

MINUTES
Missoula Conservation District
February 11, 2019

**Missoula Conservation District
February 11, 2019 at 7:00 pm
3550 Mullan Rd, Ste 106, Missoula, MT 59808**

Missoula Conservation District Attendees: Tim Hall, Chair; Libby Maclay, Vice Chair; Travis Greenwalt, Treasurer; Paul Parson, Supervisor; Art Pencek, Supervisor; Bart Morris, Associate Supervisor; Jen McBride, Staff

Additional Attendees: Ladd Knotek, MT FWP; Patrick Uthe, MT FWP; John Hart, Deputy County Attorney;

Absent: Bob Schroeder, Supervisor; Sidney Wills, Supervisor; Lindsay Dick, Staff

Call Meeting to Order – 7:03 pm by Tim Hall

Minutes – Art Pencek moved to approve the January 14, 2019 minutes as drafted. Paul Parson seconded the motion, motion passed – unanimous.

Treasurer's Report – Travis Greenwalt reported \$95,146.93 in the District checking account and noted that \$65,000 had already been allocated for Legacy Grant Programs and would be dispersed this month.

Public Comment – No public comment.

NRCS Report – Jen McBride provided a brief report that John Bowe, NRCS, provided her: Bowe is attending the NRCS training, Areawide Planning, in Bozeman. A funding decision for the Joint Chiefs, Wildfire Affected Missoula proposal, should be made by the end of the month. Bowe submitted an Environmental Quality Incentives Program (EQIP) funding proposal for forest thinning in the Ninemile; determination on that should also be made by the NRCS State Office by the end of the month. The project is part of the Targeted Implementation Planning (TIP) effort that Montana NRCS is transitioning to for EQIP during FY2019.

New 310 Permit Applications

MS-02-19 – Scott Tucker – South Fork of Gilbert Creek – Bridge Construction
Geocode: 04-1978-27-1-01-01-0000

McBride reviewed the project to install a bridge at the site of an old ford. The bridge will span the newly constructed channel (permitted under MS-19-18) on the South Fork of Gilbert Creek. McBride passed the revised design plans to the Board for evaluation and stated that last month the Board's concern was that the proposed freeboard was not at an elevation consistent with what the Missoula Conservation District generally recommends for the passage of ice, wood, or other debris. The new design plans addressed that concern.

Art Pencek moved approve Application No. MS-02-19 as a project for review and approve it as proposed with the modified design plans submitted to the District office on February 04, 2019. Travis Greenwalt seconded the motion, motion passed—unanimous.

APO-02-18 – Jim Stone obo OW Potter Jr. Exemption Trust – Clearwater River – Diversion Dam Maintenance
Geocode: 04-2331-04-2-01-03-0000 (RE: APO-02-08, expired December 8, 2018)

Application No. APO-02-18 was tabled at the November 5, 2018 District meeting, pending reception of revised plans including fish passage at the project site. Knotek stated that the applicant needs some time to obtain measurements at low water and work on modifications to designs to allow for fish passage – he encouraged the Board to consider allowing continued maintenance while awaiting a new application. McBride reviewed the conditions of APO-02-08.

Tim Hall moved approve Application No. APO-02-18 with modifications required under APO-02-08 and submission of modified designs within the year to allow for fish passage. Paul Parson seconded the motion, motion passed—unanimous. Modifications include the following:

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- Proceed with annual irrigation diversion maintenance as approved under APO-02-08
- Revegetate any disturbed areas as needed
- Contact the District Office when the log is placed across the structure each summer, if any rock is added to the structure, and upon completion of the yearly maintenance
- Complete a new application incorporating fish passage design and submit the application no later than December 8, 2019

MS-05-19 – Bart Morris – Miller Creek – Irrigation Structure Repair

Geocode: 04-2092-14-1-01-01-0000

Morris attended the meeting and described his project to repair his existing diversion for irrigation, explaining that old wooden irrigation diversions span the entire creek and the bank is built up around them. Morris described the photos displayed on the PowerPoint presentation and stated that the project would include work in the stream and 10-feet of each Bank. He said that the long-term goal for irrigation on the property was handlines and wells. The Board discussed Miller Creek, its flow regime, and the history of disturbance that has impacted the creek's bed, banks, and flow regime. The Board noted that there is presently surface flow and connectivity to the Bitterroot River on the lower portion of Morris' property even during the cold winter months. Hall and Knotek read their Team Member Reports.

Tim Hall moved to accept the Application No. MS-05-19 as a project for review and to approve work for irrigation structure maintenance as proposed. Paul Parson seconded the motion, motion passed—unanimous.

MS-06-19 – Aaron Howard – Houle Creek – Culvert Installation

Geocode: 04-2428-30-1-04-17-0000

McBride explained that this application arrived too late for site inspections. She elaborated that the project location was brought to the attention of the Board in the past under inquiries and issues and the Board stated they would like to review an application for work at this site. McBride will schedule a site inspection with the applicant.

MS-07-19 – Watershed Consulting, Inc., obo Orville Daniels – Bitterroot River – Bank Stabilization/Alteration Geocode: 04-2199-26-3-03-01-0000

McBride explained that this application arrived too late for site inspections and it is on the list for site inspections next month.

310 Complaints

CM-06-18 (RE: MS-30-18) – Fred Stout – Clark Fork River – Riprap & Excavation Work

Geocode: 04-2199-05-1-02-10-0000

McBride stated that she followed up with the consultant and landowner. There is still no action on the concrete removal and the applicant is awaiting a 404 Permit with the US Army Corps of Engineers. The design triggered a Biological Assessment with the USFWS and the final permit that is required is the Missoula County Floodplain permit. The Board requested that McBride keep it informed of future progress.

CM-16-18 (RE: MS-11-18) – Remi Berube – Butler Creek – Tree Fort & Bridge

Geocode: 04-2326-18-4-02-17-0000

McBride stated that Berube contacted her at the end of last week and is planning to submit his applications this week. The Board stated it needed to be submitted to avoid further violations and fines and it was expecting the opportunity to review applications to resolve this complaint no later than the next district meeting.

CM-01-19 – Sean & Tina Cummins – Lolo Creek – Earthwork & Encroachment on Riparian Buffer

Geocode: 04-2090-35-1-02-01-0000

McBride explained that Tina Cummins responded to a second letter that was mailed and McBride was able to meet her on site. Cummins said that she would have attended the District meeting, but that she is out of town and can attend next month if needed. Cummins said that the operators at the gravel pit offered to help firm up the land for a parking area. The operators scrapped the top soil – laid a small amount of gravel down and are planning to place the soil back where it was. The Board generally requires a riparian buffer of 30-feet to 50-feet long along Lolo Creek. The creek-side edge of the piled soil is

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presently 26-feet to 29-feet from the banks of Lolo Creek. Cummins said that they would not operate equipment on the creek side to move soil back into place and she reported that woody debris was piled by the Forest Service. Cummins also inquired about additional future projects upstream do to bank erosion and it seems that Lolo Creek is working to build sinuosity.

The Board discussed its jurisdiction on Lolo Creek and the requirement for a 310 Application for any project that may impact the bed or banks of the channel, including a 30-foot riparian buffer as measured horizontally from the ordinary high-water mark. The Board noted that encroachment on the required buffer area was very minimal and there are no plans to conduct work within the riparian buffer or bed and banks of Lolo Creek. The Board stated that the landowner should be reminded that a 310 Application is required to conduct work that may impact Lolo Creek, including, but not limited to equipment uses, vegetation removal, and excavation or fill; and to not conduct work within the creek or the area within 30-feet of the ordinary high water mark without a permit. The Board also encouraged promoting native vegetation in the riparian buffer.

Tim Hall moved deemed Complaint No. CM-01-19 not a violation of the 310 Law, but had the activity occurred any closer to the creek the landowner may have been found in violation of the 310 Law. Travis Greenwalt seconded the motion, motion passed—unanimous.

310 Inquiries & Issues

Lolo Creek Encroachment

McBride reviewed an encroachment inquiry on Stan Hendrickson's property off Balsamroot Road, where Glen Barnhouse is in the process of purchasing the property. Barnhouse owns Dig It Excavating in Lolo. He is building a shop for his equipment. Barnhouse and McBride drove around the site and discussed riparian buffers. He stated that the side channel that runs closest to Hwy 12 does not run water in the spring. He welcomed the Conservation District to observe in the spring if needed. The Board thanked McBride for looking into it.

Other

McBride informed the Board of an inquiry up Rattlesnake Creek, regarding the property located at 2992 Woodland Ave, Missoula. Dale McCormick from Professional Consultants Inc. was in touch regarding development on site, managing plants, filling a pond, and ideally removing all structures out of the floodplain. McBride stated that she offered to go to the site to advise on if a 310 Application would be required. McCormick stated that he will be back in touch to arrange a site visit most likely in the spring.

Reports

County Attorney – Hart stated that he had no report.

Montana FWP – Knotek reported on an illegal rock dam built by lessees on DNRC property below Elbow Lake. He stated that DNRC was working with MT FW&P to remove the dam completely and there may be additional work downstream where another rock dam is being built. DNRC is notifying the lessees that the rock dam is being removed and they must not rebuild it.

Bitter Root RC&D – Libby Maclay had no report.

District Committees – Hall stated that the Personnel Committee had been active and noted that new draft job descriptions for Conservation District Employees were provided in packets. McBride explained that the job descriptions were modeled after Flathead Conservation District's descriptions and adjusted to meet local needs. Hall asked that comments be provided to McBride who would forward them on to the Personnel Committee for review. He further noted that McBride was working with district partners to come up with office coverage during Lindsay Dick's absence and McBride's vacation that was approved prior to Dick's absence.

Missoula CD Employees –

Jen McBride – Resource Conservationist – January 15, 2019 – February 11, 2019

310 Administration: Drafted, reviewed, printed, scanned, forwarded, and mailed 310 letters following the January District meeting. Reviewed 310 Applications and directed inquiries as they arose, forwarded to MT FWP representatives as

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appropriate. Corresponded regarding relevant 310 projects, complaints, inquiries and issues including locations on the South Fork of Gilbert Creek, Butler Creek, Lolo Creek, Rattlesnake Creek, Grant Creek, Miller Creek, Houle Creek, the Clearwater River, the Bitterroot River, and the Clark Fork River. Scheduled site visits as appropriate and met with people regarding 310 issues/inquiries. Coordinated 310 site inspections and corresponded with applicants regarding next month's inspections. Attended 310 site inspection with Tim Hall and Ladd Knotek. Prepared 310 reports, photos, and PowerPoint for the February meeting. Corresponded with Missoula County Attorney, Fish Wildlife & Parks, Floodplain Administrators, and other representatives regarding 310 projects, inquiries, issues, and complaints as needed. Corresponded and coordinated with Missoula County Floodplain, Army Corps of Engineers, and Missoula County employees about inquires and issues. Reviewed DNRC 310 Application revisions. Forwarded MACD and DNRC communications regarding updates in the legislative session. *Conservation Planning:* Completed reimbursement checks for 2018 Cost-Share projects. Attended a portion of presentations at the Western Montana Grazing and Agriculture Conference. Reviewed and made edits to Long-Range plans. Forwarded correspondence from MACD and SWCDM to the Board.

Office Administration: Corresponded with Personnel Committee and Missoula County Human Resources as needed, and met regarding job descriptions, adding a third employee, and potential policy changes. Submitted timesheets and time summary to the county, entered Labor Distribution Reports, entered Mill Levy Account financial statements and reconciled accordingly. Inquired about financial investments with DNRC. Researched and reviewed potential of hiring a temp. Corresponded with Personnel Committee and partners regarding office coverage and potential updates to office furniture. Researched upcoming vehicle maintenance costs. Dropped claims at the Missoula County offices (no scanner available in our office at this time). Entered claims and supervisor payments into QuickBooks. Prepared claims for February meeting. Continued to coordinate with SWCDM and Kamman regarding CRM software and cloud file management. Submitted timesheets and time summary to the County. Entered monthly report into QuickBooks. Completed District Meeting Preparations for February 11, 2019.

Lindsay Dick – Administrative Coordinator – January 15, 2019 – February 11, 2019

Out on leave.

New Business

Correspondence

McBride discussed the legislative bills that were emailed to the Board for review prior to the meeting and provided print copies in District packets. The Board discussed its opinion on HB 383 & HB 399 and decided the following: Missoula CD opposes changes to The Natural Streambed and Land Protection Act. The Board emphasized that it strongly opposes changes under HB 399 regarding the definition of "stream." The Missoula CD Board believes that the existing law serves the conservation needs in Missoula County. A change in the definition may facilitate the opportunity for projects to occur that cause natural resource damage and property damage. Under the proposed definition, jurisdiction is limited and there would likely be unanticipated impacts. For example, there are several streams in Missoula County where segments of the stream flow intermittently, yet the discharge is great enough during portions of the year that an unsuspecting individual may install an undersized crossing only to have the crossing materials and associated sediments pushed down the channel causing sediment loading. The risk of cumulative effects to our streams and rivers are substantial if we consider projects such as this that have been 310 Law violations in Missoula County. Streams where some segments run intermittently that the Board presently takes jurisdiction on include Miller Creek, Lolo Creek, and Petty Creek – all major tributaries to the Bitterroot and Clark Fork Rivers.

McBride stated that there was an opportunity to go to a Statewide Administrator Training and passed around an Agenda.

Given the time of the training and the topics covered it was decided that Missoula CD staff will not attend.

McBride stated that the Three Rivers Collaborative is hosting its first public open house at Conflux Brewing on February 21st at 5:30 and she encouraged Supervisors to attend and spread the word.

McBride mentioned that several e-mails were sent out addressing a future NRCS Long Range Planning effort, but she'd not heard anything from the local office. If there is an opportunity to participate, she stated that MACD encourages participation and she would reach out to Bowe with NRCS regarding that process.

McBride said that she received an e-mail that the new Stream Permitting Guide for Supervisors is completed, and she requested the opportunity for Missoula CD to review.

Employee Leave Policy Review

Changes to this policy were made during an Executive Session.

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March Meeting Date and Office Coverage

McBride stated that hiring a temporary employee was considered but determined that it would not be practical for the short-term. The Board agreed that working with partners was preferable and encouraged McBride to continue that conversation. McBride also stated that March 04, 2019 was proposed as an alternative meeting date so that staff would be present. Hall noted that the meeting would otherwise be run by the Board without staff, or the meeting would be canceled. The Board agreed to hold the meeting on the first Monday of March.

Other

McBride stated that she'd encountered an opportunity for potential used furniture purchase through USDA, but that she was uncertain about timing. The Board agreed that McBride could continue to pursue to see if furniture would be an upgrade for the office but given the current schedule and priorities, she may have to postpone purchase until spring or summer.

Potential Government Shutdown

McBride briefly discussed potential disruptions to business if a government shutdown were to occur.

Old Business

Grant Programs District Programs – McBride stated that she would continue to work to disperse funds under the Legacy Grants and any remaining Cost-Share claims. DNRC Sponsored – WWC Engineering contacted our office to inform us that Carl Saunders of the Grass Valley French Ditch Company would be attending hearings in Helena for the Clark Fork Diversion Rehabilitation Project. The Board discussed the ranking of the project and stated that it was unlikely that it would get funded.

Equipment Program – McBride stated that the no-till-trill is being housed at Bob Schroeder's property through the winter and will return to Larry's Tractor in the spring until staff has the capacity to run the rental program out of our office.

Long-Range Plan – The Draft Long-Range Plan was provided to the Board for review and is in packets. McBride mentioned that the plan is intended to be followed by a more detailed strategic plan and individual work plans for staff.

Central Clark Fork Watershed Restoration Plan (WRP)

A map of the Central Clark Fork basin, and a table summarizing the water quality status of streams (based on assessment by MT DEQ) was provided to the Board as along with a form to facilitate providing your restoration priorities. The Board reviewed the questions and directed McBride to provide feedback.

310 (Joint) Application – McBride stated that this form was handed out at the last District meeting and asked if the Board had any feedback. Staff and Supervisors were unable to review another draft and expressed that it appeared that some of the previous feedback had been addressed.

Other – McBride addressed upcoming vehicle maintenance such as a new windshield and new wipers, and she inquired with the Board about a new service plan, as the previous plan expired. She passed around pricing options. The Board stated that a new service plan was not desired.

At 9:27 pm Tim Hall called the meeting into an executive session.

Pencek and Greenwalt updated the Board regarding a discussion with the D.A. Davidson Account representative and a proposal to move funds into a Certificate of Deposit (CD) Account over a twelve-month period so that the maturity dates allowed withdrawal of funds when needed. The Board approved the change in investments at the January 14, 2019 District Meeting. The Board agreed that Greenwalt would confirm rates of CD Accounts.

Payment of Bills – Travis Greenwalt moved to pay the bills; Tim Hall seconded the motion, motion passed—unanimous.

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Warrants:

Ck # 2547	Verizon – District cell phone	\$ 69.47
Ck # 2548	MT ErgoFit	\$ 115.00
Ck # 2549	Charter Communications – Internet	\$ 84.99
Ck # 2550	First Interstate Bank – Fleet card vehicle 4-022428	\$ 22.69
Ck # 2551	Montana State Fund	\$ 435.93
	Total:	\$ 728.08

Checks:

Ck # 1469	CS-11-18 – Reimbursement	\$ 1000.00
Ck # 1470	The Montana Club	\$154.70
Ck # 1471	Bob Schroeder – Reimbursement	\$154.38
Ck # 1472	LGP-01-18 – Rattlesnake Dam Removal Payment	\$50,000
Ck # 1473	LGP-02-18 – Channel Migration Zone Mapping Payment	\$15,000
Ck # 1474	CS-01-18 – Reimbursement	\$562.50
Ck # 1476	CS-20-17 – Payment	\$3200.00
Ck # 1477	Three Rivers Collaborative Event Sponsorship	\$200.00
Ck # 1478	Travis Greenwalt – Reimbursement	\$149.00
Ck # 1479	SWCDM – Website Hosting	\$25.00
	Total:	\$ 70,445.58

Adjournment – Tim Hall moved to adjourn the meeting. Art Pencek seconded the motion, motion passed—unanimous. Meeting adjourned at 9:52 p.m.

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

The next Missoula Conservation District meeting is scheduled for Monday, **March 04, 2019** at 7:00 p.m. in the USDA Service Center conference room at 3550 Mullan Road, Suite 106, Missoula, MT 59808.