

MINUTES

Missoula Conservation District  
April 09, 2018

**Missoula Conservation District**  
April 09, 2018 at 7:00 pm  
3550 Mullan Rd, Ste 106, Missoula, MT 59808

Missoula Conservation District Attendees:

Tim Hall, Supervisor & Chair  
Libby Maclay, Supervisor & Vice Chair  
Sidney Wills, Supervisor  
Bob Schroeder, Supervisor  
Paul Parson, Supervisor  
Art Pencek, Supervisor  
Jen McBride, Staff  
Brandi Bergreen, Big Sky Watershed  
Corps Member

Absent:

Travis Greenwalt, Supervisor & Treasurer  
Bart Morris, Associate Supervisor

Additional Attendees:

John Bowe, NRCS  
Ladd Knotek, MTFW&P  
John Hart, Deputy County Attorney  
Lon Jones, Landowner (App. No. MS-09-18)  
Jan Jones, Landowner (App. No. MS-09-18)

**Call Meeting to Order** – 7:02 pm by Chair Tim Hall.

**Minutes** – Jen McBride stated that Brandi Bergreen found a misspelling of the word “medals” spelled as “metals” under the Envirothon section of the March minutes.

Tim Hall moved to approve the March 12, 2018 minutes after editing the misspelled word. Art Pencek seconded the motion, motion passed – unanimous.

**Treasurer’s Report** – McBride reported \$25,309.08 in the district checking account.

**Public Comment** – No public comment.

**NRCS Report** – John Bowe, District Conservationist, provided a verbal report and discussed contracting through the NRCS. Bowe reported on the Environmental Quality Incentive Program, the Conservation Stewardship Program, the Wetland Reserve Program, and Farm and Ranchlands Protection Program. Bowe discussed active contracts and the types of projects being implemented. He noted outreach efforts and discussed contracting deadlines.

**Pollinator Program** – Brandi Bergreen, Missoula Conservation District’s Big Sky Watershed Corps Member, discussed the pollinator initiative. She noted seed packets would be given to Missoula County residents to improve habitat and provide food for pollinators. She discussed a similar effort initiated by Lake County Conservation District last year. Though Missoula Conservation District came up with an alternate mix, the conservation goals are similar to Lake County’s. Bergreen highlighted plans to provide seed to at least 100 plots throughout the county; to encourage surveys and report successes; to include in classroom presentations; and to have pollinator education booths at events. In addition to conservation, the district’s goals are to improve name recognition and outreach. Bergreen highlighted conservation benefits including promoting native species, increasing food sources for native pollinators, offering benefits for agriculture, and improving patchy habitat. Brandy further discussed plans for dryland and watered garden mixes. The program will begin with 300 seed packets and more may be purchased if needed.

**New 310 Permit Applications**

**MS-03-18** – Lyle and Kim Grenager – John Creek – Culvert Replacement – Geocode: 04197401301010001  
A site inspection occurred on April 04, 2018. McBride reviewed the photos and team members reported on the projects. Tim Hall stated that Grenager was being preemptive to address an undersized culvert, but she was still

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uncertain if she would address the issues with this crossing this year. Ladd Knotek said that the upper end of the site was burned by the Lolo Peak fire and the applicant needs access through this location to continue to do post-fire work in the headwaters of John Creek. Knotek stated that the stream is not fish-bearing, but a bridge might be the easiest and most cost-effective option at this location. The applicant was undecided on the design plans for reconstruction.

Paul Parson moved to accept Application No. MS-03-18 as a project for review and to approve it with modifications as discussed at the meeting. Art Pencek seconded the motion, motion passed – unanimous.

The project to alter the crossing is approved with modifications incorporating the following:

- If the applicant chooses, the culvert may be removed
- Remove the culvert at low water and no later than June 30, 2018
- Notify the district office if/when removal occurs
- If the culvert is removed, updated plans for the crossing (i.e. bridge or culvert materials, dimensions, and diagrams) must be submitted and approved prior to construction

**MS-04-18** – Scott King – Petty Creek – Existing Bridge (RE: CM-10-17) Geocode: 04219613401040000

This project is tabled until a site visit can occur during spring runoff.

**MS-06-18** – Joyce Robbins – Petty Creek – Remove Bridge (RE: CM-11-17) – Geocode: 04219624101040000

This project is tabled until an amendment to the application is received with more details on the equipment and methods for bridge removal are provided following spring runoff.

**MS-08-18** – Clinton Irrigation District – Clark Fork River – Irrigation Wasteway Rehabilitation –

Geocode: 04197811101010000

The board tabled this project until the applicant is available for a site inspection.

**MS-09-18** – Lon Jones – O'Brien Creek – Bank and Bridge Stabilization – Geocode: 04219933101080000

McBride reviewed the photos and team members reported on the project. Based on the site inspection, Hall stated that this project was presented as something that would occur in two phases. Phase I of the project is to place eco-blocks in the channel against the steep eroding banks, in hopes to slow erosion above the bridge and to remove the blocks following high water. Equipment to be used is an excavator or backhoe. Phase II of the project is to slope the bank back at a 2:1 ratio, replant for survival, and stop mowing 15-feet from the high water mark. Knotek cautioned against putting large woody debris in the channel since it could wash out and damage the bridge or downstream properties. The board decided to act on Phase I of the project only. Jan Jones inquired about what specifications were needed for Phase II of the project and the board directed McBride to provide samples of bank stabilization designs.

Tim Hall moved to accept Application No. MS-09-18 as a project for review and to approve Phase I with modifications as discussed at the meeting. Bob Schroeder seconded the motion, motion passed – unanimous.

The project to temporarily place eco-blocks in the stream channel is approved with modifications incorporating the following:

- Up to 6 eco-blocks (24" x 24" x 72") or jersey barriers of similar dimensions can be placed temporarily, as depicted in hand-drawn plans, on the north bank of the stream channel upstream of the bridge
- Access to the site for equipment should be attained from downstream existing road access, with no stream crossings
- If the stream must be crossed with equipment, MT FW&P and Missoula CD must verify the location of the

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crossing prior to use

- Disturbance of woody vegetation must be minimized during crossings
- Total allowable trips across the channel are site dependent and must be limited (i.e. 6-7 total trips)
- All work and stream crossings must occur on the landowner's property
  - Alternatively, the district must be provided written consent from the landowner where work or crossings are to occur
- The eco-blocks must be removed following high water in 2018 and before completion of longer duration bank sloping and revegetation
- As discussed at the site inspection, Phase II of the project to slope the bank, revegetate, and consider extension of the bridge requires a new application with additional design plans and review by the Board of Supervisors; contact our office for further assistance on this matter

**MS-10-18** – NorthWestern Energy – Clark Fork River – Directional Drilling – Geocode: Various - 10 parcels starting with 0422001

The board tabled this project until the applicant defines the minimum drilling depth, so that the plans can be appropriately reviewed.

### Complaints

**CM-10-17** – Scott King – Petty Creek – Non-Permitted Bridge (RE: MS-04-18) Geocode: 04219613401040000  
See above, Application No. MS-04-18

**CM-11-17** – Joyce Robbins – Petty Creek – Non-Permitted Bridge (RE: MS-06-18) Geocode: 04219624101040000  
See above, Application No. MS-06-18

**CM-12-17** – Steve McAfee – Clark Fork River – Road Work (RE: MS-33-17) Geocode: 04232403101080000  
McBride showed images of before and after fill removal and reported to the board that McAfee stated the site had been planted. Action on this item is awaiting review of revegetation required under MS-33-17.

**CM-02-18** – Joseph & Kristy Petrino – Vegetation Removal – Geocode: 04220011205070000  
McBride revisited the prior month's decision and discussed the riparian buffer. The board discussed an advisable 30-foot riparian buffer. After considering characteristics and structures on the site however the board agreed that a 15-foot riparian buffer as measured horizontally from the top of the bank would be allowable as it pertains to mowing and landscape work – all other work (e.g. construction) should follow a 30-foot riparian buffer. McBride informed the board that that the office received the return receipt, notifying the district that Kristy Petrino received the letter. The board discussed the need to follow up on this project to ensure compliance.

Tim Hall moved to close this complaint because the riparian buffer requirements were satisfactorily communicated, and to follow up later for compliance. Paul Parson seconded the motion, motion passed – unanimous.

**CM-03-18** – Pamela Guth – Rattlesnake Creek – Structure on Bank – Geocode: 04220011206010000  
McBride explained that she'd spoken with Guth, who has been out of the state for family reasons. Guth explained that submission by this date was cumbersome, but agreed that she could meet and apply for a permit as directed prior to the May meeting.

### 310 Follow-Ups

**MS-30-16** – Randy Koch – Clark Fork River – Regrade, Revegetation (RE: CM-06-16 - Rock and Equipment Next to River) – Revegetation Survival – Geocode: 04232307101150000

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McBride notified the board that she'd received written response from Lee Yelin, Water Rights Incorporated to the district's correspondence of March 14, 2018, addressed to Mr. Koch. McBride reviewed the letters and e-mail from Yelin dated April 2, 2018, April 5, 2018, & April 9, 2018. The board decided to conduct another onsite inspection with Mr. Koch, Mr. Yelin, and Conservation District Representatives. McBride will get in touch with Yelin and Koch to set this up.

### **310 Inquiries/Issues**

McBride discussed inquiries and issues on Lolo Creek, Ninemile Creek, Houle Creek, and O'Brien Creek.

Kirk Mace of W.M.S. Contracting inquired about needing a permit near Lolo Creek. The project is similar to one reviewed by the board in 2006. MS-26-06 was deemed "not a project." McBride explained to Mace that since the decision on MS-26-06, there has been clarification in the jurisdictional area covered by the 310 Law and an application for work may be required for the project. The board agreed that an application should be reviewed at this site.

A caller inquired about tree removal near Ninemile Creek. McBride showed images of some tree removal observed from the road and stated that she did not think the work warranted a 310 Complaint; additional work however could lead to a 310 Violation. The board directed McBride to send letters to the landowners to ensure they are aware of the 310 Law.

McBride briefed the board about a property for sale on Houle Creek where many potential buyers have inquired about a stream crossing. From aerial images it appears that Houle Creek is captured by an irrigation ditch prior to rejoining the Clark Fork River. McBride mentioned that the board has taken jurisdiction on Houle Creek previously and she discussed this crossing inquiry with the board before. Since learning that the stream is captured by an irrigation ditch prior to joining the Clark Fork River, she confirmed with the board that Houle Creek is a site where projects require a 310 Application – the board confirmed the need for a 310 Application.

### **Reports**

**County Attorney** – John Hart had no report

**Montana FWP** – Ladd Knotek reported on 124 permits and noted that work on the I-90 bridges over the Blackfoot would be occurring soon. Knotek also recognized that Missoula CD provided Missoula City Parks and Rec with some Cost-Share funds for riparian revegetation work. He reported that the revegetation work in the Rattlesnake Creek area completed by Morgan Valliant, Missoula City Parks and Rec, looks good.

**Bitter Root RC&D** – Libby Maclay reported that the president was still working to find money for operations and that there are existing contracts with the DNRC due to the 2017 fires.

**District Committees** – Tim Hall reported that the Personnel Committee would be meeting to review applications for the Administrative Coordinator position. More than 100 applications were received, 37 of them were complete. Brandi Bergreen reported for the Equipment Program Committee. Bergreen noted that the no-till drill was booked through April. The full manual will be given to Larry's Tractor, along with Quick Start Guides. Bergreen will begin filming a "how-to video". The board discussed the points that needed to be highlighted in the manual and quick start guides.

**Missoula CD Employees** –

**Jen McBride – Resource Conservationist – March 13, 2018 – April 09, 2018**

310 Administration Wrote, copied, scanned, and mailed 310 and correspondence letters following the March district meeting. Prepared PowerPoint for 310 Law education to other agencies. Met with staff from the City of Missoula

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and presented information on the 310 Law with Paul Parson. Fixed outdated phone number on 310 Postcards and mailed to additional streamside property owners on Fox Farm Road, adjacent to Rattlesnake Creek. Corresponded regarding relevant 310 projects, complaints, and inquiries including one or two projects on the Lolo Creek, Houle Creek, O'Brien Creek, John Creek, Ninemile Creek, and several projects on the Clark Fork River. Coordinated and attended 310 site inspections with Tim Hall and Ladd Knotek. Scheduled site visits regarding 310 project inquiries. Prepared 310 reports and photos for the April meeting. Corresponded with Missoula County Attorney, Fish Wildlife & Parks, Floodplain Administrators, and other representatives regarding 310 projects and 310 inquires, issues, complaints as needed. Compiled relevant information for partnering representatives as needed. Relayed information to the board regarding proposed updates to the 310 Permit Application that DRNC staff is orchestrating.

Conservation Planning: Corresponded with Grants Committee regarding GVFD Co. RRGL Reporting Requirements. Communicated with Brandi Bergreen regarding progress on Pollinator Program. Encouraged troubleshooting and continued support from Lake County Conservation District and Missoula County Weed District. Discussed Brandi's plans moving forward with the no-till-drill video. Assisted and scheduled some rentals for the no-till-drill. Answered questions regarding Missoula CD grant programs as needed. Corresponded regarding sponsorships of DNRC grants, including those for WEN, GVFD, Flagship & Person.

Office Administration: Continued basic office operations, answered phones, assisted walk-ins, sorted mail, sent claims to county, mailed checks and applications from last meeting etc. Wrote minutes and agenda for April meeting, compiled packets and posted or sent Meeting information as needed. Corresponded with Bergreen while out sick. Followed up and corresponded with contacts as needed following the last district meeting. Sorted through 100+ applications and reviewed 37 complete applications for potential interviews. Prepped application materials for further review and sent on to Personnel Committee. Met with Bergreen as needed regarding weekly accomplishments, priorities, and plans for coming weeks. Entered financial information into QuickBooks and updated budget as revised. Submitted timesheet to the county. Completed necessary scanning and copies of 310 applications, maintained master lists. Posted agenda on website and sent to agency representatives. Forwarded necessary correspondence to the board. Prepared all necessary meeting documents.

\*Sick Leave 03-26 through 03-29

### **Brandi Bergreen - Big Sky Watershed Corps Member – March 13, 2018 – April 09, 2018**

#### Watershed Education and Outreach:

Continued research and planning for Conservation District projects. The Quick Start Guide for the no-till drill has been completed and dates have been set for filming the instructional video with associate supervisor, Bart Morris (April 12th, back-up dates April 16th and 17th). An outline of talking points for the video has been completed and video equipment will be checked out from MCAT at no-cost. A schedule and testing procedures has been written for cover crop monitoring to occur throughout the summer on Morris' crops. The Pollinator Initiative is nearing set-up completion. Seed vendors have been contacted and estimates for orders have been made. Bergreen and McBride are in the process of fine-tuning the order to ensure the highest rate of garden success and cost-efficiency. Labels for the seed packets are currently being designed and a draft of a flyer announcing the Pollinator Initiative has been created.

#### District Business Assistance:

Regularly met with McBride for staff meetings. Accompanied McBride on two 310 site visits on March 30th and a 310 issue on April 5th.

#### Professional Development:

Attended the Serve Montana Symposium in Helena, MT. Attended DNRC webinar for grant writing. Completed a certificate in GIS through Coursera, provided by Big Sky Watershed Corps.

**Other** – McBride reported that she and Paul Parson met with Missoula City employees to review the 310 Law and healthy riparian buffers. The board discussed the benefit of this outreach and mentioned a similar meeting might occur with the county.

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### New Business

**Correspondence** – McBride reported that Rob Roberts of Trout Unlimited contacted the district to request a letter of support for the City of Missoula's application for a Renewable Resource Grant and Loan (RRGL) Program. The application is for funds to assist in the removal of the Rattlesnake Dam.

Tim Hall moved to support the City of Missoula's application for the RRGL Program. Art Pencek seconded the motion, motion passed – Paul Parson abstained.

McBride provided a letter from the Missoula Butterfly House and Insectarium, dated February 20, 2018, to Tim Hall and the board. The letter addresses efforts by the Butterfly House and Insectarium to co-locate with the Missoula County Extension and Weed District. The board took note of the correspondence. McBride provided a letter from Morrison Maierle, dated April 6, 2018, to Hall and the board regarding comments on the Caras Park outfall project in the City of Missoula. The board supports efforts to clean storm water. McBride reviewed an invitation regarding purchase of a Montana Women in Agriculture book. The board agreed to order several books. Finally, McBride reviewed more information provided by Jeff Wivholm, MACD, regarding the Water Resources Committee. The Missoula CD Supervisors decided to not participate in the committee at this time. However, once the role of committees is clearer and the issues that are to be addressed by committees is clearer, then the supervisors may become interested if space opens on the committee.

**Other** – No other new business.

### Old Business

**FY-18 Budget Update** – McBride and the budget committee met to review the updated budget. Changes to the budget were provided in board members' packets. Although the budget was adjusted to allow more spending in some categories, including the pollinator seed program, overall spending for FY-18 was reduced.

Paul Parson moved to accept the FY-18 Budget as amended. Art Pencek seconded the motion, motion passed – unanimous.

**Area V Supervisor Forum** – Maclay and Hall attended the supervisor forum, noting takeaways on administering the 310 Law and operations of other Conservation Districts in Montana. The board reviewed Flathead County Supervisor, Verdell Jackson's message regarding a potential change to Team Member Report definitions and procedure. No action was taken.

**310 Committee** – The board reviewed and discussed the proposed changes to the Joint Application for Stream Permitting. The board discussed the roles of MACD, SWCDM, and DNRC as well as previous comments made on the efforts to change the 310 Permit Application. The Board agreed to address a letter to DNRC with comments:

- Change the name to "Basic Stream Permitting Application" or "General Stream Permitting Application". Joint Application makes it sound like all the government entities are working together and that is not always the case, so it is confusing to the landowner.
- Otherwise, do not change the application. If other agencies need additional information, have them create additional forms; those forms can be listed next to that agency on the Basic Application. If federal and state permits require substantially different things, they should be separate applications.
- Create a decision-making tree for landowners so that they can easily discover which permits are needed.

The board further discussed their hope that the DNRC Conservation District's Bureau will consider Conservation Districts ahead of other agencies in its efforts for assistance or modifications to our processes. Additionally, the

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supervisors discussed the hope that DNRC might proportionally weight the comments of Conservation Districts that more frequently administer the Natural Streambed and Land Preservation Act. When administered by a volunteer board with limited staff, changes to forms and processes--especially during field season--can be disruptive to work performed to ensure natural streams and the life they support in Montana.

**Grant Programs**

**District Programs** – No report on district programs.

**DNRC Sponsored** – Hall discussed the Renewable Resource Grant and Loan report provided by WWC Engineering for the Grass Valley French Ditch Company. Hall stated that this is a very large project that does not have a matching plan for the rest of funds needed. The grants committee discussed needs for corrections, namely being more direct about the intent and the benefit of the project, with the secondary benefits being for Bull Trout. The board also asked that a correction be made to a sentence that implied that birds spawn. Finally, the board discussed the fact that the application did address boat passage on the south side of the channel – the board had requested that engineering plans include a design for recreation passage.

Bob Schroeder moved to continue support of Grass Valley French Ditch Company’s efforts to improve the dam. Art Pencek seconded the motion, motion passed – unanimous.

Hall signed the Flagship Education Mini-grant application that the board agreed to sponsor at the February 12, 2018 meeting.

McBride showed pictures that Schroeder took of Perry Ashby’s flume located near John Person’s flume, on County Line Road. Person did not receive a postcard about financial assistance from our office because postcards were sent to landowners of burned properties. The property that burned where Person’s flume is located is on Weyerhaeuser land. Person is looking for financial assistance through a grant program, such as the DNRC Irrigation Development Grant, for repairs to his burned flume. Unfortunately, the repairs have already occurred. The board discussed the project, but did not know of a grant program that would supply funds after the work was done.

**Equipment Program** – See discussion under District Committees.

**Other** – None.

**Payment of Bills** – Tim Hall moved to pay the bills. Paul Parson seconded the motion - motion passed, unanimous.

**Warrants:**

Verizon – District cell phone	
Ck # 2436	\$ 69.35
Montana State Fund – State Fund Insurance	
Ck # 2437	\$ 51.09
Charter Spectrum – Internet	
Ck # 2438	\$ 59.99
Pitney Bowes – Postage Machine	
Ck # 2439	\$ 139.95

**Total: \$ 320.38**

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**Checks:**

Lake County Conservation District – Area V Supervisors Forum Registration  
Ck # 1435 \$ 20.00  
Robert Schroeder – Meal Purchase Reimbursement  
Ck # 1436 \$ 144.45  
Glacier Conservation District - Montana Women Book  
Ck # 1437 \$ 132.00  
Wind River Seed – Pollinator Seed Mix  
Ck # 1437 \$ 305.00

**Total: \$ 601.45**

<b>Voting Record – CD Supervisor</b>	<b>IN FAVOR</b>	<b>OPPOSED</b>	<b>ABSTAIN</b>
Tim Hall	9		
Libby Maclay	9		
Art Pencek	9		
Travis Greenwalt	Absent		
Bob Schroeder	9		
Paul Parson	8		1
Sidney Wills	9		

**Adjournment** – Tim Hall moved to adjourn the meeting. Bob Schroeder seconded the motion - motion passed, unanimous. The meeting adjourned at 10:00 pm.

The next Missoula Conservation District meeting is scheduled for May 14, 2018, at 7:00 p.m., in the district conference room at 3550 Mullan Road, Suite 106, Missoula, MT 59808.