and by planting native woody trees and shrubs (list of suitable species enclosed with letter)
- Water/irrigate the planting site of the former access ramp to ensure maximum establishment of the plants and seeds
- Contact the District office when you begin and complete this project
- Meet the District standard of vegetation survival: 75% after one year of project completion and 50% survival after two years of project completion

MS-04-15 – John Dimar – Clearwater River – Bridge Installation (Permit Expired: April 13, 2016; Geocode: 04243508101040000)

McBride reported on a July 27, 2017 follow-up visit to check on revegetation progress and provided the board with photos of the visit. She reported on the sparse revegetation of native riparian species,

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weeds, and erosion issues throughout the project site. The original conditions of the permit required revegetation of all disturbed areas upon completion of bridge installation.

The Board of Supervisors directed staff to write to the property owner regarding revegetation requirements of the permit.

In order to comply with Permit No. MS-04-15, all of the disturbed areas must be revegetated following the District's standards for revegetation and survival rate: 75% survival after 1 year of the project completion date and 50% survival after 2 years of the project completion date.

MS-19-15 – Double Arrow L.O.A. c/o Matt Anderson – Drew Creek – Culvert Replacement (Permit Expired: January 1, 2016; Geocode: 04254011403110000)

McBride informed the board that she has been monitoring the culvert on Drew Creek and conducted follow-up visits in April and August of 2017. She provided the board with images from her follow-up visits and reviewed the original conditions of the permit. The Board of Supervisors required the culvert to be adequately aligned with the channel, which it is not. McBride described scouring on the left side of the inlet.

The Board of Supervisors determined that the culvert was not installed as permitted and discussed remediation and probable future problems associated with scour. The board directed staff to write the permit holder and landowner to schedule an on-site review of the project and remediation discussion.

MS-02-16 – Greg Sikes for Ninemile Mines Inc. - Ninemile Creek - Bridge Upgrade (Permit Expired: February 8, 2017) Geocode: 04263521101020000

The landowner is working to bring the bridge into compliance with the 310 law. See Application No. MS-18-17 for discussion.

MS-04-16 – Tim Ibey – Butler Creek – Bed and Bank Reclamation (Permit Expired: February 8, 2017; RE: CM-10-15 Vegetation Removal & Bed and Bank Alteration) Geocode: 04232526201040000

McBride reviewed the location and project to remediate the bed and banks of Butler Creek following the 310 violation. She stated that she conducted a July 11, 2017 follow-up site visit and provided her assessment and photos from the visit to the board. Most of the planted shrubs have died, therefore not meeting the required vegetation survival rate, stipulated in Permit No. MS-04-16, and much of the site has substantial weed infestation. She said some weeds appeared to have been treated, though the effort was unsuccessful overall. After reviewing the original conditions of the permit and images from the follow-up visit, the Board of Supervisors determined that the revegetation conditions required in the permit have not been met.

Art Pencek moved to determine that the original conditions of Permit No. MS-04-16 must be met by June 30, 2018, or the landowner will be in violation of the permit and fines may apply. Paul Parson seconded the motion, motion passed – unanimous.

Original conditions of Permit No. MS-04-16 included the following:

- Native shrubs must be planted with a 4-foot spacing in disturbed areas

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- Native trees must be planted with a 12-foot spacing in disturbed areas
- Vegetation must be chosen from the native riparian species list (enclosed with decision letter)
- Minimize further bank disturbance and removal of shrubs. Remediate and reseed all disturbed areas with a native mix
- Vegetation survival rate must meet the Missoula Conservation District standard of survival: 75% survival after 1 year of the project completion date and 50% survival after 2 years of the project completion date (If this standard is not met, additional revegetation work will need to be completed in the future to ensure long term stability of the project.)
- Contact the Missoula Conservation District office upon completion of this project. A follow-up site inspection will be scheduled when the project is complete

310 Inquiries/Issues

Petty Creek – McBride reported on her site visit to the Aukschun property (Complaint No. CM-04-17) on July 11, 2017, while the board reviewed images from the visit. She discussed the bridge and its location on the stream, and recommended a new location. See Complaint No. CM-04-17 above for the Board of Supervisors' decision.

McBride then discussed the site of Complaint No. CM-08-2016, a property that is upstream of the Aukschun property (CM-04-17). The complaint was for in-stream work and dewatering of Petty Creek, and was dismissed at the January 9, 2017 meeting after property owner Jack Wilkinson spoke to the Board of Supervisors. Wilkinson told the board about the pond and said it was filled by groundwater. McBride showed the board images of the property she took from Petty Creek Road on May 25, July 11, and August 4, 2017. In the images, the pond appeared to have water in May, appeared relatively dry in July, and appeared full of water in August. McBride said that it is likely that Wilkinson is using water from Petty Creek or a tributary, however, the creek is still flowing at and below the Aukschun property despite this disturbance. McBride also noted a segment of creek and riparian area immediately upstream of the Aukschun property appears to be in a more natural state, as the creek is narrow and sinuous and the adjacent vegetation is dense. She stated that long term disturbance on Petty Creek might contribute to some seasons of intermittent flow.

She recommended the Board of Supervisors take jurisdiction on Petty Creek at this location. McBride said there are multiple potential 310 violations on this stretch of Petty Creek if the board does take jurisdiction.

The board reviewed a map of Petty Creek that indicated the locations of past stream crossing applications and the sites of non-permitted bridges that District staff observed from Old Petty Creek Road. Of the previously reviewed projects, two were determined not to be projects in 1997 and 2006 (Application Nos. MS-148-97 and MS-49-06, respectively), two were approved with modifications in 1997 and 2012 (Permit Nos. MS-84-97 and MS-04-12, respectively), and one was denied in 1997 (Application No. MS-13-97). Paul Parson said the District has received updated information regarding the 310 law. Since the previous decisions on past Petty Creek projects, the

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District now understands that the law applies to projects that may have potential impacts on a perennial channel (i.e., that the work itself does not have to be on a perennial reach). The board discussed potential methods of contacting landowners along this section of Petty Creek by sending letters or holding a public meeting.

The Board of Supervisors directed staff to write the owners of the properties with the non-permitted bridges to inform them that their bridges may be a violation of the 310 law. The bridges will be assigned complaint numbers and discussed at the September 11, 2017 meeting.

Clearwater River – Ladd Knotek discussed images of two houses along the Clearwater River, both with extensive vegetation removal on the riverbank. He believed both to be occupied by new owners and suggested watching this stretch of the river for additional violations. The Board of Supervisors directed staff to write the landowners to inform them of the 310 law.

Other – McBride informed the board of an inquiry about a Houle Creek culvert located on a county road. She discussed the characteristics of the crossing site and said a bridge would be more suitable for the site, the Board of Supervisors agreed.

Reports

County Attorney – No report.

Montana FWP – Knotek informed the board of hoot owl restrictions on the Bitterroot and Clark Fork Rivers. The restrictions include a prohibition on fishing after 2:00 pm and will be lifted when temperatures cool, likely by the end of August.

Bitter Root RC&D – Libby Maclay said there was a meeting the previous week, and an application for a project was rejected due to incompleteness.

MACD Dues Committee – Bob Schroeder said he did not have any news since the last telephone conference. He is awaiting a survey MACD will send to all conservation district staff. Staff have not yet received the survey.

District Committees – McBride informed the board that she is continuing to work on the issues with the tax mill levy. She is awaiting a response from the county Chief Financial Officer.

Missoula CD Employees and Big Sky Watershed Corps Member

Jen McBride – Resource Conservationist – July 11 – August 14, 2017

310 Administration: Reviewed 310 decisions following the June 10, 2017 District meeting. Reviewed 310 letters with Perez-Watkins. Conducted follow up visits on Butler, LaValle, Petty Creek, and the Clark Fork River. Corresponded regarding various 310 projects, inquiries, issues, and complaints. Corresponded with 310 applicants regarding possible projects on Rattlesnake Creek and the Clark Fork River. Assisted applicants with their applications as needed. Went on site to follow up on complaints on North Woodchuck Creek, Mormon Creek, and the Clearwater River. Attended 310 site inspections on the Clark Fork River, Donovan Creek, and Ninemile Creek. Prepared 310 summaries for the August meeting. Corresponded with Missoula County Attorney, Fish Wildlife &

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Parks, and other representatives regarding 310 projects and 310 inquires, issues, complaints.

Provided photos to Monica and reviewed District Meeting PowerPoint.

Conservation Planning: Worked with Monica Perez-Watkins on various District projects and programs. Corresponded as needed regarding the Western Montana Grazing and Agriculture Conference and the Low Stress Stockmanship Workshop. Discussed Cost-Share program changes with two applicants who dropped in – one applicant was sent to the Weed District. Met with Hallmark regarding his updates to district guides. Answered inquiries on District grant programs and sponsorships. Continued correspondence with University of Montana student about volunteer internship. Continued correspondence with contractor working to complete a cost-share thinning project up Ninemile Creek.

Office Administration: Worked on office function and continued inquiries regarding taxable valuations and conservation district mill levies. Corresponded with Department of Revenue MACD staff, Missoula County staff regarding mill levies. Followed up and corresponded with contacts as needed following the last District meeting. Met with Perez-Watkins and Hallmark regarding weekly accomplishments, priorities and plans for coming weeks. Completed some work on reviewing files and updating working priorities sheet. Completed time reporting for CD staff and also completed BSWC time reporting requirements. Entered labor distribution reports into QuickBooks. Corresponded with the county attorney's office on office management, contracts, letters, and 310 administration as needed. Worked with Perez-Watkins on District meeting preparations. Took district vehicle in for maintenance.

Monica Perez-Watkins – Conservation & Communications Coordinator – July 11 – August 14, 2017*

General Coordination: Scanned and made copies of new 310 applications; sent to FWP.

Corresponded with 310 applicants/property owners, board, and agencies regarding site inspections and visits; created inspection directions/maps document. Prepared 310 forms for site inspections and meeting. Sent weekly list of tasks completed and ongoing to McBride. Met weekly with McBride and Hallmark to discuss tasks completed, tasks ongoing, and meeting items.

Communications and Outreach: Drafted 310 decision/follow-up letters (MS-08-17, MS-09-17, MS-11-17, MS-13-17, CM-05-17, CM-06-17, MS-02-16) following July 10, 2017 meeting; emailed to FWP. Drafted letter to DNRC regarding Hamilton Day Ditch. Reviewed previous Petty Creek project decisions, marked on map, and drafted letter to Petty Creek streamside property owners regarding district's jurisdiction. Began draft email to local resource education groups on assisting with instream rock dam outreach. Posted approved June 12, 2017 meeting minutes on website and sent to county. Drafted July 10, 2017 meeting minutes and August 14, 2017 agenda. Posted agenda in office and on website; sent to agency representatives and county. Created meeting PowerPoint and meeting packets for board. Compiled correspondence. Assisted callers and walk-ins regarding 310 law, application, process, complaints, cost-share program, and no-till drill rental. Noted 310 calls and inquiries in shared spreadsheet as needed. Sent requested permit information to inquiring public. Directed inquiries on issues outside of CD realm to appropriate agencies. Forwarded various emails of potential interest to board throughout the month and applicable items to applicable committees. Reviewed county emails for relevancy. Minor website pages/posts updates. Participated in meeting with CD and NRCS partners to discuss Western MT Grazing and Ag 2018 conference and low stress livestock workshop. Sent notice of final day of online survey to organizations; sent listing to *Missoulian* and *Pathfinder*. Updated website: removed survey, updated language regarding survey and home page imagery. Area V meeting: Miscellaneous correspondence - confirmed hotel meeting and park tour locations, reviewed food options and cost, sent park permit application for tour. Sent Area

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V meeting invitation, registration, and agenda; corresponded with SWCDM Communications and Outreach Director on accepting online payments and linking JotForm to CD Square account. Created webpage for Area V registration link. *Livestock workshop*: Wrote and sent letter of support for Deer Lodge Valley CD's soil health grant application; various correspondence with other CDs and NRCS; created events webpage and posted workshop info; created online registration via Google Forms and embedded in webpage. *Grants*: Miscellaneous correspondence – with WWC Engineering regarding DNRC Renewable Resources Project Planning Grant application; with Flagship program on grant report. Reviewed and updated Flagship report, prepared vendor invoice for DNRC and summary for board. Tracked CD and DNRC grants.

Financial Management: Sent signed claims to county; entered claims and checks into QuickBooks Online (QBO). Updated supervisor timesheets/mileage as needed. Updated itemized purchases from petty checking and checking account in QBO. Created new chart of accounts subaccount for events income. Reconciled bank statements, D.A. Davidson change in investment value, and county mill levy monthly report in QBO. Prepared claims to be signed at meeting. Numerous calls and correspondence with county, PitneyBowes, and AlphaGraphics regarding unreceived payments. Reviewed online payment methods, created Square account, and linked to bank account to accept online payments (e.g., Area V and workshop payments).

Administrative Duties: Maintained and updated 310 master lists. Prepared/restored conference room for meeting. Transcribed meeting notes for minutes. Maintained and organized files. Created pdf documents of meeting packets and staff meeting notes. Prepared mail. Sorted and distributed office mail. Answered District phone and directed walk-ins as needed. Ran errands to bank, Mountain Ink & Toner, and post office. Purchased office supplies online. Updated listed phone number throughout website, on Google, and on cost share application.

Professional Development: Listened to NRCS Soil Conservationist discussion of BRIX testing cover crops and grazing management.

*Vacation: July 14 (3 hours), July 17-21

Brendan Hallmark – Big Sky Watershed Corps Member – July 11, 2017 – August 14, 2017

Watershed Education and Outreach: Awaiting final feedback for the Healthy Riparian Buffer Guide in order to send it to Natural Resources Conservation Service public affairs representative. Corresponded with Flathead Conservation District to obtain photo examples that will be used in our educational outreach publications. Collected digital files to transfer to the publisher. Accompanied Montana Fish, Wildlife & Parks to replace and install an informational board for recreationist around Colt Lake. Began drafting a new stream crossings publication that will replace our current Guide to Stream Crossings information booklet. Revised the no-till drill informational packet that will be given out to any no-till drill renters.

District Business Assistance: Accompanied McBride on 310 inquiries and follow-ups on Clearwater River, Clark Fork River, Petty Creek, Houle Creek, and O'Keefe Creek. Attended 310 site inspections on Ninemile Creek, Donovan Creek, and Clark Fork River. Assisted McBride with cost-share follow-up on O'Keefe Creek. Attended a brainstorming and planning meeting where the Western Montana Grazing & Ag Conference was discussed. Corresponded with the District's Equipment Program Committee. Worked with McBride to create multiple geographical information systems (GIS) maps of Missoula County. Worked to locate a shape file or original paper copy of the 1946 city limits boundary. Reviewed tax mill parcel boundaries provided by Missoula County and compared records to those provided by the Department of Revenue.

Professional Development: Assisted Montana Fish, Wildlife & Parks by shocking fish in Colt Creek for species identification. Big Sky Watershed Corps quarterly report was completed as a requirement

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for grant reporting. Volunteered at the Run for the River 5k hosted by the Bitter Root Water Forum where the proceeds went towards conservation projects throughout the Bitterroot River watershed.

Other – No additional reports.

New Business

Correspondence – Monica Perez-Watkins told the board that the District received notice of a Supervisor Summit to occur at the end of October in Great Falls. Maclay expressed interest in attending. Perez-Watkins then spoke of an invitation the District received from the Office of Neighbors to attend an August 24, 2017 community forum meeting to discuss the District and the 310 law. The board agreed McBride will attend and present at the meeting on behalf of the District.

October Meeting Date – McBride informed the board that the second Monday of October, the day of the regular monthly meeting, is a federal holiday. Staff would prefer to work and hold the meeting this day, October 9, in exchange for the day after Thanksgiving, November 24. The board agreed to the exchange and have staff document the exchange of hours in the personnel files.

2018 Big Sky Watershed Corps Member (BSWCM) – McBride reported that current BSWCM Brendan Hallmark will not continue for a second term, but that he applied for a DNRC Watershed Management Grant and assisted in applying for a 2018 BSWCM. The District may potentially partner with the county Weed District for a 2018 BSWCM, who will focus on a pollinator seed program and a no-till drill site monitoring project. McBride said such a focus would qualify for a grant from Soil and Water Conservation Districts of Montana. The shared BSWCM would cost the District \$2,500.00 total and the cost of hosting a full-time BSWCM, \$10,000.00, was approved in the FY 18 Budget. The board discussed sharing a 2018 BSWCM and agreed to partner with the Weed District.

Other – No additional New Business.

Old Business

Website – Perez-Watkins is continuing to collect biographies from the Board of Supervisors for the District website.

Equipment Program – Hallmark created a draft no-till drill handbook and sent it to the District Equipment Committee for review. He received comments from Travis Greenwalt via email. Bob Schroeder had a suggestion for a wench. Hallmark will draft a design for Schroeder and include Greenwalt's suggestions and send to the committee for review with a price estimate.

Perez-Watkins informed the board that she discussed updating a clause in the rental agreement with Travis Greenwalt, who agreed over email. The following clause will be removed from the agreement: There will be a \$300.00 minimum fee for use of the Equipment.

The cost to rent the no-till drill is \$150.00 per day; a minimum fee is not included.

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Long Range Plan & Community Meetings - The natural resource online survey has been closed and removed from the District website. Seventy-three people took the survey. A raffle drawing will occur soon.

Grant Programs

Cost-Share – No update; applications are due Friday, September 15, 2017.

DNRC Edu Mini & CD Edu Mini – Perez-Watkins reported that she received The Flagship Program's grant report, along with a thank you card, which she handed to the Board of Supervisors. The DNRC education mini grant vendor invoice was signed by Vice Chair Libby Maclay.

DNRC Renewable Resource Project Planning – Perez-Watkins reported that the grant application for WWC Engineering's Grass Valley French Ditch Company Clark Fork River Diversion Rehabilitation was updated based on the board's feedback and is ready for submission. Maclay signed the grant authorization form.

DNRC Watershed Management Grant – McBride informed the board that the application for a grant that was to fund a full-time 2018 BSWCM and for program development was denied.

Other – No additional Old Business.

Upcoming Events

Area V Stockmanship Workshop – Tuesday, September 19, 2017 (September 18 in Charlo, September 20 in Gold Creek) – Perez-Watkins informed the board that Bitterroot CD and Bitterroot NRCS found a location in Victor to host the workshop. She also reported that Deer Lodge Valley Conservation District submitted a soil health grant application on behalf of the five Area 5 hosting conservation districts. The reimbursement grant was approved for \$4,200.00 and will offset speaker and amenity costs.

Area V Meeting – Tuesday, September 26, 2017 – Perez-Watkins told the board that space is reserved at the DoubleTree hotel and that she has secured a guided tour with the Milltown State Park Ranger. The cost to register for the meeting is \$20.00, which was increased from the originally planned \$15.00 fee due to added expenses of food and a potential park permit.

Western Montana Grazing and Agriculture Conference – Thursday through Friday, January 25-26, 2018 – Staff did not have additional information to report.

Other - Libby Maclay asked the rest of the Board of Supervisors if they would like the District to send a letter of support for Lake County Conservation District's Swan Conservation Forest Initiative. The board deliberated, with supervisors in favor and opposition to the initiative. The District will not send a letter of support.

Payment of Bills – Libby Maclay moved to pay the bills. Bob Schroeder seconded the motion, motion passed – unanimous.

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Warrants:

Verizon

Ck # 2347 – District cell phone \$ 69.11

First Interstate Bank

Ck # 2348 – District vehicle gas card \$ 84.37

Charter Spectrum

Ck # 2349 – Internet \$ 59.99

Montana Association of Counties Properties & Casual Trust

Ck # 2350 – Insurance \$ 4,484.00

Total: \$ 4,697.47

Voting Record – CD Supervisor	FOR	AGAINST	ABSTAIN
Libby Maclay	16		
Bob Schroeder	16		
Paul Parson	16		
Art Pencek	16		
Paul Parson	16		
Timothy Hall		Absent	
Travis Greenwalt		Absent	
Sidney Wills		Absent	

Adjournment – Libby Maclay moved to adjourn the meeting. Bob Schroeder seconded the motion - motion passed, unanimous. The meeting adjourned at 11:17 pm.

The next meeting of Missoula Conservation District will be held on September 11, 2017, at 7:00 p.m. in the Missoula Conservation District conference room, 3550 Mullan Road, Suite 106, Missoula, Montana 59808.