



# LEWIS & CLARK CONSERVATION DISTRICT

790 Colleen Street • Helena, Montana 59601 • 449-5000 ext. 5

## Regular Meeting Minutes

September 9, 2021, 1 pm

Lewis and Clark County Extension Conference Room, Helena MT and via Zoom Conferencing

**Call to Order** The meeting was called to order at 1:02 pm by chairman Jeff Ryan. In attendance were Jeff Ryan, Jeanette Nordahl, Sarah Howe-Cobb, Stan Frasier, John Baucus. Also in attendance were Karl Christians, Becky Ayre, David Martin, Mat Walter, Connor Mertz and Chris Evans. On Zoom were Autumn Holzgen, Tracy Wendt.

Introductions were made.

Motion by Ryan to approve the minutes, second by Frasier; motion carried.

Motion by Nordahl to approve the financial statement and to pay the outstanding bills, second by Howe-Cobb; motion carried.

Evans shared the correspondence.

**Public Comment-there was none.**

**NRCS-** The State Office contacted Becky last week with the news that the website is being updated and so all the current information for TIPs will be on there. The office is looking at certifications, and about half are complete with a number of things expected by the end of the week. The NRCS and CD staff had a meeting a few weeks ago on potential for collaboration on outreach and education to landowners. We're going to probably look at doing some public meetings/workshops for the new TIPs and for potential new TIPs. John Baucus asked if the boundaries have changed. Becky outlined some of the changes and planned new TIPs. Christians asked about the 2023 FY TIPs. There's potential for an irrigation, brush management/tree encroachment and another forestry TIP possible. Christians asked how the local input was done this year. The CD and NRCS had a public meeting in Augusta in the spring where feedback was gathered and the CD has a permanent survey on the website for public input. Hosting a Local Work Group was not super favorable with ongoing Covid numbers. We'll try for one in the spring or summer of 2022.

**SRWG-**October 20 will be a water management work group meeting followed by a quarterly board meeting. There will be a virtual component to the meetings so if people want to participate via Zoom, they should let her know. The Nilan project is ongoing. They're waiting on some dates and will be doing volunteer recruitment for a willow harvest for the Muddy Creek project. Jeff asked how many willows they're planning to put in. She said that there's quite a bit of rejuvenation already happening, and she'd like some ideas from Jeff.

The group is working on the Watershed Restoration Plan re-write and are seeking comments.

Tracy will be at next week's Riparian management workshop.

The CD was turned down for funding for their share of the BSWC position. The SRWG got funding for their half, but we'll have to wait and see about the Watershed Management Grant program for potential funding.

David Martin mentioned the Beaver grant project. There's a program through BLM and MWCC to implement low tech process-based restoration (aka, Beaver Dam Analogs). SRWG was selected to be the next watershed for that work. They'll be doing training on the technical aspects next year and doing site selection.

**MRCDC**-Karl Christians said that Molly Masters, the new coordinator, is working on getting her feet under her. At the last meeting they worked on their proposed budget and increased their budget proposal by \$30,000 with the hope of improving coordinator retention. Their budget includes travel and training for supervisors and the coordinator as well as the coordinator's pay. Jeff Ryan said that he'd emailed Molly and asked that her participation on the Stream Restoration Committee be part of that work plan.

Carie Hess has resigned from the Petroleum CD and the Missouri River Council. Petroleum has been the fiscal agent for the MRCDC and they've not had any applicants for Carie's position so the MRCDC may be looking for a new fiscal agent.

**WQPD**-Jeff had some technical difficulties with Zoom so only got about 1/3 of the meeting. Evans said that James Swierc resigned from the WQPD.

**LHWG**- As far as Connor knows they didn't have a meeting last month. The group did help out with Bashin' Trash, captaining 2 of the reaches in the Helena area.

**HWCI**-Autumn Holzgen had Jeff join her for a site visit at the Dana Ranch to look at a bank stabilization project. She'll keep the CD updated on the project. She also was able to participate on the Riparian Assessment Field Day.

MACD is pursuing funding for the Ranching for Rivers program so Autumn recommended that we watch for potential projects.

**Extension** - Jeff thanked Extension for the meeting space. Mat said that he doesn't have a lot going on at the moment. He'd planned to have a pesticide tour, but it's questionable as to whether the in-person stuff will happen. He's looking for 2 new agents in the office.

**MACD**

Area Meeting 10/5-Dave asked if there was going to be a virtual component. The work plan survey responses were going to be brought to the area meetings, but they had some issues so they'll be brought to convention. Jeff might be able to take in the Area meeting, zoom for sure.

Convention 11/16-11/18-Dave is a maybe. They have until mid-month to make a decision as to whether to have the meeting be in person or not. Tom Watson has indicated that large gatherings may not be something that he will approve for NRCS staff, but that's still a bit up in the air. Evans will send the link out to the agenda and supervisors can get back to her.

Jeff said that Rebecca came to the Stream Restoration Committee meeting on Tuesday and he was glad to see her there. She is going to try to get the group in contact with the Governor's Natural Resource person. Next meeting will be around November 1.

Karl met with the core partners meeting as vice chair of the MRCDC. His feeling is that it seems that they're not focusing so much on dues, but are trying to get good products out to the CDs which would be a real improvement.

**Supervisor and Staff Reports**

**Jeff Ryan**-Resolution on the floodplain issue was sent out by the state to FEMA and others.

**Sarah Howe-Cobb**-Riparian management workshop next week. They've had some bow hunters up who were out and said they had 5 grizzlies above the house.

**David Martin**-He'll be gone next month but will try to join the meeting via zoom. He and Evans have been working on the Outreach Work Group and they've put out the call for CD representatives, both employees and supervisors for the Steering Committee.

**Connor Mertz**-Bashin' Trash went really well for the 1<sup>st</sup> year in the Helena area. He's been busy helping Allen McNeal put his presentation together for the workshop next Tuesday. He'd put in for a Pollinator Grant and the CD got that grant but we are still waiting on that contract from DNRC. He participated in a riparian assessment in the Big Hole area and attended the Area 5 310 training up in the Flathead last week. It was really good training. On Tuesday he helped out at a PPLT education day with the Rolling Rivers trailer and an NRCS person from Whitehall helped out on the last water quality monitoring.

**Evans**-Evans has been juggling a number of meetings, including the Stream Restoration committee, the MACD Education Committee, the CD Outreach Work Group. The Career Technical Advisory Council has a new secretary, so that's off her plate. She recently took over the Vice Chair position for the Employee Organization, and is on the training committee for that group. The EO is having their fall training in Red Lodge in October, based primarily on outreach and leadership training for the CDs.

The North Hills fire rehab project is moving forward. MCC crews should be in the area in mid-October working on the State Land portion. Landowners will be contracting work on their roads and culverts.

The CD office has about 18 open grants at the moment. Christians is working on getting the wrap up for the Solar Pump Trailer to Evans to be submitted. We're still hassling with the floodplain permit situation on the Spokane Creek project.

Spokane Creek

**New Business**

Motion by Ryan to appoint Karl Christians as full supervisor, second by Howe-Cobb; motion carried. Karl said that Steve's out of the hospital. Evans will send out Steve's mailing address to the board and will work on a retirement gift.

November meeting-would normally fall on the 11<sup>th</sup> which is a holiday. Cancelling November meeting unless something major comes up.

**310 Permit Applications**

CP-06-21 Chevallier-Aside from the initial violation that was supposedly done by one of Chevallier's employees, it was noted at the site visit that there was an obvious equipment track where the berm was breached. In addition, the measuring device that was supposed to be in use is washed out and unusable. After the EQIP program helped with putting in the headgate, maybe a year or 2 after, there was a court case by other water users that Chevallier lost and he is required to have the weir gate installed correctly and he's supposed to report to DNRC how much water he's using. Adam Strainer was going to contact FWP's water rights people. Evans will follow up on that situation.

Jeff Ryan said that after the Chevallier violation from several years ago and the history we've had, it is his opinion that we should elevate this one to fining with a requirement to

restore the stream, with the hiring of a stream professional to reorient the stream with a permit to implement the plan. The headgate is designed to have boards put in so that bedload wasn't going down the canal, with panels that can be raised or lowered.

Motion by Frasier to consider the situation as two violations, one for the blocking of the stream, the other for breaching the berm without notifying the CD. Second by Nordahl. Christians asked what the timeline was of the work and communications and the location of the project. Evans said that an anonymous complaint came into John Baucus, and he went and took photos since they also utilize that diversion. He forwarded that to Evans, who then sent a certified letter to Ed Chevallier. When the office didn't hear from Mr. Chevallier, Evans called him on his cell phone. He had indicated that he had no knowledge of the activity. Evans called him back to ask if one of the hired hands might have done the work. Mr. Chevallier called back and said that, yes, one of the hired guys had done the work, but that the rain the previous weekend had washed a breach in the berm. An onsite visit was approved by Mr. Chevallier even though he couldn't be at the visit. The onsite was made 8/30/21 by Jeff, Connor, Adam Strainer and John Baucus. It was apparent at that visit that the breach in the berm was made by some kind of equipment, the tracks were obvious. Motion carried. John Baucus abstained.

After discussion, motion by Frasier to pursue a fine for each violation and require that Mr. Chevallier hire a professional to come up with a plan and apply for a permit to restore the site and align the channel such that berming the stream to access water rights wouldn't be necessary. This plan and permit need to be applied for by November 15, 2021. Options for future low water problems need to be part of the plan and permit. Plan needs to incorporate activities to avoid bedload travelling down the irrigation ditch. Second by Nordahl; John Baucus abstained; motion carried.

**Other Business**

Connor shared photos of a follow up to the bridge project for Patzer on the South Fork of Little Prickly Pear Creek with FWP stringers and some options for a cheaper bridge. This file is something that we should keep on hand for folks.

Next meeting will be on October 14th at the same place, same time. Motion to adjourn by Nordahl at 2:37 pm.

Chair Jeff Ryan Date 10/17/21

Recorder [Signature] Date 10-14-21