

Missoula Conservation District
May 13, 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; Sidney Wills, Supervisor; Bob Schroeder, Supervisor; Paul Parson, Supervisor; Art Pencek, Supervisor; Jen McBride, Staff

Additional Attendees: Ladd Knotek MT FWP; John Hart, Deputy County Attorney; Bryce Christiaens, Missoula County Weed District; Karl Treadwell, Professional Consulting Inc., MS-13-19; Keith Krumbeck, Butler Creek Resident, CM-02-19; Wayne Cook, Butler Creek Resident, CM-02-19; Ursula Cook, Butler Creek Resident, CM-02-19; Mark Kuipers, Westslope Chapter of Trout Unlimited, CM-02-19

Absent: Bart Morris, Associate Supervisor; John Bowe, NRCS

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

Minutes – Libby Maclay moved to approve the April 08, 2019, minutes as drafted. Art Pencek seconded the motion, motion passed – unanimous.

Treasurer's Report – Travis Greenwalt reported \$36,619.99 in the District checking account and noted that the Legacy Grant checks had cleared the account.

Public Comment – No public comment.

NRCS Report – No report, John Bowe was absent.

New 310 Permit Applications

MS-09-19 – Professional Consultants, Inc. obo McCrane Family LLC – Unnamed – Culvert & Fill
Geocode: 04-2872-23-1-02-15-0000

Paul Parson reviewed the proposed work detailed in Application No. MS-09-19 and provided a team member report. The Board reviewed images of the site and discussed their authority over the proposed project to fill a wetland that drains to Lindbergh Lake.

Paul Parson moved to determine that Application No. MS-09-19 is not a project under the 310 law. Libby Maclay seconded the motion, motion passed—unanimous.

The board decided that the unnamed channel is not a stream for purposes of Mont. Code Ann § 7 5-7-103 (5 & 6). The Board commented that filling a wetland is not advisable and is damaging to the natural resource. While the Board of supervisors does not take jurisdiction under the Act, the Board encourages alternatives to this project that will allow the wetland area to remain intact. The Board directed McBride to contact US ACE to ensure the agency received the comment. The Board also asked McBride to review Conservation District authority with a DNRC Attorney.

MS-13-19 – Larry Johnson – Unnamed Creek – Berm Construction
Geocode: 04-2325-21-2-03-01-0000

Tim Hall reviewed the proposed work detailed in Application No. MS-13-19. The Board reviewed images of the site and Karl Treadwell, with Professional Consulting Inc. (PCI), attended the meeting to update the Board on possible changes to the design of the project and inform the Board of an application to US ACE. Ladd Knotek stated that he'd not had the opportunity to follow up with MT DEQ and recommended that the Board table the project for an additional month since

the US ACE review would likely take more time.

The Board of Supervisors tabled project MS-13-19, pending additional discussion with other permitting agencies and updated and detailed designs showing the area to be filled and the details of reconstructing the channel including any additional mitigation plans such as cleaning up and/or revegetating the surrounding riparian area.

MS-14-19 – Marie Ann Zens Kimerly – Lolo Creek – Bank Stabilization at Bridge Crossing
Geocode: 04-2091-33-3-01-04-0000

Jen McBride reviewed images of the site from spring of 2018 and from a site inspection on May 09, 2019. Hall reviewed the proposed work to protect a bridge and access to property detailed in Application No. MS-14-19. Hall and Knotek read their team member reports. The Board discussed the site, the need for a long-term plan to address the issue and the need for the property owner to be able to access their property.

Paul Parson moved to accept Application No. MS-12-19 as a project for review and to approve it with modifications in Team Member Reports including additions discussed at the meeting. Bob Schroeder seconded the motion, motion passed—unanimous.

The project to stabilize and alter the streambank on Lolo Creek is approved with the following modifications:

- Project may be completed as a short-term solution to bridge repair and relocation
- All work must occur in the soft, long, scalloped section of the bank (upstream of the bridge on river-right); the project must not extend beyond the highwater eddy area or enter the deep segment of the creek
- Length (perimeter) of the project area must not exceed 50-feet
- Rock must be over-sized, greater or equal to 3-feet in diameter
- Rock height should not exceed current bank line elevation
- Avoid disturbance of existing trees, shrubs, and large down woody debris
- Locally source and strip sod mats and place over all rock in project area
- Maintain District standards for vegetation survival rate (75% of planted vegetation must survive one year from initial planting; 50% of planted vegetation must be evidently viable two years from project completion date)
- Submit application for a long-term solution (possible bridge relocation) no later than August 1, 2019

MS-15-19 – Clark Fork Coalition c/o Will McDowell – Fish Creek – Beaver Analog Dams Installation
Geocode: 04-2331-28-1-01-01-0000

The Board tabled Application No. MS-15-19 until a beaver analog project site is inspected with the applicant.

MS-16-19 – Clark Fork Coalition c/o Will McDowell – Lost Prairie Creek – Beaver Analog Dams Installation
Geocode: 04-2434-11-1-01-01-0000, 04-2434-11-1-01-03-0000

The Board tabled Application No. MS-16-19 until a beaver analog project site is inspected with the applicant.

MS-17-19 – Tom Donich – Trail Creek – Berm Construction
Geocode: 04-2540-11-4-04-17-0000

Hall reviewed the proposed work to construct a berm to protect an existing golf green as outlined in Application No. MS-17-19. McBride reviewed images of the site from spring of 2018 and from a site inspection on May 09, 2019; she reminded the Board that this project was discussed with the applicant as a potential long-term remedy following CM-10-18. The Board discussed the site and the project proposal. Hall and Knotek read their team member reports.

Paul Parson moved to accept Application No. MS-17-19 as a project for review and to approve it with modifications in Team Member Reports. Art Pencek seconded the motion, motion passed—unanimous.

The project to construct a berm on the golf course to redirect flooding of Trail Creek is approved with the following modifications:

- Berm may exceed the height of the golf tee box by 6-inches or less
- Ensure elevations for overflow channel meet specifications discussed on site
- No addition of fill on immediate banks of creek - only on specified floodway
- Neudecker should be present during construction
- Upon completion of the project reseed all disturbed areas

MS-18-19 – Tim O’Leary – Blackfoot River – Trail Construction
Geocode: 04-22-01-21-4-01-23-0000

Hall reviewed the proposed work to construct a trail as outlined in Application No. MS-18-19. McBride reviewed images from a site inspection on May 09, 2019. The Board discussed the steep bank at the former mill site, the footprint of the proposed trail, and potential impacts to the bank due to increased public use. Hall and Knotek read their team member reports.

Paul Parson moved to table Application No. MS-18-19 and require a detailed vegetation plan as discussed on site and during the meeting. Art Pencek seconded the motion, motion passed—unanimous.

The project to construct a trail is tabled until June 10, 2019 pending review of weed treatment and revegetation plans to accompany trail construction. The revegetation plans should encompass an area as measured 50-feet upstream and 50-feet downstream of the project area, incorporate standards that were required on the project upstream (standards provided to applicant), and consider species that deter disturbance such as hawthorn and woods rose. Revegetation plans should be submitted no later than June 4, 2019, for consideration at the June meeting.

MS-19-19 – Brad Isbell – Gilman Creek – Bridge Construction
Geocode: 04-2198-07-1-01-02-0000

Hall reviewed the proposed work to construct a bridge at the location of an old ford as outlined in Application No. MS-19-19. McBride reviewed images from a site inspection on May 09, 2019. Hall and Knotek read their team member reports. The Board discussed the project and noted that it was well-planned.

Travis Greenwalt moved to approve Application No. MS-19-19 as proposed. Bob Schroeder seconded the motion, motion passed—unanimous.

MS-20-19 – Traci Sylte obo O’Brien Meadow HOA – O’Brien Creek – Log & Debris Removal
Geocode: 04-2199-34-4-01-30-0000

McBride reviewed the proposed work to move logs and remove debris as outlined in Application No. MS-20-19. McBride reviewed images from a site inspection on May 09, 2019. Hall and Knotek read their team member reports. The Board discussed a need for a long-term solution to the flooding issues as this site.

Tim Hall moved to accept Application No. MS-20-19 as a project for review and to approve it with modifications in Team Member Reports including additions discussed at the meeting. Bob Schroeder seconded the motion, motion passed—unanimous.

Application No. MS-20-19. The project to reposition logs and remove debris on O’Brien Creek is approved with the following modifications:

- Project is approved as a short-term remediation measure to alleviate deposition, channel changes, and flooding
- Gravel and debris removed from stream should be placed outside of the active channel and floodplain
- Do not remove large woody debris (LWD); repositioning of LWD is approved
- A long-term plan must be submitted in time to complete all instream work prior to October 15, 2019 (to meet fisheries work window); a new 310 Application must be submitted prior to August 1, 2019; other permits may apply

and may require an earlier application to meet deadlines listed above

MS-21-19 – Shannon Luikhart – LaValle Creek – Bridge Construction
Geocode: 04-2325-13-1-01-13-0000

McBride reviewed images from a site inspection on May 09, 2019 and Hall discussed the site and proposal noting that the application was incomplete, and more information was needed. Hall and Knotek read their team member reports.

The Board tabled Application No. MS-21-19 pending a complete application and design plans as discussed during the May 9, 2019 site inspection; a complete plan or drawing with complete answers to questions is required on the application. The modification should be submitted no later than June 3, 2019 so that the project may be further discussed at the June 10, 2018, District meeting.

Existing 310 Permits

MS-26-18 – Hugh Sheehy c/o WGM Group, Inc., Mike Day – Blixit Creek – Dam Improvements – Extension Request (permit expires July 9, 2019)
Geocode: 04-2203-28-1-01-03-0000

The Board briefly discussed this project and tabled the extension request pending more information from WGM Group regarding any possible changes to available information or the design plans originally submitted for this permit.

MS-44-18 – Vose Babcock – Clark Fork River – Cable Car Replacement – Change in Plans
Geocode: 04-2324-03-1-01-07-0000

The Board reviewed a document showing a revised route for the cable car and revisions in the location of platforms and towers. The Board stated that an additional site inspection should occur.

MS-06-19 – Aaron Howard – Houle Creek – Culvert Installation – Design Resubmission & Easement Inquiry
Geocode: 04-2324-03-1-01-07-0000

McBride reported that the applicant provided documentation that a \$20,000-dollar fee would be required to obtain an easement through a property. The Board discussed if pursuing an easement was a reasonable alternative to the impacts of placing a culvert and fill over Houle Creek. The Board considered characteristics specific to this site, including an upstream fish barrier and the downstream capture by the ditch, and determined that if the applicant preferred to complete the project over obtaining an easement, then the applicant could move forward under the existing permit.

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

The Board is awaiting an update from the applicant or contractor regarding the status of permits and removal of concrete.

CM-02-19 – Andrew Wilkinson – Butler Creek – Encroachment on Riparian Buffer
Geocode: 04-2326-18-4-02-13-0000

McBride stated that this complaint was submitted, and she'd followed up with the landowner via letter. USPS tracking showed the letter was delivered but the landowner had not contacted her, despite request to contact the District upon receipt of the letter.

Keith Krumbeck, Wayne Cook & Ursula Cook, Butler Creek Residents; and Mark Kuipers, Westslope Chapter of Trout Unlimited attended the meeting to express concerns regarding vehicles, 55 gallon drums and other materials piled on the

banks of Butler Creek. The expressed concern was for the creek, the swale that drains through the property into the creek, and the potential impact to fish in the creek. McBride informed the board that the Missoula Valley Water Quality District and Missoula County Floodplain were also notified of the complaint and she would work to reach out to the landowner by phone to set up a site visit.

CM-03-19 – Cody Moore – Martin Gulch – Flooding
Geocode: 04-2326-18-4-02-13-0000

McBride informed the board of correspondence with the landowner and neighbors. On April 24, 2019 the District office was notified of flooding related to possible channel manipulation on the property and, in the following weeks, the district office received multiple phone calls regarding this issue. A formal 310 Complaint was issued (CM-03-19) and a site visit was conducted on May 09, 2019, where Holly Moore was present.

Bob Schroeder moved dismiss Complaint No. CM-03-19 because the channel is not historically perennial, and it does not connect or seem to have an impact on a channel with perennial flow. Tim Hall seconded the motion, motion passed—unanimous.

To determine that Martin Gulch is not a perennial-flowing stream, the Board considered, in part, verbal reports from those familiar with the site, including reports from the Moore's, and Mike Vetter (representative of Weyerhaeuser), who stated that this site rarely has surface flow, and this is an unusual event. Elaine Brock and the Vanderveen's confirmed that flow rarely runs into the valley on their properties and the last observed surface flow in the valley that was reported to us occurred in 1996 or 1997. Since this segment of Martin Gulch is not known to flow year-round (it is reported that it generally flows only a couple of months out of the year) and it does not appear that surface flow is connected to a perennial channel, the Board of supervisors does not take jurisdiction at this location. If hydrologic patterns change and surface flow is present on the property for most of the year, our office should be contacted regarding any future projects that may impact a perennial channel.

310 Inquiries & Issues

McBride stated that she'd been speaking with landowners that live on Boondock Lane in Turah and was working to coordinate a visit for agencies. The Board encouraged the visit.

McBride showed the Board images of a well and flooding of Camas Creek. The Board discussed Camas Creek flooding throughout much of the valley and asked McBride if there was a specific complaint regarding work that created the issue. McBride stated that she did not receive a report of recent work or observe any recent work, but she could not find an old record for the crossing under the landowner's name (though it could be under a different name) and she had reached out to the neighboring landowners to offer some technical assistance if the crossing near the driveway was blocked and causing overland flow. The Board directed McBride to stop pursuing a site visit with the neighbors, stating that Camas Creek reaching its floodplain is not enough reason to issue a 310 complaint and that perhaps the issues with the well could be resolved through relocation.

McBride showed the Board images of Schmidt Lane and recent flooding including a large headcut stating that it is likely that the Clark Fork River would capture the area and is moving north. Missoula Valley Water Quality District worked with landowners to move a trailer and trash in the area. McBride has not been back to the site to view the channel migration.

Reports

County Attorney – John Hart stated that he had no report.

Montana FWP – Knotek stated that he had no report.

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

District Committees – Plans were made for the Budget, Personnel, and possibly Grants committee to meet in the coming weeks.

Missoula CD Employee

Jen McBride – Resource Conservationist – April 09, 2019 – May 13, 2019

310 Administration: Provided notes to and updated Lindsay Dick following the April 09, 2019 District Meeting. Reviewed 310 letters before they were sent. Corresponded regarding 310 projects or complaints, including locations on Butler Creek, Lolo Creek, O'Brien Creek, Camas Creek, Fish Creek, Lost Prairie Creek, Grant Creek, Trail Creek, Gilman Creek, LaValle Creek a couple of locations on the Clark Fork River, Martin Gulch, an unnamed channel in the O'Keefe Creek Drainage, an unnamed channel in the Swan Drainage, Blixit Creek, and Houle Creek. Met onsite with landowners as needed regarding 310 inquiries and issues. Coordinated and attended 310 site inspections on two separate days where Paul Parson or Tim Hall were the attending supervisors and Leo Rosenthal or Ladd Knotek were attending representatives from MT FW&P. Prepared photos for PowerPoint and notes for the May meeting. Corresponded with other agencies regarding 310 projects, inquiries, issues, flooding, and complaints as needed.

Conservation Planning/Partnerships: Corresponded with Brandon Honzel regarding the Envirothon competition and limitations on travel due to a snow storm. Honzel is to provide documentation of spending and plans to work with students on a brief presentation to the Board. Met with landowner regarding hillslope failure and provided suggestions to address the issue and offered additional resources. Scheduled No-Till-Drill visits, provided information, and corresponded with Larry's Tractor Trailers and More. Corresponded with conservation district partners regarding grant programs and existing or future projects.

Office Administration: Reviewed draft, edited, and finalized District Meeting Minutes for April 08, 2019. Took vehicle in for glass replacement and airbag recall. Transported Dick to LincPass appointment at Fort Missoula. Corresponded with Personnel Committee and Missoula County Human Resources as needed. Drafted and sought approval for required documents. Posted Administrative Assistant Position. Submitted timesheets and time summary to the county. Entered claims into QuickBooks. Moved office furniture and replaced some of the Conservation District office space as time allowed following carpet replacement. Completed preparations for District Meeting.

New Business

Correspondence

McBride reviewed correspondence including health insurance information from MACD EO, a Montana Range Days announcement, and information regarding Miller Creek outreach event at Great Burn Brewing.

MSU Extension/Weed District Collaboration – Fairgrounds Update

Hall mentioned that he'd seen an article in the Missoulian and reached out to Jerry Marks, with Missoula County Weed District/Extension office. Hall presented on possible options and opportunities regarding further partnership with the like-minded agencies. Bryce Christiaens, Missoula County Weed District, presented on the development of offices and a learning facility at the fairgrounds where there may be opportunities to further partnership with the Conservation District and possible co-location in the facility. The Board reviewed draft plans and discussed the pros and cons of the opportunity. The Board decided to have the Budget Committee review options.

Other

None

Old Business

Grant Programs

District Programs – McBride stated that there were issues with bussing for the Envirothon event due to bad weather, but that one team from Missoula was able to attend and would be advancing to Nationals. The team is supposed to present to the Board in June.

McBride stated that she'd been briefed on the channel migration mapping progress by Missoula Valley Water Quality District and that aerial imagery would be obtained as soon as possible.

DNRC Sponsored – Nothing to report at this time.

Minutes
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Equipment Program – Nothing to report at this time.

Long-Range Plan – No discussion

Personnel – Tim Hall updated the Board regarding staffing at the Missoula Conservation District and plans for hiring.

Other – None.

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

Warrants: Fix check numbers

Ck # 2573	Verizon – District cell phone	\$ 69.32
Ck # 2574	Charter Communications – Internet	\$ 84.99
Ck # 2575	First Interstate Bank – Gas Card	\$ 80.29
	Total:	\$ 234.60

Checks:

Ck # 1492	Bob Schroeder – Reimbursement	\$ 180.50
	Total:	\$ 180.50

Adjournment – Tim Hall moved to adjourn the meeting. Travis Greenwalt seconded the motion, motion passed—unanimous. Meeting adjourned at 10:43 pm.

Voting Record – CD Supervisor	IN FAVOR	OPPOSED	ABSTAIN
Tim Hall	10		
Libby Maclay	10		
Travis Greenwalt	10		
Paul Parson	10		
Art Pencek	10		
Bob Schroeder	10		
Sidney Wills	10		

The next Missoula Conservation District meeting is scheduled for Monday, June 10, 2019 at 7:00 p.m. in the USDA Service Center conference room at 3550 Mullan Road, Suite 106, Missoula, MT 59808