



**Missoula Conservation District**  
**November 12th, 2024, at 5:30 p.m.**  
**1075 South Avenue West, Missoula, MT 59801 – with virtual option**

**Missoula Conservation District Attendees:** Tim Hall (Chairman), Libby Maclay (Vice-Chair), Robert Schroeder (Supervisor), Art Pencek (Supervisor), Paul Parson (Supervisor), Bart Morris (Supervisor), Radley Watkins (Staff), Bryan Vogt (Staff), Sonja Skovlin (Staff)

**Absent:** Travis Greenwalt (Treasurer), Josh Schroeder (Associate Supervisor)

**Additional Attendees:** Travis Lemke (NRCS Supervisory District Conservationist), Ladd Knotek (MTFWP), Bruce Anderson\* (MS-11-24), Richard Christopher (MS-34-24), Heather Hibbard\*, LWG (EdMG-01-25)

\*Denotes virtual participation via Zoom

**Call Meeting to Order** – Chair Hall started the meeting at 5:35 pm.

**October 21, 2024 Permissive Mill Levy Public Hearing** – Chair Hall moved to approve the October 21, 2024 Permissive Mill Levy Public Hearing Minutes as presented. Robert Schroeder seconded the motion. The vote was unanimous in favor and the motion carried.

**October 21, 2024 Board Meeting Minutes** – Libby Maclay moved to approved the October 21, 2024 Board Meeting Minutes as presented. Robert Schroeder seconded the motion. The vote was unanimously in favor and the motion carried.

**November 6, 2024 Grant Committee Meeting Minutes** – Chair Hall moved to approve the November 6, 2024 Grant Committee Meeting Minutes as presented. Paul Parson seconded the motion. The vote was unanimous in favor and the motion carried.

**Treasurer's Report** – As Travis Greenwalt was absent, Bryan Vogt presented the following account balances from the District's QuickBooks Balance Sheet dated October 16, 2024, included in the Supervisors' meeting packets. Also included was the year-to-date Profit and Loss report dated October 16, 2024.

First Security Bank – Checking	\$25,717.88
First Security Bank – Petty Checking	\$3,845.25
First Security Bank – Savings	\$58,530.93
DADCO Savings	\$199,768.36
Tax Mill Levy Account at County	\$358,820.05
<b>Total Bank Accounts</b>	<b>\$646,682.47</b>

Skovlin added that QuickBooks-generated Balance Detail reports have been included in meeting packets of the Budget Committee members and can be provided for any other Board members who would like to review them. This replaces the previous financial charts in the meeting minutes to avoid duplication of staff effort and increased accuracy of the financial reports.

**Public Comment** – No public comment was offered.



## Reports

NRCS Report – Travis Lemke, Supervisory District Conservationist, reported that he will attend the MACD Convention in Great Falls. Three TIPs are set to expire after 2025: Potomac, Miller Creek, and Upper Ninemile. He can extend the Miller Creek TIP for an additional year but not the others since they have been active for 5 years. Lemke stated that potential exists for other TIPs. He has scheduled meetings with partners in December to discuss ideas. He stressed the need for landowner interest and the ability to participate for a TIP proposal to be successful. He stated that two months ago he moved a Joint Chiefs proposal forward for fuels reduction in forested lands in the Sunset Hill and Paws Up area; there has been a lot of landowner support for this effort; he will learn in January or February if proposal receives funding. Lemke concluded his report with the news that Soil Conservationist Sabrina Schuler is moving to Indiana to start a position as a District Conservationist. Her last day in the Missoula office is December 20.

County Attorney Report – John Hart was absent; no report was provided.

Montana FWP – Ladd Knotek reported that FWP will hold their statewide coordination meeting with MDT. He stated that a primary topic of discussion will be improving consistency between the two agencies of 310 and 124 permitting on the shoreline of Salmon Lake. He asked for input from the Board regarding topics to discuss. Topics mentioned included the use of salt and salt storage near streams and rivers, larger culverts to accommodate wildlife, and moving the Sixmile Creek Wildlife Underpass beyond the feasibility stage. Knotek reported that he is completing reports from the past 25 years before he retires in the next year.

DNRC Conservation District Bureau – Catey Bauer, CD Specialist for western Montana CDs, submitted a report that was included in the Supervisor's meeting packets. Watkins presented highlights from her report on a slide and stated that he would be working on the Annual Financial Report due to Local Government Services by December 31<sup>st</sup>.

MACD – Watkins announced that MACD has announced they are allowed to nominate one first time participant to the NACD convention for a scholarship to attend.

Bitter Root RC&D – Libby Maclay reported that Byron Bonnie retired, and that the new forester is actively fulfilling the duties of that position.

Dept. of Ecology and Extension/Weed District/GWMEC Building – Watkins reported that the CD has received two grant proposals from entities within Extension and the Weed District. He stated that staff will meet with Bryce Christiaens to work towards formalizing a partnership with one of the entities. Watkins mentioned the recent training MCD staff participated in with MCDEE staff on Effective Communication.

Watershed Groups – Watkins reported that he met with Brian Chaffin, the new Executive Director of the Clark Fork Coalition (CFC), and that he would like to invite him to the December meeting to introduce him to the Board; the Board supported this suggestion.

Watkins discussed the MOA on the River Ambassadors program included in the Supervisors' meeting packet. He offered some history of the MOA's development and interest from current sponsors to have the CD being involved. Watkins stated that the River Ambassador program has largely been recreation focused; involving the CD in the MOA could help shift the focus towards



educating river users on the importance of natural resources and the fishery in this corridor. Chair Hall stated that he has spoken with Randy Arnold and others involved in the River Ambassadors effort, and that he has a meeting with Mr. Arnold later in the week.

Watkins displayed a photo of the Treence diversion site on Miller Creek and discussed that CFC could potentially implement the project for its removal, but they need funding to be able to do it. They operate like a consulting firm and would also need to bill their staff time to some type of funding. Watkins advocated that the CD fund this project through a partner such as the CFC, as Knotek suggested several meetings ago. Watkins mentioned that CFC submitted a Conservation Enhancement grant application for this project knowing it was submitted to the wrong category, but he still requested it to be able to further the official funding discussion with the Board.

Planning Board Update – Josh Schroeder was absent; no report was provided. Robert Schroeder stated that Josh would step down from his position if anyone else is interested in being the CD representative on the Planning Board. Chair Hall, emphasizing the importance of representation on the Planning Board, stated that the CD's comments to the county and the planning board were instrumental in the County's ruling that the proposed Creighton subdivision on 3<sup>rd</sup> St having the requirement of a 250-ft buffer from the Clark Fork River. While this is less than the desired 500-ft buffer, it represents a compromise from the much narrower buffer originally proposed by the developer. The Board agreed that Josh does an excellent job on the Planning Board.

Water Quality District – Chair Hall reported that there was no meeting this past month.

District Committees – Watkins reported that the Personnel Committee met on November 6. The Grants Committee met on November 6<sup>th</sup> and will meet again on December 19<sup>th</sup>.

Missoula CD Employees – Written reports were included in the Supervisor's packets. Skovlin reviewed the draft newsletter she is working on using a Mailchimp format.

Other Reports – Robert Schroeder asked if the CD had budgeted for a Conservation Day event this year. Watkins stated that none had been budgeted, but that funds could be shifted, and that this planning and implementing this event could be put into staff work plans. The Board generally agreed that they would like to hold a Conservation Day over the next year.

## **New Business**

Correspondence and Upcoming Events: In addition to the printed Upcoming Events sheet, Watkins informed the Board about the Xplore Maps fundraiser event occurring Friday, November 15<sup>th</sup>, for the benefit of the River Ambassador program. He notified the Board about a Ninemile Open House regarding the proposed wildlife underpass at Sixmile Creek and fencing in the Ninemile area around I-90. This meeting will occur while staff will be at MACD Convention. Paul Parson said he will try to attend.

Site Inspections Scheduling – Site inspections are scheduled for November 26<sup>th</sup> with Ladd Knotek.

## Programs

### Grants Program



MCD Grants: Vogt reported that the Grants Committee met on November 6<sup>th</sup>; they reviewed five applications for full funding and ten applications for consideration to move forward.

Robert Schroeder moved:

To approve the recommendations brought forth from the November 6, 2024 Grants Committee meeting, that included approval of the following applications for the full amounts requested (incorporating any additional recommendations or requirements from the Grants Committee):

RPG-01-25 Mott – Miller Creek.;

RPG-02-25 Ruiz - Miller Creek;

EdMG-01-25 Lolo Watershed Classroom Education and Outreach;

EdMG-02-25 Native Plant Garden Programming Enhancement and Native Plant Garden Tour.

To deny applications

CEG-01-25 Treece Miller Creek Headgate Removal & Shoreline Restoration and to direct staff to continue conversation with the CFC for consideration of funding under a more appropriate Missoula Conservation District grant category;

ICG-03-25 Dirt to Soil AND to not invite a full application submission; and

To invite all other grant pre-applications to submit a full application to the category recommended by the Grants Committee.

Chair Hall seconded the motion. The vote was unanimous in favor and the motion carried.

Conservation Enhancement Grant: CEG-01-25 Treece Miller Creek Headgate Removal & Shoreline Restoration. Watkins presented photos and drawings of proposed restoration plans from the application. He discussed some of the proposed plans and partner discussions that have resulted in the grant application that came forward. Vogt mentioned that it didn't fit CEG criteria, but that ecologically, he agrees with Watkins that it is an important project and merits a discussion of how to make it work. Watkins asked if NRCS could review and stamp engineering plans from an outside source. Lemke stated that he could ask, but said they don't have anyone on staff locally who has this capability. Paul Parson stated that he could design it but can't commit the time for the FEMA rise analysis; he estimated that it would cost approximately \$8,000 - 10,000 for the FEMA permitting work. Watkins suggested that with CD funding, CFC may be able to dedicate time to the permitting aspect of the project.

Chair Hall moved to have staff review the proposed Treece Miller Creek headgate Removal and Shoreline project for potential Legacy Grant funding. Robert Schroeder seconded the motion. The vote was unanimous in favor and the motion carried.

### Outside Grants

DNRC Education Mini Grant for 2025 WMCAG support: Robert Shroeder moved to approve the application in development for a DNRC Education Mini Grant requesting \$5,000 to support the 2025 Western Montana Grazing and Agriculture Conference. Bart Morris seconded the motion. The vote was unanimous in favor, and the motion carried.



**Soil Health/Equipment Program:** Vogt reported that he will be participating in a planning meeting with the Five Valleys Land Trust regarding soil health education. He stated that there had been two drill rentals within the past month, one being with the City for seeding Bellevue Park. He will soon be coordinating with the MC Fairgrounds to put the drill in storage for the winter.

**Pollinator Program/MTNSN:** Vogt reported that he had distributed wildflower seed packets to 3 additional landowners. Only a small portion of this year's seed mix remains available representing a vast improvement from prior years. Green Mountain CD reported at the Area 5 EO meeting that they will purchase and provide seed mix again in 2025 through their DNRC Pollinator Grant. Vogt informed the Board that work continues with the Missoula County Bee City Group to develop the Franklin Street Pollinator Pathway project. Work also continues to develop the Native Plant Collaborative project for CDs in Western Montana. Other Area 5 CDs at the recent EO meeting expressed interest in distributing plant plug packs in the fall 2025 along with conducting public outreach events.

Vogt reported that he participated in a tour of the MTNSN foundation seed fields led by M. Butts as part of the Area 5 EO meeting. The DNRC staff has been able to make seed collections from several species planted this spring. Collections from wild populations also continued successfully this year.

**Wildlife Damage & Habitat Conservation Program** – Watkins reminded the Board about the upcoming meeting about the proposed I-90 Sixmile/Ninemile project at the Ninemile Community Center on November 20<sup>th</sup> at 7 pm. He stated that the Missoula BearSmart Working Group will meet after a hiatus but that he had a conflict. He stated that Seeley Lake may submit a request for a grant for BearSmart education materials.

**Other New Business** – No new business was offered.

### **Old Business**

**Utilities and 310 Permitting** – Chair Hall discussed the need to form an ad hoc committee to work on developing 310 rules that address how the Board should permit work of utilities. Bart Morris and Paul Parson agreed to serve on the ad hoc committee that will meet in January. Chair Hall stated that they will seek input from FWP in this effort.

**MACD Resolutions and Voting Delegate:** The Board gave Robert Schroeder general authority to vote on MACD resolutions in the best interests of the Missoula CD.

**Other Old Business** – No other old business was presented.

**310 Emergency Notices** - No emergency notices were presented.

**Existing 310 Permits** – No existing 310 permits were presented.

**APO Applications** – None to discuss this month.

### **310 Permit Applications**

**MS-11-23** – Kimberly and Robert Bobber – Swan River – Culvert

**Geocode:** 04-2992-18-2-01-19-0000



Watkins stated that this application has been on the agenda now for a full year with the applicant's not having provided the additional information requested by the Board.

Robert Schroeder moved to deny Application No. MS-11-23 for lack of additional information requested from the applicant. Art Pencek seconded the motion. The vote was unanimous in favor and the motion carried.

**MS-09-24** – Todd Randall obo Matthew Cole – Rattlesnake Creek – Channel/Bank Projects

**Geocode:** 04-2200-11-2-05-08-0000

Nothing new was presented. The Board took no action.

**MS-11-24** – Annick Smith and Lilly Tuholske – Bear Creek – Irrigation Projects

**Geocode:** 04-2202-24-1-01-03-0000

Watkins showed slides of the site location and photos from site inspection while Tim reviewed the project application. Bruce Anderson stated that he designed the original set of plans to re-establish a broken irrigation line, and recently, per the request of the Board, submitted modified designs that incorporate a Coanda screen, which protects fish from entering the line while limiting sediment from entering. He explained that these screens work with this project because of the high gradient. Anderson stated that the work would be completed over five days. He anticipated minimal sedimentation because the project will be installed during the dry season.

Chair Hall moved to consider Application No. MS-11-24 a project for review under the 310 Law, to approve the project with modifications incorporating the latest design plans and FWP approved work windows, and to waive the 30-day waiting period following the Board decision. Robert Schroeder seconded the motion. The vote was unanimous in favor and the motion carried.

**MS-29-24** – Joshua DiMaggio – Cromwell Creek – Crossings/Roads

**Geocode:** 04-2426-12-4-03-11-0000

Watkins reported that the applicant withdrew their application.

**MS-31-24** – Richard Christopher – Ninemile Creek – Crossings/Roads

**Geocode:** 04-2635-21-1-01-02-0000

Watkins showed a site location slide and proposed project designs and photos from a previous site visit. Rick Christopher stated that the owner wants to sell the property and in order to do so it needs to be accessible. This project includes replacing the current bridge, which encroaches on USFS lands with a longer bridge moved away from the property line. He said that the project needs to be completed by mid-March to keep easement. Ladd Knotek confirmed with Christopher that there will be no instream work.

Robert Schroeder moved to consider Application No. MS-31-24 a project for consideration under the 310 Law and to approve the project with modifications incorporating require restoration and revegetation along the stream of the site following removal of the old bridge abutments, require contouring of slope, and require compacted or poured footings under the newly placed abutments, and to waive the 30-day waiting period following the Board's decision. Bart Morris seconded the motion. The vote was unanimous in favor and the motion carried.



## 310 Complaints

### Existing Violations Needing Action

**CM-01-24** – Glen and Rhonda Brownlee – Donovan Creek – Crossings/Roads

**Geocode:** 04-2095-08-3-01-05-0000

Nothing new to report. The Board took no action.

**CM-06-24** – Ronnie and Bonnie Moore – Clearwater River – Vegetation Removal

**Geocode:** 04-2759-31-2-04-03-0000

Watkins displayed a site location slide and photos from prior site visits as well as photos from this month's site inspection that showed unpermitted work: slash in the riparian buffer, wood bucked up, and vegetation removal, as well as a dock that the landowner stated replaced an older one which has been gone for many years. Watkins stated that the landowner would like to remove a large tree spanning the river, and that he would like to put a cement foundation under the pumphouse. Art Pencek reviewed his TMR, reiterating a conversation he had with the landowner in which he told him not to do any further work without a permit and that he did not need a permit to pick up and carry away the existing slash that is down. Pencek stated that any work on a pump house would require him to move it back from the stream.

Art Pencek moved to require that actions resulting in the 310 Violation determination cease and desist immediately and to further require that the landowner obtain a valid 310 Permit before conducting any future actions within the 310 Law jurisdictional zone of the Clearwater River. Robert Schroeder seconded the motion. The vote was unanimous in favor and the motion carried.

### Existing Violations Pending Follow-up Inspection

**CM-03-23 (Re: MS-17-23)** – Tyler and Tracy Deeds – Clearwater River – Vegetation Removal

**Geocode:** 04-2540-14-2-02-05-0000

**CM-10-23** – Patricia Coolidge – Clearwater River – Construction in a Riparian Area

**Geocode:** 04-2540-10-1-02-05-0000

Watkins reported that he recently observed that no work had been done to remedy the violation, and that a wood pile and a fire pit now existed adjacent to the river. He stated that he would follow up with the violator.

**CM-14-23** – Joan Mulligan – Clark Fork River – Vegetation Removal

**Geocode:** 04-2095-21-2-02-01-0000

**CM-05-23 (Re: MS-41-23)** – David and Lori Rath –Lolo Creek – Stream Excavation

**Geocode:** 04-1972-05-1-01-03-0000

**CM-03-24** – Nathan Woronik – Clearwater River – Vegetation Removal and Heavy Equipment Operation

**Geocode:** 04-2540-10-3-01-13-0000

**CM-04-24** – Northwestern Energy – Butler Creek – Vegetation Removal

**Geocode:** 04-2325-24-1-03-09-0000



Watkins reported that NWE sent him photos of their replanting efforts; they had done so without submitting a permit application.

**CM-05-24** – Gary and April Yetter – Lolo Creek – Vegetation Removal and Unpermitted Dock  
**Geocode:** 04-1974-02-1-02-01-0000

**CM-08-24** – Northwestern Energy – West Fork Twin Creek – Vegetation Removal  
**Geocode:** 04-2328-35-1-01-0000

Watkins reported that NWE had sent him a draft application to review with TNC, and that he provided them with TNC contact information.

**CM-09-24** – JB Yonce – Rattlesnake Creek – Unpermitted Check Dam  
**Geocode:** 04-2200-02-2-02-01-0000

Watkins reported that Mr. Yonce had visited the office to discuss what he needed to do to remedy the violation.

### **310 Inquiries & Issues –**

Watkins reported JB Yonce's interest in doing work on his section of Union Creek, and how that would likely require extensive permitting. Ladd Knotek reported that he has observed clearing on sections on the Canoe Trail to Inez Lake; he recommended that the CD send the landowners a letter that informs them of the 310 Law. Hall asked if Karen Williams, with Clear Water Resource Council could assist with messaging. Knotek informed the Board of his observations of large burn piles on a large landholding on Lolo Creek; it appears that someone may have cleared trees out of the creek following the windstorm without a permit.

Chair Hall moved to direct staff to investigate a potential 310 Violation on Lolo Creek involving vegetation clearing in the riparian zone on the OZ Ranch. Art Pencek seconded the motion. The vote was unanimous in favor and the motion carried.

### **Payment of Bills and Claims**

Chair Hall moved to pay the October bills and claims and to adjourn the meeting at 8:03 pm. Art Pencek seconded the motion. The vote was unanimous in favor, and the motion passed.

The next Missoula Conservation District meeting is scheduled for **Monday, December 9th, 2024, at 5:30 pm** in the Gerald W. Marks Exploration Center, 1101 South Avenue West, Missoula, MT, 59801. A virtual option will also be offered.

<b>Voting Record – CD Supervisor</b>	<b>IN FAVOR</b>	<b>OPPOSED</b>	<b>ABSTAIN</b>
Tim Hall	12	-	-
Libby Maclay	12	-	-
Travis Greenwalt	-	-	-
Paul Parson	12	-	-
Art Pencek	12	-	-
Robert Schroeder	12	-	-
Bart Morris	12	-	-



*Timothy Hall*

12/9/2024

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Minutes approved by

Date

*Sonja Skoulin*

12/9/2024

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Minutes prepared by

Date

APPROVED