

The Gallatin Conservation District Board of Supervisors met on March 21, 2018 at 9:00 am. Acting Chairman Michael Hansen called the 310 meeting to order at 9:10 am. Supervisors present: Sherwin Leep, Bob Logar, and Loren Blanksma. Absent: John Venhuizen, Jason Camp, and John Schutter Staff: Mary Hendrix

Those present: Matthew Buenrostro-Grace Bible Church, Chris Budeski-Madison Eng., Kerri Strasheim-MT DNRC, Dave Moser-MT FWP, Travis Horton-MT FWP, Matt Johnson-RESPEC, Chris Mahony-NRCS, Justin Meissner-NRCS, Shawna Taylor-NRCS, and Doug Espelien.

Public Comments on District 310 Permitting Business: None

310 Inspection Reports Decision

<u>Application Number: GD 08-18</u>	Inspection Date: 03/08/2018
Applicant:	Grace Bible Church Limited of Bozeman; Matthew Buenrostro
Landowner:	Grace Bible Church Limited of Bozeman; Matthew Buenrostro
Contractor/Agent:	Vaughn Environmental Services; Madison Engineering
Perennial Stream:	East Fork East Catron
Type of Project:	Bridge/Culvert/Ford Construction
Purpose:	Grace Bible Church is proposing a new 20,663 sf, two-story addition west of the existing church building. The building expansion will encroach upon the East Fork of East Catron Creek.
Proposed Construction Date:	Start date: 05/01/2018 Finish date: 12/31/2018
Inspection Recommendations:	Approval as proposed
Inspection Comments:	Embed 4" below existing grade to promote substrate accumulation and maintain aquatic habitat (bugs) if works with existing design capacity. Long culvert proposed to facilitate grading plan for expansion. No downstream connectivity to active waterways. Concern over kink in pipe but mowed/artificial system.

Discussion:

M Johnson: A small spring creek flows through the Grace Bible Church, it's about a foot wide in a manicured lawn. The proposed expansion will encroach the creek.

C Budeski: The length of the culvert because of the 50' setback requirement from the county.

B Logar: Is the creek seasonal or year-round?

C Budeski: Year-round

S Leep: Is there clean-out at the kink?

C Budeski: Will place a 48" manhole with grate in the area of the kink. This will help bring in light in this area. Will also install a trash grate to help clean it out.

C Budeski: We have received a 404 permit for this project.

B Logar moved to approve the project as proposed with a 4" embed + kink cleanup & trash grate; *S Leep* seconds, motion carries

Board Decision: Approval as proposed with a 4" embed + kink cleanup & trash grate

Application Number: GD 09-18 Inspection Date: 03/08/2018
 Applicant: Troy Miller, Bennett Hospitality
 Landowner: Montana Keystone Ventures, LLC
 Contractor/Agent: Shane Strong, KLJ Engineering
 Perennial Stream: Farmers Canal; Mandeville Creek
 Type of Project: Road Construction/Maintenance
 Type of Project: Commercial Structure
 Type of Project: Placement of Fill
 Type of Project: Utilities
 Other: Pond
 Purpose: The overall project consists of subdividing and developing Lot 6A of the previously platted PT Land Phase 2 Subdivision
 Proposed Construction Date: Start date: 05/01/2018 Finish date: 10/31/2019
 Inspection Recommendations: Withdraw
 Inspection Comments: Not a project – no impacts to Mandeville Creek thus far. Farmers Canal is not jurisdictional.

Discussion:

M Johnson: This is really about a 404 permit. The project is not touching the bed or bank of Mandeville Creek and the other water course is the Farmers Canal which is not jurisdictional.

S Leep made a motion to declare this not a project and withdraw the application; *L Blanksma* seconds, motion carries

Board Decision: Withdraw

Application Number: GD 10-18 Inspection Date: 03/08/2018
 Applicant: Ted Herz, The PRG Group
 Landowner: Legends 1 HOA
 Contractor/Agent: HME
 Perennial Stream: Bridger Creek
 Type of Project: Bank Stabilization/Alteration
 Purpose: To stop bank erosion and collapse of trail into stream.
 Proposed Construction Date: Start date: 11/01/2018 Finish date: 03/30/2019
 Inspection Recommendations: Withdraw
 Inspection Comments: Discussed other options and other required permits. Will re-apply at a later date.

Discussion:

M Johnson: This is a public trail by Bridger Creek. In 2011, a lot of sediment got dumped in and there is a 30'-40' cut to the bank. Met with the applicant to discuss the project and pemitting process—largely an education visit. Introduced alternatives to riprap.

D Moser: Max bandwidth on Bridger Creek. The cutoff will make it an oxbow in the future.

B Logar made a motion to acknowledge withdrawal of application, *L Blanksma* seconds, motion carries

Board Decision: Withdraw

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 there from his shop to the Buck Creek trailhead for 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

Discussion update:

D Moser: Spoke with various people and this is not a MDOT approved project. It is considered a 310 violation. If he decides to clean out the ice bridge with heavy equipment, he will need a 310 permit.

S Leep moved to declare this a 310 violation, District to write a cease & desist letter with language that advises the violator that there could be liability if there's flooding from this action, if equipment is used for remedial action, a 310 permit will be required; *B Logar* seconds, motion carries

Board Decision:

310 Violation; Cease & Desist Letter, Visit during the summer to view ice bridge construction for remedial course of action

310 New Business: Travis Horton, Montana Fish Wildlife & Parks

Cumulative Effects of Private Ponds in Southwest Montana

Private Pond History

- Montana FWP has authority to permit and regulate the stocking of fish into private ponds (MCA 87-4-603).
- Montana FWP must evaluate ponds individually for the potential risk to wild fisheries and in particular native species populations.
- In 1993, the Missouri River basin was closed to new appropriations of surface water, and in the 2000s included ground water.
- In the early 2000s, MFWP and DNRC worked together to ensure private ponds had valid water rights prior to approval for stocking.
- Since the 2000s, MFWP has seen an increasing demand to develop private ponds using exempt wells.

Current Trend

- Most new development of rural land in SW Montana includes private ponds
- The majority of these ponds are developed using exempt wells
- In some cases, the volume of these ponds are upwards of three times the annual volume allowed under the exempt well rules
- In some cases, landowners are developing multiple ponds on their properties; however, recent court rulings have changed interpretations of how exempt wells are addressed spatially
- Montana FWP has discovered pond stocking violations in recent years

Fish Sources

- MFWP also regulates private hatcheries within Montana to ensure disease and Aquatic Invasive Species concerns are eliminated through annual inspections.
- In recent years, Montana FWP regulated 6 private hatcheries throughout the state that supply fish to private pond license holders.
- Problems began in the 2000s with Aquatic Invasive Species when one hatchery became positive for New Zealand mudsnails. FWP worked with that private hatchery to eliminate the risk of transport of mudsnails to waters being stocked.
- In the past 5 years, 4 private hatcheries have been quarantined due to the detection of Whirling Disease. Subsequently one of these 4 also tested positive for PKD.
- Two of the 4 quarantined hatcheries were forced to close, because they couldn't afford to make improvements needed to eliminate risks, or because they chose to not perform confirmatory testing for the parasite. Two of these hatcheries have been allowed to begin selling fish again, but at restricted levels.
- Currently, private pond owners are having to go out of state (Wyoming, South Dakota, Nebraska and Idaho)

Cumulative Effects Analysis

- Organize a coalition to guide, fund and manage a cumulative effects study to advise MFWP on future of permitting ponds
- Possible participants: All R3 Conservation Districts, Northwestern Energy, Local and State Trout Unlimited, Other conservation groups (e.g., Madison River Foundation)
- Group to identify objectives of study, develop scope of work, solicit contractors, award contract, approve final deliverables, make recommendations to FWP regarding future of permitting ponds

Adjournment of 310 Meeting

BUSINESS MEETING

Public Comments on District Business: Holly Hill, Greater Gallatin Watershed Council update

BOR Drought Resiliency Plan - Madison Boone and I will be working over the next several months to write up the final plan and will be reaching out to many stakeholders, including the CD, for feedback and input. We hope to create a plan that's valuable and useful to as many groups across the Watershed as possible.

Lower Gallatin Watershed Restoration Project Inventory - As I mentioned, we're in the process of trying to raise money to develop this project database. We will be reaching out to you in the coming months to add any project data the CD would like to incorporate. Here's a quick overview of what we envision. *Purpose:* In 2014, the Greater Gallatin Watershed Council (GGWC) worked with community stakeholders to develop the Lower Gallatin Watershed Restoration Plan (LGWRP). Since that time, multiple entities across the watershed have utilized the LGWRP to complete a number of projects addressing water quality issues, however, there is no central location or mechanism for tracking and sharing project data, making progress towards goals in the LGWRP difficult to ascertain. GGWC proposes to develop the Lower Gallatin Watershed Restoration Project Inventory to capture watershed-wide restoration project information, providing increased collaboration, information sharing and progress monitoring toward de-listing the impaired streams in our watershed. Desired data collection for the restoration project inventory includes load reduction estimations, miles restored, project costs, volunteers engaged, partnerships developed, project successes and challenges and opportunities for additional work.

We'd love to hear any feedback you have, if this would be a useful tool for you and your Board and what types of information you'd like to see incorporated.

Spring River Cleanup - We'll keep you posted on whether we decide to host a Spring Cleanup in addition to our Fall Cleanup this year, but we'd love to know if there are there sections of the Gallatin in your area that you're aware of that need some TLC? Could the Four Corners Fishing Access Site use some volunteers to pick up trash?

Consensus Agenda: February Meeting minutes, Financials and Staff Report. *B Logar* moved to approve the consensus agenda; *L Blanksma* seconds, and motion carries

NRCS Reports (3/21/2018)

Snow water equivalent; % of Normal (as of 3/13/2018)

Gallatin; Feb; 143%	March; 134%
Madison; Feb; 123%	March; 123%
Jefferson; Feb; 133%	March; 133%
Yellowstone; Feb; 170%	March; 161%

Programs

- EQIP: NWQI; 9 Applications preapproved; \$677,000
- Headwaters Drought Initiative; 5 Applications; \$416,397
- CSP 2018; 2 Applications
- NRI (Natural Resource Inventory); permission letters sent

Events

- Past: Conservation district annual breakfast meeting; Crop school; cover crops, fertilizer, forage species
- Future: Pollinator workshop March 22, fairgrounds

Ranching for rivers; Shawna

J Meissner: Bruce Mazuranich 310 project will be done in about a week. There will be additional work by the bridge in the fall. (photos shown)

Townsend NRCS will host an Electric Fencing 101 Workshop at the Broadwater County Fairgrounds on April 11th from 6:00 pm – 7:30 pm.

Gallatin Valley Land Trust (GVLT) is in a holding pattern as the open space bond lapsed. They are working on a working lands easement that allows working lands stay as ag lands in perpetuity.

Contract review: Executive session began 10:55 am; ends 11:30 am

County Planning Board: *Loren Blanksma* Next meeting is March 27, 2018

Manhattan Planning Board: *Bob Logar* Next meeting is March 21, 2018 in the evening

MACD Board: *Mike Hansen*

MACD had their Strategic Planning Meeting last month. It was well coordinated and the Directors were highly motivated. We were able to define our mission, vision and goals. Elena Evans, Executive Director (ED) has left to take a position with the City of Missoula. There will be a search for a new ED. The hiring committee will consist of the MACD Executive Committee and representatives from NRCS, DNRC and the Employee Organization.

MACD dues discussion was tabled at the last meeting. *Mike* mentioned that he was comfortable with the direction that MACD is heading and recommended to the Board that GCD pay its annual dues in full: \$14,244.66

B Logar made a motion to approve payment of MACD dues in the full amount of \$14,244.66; *S Leep* seconds, motion carries

Grants/Agreements/Contract Report:

The Watershed Management Grant for AGAI was submitted on February 28th. Waiting on updates from DNRC.

Old Business:

Supervisor Nomination: *L Blanksma* introduced *D Espelien* to the Board and attending guests. *B Logar* made a motion to appoint *D Espelien* to the GCD Board as an Associate Supervisor and representative to the County Planning Board; *S Leep* seconds, motion carries. Welcome aboard, Doug!

Annual Breakfast Meeting update: We had 71 people attend the Breakfast meeting, a decent turnout after a 7 year lapse from the last annual program. Discussed having the event during breakfast again in 2019.

Gallatin Gateway Community Center was a nice venue for the meeting, but may move the location to another area in the county if there is a potential for more participants.

Annual Breakfast expenses: Expense report given to Supervisors in packet.

New Business:

River Continuum Concepts Lease agreement is up for its annual renewal. The monthly rental rate of \$995.00 has not changed since the tenant took occupancy of the units. Rent will remain at \$995 monthly for March 2018 – March 2019, but will increase to \$1,100.00 monthly the following year.

B Logar made the motion to extend the office lease agreement for another year at a monthly rate of \$995 and to increase it to \$1,100 in 2019; *S Leep* seconds, motion carries

Well-Testing Cost-share Program: None

Cost-share Program: None

CD Seminars/Workshops: None

Correspondence and Handouts:

The Staff Evaluation Form was discussed briefly. Annual review for the Administrator is scheduled directly after the next board meeting on April 19th. Supervisors are requested to fill out the evaluation forms beforehand to have available at this meeting.

Adjournment of Meeting

M Hansen made the motion to adjourn the meeting. The meeting adjourned at 12:10 pm. The next scheduled board meeting will be Thursday, April 19, 2018 at **4:00 pm**.

Minutes approved by John Venhuizen, Chairman

Date