

**Missoula Conservation District – October 13, 2020 at 7:00 pm**  
**Alternate Meeting Location – Virtual/Phone**

**Missoula Conservation District Attendees:** Tim Hall, Chair; Libby Maclay, Vice Chair; Travis Greenwalt, Treasurer; Paul Parson, Supervisor; Bob Schroeder, Supervisor; Bart Morris, Associate Supervisor; Bryan Vogt, Staff; Barb Kreis, Staff

Additional Attendees: John Hart, Senior Deputy County Attorney; Ladd Knotek, MT FWP; Travis Lemke, NRCS Supervisory District Conservationist; Radley Watkins; Bill Burdick, DNRC Service Forester; Heather Brighton, Lolo Watershed Group; Eric Anderson (MS-28-20); Roger Weinmann (MS-28-20); Ken Aukschun (MS-29-20 & CM-07-20); Jerry Marks, Missoula Co. Extension Department Head; Bryce Christiaens, Missoula Co. Weed District Manager

Absent: Art Pencek, Supervisor; Sidney Wills, Supervisor; Josh Schroeder, Associate Supervisor

Call Meeting to Order – 7:04 pm by Tim Hall. Hall provided reminders due to COVID-19. Hall noted that the virtual meeting was held to comply with local guidance pertaining to social distancing and provided guidance to the Board on how to vote while meeting virtually. Hall further requested that participants please mute/unmute themselves as needed, introduce themselves before speaking, and note if they are participating for a specific item on the agenda. Form 273, 310 Permit - Conservation District's Decision, would need to be electronically signed on behalf of the Board, per advisement from John Hart, Senior Deputy County Attorney.

Tim Hall moved to authorize the modification of normal procedures to allow for electronic signatures on Form 273 for the October 13, 2020 District Meeting. Travis Greenwalt seconded the motion. All in favor, motion carried - unanimous.

Minutes – Bob Schoeder moved to approve the September 14, 2020 Minutes as presented. Tim Hall seconded the motion. All in favor, motion carried—unanimous.

Treasurer's Report – Travis Greenwalt reported \$26,178.04 in the District checking account.

Public Comment – Hall introduced Radley “Rad” Watkins as the new Resource Conservationist effective November 9, 2020. Watkins gave a brief overview of his education and conservation experience.

NRCS Report – Travis Lemke, NRCS Supervisory District Conservationist, reported that he and John Bowe have been working on certifying practices and issuing payments for producers currently enrolled in both the CSP and EQIP Program. The staff has also been actively working with new FY2021 CSP and EQIP applicants on conservation plan development work. They are also in the process of developing new TIP proposals (for FY22 and FY23) that address the priority resource concerns identified by the local working group this past Spring. He and John worked with the CD staff to distribute pollinator seed to interested individuals. Klem Krasaitis, summer intern, will be coming back to volunteer in the fall and winter on forestry projects. The Missoula USDA Service Center is still currently in Phase 3 of re-opening– meaning they are open (maintaining social distancing with all NRCS staff members) but are not accepting visitors without an appointment (a health screen and mask is required for all visitors and staff before entering the building). Phase 3 still does not permit Conservation District Meetings to be held in their field offices.

**DNRC Emergency Funding Opportunity** – Vogt reported that Laurie Zeller, DNRC Conservation Districts Bureau Chief, was scheduled to report on potential funding through the Governor's office for wildfire relief, but she was unable to attend the meeting. Bill Burdick, DNRC Service Forester, spoke on work he is currently involved with, but did not have additional information to provide at this time.

**Lolo Watershed Group (LWG) Update** – Heather Brighton introduced herself as the new LWG

Coordinator and provided updates on recent completion of a planting project along the Johns Creek corridor and planned activities for the Zens Kimerly property that includes 3,000 linear feet of stream restoration on Lolo Creek. Brighton also mentioned beginning to forge a relationship with the upstream landowner and how this might play a role in the future relocation of Zens Kimerly's bridge.

**Watershed Education Network (WEN) Funding Request** – Bob Schroeder reported that the Grants Committee's met to consider the sponsorship request from Deb Fassnacht, WEN Executive Director, submitted at the September 14, 2020 Board meeting. Discussion included the desire to continue supporting WEN's education programs but also see them incorporate more private fundraising. While the Grants Committee recommended providing partial funding to WEN's continued education programs, it did not recommend funding the request for the new community outreach project at this time. The Grants Committee continues to work on restructuring the District's Grants programs including how it will handle future funding requests.

Tim Hall moved to fund WEN's continued education programs in the amount of \$2,500.00 and to provide up to an additional \$2,500.00 as a dollar-for-dollar match to funding WEN demonstrates it raises from the private sector. Paul Parson seconded the motion. All in favor, motion carried – unanimous.

### **310 Permit Applications**

**MS-28-20** – Roger Weinmann Obo Don Childers (c/o Tim Childers) – Lolo Creek – Bank Stabilization  
Geocode: 04-2092-34-4-01-18-0000

Vogt reported this project would address streambank erosion occurring along Lolo Creek at the corner of properties owned by Weinmann and Childers. Vogt reviewed photos from the October 5, 2020 site inspection and aerial photos showing the location of the project in relation to a meander in Lolo Creek and historic channels that are active during high flows. Weinmann had obtained several previous 310 Permits to address bank erosion at this site including MS-40-08 in 2008 that saw to 150 feet of rip rap bank stabilization along his property and which required a variance from the county to obtain Floodplain permitting. Mr. Weinmann emphasized his concern over losing the prayer garden containing his wife's ashes located at the most upstream corner of the property. There is also extensive buried piping on Weinmann's property threatened by current bank erosion. Eric Anderson stated the current 310 Application proposes a 2-phase project. Phase I would repair approx. 80 linear feet of the damaged rock keyway immediately adjacent to the prayer garden on Weinmann's property. Implementation would occur Oct. - Nov. 2020 with most, if not all activities, occurring above the water level of Lolo Creek. Phase II would extend the project upstream on the Childers property and includes 80 linear feet of rootwad toe installation and recontoured bank, 50 linear feet of rootwad keyway, and extensive revegetation. Phase II would be implemented Sept. - Oct. 2021. Rootwad collection would occur on the Weinmann property south of Lolo Creek and requires crossing the creek with equipment. Vogt verified receiving an email with landowner permission from Childers for the proposed project. T. Hall and L. Knotek reviewed their team member reports recommending approval of the phased approach with modifications. Concern over the continued mowing within the riparian buffer zone along the Weinmann property was discussed, including conditions from prior permits that stated mowing in this area needed to cease.

Paul Parson moved to make Application No. MS-28-20 a project for review under the 310 Law and to approve the project with modifications. Tim Hall seconded the motion. All in favor, motion carried – unanimous.

- Timing: Implementation must follow the two-phased approach specified in the design plans submitted with the application. Phase I involves minimal work in the channel during the fall of 2020. If in-channel work takes place between October 15, 2020 and July 1, 2021, no significant increase in turbidity is allowed as Lolo Creek is an important spawning area for wild salmonids. If the planned work begins to generate turbidity, work should cease. Phase II in-channel construction is expected to occur between July 1 and October 15, 2021.
- During project implementation, rip rap should be sorted and installed so that larger rock is placed at the toe as a key and as to create flow/bank complexity. Project length should include at least 2 features or areas with protrusions that create flow/bank irregularities.
- Trees used for rootwad components should be of adequate size so that the root fan reaches from channel bottom to bankfull elevation. Trees should have adequate stem length to anchor the structures and withstand a large (i.e., 100 year) flood event.
- All revegetation shall follow the specifications contained in the design plans submitted with the application.
- Willow/shrub cuttings installed in bank treatments shall be locally harvested and at high densities to ensure aggressive revegetation. Planting densities shall be no less than that specified in the design plans:
  - Willow mat density shall be 20-30 stems per foot and six (6) inches mat thickness prior to backfill.
  - Cottonwood stakes shall be installed no greater than 5-foot on center, with more vigorous planting encouraged, in areas specified in the design plans.
- All disturbed areas, including field sod areas, shall be reseeded with the seed mix and seeding rate (30 lbs. PLS/acre) specified in the design plans.
- Disturbed areas created by equipment crossing the creek to harvest rootwad trees shall be replanted and reseeded with the same native species as in the project area.
- Consistent irrigation and browse protection shall be provided along length of project to ensure survival of plantings/cuttings/seeding.
- Revegetation success shall be monitored for a period of 2 years to ensure District standards for survival rates are maintained:
  - 75% of planted vegetation must survive one year from initial planting.
  - 50% of planted vegetation must be evidently viable two years from the project completion date.
- A non-mowed riparian stream buffer of at least 25 feet measured horizontally from the top of the bank (ordinary high-water mark) of Lolo Creek is required along all portions of the property, including above the 150 feet of rock stabilization implemented in 2009.
- No channel disturbance or project work should occur outside of the project limits described on plan set.

If other permitting entities require modifications or if the plans change and are not consistent with the specified conditions, then a request for a modification to Permit No. MS-28-20 must be submitted.

**MS-29-20 (Re: CM-07-20, Violation)** – Kenneth and Lorraine Aukschun – Petty Creek – Bank Stabilization and Bridge Construction  
Geocode: 04-2196-13-3-01-06-0000

Vogt reported this application was submitted by Aukschun to comply with the conditions of Violation No. CM-07-20 for excavation and fill work that had been conducted in and near Petty Creek. Photos from the

prior site inspection were reviewed. The proposed project includes plans for the previously installed footbridge along with a revegetation plan for the stream reach. Vogt reviewed the planting plan noting it includes the District's standards for vegetation survival and ceasing all mowing within the 10-foot buffer zone on both sides of the creek. Knotek added the application addresses all major issues from the 310 Violation. Mr. Aukschun expressed appreciation of the Board and staff's support in handling this matter.

Tim Hall moved to make Application No. MS-29-20 a project for review under the 310 Law and to approve the project as proposed with the reminder to follow the details of the planting plan, including District standards for vegetation survival (75% of planted vegetation must survive one year from initial planting; 50% of planted vegetation must be evidently viable two years from project completion date). Travis Greenwalt seconded the motion. All in favor, motion carried – unanimous.

### **310 Complaints**

**CM-06-20** – Mark and Cassandra Rideg and William Rideg – Spring Creek – Dam Building/Maintenance  
Geocode: 04-2427-07-1-01-01-0000 and 04-2427-07-1-02-08-0000

Vogt reviewed an email he received from William Rideg on October 6, 2020 that stated the Ridegs have engaged a Water Resource Specialist to assist them with their required 310 Application. However, they had not heard back in time to submit an application for the October 2020 Board meeting and are requesting a time extension. Vogt reported he replied to Mr. Rideg's email stating he would pass this update onto the Board and requested they submit the required 310 Application by November 2, 2020 in order to meet the agenda deadline for the November 9, 2020 District meeting.

Tim Hall moved to approve the time extension to November 2, 2020 for submission of a 310 Application required to remedy Complaint No. CM-06-20. Libby Maclay seconded the motion. All in favor, motion carried – unanimous.

### **Existing Violations**

**CM-08-19 (Re: CM-02-20, Violation & MS-04-20, Denied)** – James Schlinger – Barber Creek –  
Excavation on Creek and Banks  
Geocode: 04-2992-19-1-01-11-0000

See CM-02-20, below, for discussion.

**CM-02-20 (Re: CM-08-19, Violation & MS-04-20, Denied)** – James Schlinger – Barber Creek –  
Excavation on Creek and Banks  
Geocode: 04-2992-19-1-01-11-0000

Vogt reported that no 310 Application was received from Mr. Schlinger by the September 30, 2020 deadline to address both Violations No. CM-08-19 and CM-02-20. Vogt subsequently notified Senior Deputy County Attorney John Hart as discussed at the September 14, 2020 Board meeting. Vogt reviewed the letter sent to Schlinger from Hart dated October 6, 2020. Hart reported he received a voice mail from Schlinger today, October 13, 2020, and will return the call this week. The Board expressed they will wait for an update on additional communication between Hart and Schlinger before taking any further action.

**CM-07-20** – Kenneth and Lorraine Aukschun – Petty Creek – Excavation and Placement of Fill  
Geocode: 04-2196-13-3-01-06-0000

Vogt reported that Aukschun had submitted a 310 Application MS-29-20 to remedy this Complaint.

Tim Hall moved to consider Complaint No. CM-07-20, deemed a violation of the 310 Law, satisfied by approval of Permit MS-29-20 for bank stabilization and bridge construction. Libby Maclay seconded the motion. All in favor, motion carried – unanimous.

**Existing 310 Permits**

**MS-19-20** – Fred Mills – Clark Fork River – Remove lower section of stairs  
Geocode: 04-2323-07-1-02-12-0000 – Verification of completed work required

Vogt reported receiving an October 8, 2020 email from Mills with pictures showing the required removal of the lower section of stairs. However, staff overlooked the requirement included on the prior, expired permit (MS-01-20) of removing the associated concrete footings. Vogt stated Mills has indicated he may submit a future 310 Application for installation of retractable stairs at which time this matter could be revisited.

**MS-25-20** – Dave Pontrelli, Streamside Services obo Harry Kenck – Streambank Restoration  
Geocode: 04-2426-01-3-02-16-0000 – Modified 310 letter and instream timeframe

Vogt provided an update on both MS-25-20 and MS-26-20 and actions that took place following the September 14, 2020 Board meeting but prior to the October 13, 2020 meeting. On September 22, 2020, Dave Pontrelli contacted the District office and requested an extension to the October 15, 2020 deadline to complete all instream work due to a required 3-week public notice requirement from Missoula County Floodplain. After FWP Biologist, Knotek, agreed to extend the instream work window for both permits through October 22, 2020, staff consulted with Deputy County Attorney Hart before issuing revised permit letters for both MS-25-20 and MS-26-20 with the only modification being extension of the instream work window through October 22, 2020. All other provisions of the respective permits remained unchanged.

**MS-26-20** – Dave Pontrelli, Streamside Services obo Janet Phillips – Streambank Restoration  
Geocode: 04-2426-01-4-01-01-0000 – Modified 310 letter and instream timeframe

See above under MS-25-20

**310 Inquiries & Issues** – Vogt reported on a question from the Double Arrow Ranch Landowners Association (DARLOA) in Seeley Lake regarding whether the use of wood chips on an existing path near Trail Creek would require a 310 Application; he recommended submission of an application for any proposed work within a stream's buffer zone. Vogt also reported on a site visit conducted with Kristen Baker-Dickinson of DNRC regarding a trail along Blackfoot River cabin lease sites, a site visit with multiple partner agencies regarding bank erosion on the Clark Fork River near 3320 Big Flat Road, and an annual walkthrough review with the Cobblestone HOA on the Clark Fork River.

**Reports**

County Attorney – John Hart stated he had nothing to report

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Montana FWP – Ladd Knotek reported on progress the Clark Fork Coalition had made on installation of the fish screen for the Lolo-Maclay Ditch on Lolo Creek and that Bob Schroeder has been appointed to the Future Fisheries Citizen Review Panel.

Bitterroot RC&D – Libby Maclay stated she had nothing to report.

District Committees – Tim Hall reported that both the Budget Committee and Grants Committee met in October as detailed in other sections of the meeting.

Planning Board Update – Josh Schroeder was absent - no report provided

Missoula CD Employees – Vogt reported that written employee reports were provided in the Supervisors' packets.

*Barb Kreis - Administrative Assistant - September 14, 2020 – October 12, 2020*

Office Operations: Received and sorted agency mail daily and followed up on District business correspondence. Attended September 14, 2020 virtual District meeting and took notes. Drafted September meeting minutes. Drafted agenda for October 13, 2020 meeting and posted August meeting minutes to District website. Added deadline dates to website calendar and posted Agenda. Received, downloaded and saved applications from candidates for the Resource Conservationist position, emailed candidates, set up interviews, created Zoom interview dates/times and notified applicant and Personnel committee. Continual update of office operations manual. Participated in DNRC CD Administrator Orientation training webinar and the virtual MACD Area V meeting.

Stream Permit Processing: Completed and sent out decision letters to applicants from the September 14, 2020 meeting. Updated PowerPoint presentation for October 13, 2020 virtual meeting. Added October 13, 2020 agenda to website. Updated 310 Spreadsheet with new 310 applications. Created files for 2 new 310 applications. Emailed various documents to Vogt as needed. Created site inspection schedule, emailed and called applicant and created folders of schedule and application for staff, Knotek and Supervisor. Updated Box and Salesforce with 310 applications/complaint information. Emailed Zoom logon information to all meeting participants. Created, emailed and mailed meeting packet for supervisors. Updated agenda and site inspection deadlines on CD website calendar.

Bookkeeping, Accounting, Reporting, and Recordkeeping: Emailed September claims form to Jacque Harris. Prepared Profit/Loss and Balance reports for October 13, 2020 meeting. Entered September claims into QuickBooks. Reconciled September bank statements. Reconciled DA Davidson September statement. Completed bills claims form for October 13, 2020 meeting. Updated Supervisors claims quarterly claim form.

*Bryan Vogt - Program Specialist - September 14, 2020 – October 12, 2020*

Program Assistance: Prepared and submitted MCD's FY2020 report for the MACD Area V meeting. Reviewed documentation and authorized reimbursement payment for Riparian Planting Mini-Grant (RPG-1-19). Copied and emailed missing 1940's aerial imagery files to the Missoula Valley Water Quality District for their Channel Migration Zone (CMZ) study. Participated in DNRC's CD Administrator Orientation training webinar. Coordinated with Missoula Co. NRCS to provide some of MCD's Area V pollinator seed mix to landowners requesting pollinator plots. Participated in Budget Committee meeting on October 1, 2020. Participated in the virtual MACD Area V meeting on October 8, 2020.

Office Administration (temporary assignment): Assisted in hosting the virtual September 14, 2020 Board meeting held remotely via Zoom. Reviewed, edited, and finalized September 14, 2020 meeting minutes prepared by Kreis. Submitted bi-weekly timesheets and labor distribution summaries to county payroll. Entered county reports and reconciled the mill levy account in QuickBooks. Ensured the Budget Committee provided the draft FY2021 budget to the Missoula County CFO. Forwarded pertinent email correspondence to Supervisors. Requested recommendations from USDA IT Specialist on specifications for district purchased laptop. Regular phone and email correspondence with Kreis to facilitate operations while working remotely. Weekly check-in calls with Hall during my temporary coverage of the Resource Conservationist responsibilities. Finalized the agenda, associated documents, and Zoom invitation for the October Board meeting.

310 Law Administration (temporary assignment): Reviewed and edited 310 decision letters following the September 14, 2020 District meeting. Assisted individuals regarding 310 Law related projects, complaints, issues, and inquiries including locations on Spring Creek, Trail Creek, Wallace Creek, the Blackfoot River, and the Clark Fork River. Conducted 310 Inquiry site visits to locations on the Blackfoot and Clark Fork Rivers. Spoke with Jason Garber, DNRC, regarding a complaint received by DNRC that was ultimately determined to be an issue with floodplain or shoreline permitting in Missoula Co. Informed J. Hart that no 310 Application was received by the September 30, 2020 deadline for CM-08-19 and CM-02-20. Requested that Hart prepare updated MCD Admin Rules to comply with 2019 legislative changes. Researched prior 310 Permits issued on same property as new MS-28-20. Attended site inspection on Lolo Creek with T. Hall and L. Knotek.

Technical Assignments: Sent emails and paperwork in advance of an October 15<sup>th</sup> no-till drill rental. Provide rental checklist documents via email in response to a request from Baldwin County SWCD in Alabama. Researched CD's requirements on prior riparian planting plans. Replied to email inquiry regarding aquatic weed control recommendations and requirements in a pond.

Communication and Outreach: Emailed Deb Fassnacht regarding WEN's new funding support request. Responded to emails and phone calls in order to close out Riparian Planting Mini-Grant (RPG-01-19). Took call from Laurie Zeller, DNRC, to discuss the potential for MCD handling wildfire disaster funding for local landowners. Recommended that the Hamilton Day Ditchrider inquire with DNRC's Irrigation Development Grant program for funding assistance to repair an irrigation headgate. Discussed MCD's desired approach to partnering on projects along Lolo Creek during a phone call received from the Lolo Watershed Group's new Coordinator.

*\*1 Holiday (Columbus Day)*

Other Reports – Vogt reported on receiving an email from Travis Ross regarding the Missoula Valley Water Quality District's continued work on the updated Channel Migration Zone project.

## **New Business**

Administrative Rules Revisions – Vogt reviewed draft revisions to the District's 310 Administrative Rules prepared by Hart in order to comply with HB383. He also reviewed the public notice and public hearing process required prior to considering a formal resolution to adopt the revised 310 Administrative Rules.

Tim Hall moved to set a public hearing coinciding with the date and time of the December 14, 2020 Board meeting to take public comments on proposed updates the Missoula Conservation District's 310 Administrative Rules. Travis Greenwalt seconded the motion. All in favor, motion carried – unanimous.

FY21 Budget – Travis Greenwalt, Treasurer, presented the FY21 proposed budget as reviewed and recommended by the Budget Committee. There was discussion of a lower level review/audit of financials, the potential cost of a professional audit, and employee wages as related to the ongoing staff transition.

Bob Schroeder moved to approve the proposed FY21 budget as presented. Travis Greenwalt seconded the motion. All in favor, motion carried – unanimous.

2020 MACD Convention – Vogt reported that he and Kreis participated in the virtual Area V meeting and that all Area 5 resolutions passed and will be considered at the annual convention. The convention will be held virtually this year on November 18-19, 2020 in two half day sessions. Resolutions to merge MACD and SWCDM and adopt new bylaws will require 2/3 of the member districts in good standing to attend the virtual meeting and vote in favor of the proposed resolutions in order for them to pass.

Correspondence - Vogt reviewed correspondence items included in the Supervisors' packets.

Other New Business:

1. Service Awards - Tim Hall presented Bob Schroeder with his 45-year service award as a District Supervisor and Bart Morris with his 5-year service award as an Associate Supervisor. It was noted that the Schroeder family has been involved with the District since its start in 1946, when Bob's grandfather served on the first Missoula CD Board. Hall thanked Schroeder and Morris for their continued years of service.

**Old Business**

Stakeholders:

DNRC State Lands – Lease Sites – Hall stated would like Art Pencek to lead the effort of engaging DNRC on this matter and will contact Pencek to discuss this further.

Lolo Watershed Group – Partnership – See LWG Update above for additional discussion.

MSU Extension/Weed District – Fairgrounds Building – Both Jerry Marks and Bryce Christiaens provided a brief update on the status of the new buildings stating that COVID-19 has delayed progress. Completion of the maintenance building where the no-till drill was going to be stored this winter has been delayed until spring of 2021. Marks addressed questions on construction cost estimates and division of building operating costs stating he will provide additional details when they are available.

Programs:

District Grants – Vogt reported that the District had two Riparian Planting Mini Grants awarded in 2019, both of which have now been completed, reimbursed, and closed.

DNRC Sponsored Grants – Nothing to report

Equipment Program – Vogt reported a no-till drill rental is scheduled for next week.

Pollinator Program – Vogt reported staff have worked with NRCS to distribute packets of Area V pollinator seed to interested landowners. Lake County CD also requested return of some pollinator seed to establish

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fall test plots as they have exhausted their supply. More Area V seed mix will be provided in spring of 2021.

Other Old Business – Nothing to report

**Payment of Bills**

Tim Hall moved to pay the bills. Paul Parson seconded the motion. All in favor, motion carried—unanimous.

**Debits/Deposits:**

09/30/20	Amazon – 3-Hole punch	\$ 27.40
10/01/20	Zoom – monthly payment for Bryan Vogt subscription	\$ 15.55
10/02/20	Car Quest – 2 bottles of windshield wiper for CD vehicle	\$ 6.98
	<b>TOTAL</b>	<b>\$ 49.93</b>

**Checks/Deposits:**

		Payment	Deposit
Chk # 1520	Mark Sommer – RPG-01-19 Grant Reimbursement	\$ 440.24	
	<b>TOTAL</b>	<b>\$ 440.24</b>	

**Warrants:**

Chk #	Verizon	\$ 107.02
Chk #	Charter Communications	\$ 99.99
Chk #	First Interstate Bank Gas Card	\$ 38.40
	<b>TOTAL</b>	<b>\$ 245.41</b>

**Adjournment**

Tim Hall moved to adjourn the meeting at 9:41 pm. Paul Parson seconded. All in favor, motion carried—unanimous.

Voting Record – CD Supervisor	IN FAVOR	OPPOSED	ABSTAIN
Tim Hall	11	-	-
Libby Maclay	11	-	-
Travis Greenwalt	11	-	-
Paul Parson	11	-	-
Art Pencek - Absent	-	-	-
Bob Schroeder	11	-	-
Sidney Wills - Absent	-	-	-

The next Missoula Conservation District meeting is scheduled for **Monday, November 9, 2020** at 7:00 **p.m.** via Zoom teleconference.