

Missoula Conservation District – December 14, 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; Art Pencek, Supervisor; Bob Schroeder, Supervisor; Sidney Wills, Supervisor; Bart Morris, Associate Supervisor; Josh Schroeder, Associate Supervisor; Radley Watkins, Staff; Bryan Vogt, Staff; Barb Kreis, Staff

Additional Attendees: John Hart, Senior Deputy County Attorney; Ladd Knotek, MT FWP; Leo Rosenthal, MT FWP; Travis Lemke, NRCS Supervisory District Conservationist; Heather Brighton, Lolo Watershed Group Coordinator; Jane Cowley (CM-09-20); Carl Graumann (CM-09-20); Dave DeGrandpre, City Floodplain Administrator; Morgan Valliant, Ecosystem Services Superintendent Missoula Parks and Rec.; James Schlinger (MS-32-20) Bryce Christiaens, County Weed District Manager; Nathan Green, USACE

Public Hearing on 310 Administrative Rules Revisions – Tim Hall called the public hearing to order at 7:03 pm and asked if anyone had comments to provide on the proposed revisions to the District’s 310 Law Administrative Rules that extends the time period of appeals from 15 to 30 days. No one provided any comments and staff confirmed that no comments were received at the office following notices being posted on the District’s website and in the Missoulian newspaper. Hall adjourned the public hearing at 7:05 pm.

Call Meeting to Order – 7:03 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, and all other decision forms 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 all decision forms for the December 14, 2020 District Meeting. Art Pencek seconded the motion. All in favor, motion carried – unanimous.

Minutes – Libby Maclay moved to approve the November 9, 2020 Minutes as presented. Travis Greenwalt seconded the motion. All in favor, motion carried—unanimous.

Treasurer’s Report – Travis Greenwalt reported \$22,248.94 in the District checking account.

Resolution to Approve 310 Administrative Rules Revision – A resolution to approve and adopt the District’s revised 310 Administrative Rules was considered by the Board.

Tim Hall moved to approve the rule changes and to accept the resolution as part of the motion. Travis Greenwalt seconded the motion. All in favor, motion carried—unanimous. The resolution will be signed electronically by the Missoula Conservation District Board of Supervisors and attested by the Resource Conservationist in order to comply with COVID-19 virtual meeting procedures.

Public Comment – Heather Brighton, Lolo Watershed Group Coordinator, reported that Lolo Watershed

Group is currently recruiting board members and to let her know if anyone is interested in serving. There is no requirement that board members must live in the Lolo Watershed. Lolo Watershed Group is creating a new marketing approach to better communicate with landowners. Brighton also requested a regular spot on the District's meeting agenda to report on the group's activities.

NRCS Report – Travis Lemke, NRCS Supervisory District Conservationist, reported several Missoula County applications were received prior to last month's deadline for the EQIP High Tunnel SI Program, WAM, and for the 9-mile and Potomac Valley Forest Health TIPs. The field office is actively collaborating with the DNRC Service Forester (Bill Burdick) on providing forest management plans to landowners who currently have EQIP contracts (forestry) in place. In addition, the field office has been working with the new NRCS Area Forester Jason Glenn on project work related to our TIPs as well. The Missoula NRCS Field/Area Office has been moved back to Phase 1 (effective 12/1/20) due to the recent spike in COVID cases in Missoula county. Phase 1 cannot exceed 10 people in a single office space and 6 feet of separation must be maintained between employees, telework is strongly encouraged, visitors are not permitted to the office and masks are required for face/face interaction with customers and other employees. Changes in phases will take place when offices see a downward trend in COVID cases and sustain the status of less than 2 COVID cases/10,000 people for a two-week period.

The Missoula Field Office would like to collaborate with the Missoula Conservation District on future TIP (Targeted Implementation Plan) proposals for NRCS. This could include addressing primary resource concerns already identified by the Missoula County Local Working Group (LWG) in the Spring of 2020 or addressing concerns in a geographic area that have not yet been identified but could be listed as a primary resource concern in 2021. Forest health and noxious weed issues have already been addressed in the two pre-approved TIPs in Missoula County in 2020 (Potomac Valley, Upper 9-mile). The next TIP proposal would likely focus on addressing resource concerns that haven't already been addressed i.e. riparian restoration on impaired streams. The Missoula Field Office anticipates having a follow-up local working group (LWG) meeting in 2021 to identify the priority resource concerns moving forward.

310 Permit Applications

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

Watkins reported there are no new developments on this application. Hall stated that MS-30-20 will remain on the agenda until further notice.

MS-32-20 – James Schlinger – Barber Creek – Bridge and Stream Manipulation
Geocode: 04-2992-19-1-01-11-0000

Watkins reported this 310 Application was submitted to address the prior work that had been done without a permit under Violations No. CM-08-19 and CM-02-20. A site inspection was conducted December 8, 2020 with Leo Rosenthal, MT FWP Biologist, Mr. Schlinger, Watkins, and Vogt. Watkins reviewed a map that outlined the wetland classes that run along the stream on this property. Watkins stated the US Army Corp of Engineers (USACE) had asked for a status update on this project after receiving the agenda for this meeting including Application MS-32-20. Vogt reviewed photos from the December 8, 2020 site inspection in comparison to photos from prior site inspections at this site.

Rosenthal stated that raising the bridge an additional foot should provide sufficient freeboard, and Schlinger

stated this could be accomplished by using longer stringers and placing them on small concrete abutments. Schlinger stated the bridge would only be used about twice a year to access the other side of the creek. Rosenthal recommended no further excavation of the stream channel and reported many sections of the stream appear to be healing well with much of the excavated woody vegetation placed on the adjacent stream banks having survived and resprouted. However, the application should include a revegetation plan to address bare areas immediately downstream of the bridge. The Board discussed the need for a revegetation plan that addresses any areas where woody vegetation is not reestablishing on its own. Schlinger stated he is happy to revegetate any area where it is needed.

Art Pencek moved to table 310 Application No. MS-32-20 until the January 2021 District meeting so that Mr. Schlinger can work with staff on a detailed revegetation plan incorporating native woody vegetation in those areas both upstream and downstream of the existing bridge that lack recolonization by native shrubs or trees. Any modifications to the bridge plan should also be included in the revised application materials. Paul Parson seconded the motion. All in favor, motion carried – unanimous.

Nathan Green, USACE Regulatory Project Manager, stated he contacted Mr. Schlinger and discussed that the road would likely fall under a USACE farm road exemption but that the excavation and fill along the creek may likely be a violation of Section 404 of the Clean Water Act.

310 Complaints

CM-06-20 (Re: MS-31-20 AWM)– 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

Hall stated CM-06-20 will remain on the agenda until work has been completed and approved under 310 Application MS-31-20.

CM-09-20 – Carl Graumann on City of Missoula property – Clark Fork River – Vegetation Removal
Geocode: 04-2200-17-2-01-122-0000

Watkins reported receiving a complaint from Ladd Knotek, MT FWP, regarding vegetation removal near the Clark Fork River on property owned by the City of Missoula downstream of the Russell Street Bridge and immediately adjacent to the Riverside Apartments. Watkins stated he worked with multiple individuals at the city before Carl Graumann was determined to be the one that conducted the vegetation removal. Watkins reviewed photos from the December 7, 2020 site inspection along with photos provided by Mr. Graumann showing the site before and after the work was completed.

There was extensive vegetation removal down to bare soil, except for trees, in an area approximately 1-1.5 acres in size, and extending approximately 20 feet back from the low water level up to the high water mark. Before and after photos showed all woody debris had been removed. There was also evidence of grading with heavy equipment and reseeding with grass. No Trespassing signs had been posted on city property in the cleared area.

A separate concrete patio and picnic area located on the same City property was discussed by representatives from the District, FWP, and the City during the site inspection as it is currently being undercut during high flows and could start collapsing into the Clark Fork River.

Morgan Valliant, Ecosystem Services Superintendent for the City of Missoula, verified that the property was managed as a City natural area, that all work was unpermitted by the city, and that the city has begun work on a remediation plan for the site. Dave Degrandpre, interim City Floodplain Administrator, stated agreement with Valliant's report and added he is investigating when the concrete picnic area was installed and whether or not it was conducted with city approval. Mr. Graumann stated he was unaware a permit was required and apologized for conducting the vegetation removal and grading work without one. He stated he did not know when the concrete patio and picnic area was installed. Graumann expressed appreciation for the Board's feedback and stated he has been working on cleaning up homeless camps and garbage left on this city parcel next to the river. Art Pencek reviewed his team member report with recommendation that the District work in advisory capacity on the City's remediation plan for the property.

Art Pencek moved to make Complaint No. CM-09-20 a violation of the 310 Law as work that could impact the bed or banks of the stream was conducted without a permit and further require Mr. Graumann to work with the City of Missoula over the next 60 days to develop a restoration plan for the site that meets Conservation District minimum standards and to submit a 310 Application. Bob Schroeder 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 MS-32-20 above for additional discussion

CM-02-20 (Re: CM-08-19, Violation & MS-04-20, Denied) – James Schlinger – Barber Creek – Bridge & Road Work
Geocode: 04-2992-19-1-01-11-0000

See MS-32-20 above for additional discussion

310 Inquiries & Issues – Watkins reported on an inquiry from Montana Department of Transportation regarding the need for a 310 Permit on a utility boring project under a stream. Knotek clarified that applications from private companies or individuals go through 310 Permit review while applications from public entities such as MDT go to FWP for an SPA 124 Permit. Watkins stated he did not know MDT or the utility would actually be the applicant. Watkins reported on an application received from the City of Missoula for a project on Grant Creek where Watkins confirmed with Knotek that the application was a SPA 124. This project was also located on a section of Grant Creek that the Board does not take 310 permitting jurisdiction. Watkins also reported receiving a complaint regarding chemicals spilled at the mouth of Rattlesnake Creek that was determined to be outside of CD's jurisdiction and referred to the Missoula Water Quality District.

Reports

County Attorney – John Hart stated he had nothing to report.

Montana FWP – Ladd Knotek and Leo Rosenthal both stated they had nothing to report.

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

District Committees – Hall reported the Personnel Committee completed reviews for Vogt and Kreis and that they both received step increases within their pay grades.

Planning Board Update – Josh Schroeder reported on a presentation given to the Planning Board regarding how different transportation planning emphasis affects rural and urban areas.

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

Barb Kreis - Administrative Assistant - November 9, 2020 – December 11, 2020

Office Operations: Received and sorted agency mail daily and followed up on District business correspondence. Attended November 9, 2020 virtual District meeting and took notes. Drafted November meeting minutes. Drafted agenda for December 14, 2020 meeting and posted October meeting minutes to District website. Added deadline dates to website calendar and posted Agenda. Organized all DNRC 310 Admin grant files and created spreadsheet for Watkins review. Organized all Sponsorship/Mini Grant letters and documents for Watkins review.

Stream Permit Processing: Completed and sent out decision letters and Form 273 permits to applicants from the November 9, 2020 meeting. Updated PowerPoint presentation for December 14, 2020 virtual meeting. Added December 14, 2020 agenda to website. Updated 310 Spreadsheet with new 310 applications. Created files for 1 new 310 application and 1 complaint. 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 and partners. Updated agenda and site inspection deadlines on CD website calendar. Forwarded new 310 application to Rosenthal. Created site inspections schedules for December 7 and 8.

Bookkeeping, Accounting, Reporting, and Recordkeeping: Emailed November claims form to Jacque Harris. Prepared Profit/Loss and Balance reports for December 14, 2020 meeting. Entered November claims into QuickBooks. Reconciled November bank statements. Reconciled DA Davidson November statement. Completed bills claims form for December 14, 2020 meeting. Updated Supervisors claims quarterly claim form. Entered deposits/checks/transfers into QuickBooks. Completed the FY20 State of Montana Annual Financial Report for Treasurer, Travis Greenwalt's review/approval/signature

**2 Holidays (Veterans Day & Thanksgiving)*

Bryan Vogt - Program Specialist - November 9, 2020 – December 11, 2020

Program Assistance: Attended virtual portions of MACDEO meeting and trainings on Nov 12-13. Attended virtual MACD Convention on Nov. 18-19. Researched grant opportunities as they pertain to potential funding for the greenhouse at the new fairgrounds building.

Office Administration (temporary assignment): Assisted in hosting the November 9, 2020 Board meeting held virtually via Zoom. Assisted with the review and editing of the November 9, 2020 meeting minutes prepared by Kreis. Assisted Watkins with general District orientation; submission of timesheets and payroll; entering payroll and county mill levy reports into QuickBooks; and monthly meeting preparation. Regular phone and email correspondence with Watkins and Kreis to facilitate operations while working remotely.

310 Law Administration (temporary assignment): Assisted with the review and editing of 310 decision letters following the November 9, 2020 District meeting. Assisted Watkins in general 310 Law administration orientation; review and handling of new 310 Complaint on Clark Fork River; correspondence with James Schlinger and review of new 310 Application on Barber Creek; review of application on Grant Creek determined to be an SPA 124 permitting matter; consultation on complaint on mouth of Rattlesnake Creek

determined to be out of the District's 310 jurisdiction; and process to set up site inspections. Participated in site inspections with Watkins, Pencek, Knotek, and Rosenthal.

Technical Assignments: Assisted Watkins on moving the no-till drill to an alternative location within the office parking lot. Hauled no-till drill to Schroeder Ranch for winter storage and repairs. Ordered parts for repair/maintenance of the no-till drill. Took one no-till drill reservation for the spring of 2021.

Communication and Outreach: Sent legal notice of the public hearing for District's proposed 310 Admin Rule revisions to the *Missoulian*. Posted draft of the revised 310 Admin Rules and notice of public hearing on the District website. Emailed draft rules to Kreis for any public requests. Requested update from Missoula Co. Weed District on the status of their landowner grant program. With Watkins and Greenwalt, hosted a virtual meeting with Missoula Co. Weed District to discuss grant funding opportunities for new greenhouse facilities at fairgrounds. With Watkins, participated in a virtual meeting with Charlie Holtz of Pheasants Forever to discuss PF's Partnership Seed Program in relation to the District's Pollinator Initiative program. With Watkins, participated in virtual meeting with Valerie Kurth, DNRC Regional Water Planner, to discuss stream gages on Lolo Creek. Updated office closure information, staff contacts, and upcoming events on District website.

**2 Holidays (Veterans Day & Thanksgiving)/1.5 Vacation Days*

Radley Watkins – Resource Conservationist – November 9, 2020 – December 11, 2020

Training: Introduced to workspace in the USDA Service Center and began to get oriented with supplies. Met some partners and other professionals that I will be working with. Got setup with email. Began training on 310 Law and orientation on what the Missoula CD does. Completed all EQIP application procedures, including finger printing. Got setup on box, and Salesforce. Trained in QuickBooks, timesheets, and Labor Distribution Report submission. Corresponded with Board Chairman Tim Hall and Jen McBride regarding office operations and expectations. Discussed procedures with Vogt and Kreis as they helped train me.

Meetings: Attended virtual monthly Montana Conservation District idea share meeting. Attended virtual MACD annual convention. Met virtually with Vogt and DNRC's Valerie J. Kurth, Regional Water Planner, Clark Fork and Kootenai River Basins, to discuss CD contracting for the maintenance of two stream gauges on Lolo Creek. Met virtually with Vogt and Charlie Holtz, Pheasants Forever and Quail Forever Conservation Specialist-West, regarding pollinators and opportunities to work together on unique local seed mixes. Attended Missoula County Planning - CAPS meeting and discussed opportunities for CD to review/comment on upcoming zoning codes that should include riparian protection. Attended virtual partners meeting with Board member Travis Greenwalt & Vogt, regarding completion of new building at County Fair Grounds, and discussed possible grant opportunities.

310 Law Administration: Reviewed several 310 applications for Jim Schlinger and helped him understand what a complete application is. Processed Schlinger complete application and conducted site visit with Vogt and FWP's Leo Rosenthal. Processed complaint on City property on the Clark Fork River, and conducted site inspections with Vogt and partners, including CD Board member Art Pencek.

Office Administration: Held weekly staff meetings with Kreis and Vogt. Completed sheet submission and County Labor Distribution Report filing. Prepared for monthly meeting. Coordinated annual evaluation for Barb Kreis. Prepared for public hearing on proposed Rule change. Prepared for monthly Supervisor hearing.

**2 Holidays (Veterans Day & Thanksgiving)*

Other Reports – Libby Maclay stated the District should be supporting MACD by participating in meetings, providing feedback, and voting on resolutions. Vogt reported that the merger of MACD and SWCDM was approved during the virtual 2020 MACD Convention.

New Business

Administrative Rules Revisions – See sections on 310 Administrative Rules Revisions above.

Correspondence

AIS Strategic Plan Comment Period - Watkins reported on a Montana Draft Aquatic Invasive Species (AIS) Strategic Plan comment period and a request from MACD for conservation districts to provide input. There is a virtual listening session on December 16th to provide more information to conservation districts and a deadline of December 18, 2020 to submit comments on the plan.

Marijuana Tax Dollars Poll – Watkins reported receiving a letter from Jim Simpson, MACD President, initiating a poll to districts on whether they want MACD to investigate supporting conservation districts with marijuana tax money. The deadline to reply is December 18, 2020. Supervisors discussed providing a response to the poll.

Paul Parson moved to support MACD investigate supporting conservation districts with marijuana tax money. Tim Hall seconded the motion. Tim Hall, Paul Parson, Travis Greenwalt, Sidney Wills, Bob Schroeder in favor – Art Pencek and Libby Maclay opposed. Motion carried by vote of 5 to 2.

Emergency Outdoor Homeless Shelter Interim Zoning – Watkins reported on a memo regarding Emergency Outdoor Homeless Shelter Interim Zoning being proposed by Missoula County for a property located at 4285 Hwy 93 S west of the Bitterroot River. The property is being leased to Hope Rescue Mission to provide a Temporary Safe Outdoor Space (TSOS) for those experiencing homelessness in addition to the reduced capacity of local emergency shelters due to ongoing COVID-19 precautions. The Board of County Commissioners are conducting a public hearing on December 17, 2020 and have requested numerous agencies provide input, including Missoula Conservation District. Supervisors discussed their concerns including potential conflicts with recreational users, the likelihood the homeless camp would remain on site permanently, and the potential impacts to the riparian zone along the Bitterroot River. John Hart stated that he has been working on the TSOS for some time and that submitting comments at this time would not significantly change the project and the CD could better spend staff time documenting a baseline of conditions prior to the full impacts of the TSOS being realized. It was noted that the existing homeless camp along the Clark Fork River at Reserve Street has significantly impacted that section of river corridor. The benefits of documenting current conditions along the Bitterroot River in case there is the need for any future remediation due to impacts of the TSOS would be prudent. Hall and Watkins will coordinate a site visit to document baseline riparian conditions at the site.

Other New Business: - Nothing to report.

Old Business

Stakeholders:

DNRC State Lands – Lease Sites – Pencek reported contacting Kristen Baker-Dickinson, DNRC Clearwater Unit Manager, to discuss leased sites and selling of state lands as it pertains to consistency in 310 permitting requirements. Pencek had instructed Watkins to draft language that Missoula Conservation District would like provided to lessees and potential buyers of DNRC parcels located along stream and rivers. Pencek stated that Baker-Dickinson has indicated she is only involved with leased parcels but can pass the language

along to those involved with land sales.

MSU Extension/Weed District – Fairgrounds Building – Bryce Christiaens, Weed District Manager, reported on discussions with Missoula CD staff and Supervisor Greenwalt pertaining to grant opportunities to provide funding for the new facilities at the fairgrounds building. Greenwalt added that grant funds might be sought to help fund either the greenhouse or high-tunnel. Both Gallatin CD and Flathead CD have been successful in obtaining HB223 Grants from DNRC to help fund similar facilities for their districts. Vogt stated that 223 Grant proposals are due by January 13, 2021 or April 7, 2021 with funding limits of \$20,000 per grant award. Hall directed staff to continue working with the Weed District on developing a 223 Grant proposal. Christiaens added there are no updates on estimated operation costs for the new building to provide at this time.

Programs:

District Grants – Nothing new to report.

DNRC Sponsored Grants – 223 Grant information covered under MSU Extension/Weed District above.

Equipment Program – Vogt reported transporting the No-Till Drill to the Schroeder Ranch for winter storage. Parts were ordered, and Bob Schroeder made repairs to the drill. The Board discussed concerns regarding the size and function of the trailer used to haul the drill, but determined that the trailer was as wide a trailer as a non-commercial driver could tow

Pollinator Program – Vogt reported he and Watkins participated in a virtual meeting with Charlie Holtz, Conservation Specialist with Pheasants Forever to discuss their Partnership Seed Program and seed mixes Pheasants Forever has developed specifically for Montana that are available for purchase.

Other Old Business – Vogt reported that four of the seven DNRC Conservation District Bureau (CDB) staff will be retiring by the end of the year. These positions have not been filled, which has raised concerns with various districts across the state. A Zoom listening session with Mark Bostrom, DNRC CARDD Administrator, is scheduled for December 15, 2020 at 3:00 pm to discussing projected revenue shortfalls affecting CDB staffing and programs. Supervisors are encouraged to participate in the listening session.

Payment of Bills

Tim Hall moved to pay the bills. Travis Greenwalt seconded the motion. All in favor, motion carried – unanimous.

Debits/Deposits:

Date	Description	Debit
12/10/20	Zoom – Pro-Rated account for Radley Watkins	\$ 10.38
12/10/20	USPS – Postage Due	\$ 4.96
12/01/20	Zoom – Monthly charge for Bryan Vogt	\$ 15.55
11/24/20	USPS – Postage to mail 50 Healthy Riparian Guides to Weyerhaeuser	\$ 17.25
11/23/20	Box – Account for Radley Watkins	\$ 57.21
	TOTAL	\$ 105.35

Checks/Deposits:

Date	Description	Deposit	Checks
12/14/20	Reimbursement from Weyerhauser for postage for guides	\$ 17.25	
12/08/20	MT State Fund Policy Year 2018 Dividend	\$ 111.14	
	TOTAL	\$ 128.39	

Adjournment

Tim Hall moved to adjourn the meeting at 9:40 pm. Art Pencek seconded. All in favor, motion carried – unanimous.

Voting Record – CD Supervisor	IN FAVOR	OPPOSED	ABSTAIN
Tim Hall	8	-	-
Libby Maclay	7	1	-
Travis Greenwalt	8	-	-
Paul Parson	8	-	-
Art Pencek	7	1	-
Bob Schroeder	6*	-	-
Sidney Wills	8	-	-

*Supervisor B. Schroeder left the meeting prior to the votes on payment of bills and adjournment

The next Missoula Conservation District meeting is scheduled for **Monday, January 11, 2021, at 7:00 p.m.** via Zoom teleconference.