



LEWIS & CLARK CONSERVATION DISTRICT

790 Colleen Street • Helena, Montana 59601 • 406-449-5000 ext. 5

Regular Meeting Minutes

April 14, 2022, 1 pm

Montana Room, DNRC, 1539 11th Avenue
Helena MT 59601 and via Zoom Conferencing

Call to order- Called to order by Ryan at 1:00

In attendance in the room: Jeff Ryan, John Baucus, Jason Garber, Becky Ayre, Karl Christians, Connor Mertz, Chris Evans, Jessica Ramirez, Lyn Barker, Sony Barker, Bill Townsend.

In attendance via Zoom: Dave Martin, Tracy Wendt, Daniel Beutler, Eric Reiland, Patrick Uthe, Stan Fraiser, Jeanette Nordahl.

Meeting minutes – Motion by Ryan to approve, second by Baucus; motion carried.

Financial report and outstanding bills-Evans gave a rundown on the financial as of the end of March. Motion by Christians to approve the financials and pay outstanding bills, second by Nordahl; motion carried.

Correspondence –Thank-you from Steve Granzow for jacket, Flathead Erosion Control study sent a thank-you for Jeff's testimony, MT Biocontrol sent an info booklet more available for purchase.

Public Comment –**Bill Townsend** was present to ask the board to re-consider the denial of his amendment request for his 2021 permit. He brought in material samples and specs and noted that the materials meet specifications required by the Alaska highway department. Baucus said that the main concern is the longevity of the gabion itself noting that the bottom gabion blocks are set below water level, and commented that here the concrete might be the most appropriate. Townsend said that upstream there is a 3' culvert and downstream a 5' culvert installed by the county. Christians noted his concern regarding flood events and water carrying timber (and rocks) that he has seen result in a lot of other gabion failures due to abrasion and the gabion breaking open. Ryan said that based on board discussion, there isn't board support for the gabions. The board decision for denial of the amendment stands.

Partner Reports

NRCS (Ayre) – next Friday tour up in Wolf Creek, starting May 1st CD can start meeting in the building again. The MOU between the CD and the NRCS needs to be reviewed and updated. Becky reviewed the Civil Rights Responsibilities with Partners (Title XI, outreach, non-discrimination policies).

DNRC CDB (Criswell) – Strategic Planning meeting is happening next week in Livingston. For the May 19th: 310 training – looking for help creating mock permits. Evans and Mertz will be happy to assist with that.

SRWG (Wendt) – see written report. April 20th: Water Management Working Group meeting, willow planting (led by BSWC Jessica), applying for a lot of project funding to hire someone part-time to take over WQ monitoring, weed program, and some other technical field work.

MRCDC (Christians) – the latest thing they've been working on is they are going to put a request in to FS, USFWS, and FWP to open up emergency grazing permits. They are still working on Fort Peck test flows. The River Rendezvous is in July in Winnett.

WQPD (Ryan) – meeting was canceled this month

LHWG (Mertz) – Conservation Intern approved, will start in May. The WQPD is going to purchase hardware kits for the Rain Barrel workshop that we are co-hosting.

Tentative dates for a few events: Litter Cleanup (4/23), Watershed Fest (8/27). They are working with the Citizens Conservation Board to plan several irrigation trainings for landowners.

Weed District (no one present) – Lehnert had let Evans know that they are getting prepped for the 2022 spray season.

HWCI/MCC (Holzgen) – no one present.

Extension – no one present.

MACD (Ryan) – MACD has been working on EQC and WPIC—Ryan has been a bit involved with these two activities that MACD has been working on. The EQC is reviewing the CD funding bill and the WPIC is reviewing the Flathead Lake study bill dealing with erosion due to wake boats. MACD has been doing a really great job on these two things especially.

Supervisor Reports

Ryan – not much else to report

Baucus – foot, foot and a half of snow, a lot of drifting

Staff Reports

Mertz – see written report.

Evans – see written report.

Ramirez – Muddy Creek Willow cutting/planting, Pollinator Initiative program

Old Business

Legislative Event- Evans is looking for feedback, potentially Lewis & Clark Brewery for vendor. She will look into that and get back to the board.

New Business

Permissive Mill Levy Hearing Schedule-We need to get that hearing scheduled, probably one day in June or July. No changes to the amount that we are requesting.

310 Permits

311 CP-03-22 Brekke-on hold pending inspection.

LC-04-22 Beutler – Ryan, Baucus, Mullen, Merz went out on the inspection. Dam dimensions proposed, ~35' wide, 8' tall, 30 yards long, Christians raised the question as to whether this is a perennial stream. Ryan – main concern is the proximity of the dam to Little Wolf Creek, Jason Garber called in for reference and agreed with Ryan that the CD can take jurisdiction on nonperennial stream sources if they pose an immediate threat to a perennial flowing stream (in this case Little Wolf Creek). Baucus outlined two dangers 1) the barrier layer on the pond would fail over time due seepage 2) in the case of a high-water runoff event, overflow is not sufficient to handle the flow

Question of jurisdiction- motion by Ryan that the CD takes jurisdiction, second by Baucus; motion carried.

- Ryan would like to see an official diagram of the dam design
- Christians requested some more information on the area of the drainage
- Baucus requested a cross-section of the design

Do the usual instream dam restrictions apply – Garber asked if there are fish in the system. Baucus and Beutler both said no, likely this section of the 310 rules does not apply.

Christians asked if Beutler has checked on water rights – The applicant indicated that he had been in contact with them. He stated (as does the email copy he provided to the CD) that they said he doesn't have a storage right.

Baucus made a motion to table the permit until more detail on the design is provided, second by Christians; motion carried.

LC-05-22 Barker – Ryan and Mertz went out on inspection. Original concern was lack of abutments and structural integrity. Barker revised plans to use a truck scale and use EcoBlock abutments. **Motion by Ryan to approve w/ modifications and waive 15 day waiting period, second by Baucus; motion carried.**

LC-06-22 Arganbright – Strainer and Baucus were on the inspection. Baucus said it was a very straightforward application. The applicant wants to remove existing concrete slabs, place 3" minus rock with 3 concrete caps and also plans to fortify the existing riprap on neighboring bank. **Baucus abstained from the vote. Motion by Ryan to approve with modification, second by Christians; motion carried.**

LC-07-22 Sampsen – Ryan and Mertz went out on the inspection. Uthe brought up potential other sites directly upstream that would limit disturbance to the bank. At the inspection, Ryan concluded that the proposed site might actually be best due to stream width and grade and sediment transport. Ryan proposed that sod that is removed during install be kept and used to fortify sump structure. **Motion by Ryan to approve with modifications, second by Baucus; motion carried.**

LC-08-22 Murphy – Ryan and Mertz went out on the inspection. Applicant is looking to move her point of diversion for her property due to neighbor conflict. Would like to irrigate to maintain water right. 178' needed to connect to existing ditch system, some of this will be rerouted down abandoned stream channel with no riparian vegetation removed. Modifications: isolating work area during construction w/ silt fence, reclaim original POD site, isolate w/ silt fence. **Motion by Ryan to approve w/ modifications, second by Christians; motion carried.**

LC-09-22 Morgan-tabled pending inspection.

LC-10-22 Nistler-Tabled pending inspection.

LC-11-22 Chevallier – Ryan, Baucus, Strainer, McNeal, Mertz went out on the inspection. The applicant is working with Allen McNeal to come up with a design to mitigate CP-06-21 violation. Channel will be rerouted straight to eliminate meander and carry bedload past headgate. Rock structure will be installed directly below headgate to keep water levels as appropriate. **Ryan proposes modifications:** 1) contractor provides construction oversight 2) measuring device (weir) be reset and replace during stream construction phase. Ryan believes it is “reasonable and practical” and CD has greater authority to have the measuring device be reinstalled. NRCS helped fund the headgate structure – Evans wants to know if they can force them to reinstall weir - not part of the project. Lawsuit to install weir was 4-5 years ago (Bob Putsch sued Chevallier). Garber thinks it may be permissible if falls within the immediate banks. Garber doesn’t think it is a problem as long as the board is not withholding permit to enforce a water right. **Baucus abstains. Motion by Ryan to approve with modifications, second by Christians; motion carried.**
LC-12-22 Spring Creek Landowners-Tabled pending inspection.

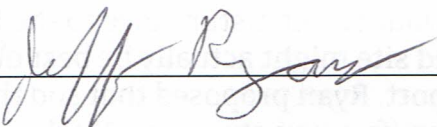
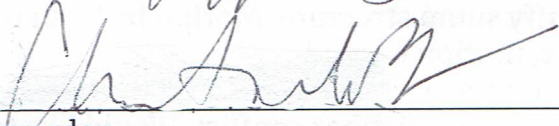
Other Business

District Display-Evans had the mockup of the District Display available for board members to review. Dave Martin had provided captions just before the meeting that she will add. The company we work with will work on the layout and provide a proof prior to printing it.

Quarterly Report on Operations-Evans provided a quarterly report on the operations for the board and others attending to review. The first quarter of the year tends to be more of a planning phase for a lot of things so has been a bit less hectic. The 2nd quarter should be significantly different.

Future Plans-This discussion will wait til the May meeting.

Adjournment- Ryan made a motion to adjourn at 3:49. The next meeting will be May 12, 2022 at 1 pm at the USDA Service Center Conference Room, Covid numbers dependent.

Chair		Date	5/12/22
Recorder		Date	05.12.22