

Missoula Conservation District – November 9, 2020 at 7:00 pm
Alternate Meeting Location – Virtual/Phone

Missoula Conservation District Attendees: Tim Hall, Chair; Travis Greenwalt, Treasurer; Paul Parson, Supervisor; Bob Schroeder, Supervisor; Art Pencek, Supervisor; Sidney Wills, Supervisor; Josh Schroeder, Associate Supervisor; Radley Watkins, Staff; Bryan Vogt, Staff; Barb Kreis, Staff

Additional Attendees: John Hart, Senior Deputy County Attorney; Travis Lemke, NRCS Supervisory District Conservationist; Bill Burdick, DNRC Service Forester; Heather Brighton, Lolo Watershed Group Coordinator; Bruce Anderson, WGM Group (MS-31-20); Marie Ann Zens Kimerly (MS-30-20)

Absent: Libby Maclay, Vice Chair; Bart Morris, Associate Supervisor; Ladd Knotek, MT FWP

Call Meeting to Order – 7:02 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 November 9, 2020 District Meeting. Art Pencek seconded the motion. All in favor, motion carried - unanimous.

Minutes – Bob Schroeder moved to approve the October 13, 2020 Minutes as presented. Travis Greenwalt seconded the motion. All in favor, motion carried—unanimous.

Treasurer's Report – Travis Greenwalt reported \$22,137.80 in the District checking account.

Public Comment – Radley “Rad” Watkins introduced himself as the new Resource Conservationist. He and his family moved to Montana from Wisconsin, and they are happy to be here. Rad is excited to begin work for the Conservation District with today being his first day in the office.

NRCS Report – Travis Lemke, NRCS Supervisory District Conservationist, reported that November 17th is the signup deadline for 2021 CSP and EQIP applications. The Missoula County Long Range Plan and two approved TIP documents (Upper 9-Mile Forest Health, Potomac Valley Forest Health) have officially been posted online for the public. Klemensas Krasaitis has been assisting the Missoula FO with forest inventory work and writing forest management plans for producers who have signed up for EQIP 2021. Klem has assisted the office for 7-days in the month of October as an Earth Team Volunteer. He will continue to assist through early winter as well.

List of Producers that have/will receive pollinator mix and have agreed to plant/care for/monitor plantings:

- | | | |
|-------------------------|---------------|--------------------------------|
| 1. Mike Knopik | 2,500 sq. ft. | 9-mile |
| 2. River Walk Estates | 2,500 sq. ft. | West on Mullan Road |
| 3. Lisa Hensley | 2,500 sq. ft. | 9-mile |
| 4. 5-Valleys Land Trust | 2,500 sq. ft. | Rock Creek restoration project |

- | | | |
|-----------------------------|---------------|----------------|
| 5. Shelby Shively | 2,500 sq. ft. | NW of Florence |
| 6. Kristen Tuck | 2,500 sq. ft. | NW of Florence |
| 7. Boaz and Sara Mendenhall | 2,500 sq. ft. | Greenough |

The Missoula USDA Service Center is still currently in Phase 3 of re-opening— meaning we 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 our field offices.

DNRC Emergency Funding Opportunity – Laurie Zeller, DNRC Conservation Districts Bureau Chief, was unable to attend the meeting. Vogt reported that he participated in a Zoom meeting last Thursday with Laurie and DNRC Foresters Erik Warrington and Bill Burdick to discuss the new Environmental Contingency Grant program that can provide restoration funding for lands burned in the 2017-2020 fire seasons. The consensus from the Foresters was that most 2017-2019 fire affected areas in Missoula County had already received some type of restoration assistance, and the limited funding available from this new program might best serve areas burned in 2020 across other areas of the state. Bill Burdick stated he would be happy to assist if funding became available in Missoula County.

310 Permit Applications

MS-30-20 – Marie Ann Zens Kimerly – Lolo Creek – Bank Stabilization
Geocode: 04-2091-33-3-01-04-0000

Vogt reported on the new 310 Application for bank stabilization at Kimerly’s bridge site and showed photos of current conditions included with the application. Vogt reviewed the hand drawn design to place 3-foot+ diameter fractured rock along approximately 30 linear feet of streambank experiencing erosion. The application states that rock placement will also allow for planting of willows, cottonwood, and shrubs. It also includes reference to a long term project plan Kimerly is working on with Lolo Watershed Group (LWG) and Geum Environmental Consulting since August 2019. Vogt reported that FWP did not request a site inspection due to familiarity with the location, but L. Knotek did specify an instream work window of July 1 - October 15 for Lolo Creek in consideration of wild salmonid spawning. Vogt reported being included in an email where Todd Kliez, Missoula County Floodplain Administrator, notified Kimerly of Floodplain’s requirement for design and certification by a licensed engineer that any proposed riprap will remain stable during flood events. The US Army Corps of Engineers has also indicated a 404 Permit is required for the proposed project.

Art Pencek moved to make Application MS-30-20 a project for review under the 310 Law. Bob Schroeder seconded the motion. All in favor, motion carried – unanimous.

The Board held additional discussion regarding the application. Kimerly stated the project is needed to keep the bridge from being washed out during high flows and that the work wouldn’t really extend into the stream. While there are no current plans to relocate the bridge, this may be added to future work in cooperation with Lolo Watershed Group (LWG) and an upstream landowner. She also considers the requirements for engineered plans costly and unfeasible for this project. The Board discussed prior permits issued for this site, ongoing concerns over the current bridge location, and requirements from other stream permitting agencies. The idea of approving the application with modifications incorporating the FWP instream work window and any additional design requirements that may be required by other permitting entities was discussed but not moved forward for a vote. Additional discussion included the possibility the

landowner might use a 310 Emergency Notice to take action during upcoming high flows if a permit was not issued, the desire to see a more detailed design plan to ensure a long-term, stable stream crossing, and recognition that there is plenty of time prior to the allowable instream work window for the applicant to provide more detail for the Board's consideration of the 310 Application.

Travis Greenwalt moved to table Application No. MS-30-20 until a more complete application with additional design details is provided. Paul Parson seconded the motion. Art Pencek and Sidney Wills opposed the motion; all others in favor. Motion carried by vote of 4 to 2.

MS-31-20 – Mark Rideg Obo William Rideg – Spring Creek – Channel Alteration/Headgate and Culvert Installation

Geocode: 04-2427-07-1-01-01-0000 and 04-2427-07-1-02-08-0000

Vogt reported this 310 Application was submitted as a requirement to remedy Complaint No. CM-06-20. Vogt reviewed photos from prior site visits to the Rideg property, and he presented two diagrams submitted by Bruce Anderson from WGM Group showing the proposed work. The first, unlabeled diagram had been received with the application on 11/2/2020 and was forwarded to Ladd Knotek at FWP. The second, labeled diagram had been submitted today and had not been reviewed yet by FWP. There was no request for a site inspection based on FWP's review of the application that included the initial diagram. Vogt reported that signatures missing from the original application had also been received today.

Anderson stated he had only recently been to the site with the Ridegs in order to develop recommendations and design plans for the proposed channel alteration and moving the pond off stream. The footprint of the pond will shift slightly south to allow Spring Creek to flow past it, and it will increase from 0.1 acre to 0.15 acre to meet stock water and irrigation needs under an existing water right. Work includes drying up the existing pond to remove sediment, excavating the new pond footprint, installing a 15-18" pipe culvert with headgate to control flows into the pond, and realigning the channel of Spring Creek to flow past the pond. The Board discussed the proposed road included in the application and expressed concern that there isn't an adequate buffer zone between the new channel and existing fence.

Bob Schroeder moved to make Application No. MS-31-20 a project for review under the 310 Law and to approve the project with modifications. Travis Greenwalt seconded the motion. All in favor, motion carried – unanimous.

- Due to insufficient riparian buffer widths, the request for creation of a new road between the channel realignment and existing fence line is denied.
- Any piping through the existing dam structure must be removed during construction of the reconfigured pond.
- All excavated areas, including the existing borrow pit immediately adjacent to the existing dam, must be filled and recontoured so as not to capture runoff or streamflow.
- All disturbed areas must be reseeded with native riparian grasses to help control erosion.

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

In consideration of the approval of Permit No. MS-31-20, Tim Hall moved to dismiss Complaint No. CM-06-20. Bob Schroeder seconded the motion. Additional discussion included whether it was appropriate consider the complaint resolved before the work to remedy it was completed under Permit No. MS-31-20. Tim Hall rescinded his motion. Complaint No. CM-06-20 will remain on the agenda until work under Permit No. MS-31-20 is satisfactorily complete.

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 below under CM-02-20

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 both he and Deputy County Attorney Hart spoke to Mr. Schlinger in separate calls to discuss the need for a 310 Application addressing both Violation No. CM-08-19 and CM-02-20. Vogt stated that Mr. Schlinger agreed to submit a 310 Application by the end of November 2020.

310 Inquiries & Issues – Vogt reported on a bank stabilization/erosion/rip rap question he received for Glacier Creek that will likely result in a 310 Application, a request for a site visit with Watkins to property along O’Keefe Creek for recommendations on vegetation removal, and an inquiry for clearing woody debris along the Clearwater River.

Reports

County Attorney – John Hart stated he had nothing to report. Hall congratulated Hart on coming in first place in the Pony Express Trail 100-mile endurance run in Faust, Utah.

Montana FWP – Ladd Knotek was absent; no report was provided. Hall encouraged everyone to read the May 2020 edition of Montana Outdoor magazine to read the article “FWP at Work” showcasing Ladd Knotek, FWP Fisheries Biologist.

Bitterroot RC&D – Libby Maclay was absent; no report was provided.

District Committees – Hall reported the Personnel Committee met for Vogt’s 12-month review and that Kreis’s annual review will be scheduled soon.

Planning Board Update – Josh Schroeder reported the Mullan Area master plan has been recommended for approval. This will likely foster more predictable building results and discourage monolithic designs.

Hall reported that J. Schroeder’s term on the Planning Board is due to expire at the end of the year and asked if he was interested in being reappointed. J. Schroeder stated he is interested in continuing to serve.

Tim Hall moved to reappoint Josh Schroeder as the Missoula Conservation District’s representative on the

Minutes
Missoula Conservation District
November 9, 2020

Missoula Consolidated Planning Board. Paul Parson seconded the motion. All in favor, motion carried – unanimous.

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

Barb Kreis - Administrative Assistant - October 13, 2020 – November 8, 2020

Office Operations: Received and sorted agency mail daily and followed up on District business correspondence. Attended October 13, 2020 virtual District meeting and took notes. Drafted October meeting minutes. Drafted agenda for November 9, 2020 meeting and posted September meeting minutes to District website. Added deadline dates to website calendar and posted Agenda. Created pollinator packets for NRCS distribution to various landowners. Updated Box and Sales Force folder and filenames per Vogt's request. Ordered business cards for Watkins and Vogt. Mailed letter and \$2,500 check to Watershed Education Network. Requested email account and created Box and Sales Force accounts for Watkins. Emailed Zoom logon information to all meeting participants. Created, emailed and mailed meeting packet for Supervisors.

Stream Permit Processing: Completed and sent out decision letters and Form 273 permits to applicants from the October 13, 2020 meeting. Updated PowerPoint presentation for November 9, 2020 virtual meeting. Added November 9, 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. Updated Box and Salesforce with 310 applications/complaint information. Updated agenda and site inspection deadlines on CD website calendar. Forwarded new 310 applications to Knotek.

Bookkeeping, Accounting, Reporting, and Recordkeeping: Emailed October claims form to Jacque Harris. Prepared Profit/Loss and Balance reports for November 9, 2020 meeting. Entered October claims into QuickBooks. Reconciled October bank statements. Reconciled DA Davidson October statement. Completed bills claims form for November 9, 2020 meeting. Updated Supervisors claims quarterly claim form. Entered deposits/checks/transfers into QuickBooks.

Bryan Vogt - Program Specialist - October 13, 2020 – November 8, 2020

Program Assistance: Coordinated with Lake Co. CD on the return 7,500 ft² of pollinator seed mix for their fall test plots. Provided final missing 1940's aerial imagery files to the Missoula Valley Water Quality District for their Channel Migration Zone (CMZ) study. Researched time frame on open DNRC Education Mini-Grant 23G-20-3672. Submitted 12-month employee review form and participated in annual review with T. Hall and L. Maclay of the Personnel Committee. Provided DNRC additional documentation necessary to fully cancel 2019 RRGL grant. Participated in a Zoom meeting with DNRC CD Bureau Chief and local Stewardship Foresters on new Environmental Contingency Grant funding opportunity.

Office Administration (temporary assignment): Assisted in hosting the October 13, 2020 Board meeting held virtually via Zoom. Sent email update to Supervisors regarding potential COVID-19 exposure in the NRCS Area office. Corresponded with Personnel Committee on continued office transition planning. Worked with Kreis and T. Lemke on office and administrative preparations for R. Watkins start date. Researched laptop options for potential equipment purchase. Submitted bi-weekly timesheets and labor distribution summaries to county payroll. Entered county reports and reconciled the mill levy account in QuickBooks. Regular phone and email correspondence with Kreis to facilitate operations while working remotely. Reviewed, edited, and finalized the October 13, 2020 meeting minutes prepared by Kreis. Finalized the agenda, associated documents, and Zoom invitation for the November Board meeting.

310 Law Administration (temporary assignment): Reviewed and edited 310 decision letters following the October 13, 2020 District meeting. Assisted individuals regarding 310 Law related projects, complaints, issues, and inquiries including locations on Barber Creek, Cooney Creek, Glacier Creek, Lolo Creek,

O’Keefe Creek, Spring Creek, the Clark Fork River, and the Clearwater River. Phone calls with J. Hart and James Schlinger on process required towards resolving outstanding Violations No. CM-08-19 and CM-02-20. Researched and provided assistance on the requirements of Permit MS-20-20. Directed Kreis on cleanup of 310 electronic files and on contacting applicants to obtain unsigned Form 273s and 318 Authorizations for issued permits. Continued work on the required process and timing of Missoula CD’s 310 Administrative Rules revisions.

Technical Assignments: Handled one rental and one reservation cancellation of the no-till drill. Took one no-till drill reservation for the spring of 2021. Corresponded with the Equipment Committee on plans for winter storage and conducting repairs/maintenance on the no-till drill. Additional email correspondence with Baldwin County SWCD in Alabama on no-till drill rental policy questions. Participated in site visit with NRCS to provide pollinator seeding technical assistance to a landowner in the Ninemile drainage. Provided additional information on pollinator seed mixes and suppliers to NRCS.

Communication and Outreach: Letter sent to Deb Fassnacht with WEN including CD’s \$2,500 educational program support and explanation of matching funds challenge for potential additional funding. Drafted and submitted a 2020 Missoula Co. grazing assessment letter to Missoula/Mineral FSA. Reply to Lolo Watershed Group’s Coordinator regarding her inquiry on the Ranching for Rivers program through SWCDM.

**1 Holiday (Election Day)/1 Vacation Day*

Other Reports – Nothing to report.

New Business

Administrative Rules Revisions – Vogt stated a public notice will be placed in the November 15th and 29th editions of the Missoulian newspaper announcing the District’s draft 310 Administrative Rule revisions in order to comply with HB383. Deputy County Attorney John Hart will review the proposed revisions at the December 14, 2020 public hearing to be held prior to the District Meeting. The proposed rule revisions will be available on the Missoula Conservation District website or by contacting Kreis at the office.

2020 MACD Convention – Vogt reported that the convention agenda and resolutions to be voted on at the convention are included in the Supervisors’ meeting packets. Following brief discussion, the Board decided to skip formal review and consideration of the resolutions since no Missoula Conservation District Supervisor plans on attending the 2020 MACD Convention business meeting. Vogt reported that staff will participate in the two, half-day convention via Zoom on November 18-19, 2020.

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

Other New Business: - Nothing to report.

Old Business

Stakeholders:

DNRC State Lands – Lease Sites – Hall asked if Art Pencek would take the lead in efforts to work with DNRC regarding state land lease sites and 310 Law permitting requirements. Pencek agreed. Vogt will send him contact information for Kristen Baker-Dickinson in order to begin these discussions.

MSU Extension/Weed District – Fairgrounds Building – Greenwalt reported receiving an email from Bryce

Christiaens inquiring about potential funding sources for the outdoor classroom/garden. There was discussion of different grant opportunities to be researched, including a DNRC 223 Grant. Vogt and Watkins expressed interest in assisting Greenwalt with these efforts.

Programs:

District Grants – Vogt reported on receiving a thank you letter from Deb Fassnacht of the Watershed Education Network (WEN) for the \$2,500.00 sponsorship check received from the Missoula Conservation District. He also reported receiving a progress report from Rob Roberts with Trout Unlimited on the Rattlesnake Dam removal project funded by a 2018 Legacy Grant from the District. The project was completed at the end of October 2020 with very successful results at a total cost of \$828,990.

DNRC Sponsored Grants – Vogt reported that Jorri Dyer with DNRC recently asked for confirmation of the RRGL grant cancellation for the Grass Valley French Ditch (GVFD) project. DNRC had not received a copy of a letter indicated in a March 11, 2020 email from Jen McBride to GVFD. Vogt provided the appropriate documentation to Dyer allowing DNRC to officially cancel the RRGL contract.

Equipment Program – Vogt reported there was one rental of the no-till drill in mid-November and one already scheduled for spring 2021. The drill will be scheduled for maintenance and repairs and then moved to the Schroeder Ranch for winter storage.

Pollinator Program – Vogt reported on attending a site visit with NRCS to the Thisted property in Ninemile to give recommendations on the pollinator seeding.

Other Old Business – Watkins inquired about the Supervisor terms for Greenwalt and Maclay. Kreis will correspond with the Elections Office for clarification.

Payment of Bills

Bob Schroeder moved to pay the bills. Paul Parson seconded the motion. All in favor, motion carried – unanimous.

Debits/Deposits:

Date	Description	Deposit	Debit
11/06/20	USPS – 1 roll of stamps		\$ 55.00
11/02/20	Zoom – monthly payment for Radley Watkins, RC		\$ 15.55
10/27/20	PS Print – Business cards for Bryan Vogt		\$ 24.15
10/27/20	PS Print – Business cards for Radley Watkins		\$ 24.15
10/21/20	Transfer from Checking to Petty Checking	1,400.00	
	TOTAL	\$ 1,400.00	\$ 118.85

Checks/Deposits:

Date	Description	Deposit	Checks
11/02/20	No Till Drill Rental to Stacey Ball	\$ 300.00	
10/21/20	Transfer from Checking to Petty Checking		\$ 1,400.00
10/21/20	Watershed Education Network (WEN) Sponsorship		\$ 2,500.00
	TOTAL	\$ 300.00	\$ 3,900.00

Adjournment

Tim Hall moved to adjourn the meeting at 9:12 pm. Travis Greenwalt seconded. All in favor, motion carried – unanimous.

Voting Record – CD Supervisor	IN FAVOR	OPPOSED	ABSTAIN
Tim Hall	8	-	-
Libby Maclay - Absent	-	-	-
Travis Greenwalt	8	-	-
Paul Parson	8	-	-
Art Pencek	7	1	-
Bob Schroeder	8	-	-
Sidney Wills	7	1	-

The next Missoula Conservation District meeting is scheduled for **Monday, December 14, 2020 at 7:00 p.m.** via Zoom teleconference.

APPROVED