

The Gallatin Conservation District Board of Supervisors met on February 22, 2018 at 9:00 am.

John Venhuizen called the 310 meeting to order at 9:05 am. Supervisors present: Sherwin Leep, Jason Camp, Bob Logar, John Schutter, and Loren Blanksma. Absent: Mike Hansen Staff: Mary Hendrix

Those present: Matt Henningsen-Jefferson Island LLC., Ty Traxler-Confluence Consulting, Dave Moser-MT FWP, Chris Mahony-NRCS, Justin Meissner-NRCS, Mike Gaffke-AGAI, Jennifer Mohler-AGAI, Susan Duncan-AGAI, Zach Brown-One MT/AGAI, and Mitch Lassa-One MT/AGAI

Public Comments on District 310 Permitting Business: None

310 Inspection Reports Decision

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| <u>Application Number: GD 06-18</u> | Inspection Date: None |
| Applicant: | Peter Kahn, Costco Wholesale |
| Landowner: | Dan Alexander, Cutthroat Partners |
| Contractor/Agent: | Emily Peterson, DOWL |
| Perennial Stream: | Unnamed |
| Type of Project: | Bridge/Culvert/Ford Construction |
| Type of Project: | Bank Stabilization/Alteration |
| Type of Project: | Channel Alteration |
| Type of Project (Others): | Commercial Structure, Wetland Alteration, Placement of Fill, Pond |
| Purpose: | On May 19, 2017, the Gallatin CD issued a 310 permit (GD011-17). The permit is set to expire on May 19, 2018. Construction is now slated to begin on March 5, 2018. With the delay in schedule, Costco is requesting that the approved 310 permit be reissued for another year (to expire in 2019) |
| Proposed Construction Date: | Start date: 3/05/2018 Finish date: 12/30/2018 |
| Inspection Recommendations: | None provided |
| Inspection Comments: | N/A |
| Decision: | Exact same project approved last year, permit extension |
| <i>B Logar</i> moved to approve the project as proposed; <i>J Camp</i> seconds, motion carries | |
| Board Decision: | Approve as proposed |
| ----- | |
| <u>Application Number: GD 07-18</u> | Inspection Date: None |
| Applicant: | Jefferson Island LLC |
| Landowner: | Jefferson Island LLC |
| Contractor/Agent: | Ty Traxler, Confluence Inc. |
| Perennial Stream: | West Gallatin River |
| Type of Project: | Bank Stabilization/Alteration |
| Type of Project: | Flood Protection |
| Type of Project: | Irrigation Structure |
| Purpose: | The enclosed plans have been revised to meet the design modifications agreed to by all parties (from February 1 st meeting), as generally described in MT FWP's February 5 th letter abandoning arbitration subject to a finalized design. |
| Proposed Construction Date: | Start date: 2/01/2018 Finish date: 3/31/2018 |
| Inspection Recommendations: | None provided |
| Inspection Comments: | N/A |

From the minutes from the December 21, 2017 Meeting

M Rotar: I spoke with Ty regarding the modified design. This is still a significant project. New application has added vegetative component and some reduction of riprap.

B Drake: I looked at the new plan and the woody debris is nice and it may soften it, but it's still too big. The previous head-gate placement may have caused this problem. Suggest moving the pump upriver. Something not addressed: This plan looks to protect a couple of acres of pasture grass, but there is a family nearby. This much rock will displace energy downstream and potentially threaten downstream properties.

M Hansen: From the last meeting minutes, it will also affect the applicant's pasture and a couple of their buildings. The current head-gate is in a bad spot. The new head-gate may be abandoned in the future. Not comfortable with the current position either as the river may migrate to the east side soon. Suggest a softer approach and head-gate moved further upstream.

B Drake: Karen Boyd/Channel Migration Zone Study made a blanket statement at her presentation on January 18th in Bozeman: "big mistake to harden this stretch of the Gallatin River."

M Rotar: The previous point of diversion (Wright Ditch) was by the interstate and was moved downstream about a mile.

M Henningsen: Do you recommend moving to the original pump-site?

B Drake: No, anywhere upstream from current location on the application.

M Henningsen: To move the point of access upstream, you would still need to do something at the corner.

B Drake: Without the head-gate there, there would be less armoring or no armoring. No ricochet affect.

D Moser: Same concern for downstream owners. Potentially overreaching habitat pressures on a historically natural channel.

M Sanctuary: I spoke with K Boyd and she didn't give me a big flag for a project here. It does appear as a side channel of the Gallatin River. The river went over the bank last year. This project wasn't designed to prevent water going into the side channel. The owner is open to water there, just not uncontrolled water.

M Henningsen: The compromise here is that we want to have water, but don't want it to become a main channel. We believe there's an imminent threat to our property. The change use app takes two years to move the head-gate to a new point of diversion. I discussed an enhanced fisheries project in the future with D Moser. This new application addresses problems for us, downstream and for the riparian areas. With Ty working with M Rotar, I thought that they came upon a workable solution.

M Rotar: I gave input on the modifications presented. Whether that's still an appropriate location for this amount of riprap.

J Schutter: The final decision rests with the board of supervisors.

M Henningsen: Time is of the essence.

M Hansen: Sensed animosity between Ty and Mike. The suggestion was for less riprap and more softening.

S Leep: It appears that the riprap had been lowered. Is that correct?

M Rotar: Yes, to the level of the bar across the river.

S Leep: Does it vent the increase of energy that may hit the neighbor downstream?

M Rotar: A little bit.

J Camp: And does straightening to the side channel?

M Rotar: A little bit

S Leep: I appreciate your frustration, too, Matt. This has been done in good faith. We are trying to help the resource, too and it's a tough job, but we appreciate your efforts.

B Drake: Friction – yes

M Rotar: Animosity to Ty – no

Executive Session called at 10:30 am; Executive Session ends at 10:40 am

M Hansen: A question to M Rotar: Did the design changes proposed by Confluence address the concerns

you expressed during the December meeting.

M Rotar: Yes

S Leep moved to approve the project as proposed and to withdraw GD 59-17; *J Camp* seconds, motion carries NOTE: Dissenting vote: *M Hansen*

B Drake: FWP requests arbitration

Board Decision: On Hold for Arbitration process

New Discussion

B Logar: I appreciate those who attended the February 1st meeting.

D Moser: The meeting was attended by *J Schutter*, *M Hansen*, *T Traxler*, *M Henningsen*, *M Hendrix*, *Travis Horton*, and *Karen Boyd*. It really helped to have *K Boyd* there. I looked through the modifications in the new application and recommend that the arbitration procedures to be withdrawn.

J Schutter: Thought it went really well. Good that there was agreement between MT FWP and the applicant.

S Leep made the motion to approve the project as proposed; *B Logar* seconds, motion carries

S Leep made the motion to withdraw two previously submitted applications GD 59-17 and GD 05-18;

B Logar seconds, motion carries

J Camp made the motion to grant a 15-day waiting period waiver; *S Leep* seconds, motion carries

M Henningsen: Thank you.

T Traxler: Can you send a copy of the permit to *Sean O'Callaghan*? Yes

Board Decision: Approve as proposed

310 Complaint

Application Number: GD 2C-18

Inspection Date: 03/07/2018

Alleged Violator:

Canyon Adventures

Perennial Stream:

Beaver Creek

Natural of Complaint:

A snowmobile trail runs along Highway 191 and over Beaver Creek. Canyon Adventures grooms the trail. They have put boards partially across Beaver Creek and brought sleds full of snow, as well as pushed all the snow in the area into the creek to create a bridge for the snowmobiles to cross. This has been ongoing all winter. Concerns are that under the right weather circumstances the creek may flood the adjacent properties because of the ice/snow dam.

The location is to the west of the highway bridge that runs over Beaver Creek.

Concerns also include summer activity that has caused erosion in the same area. The stream bed has been changed to make it smoother for ATVs to cross; e.g. rocks removed, trees cut.

Inspection Comments:

Email comment from Dave Moser (2/07/2018): "I talked to Ray Heagney, our trails person, he indicated this right of way trail was initially an MDT sponsored project. He also believed that the grooming crew likely is responsible for maintenance/fill. I've cc'd Jonathan Ferree with FWP for guidance".

Discussion:

D Moser: Matt and I went there. It appears that they are pushing snow into the river just upstream of the culvert. This has become a jurisdiction question. Is it a 124 or 310 permit? This is most likely a violation.

L Blanksma: Ed Haig with GVSA has been grooming along the highway from his shop to the Buck Creek trailhead the past 3-4 years. There is an ice bridge there and I think that this may be a MDOT approved project.

D Moser: This may not be a big flood risk this year, but won't know for sure based on river water levels to date.

S Leep made a motion to place complaint on hold pending further information; *J Camp* seconds, motion carries

Board Decision: Place on hold

310 Old Business: None

Adjournment of 310 Meeting

BUSINESS MEETING

Public Comments on District Business: None

Guests: Hannah and Laura with Alpengirls stopped by to discuss Bird Scouts. It's a no-cost science action club that's tailored for 4th – 6th grade girls from the Manhattan/Churchill areas. The girls learn through observation and conservation. Board voted to allow Alpengirls to use the conference room and greenhouse classroom at no charge.

Consensus Agenda: January Meeting minutes, Financials and Staff Report. *J Camp* moved to approve the consensus agenda; *S Leep* seconds, and motion carries

NRCS Reports:

Snow water equivalent; % of Normal

Gallatin; Feb; 143%

Madison; Feb; 123%

Jefferson; Feb; 133%

Yellowstone; Feb; 170%

Programs

- EQUIP: Ongoing
- Headwaters Drought Initiative; \$500,000 (5 county area) + NWQI
- CSP 2018; Signup March 2 deadline
- NRI (Natural Resource Inventory); permission letters sent

Events

- Ag days; Montana land reliance; Three Forks
- Hazard mitigation
 - C Mahony: Belgrade, Three Forks
 - J Meissner: Big Sky
 - T Martindale; Bozeman
- Ranching for Rivers; Rachel Frost from Ranching for rivers on-site visit 2/9/2018; approved work

Local Working Group: Camp/Godfrey Creeks will remain the focus in 2019.

J Meissner: Broadwater CD will be hosting its annual Ag Appreciation Dinner this Saturday, February 24th. The cost is \$10.00. Have 300 people signed-up at this time.

We will have an electric fence 101 workshop on April 10th; will follow-up with an electric fence field demonstration on June 26th.

The acting State Conservationist's term ends on March 3rd; the new acting will be Lisa (last name unknown) from Texas. She will start on March 4th. The advertisement for the new State Conservationist opened today and hopefully, we will have someone hired by the end of Lisa's term.

The new FSA Executive Director is Michael Foster. He's from Townsend.

County Planning Board: *Loren Blanksma*

He attended a meeting on February 13th. The discussion was on the Gooch Hill West Zone Text Amendment (3 subdivisions off of Huffine Lane). They are asking to change the lot coverage from 40% to 60%. Applicant presented to the board that the state standard is 40%, but in 2014, the definition changed in Gallatin County. State wide 40% is for the house only, in Gallatin County that includes buildings and driveways. This is pretty restrictive. The board recommended that the Commissioners approve 60% cover and the Commissioners put it on hold. It may probably go through in one way or another. Example: Affordable housing wouldn't be able to make it at 40% coverage due to parking spaces required.

Manhattan Planning Board: *Bob Logar*

He attended a meeting on February 21st. There are issues in town where people are living in RVs on personal property (not on the streets) for extended periods of time. The Planning Board regulations states that what's allowed is up to one week without a permit. If it exceeds a week, people will be required to secure a no-cost permit from the city. This permit allows RV parking on personal property for 30 days.

There were also discussions about short-term rentals. Belgrade, Bozeman and Three Forks all have short-term rental regulations, but Manhattan doesn't. The board will be looking at Belgrade and Bozeman's regulations. This has been tabled. They will also look for public comments on the topic to see if they will need to develop regulations or not.

The attendance by-laws were discussed. The president and vice-president were elected for 2018.

Grants/Agreements/Contract Report:

M Gaffke with AGAI discussed the Watershed Management Planning grant with the Board. He asked for the boards' support with this grant.

He mentioned that AGAI recently received a grant through the City of Bozeman. That grant allowed for strategic planning. There are continuing conversation about the Gallatin River and the watershed. Water is a community asset/commodity.

Z Brown with One Montana/AGAI mentioned that the grant requires a 50%/50% match unless it goes through a government entity.

B Logar: With the grant received from the City of Bozeman, is there outreach planned for 2018? Yes

J Mohler: AGAI was formed in 2002/2003 and have been reactive to the challenges faced by growth in the valley. Their aim is to be more proactive, but have found the process overwhelming. Everybody has too

much going on. We want to drive the ship instead of being driven by others. We need your help. We need to take the next step.

J Venhuizen: You all have done an amazing job. I really appreciate AGAI and can see how the board can be overwhelmed.

J Schutter: Is this a two year grant? How are you going to use it?

Z Brown: If we are funded, we plan on hiring a contractor. We would like to see an Executive Director by 2019. Nick Seeburg thinks we need more face to face meetings between irrigators and AGAI. There will be more direct coordination and project with the Conservation District. Also talking to both Belgrade and Bozeman with regards to their growth plans.

B Logar: This is seed money for the organization's growth.

J Mohler: We are driven by membership dues.

S Leep made a motion to support AGAI's Watershed Management Grant; B Logar seconds, motion carries

Old Business:

a. Supervisor Term: Election/Nomination

L Blanksma mentioned that he is interested in Bill Wright's vacated position, however, as an associate supervisor, he is currently on the Planning Board. He prefers not to have to do both. He prefers to be on the Conservation District board. He recommended Doug Espelien for associate supervisor.

M Hendrix mentioned that as the District is "at-large" there are no residency requirements beyond living within GCD boundaries.

J Schutter made the motion to appoint L Blanksma to fill the vacant position on the board; S Leep seconds, motion carries.

Declaration for Nomination and Oath of Candidacy forms will be mailed to the Gallatin County Elections Office for S Leep, J Camp and L Blanksma.

M Hendrix to follow-up with Elections office on the procedures for the appointed Urban Supervisors.

b. Annual Breakfast Meeting update:

The Gallatin Gateway Community Center has been reserved and Kountry Korner Cafe will cater the event. Awards were previewed.

c. Annual Breakfast Meeting Agenda:

M Hendrix discussed the program agenda. She asked who would be interested in speaking at the meeting. S Leep suggested that she compile a list of topics (move/new office, activities such as workshops, etc.) and email to each supervisor for feedback.

New Business: Montana Women: From the Ground Up book sale

M Hendrix discussed the book sale. B Logar made the motion that the District purchases five books; S Leep seconds, motion carries

Well-Testing Cost-share Program: None

Cost-share Program: None

CD Seminars/Workshops: None

Correspondence and Handouts:

MACD dues letter: Tabled until the next board meeting

Accounting: Invoices, deposit, and the credit card statements were reviewed. *J Camp* made the motion to pay invoices; *S Leep* seconds, motion carries.

Adjournment of Meeting

J Venhuizen made the motion to adjourn the meeting. The meeting adjourned at 12:30 pm. The next scheduled board meeting will be Thursday, March 22, 2018 at 9:00 am. **NOTE: Date change- meeting will now be held on Wednesday, March 21, 2018.**

Minutes approved by John Venhuizen, Chairman

Date