

The Gallatin Conservation District Board of Supervisors met on May 17, 2018 at 4:00 pm. Acting Chairman Bob Logar called the 310 meeting to order at 4:07 pm. Supervisors present: Sherwin Leep, Jason Camp, Loren Blanksma, and John Venhuizen (arrived after meeting started) Absent: Michael Hansen, John Schutter, and Doug Espelien Staff: Mary Hendrix, Leia Miller, and Nathanael Johns

Those present: James Kelly, Jim Berend, Ron Laden, Don Jackson, Beth Sirr, Dave Moser-MT FWP, Mike Rotar-RESPEC, Chris Mahony-NRCS, and Laura Demmel-NACD

Public Comments on District 310 Permitting Business: None

310 Inspection Reports Decision

Application Number: GD 17-18

Inspection Date: May 9, 2018

Applicant:	Scott Johnson
Landowner:	Scott Johnson
Contractor/Agent:	Jeff St. Cyr, Authentic Inc.
Perennial Stream:	Hebgen Lake
Type of Project:	Bank Stabilization/Alteration
Type of Project:	Recreation (docks, marina, etc.)
Type of Project:	Improvement to existing structure
Type of Project:	Debris removal
Purpose:	Marina safety (removal of old structures). Shoreline improvement of retaining wall
Proposed Construction Date:	Start date: 05/07/2018 Finish date: 05/15/2018
Inspection Recommendations:	Approval as proposed
Inspection Comments:	Performing work under dry conditions is recommended. 15-day waiting period waiver

Discussion:

M Rotar: This is on the north-shore of Hebgen Lake. The applicant had previously asked if he was able to dismantle the dock by hand as it appeared to be on the shore in the dry. That was approved as long as he refrained from removing anything that jutted out into the water.

D Moser: The old sea wall that was to be removed had old paint flaking off of it into the water. The applicant plans on using natural materials (rocks) not railroad ties that may contain creosote.

S Leep made the motion to approve the project as proposed + 15-day waiting period waiver, *J Camp* seconds, motion carries

Board Decision: Approval as proposed + 15-day waiting period waiver

Application Number: GD 18-18

Inspection Date: May 10, 2018

Applicant:	Ron Laden
Landowner:	Ron Laden
Contractor/Agent:	Not provided
Perennial Stream:	Aajker Creek
Type of Project:	Other: Clean out willows blocking creek and remove sediment/fill that is changing creek flow
Purpose:	Maintain appropriate stream bed
Proposed Construction Date:	Start date: 06/15/2018 Finish date: 07/01/2018
Inspection Recommendations:	Approval with modifications

Inspection Comments: Recommend no dredging of channel or straightening. Consider adding angular rock ($\pm 8"$) at inlet to driveway culvert to reduce erosion and sloughing. Streamside vegetation to be cut back/trimmed but not dug out/fully removed to maintain habitat benefits and stability of bank.

Discussion:

M Rotar: Questioned if it really is a 310. It's flowing through a manicured lawn that is set far back from the bank. There's a small hogged out pond.

B Logar: Where is this creek?

M Rotar: It flows north and south of ?. Here's photos of the project area north on Harper Puckett.

D Moser: The culvert that was installed was undersized, but functioning. It could use small rip rap by the culvert. The bed elevation is close to the stream bed. I'm comfortable with applicant trimming the willows and removing debris.

B Logar: Is this a fish bearing stream?

D Moser/R Laden: Yes, it's a meadow stream.

R Laden: The stream used to cross the road, but they straightened it. They also raised the road, it used to flood before. I'd like to dig out the moss in the channel. It's a real shallow stream.

S Leep: Are you proposing two projects? What's the distance between the two?

R Laden: Yes, two projects. About 1/8 mile apart

D Moser: Bank restoration may be needed.

M Rotar: Matt recommended not getting carried away clearing vegetation.

B Logar: Would you recommend not widening the right side of the channel?

D Moser: There would be a potential for more problems. I recommend that the county install a larger culvert.

C Mahony: Any recommendations to help mitigate stream moving into the borrow pit?

M Rotar: It's small enough that bio-engineering, small rocks 3-10" cobble with willows, might be used instead of widening stream.

J Camp: That will need to be a separate application.

R Laden: That area is the Simpkin's property, not mine.

S Leep made the motion to approve project with modifications + comments; *L Blanksma* seconds, motion carries

Board Decision:

Approval with modifications + comments

Application Number: GD 19-18

Inspection Date: May 14, 2018

Applicant:

James Kelly

Landowner:

James Kelly

Contractor/Agent:

Not provided

Perennial Stream:

Rocky Creek

Type of Project:

Bank Stabilization/Maintenance

Type of Project:

Flood Protection

Purpose:

To protect the approaches to our bridge over Rocky Creek. This bridge provides the only access to our home and the home of three neighbors.

Proposed Construction Date:

Start date: 07/01/2018 Finish date: 09/30/2018

Inspection Recommendations:

Approval with modifications

Inspection Comments: Remove accumulated debris from left bay to open up area under bridge. Remove cabled logs along right abutment to install a continuous riprap blanket. Embed riprap as deep below streambed as possible while maintaining up and downstream bank lines (no protrusions) and maximizing flow area through bridge. Tie into river left upstream riprap.

Discussion:

D Moser: The excavator will be in the stream for a time and that's okay.

J Kelly: The pile of debris shown on photo on the right bank was protecting the footings, but in the last couple of weeks it has moved. It would be okay for the debris to stay there for this year, but it won't make it another year. The footings were first installed in the 1980's.

D Moser: Recommend toe-in the rip rap and maintain bank lines linearly.

B Logar: Is it the plan to remove the cabled logs?

J Kelly: Yes.

J Camp moved to approve the project with modifications + comments; *S Leep* seconds, motion carries

Board Decision: Approval with modifications + comments

Application Number: GD 20-18

WITHDRAWN

Application Number: GD 21-18

Applicant:	James Sullivan
Landowner:	James & Bruce Sullivan
Contractor/Agent:	Sullivan Construction
Perennial Stream:	Meadow Creek
Type of Project:	Bridge/Culvert/Ford Construction
Purpose:	This is part of driveway construction to access the future home site on the property.
Proposed Construction Date:	Start date: 07/01/2018 Finish date: 08/31/2018
Inspection Recommendations:	Approval as proposed
Inspection Comments:	Reseed with native species. Recommend cover with fabric to reestablish vegetation on fill slopes.

Discussion:

D Moser: Applicant purchased property with real thick riparian area with willows. Cross stream with minimal impact to willows. I have no issue with the bridge. They have an appointment with the Army Corp of Engineers (ACOE). Didn't have a real specific design for the bridge, was looking at good locations for the crossing.

M Rotar: If there wasn't a defined plan, wouldn't feel comfortable permitting.

S Leep: The diagram provided shows a bridge that is 40 feet, but the stream is 14 feet.

D Moser: Almost non-jurisdictional as it doesn't touch the bed or banks of the creek.

S Leep: Would blocks be supported on the inside by welding angle irons on beams to prevent tipping toward stream.

S Leep moved to approve the project as proposed + comments, *J Camp* seconds, motion carries.

Board Decision: Approval as proposed+ comments

Application Number: GD 22-18

Inspection Date: May 9, 2018

Applicant:	Vickie Barta
Landowner:	Grayling Partners LC
Contractor/Agent:	Not provided
Perennial Stream:	Hebgen Reservoir
Type of Project:	Dredging
Purpose:	Removing silt that is blocking the marina.
Proposed Construction Date:	Start date: 05/21/2018 Finish date: 05/21/2018
Inspection Recommendations:	Approval as proposed + 15-day waiting period waiver
Inspection Comments:	Applicant would like to do project as soon as possible due to current low water conditions; potentially before the monthly board meeting.

Discussion:

M Rotar: This project is also on the north shore of Hebgen Lake. Silt was blocking the marina and the applicant was asking if it could be dredged while the water was low and the excavator could work in the dry.

M Hendrix: Email sent: At this visit, it was noted that the applicant would like to work on this project ASAP as the water is still very low and the area to be dredged is "all in the dry." The water rises daily and Vickie has a contractor that could dredge this weekend. Dave Moser and Mike Rotar concur that it would be best for the resource if we could allow them to work on it right away. However, we all know that the decision is with the Board and the applicant was told that as well. It is a little bit unusual, but what we propose to ask is if the Board would be comfortable making this decision by email quorum. I have attached the original 310 application, photos & today's team report/318. If not, I will let Vickie that she will need to wait until after the board meeting next week to start work. I apologize that we are putting you all in a tough situation and will respect whatever your decision.

L Blanksma: Didn't want to make a decision by email, but understood that the timing was crucial.

S Leep: Ask Don MacIntyre about the legality?

B Logar: Is it an emergency?

S Leep: Doesn't quite fit an emergency.

Board Decision:	Approval as proposed by email quorum + 15-day waiting period waiver
-----------------	---

Application Number: GD 23-18

Inspection Date: **None**

Applicant:	Jeff Stutts
Landowner:	Mike Tessmen
Contractor/Agent:	Not provided
Perennial Stream:	West Gallatin River
Type of Project:	Irrigation Structure
Type of Project:	Debris Removal
Purpose:	Maintenance of Holgate Landing Ditch; removing woody and rocky debris deposited during flood stage
Proposed Construction Date:	Start date: 07/01/2018 Finish date: 07/15/2028
Inspection Recommendations:	None
Inspection Comments:	None

Discussion:

M Hendrix: Should we pend this application until low water, possibly in July?

J Venhuizen: May not be able to do that if they are looking at renewing their maintenance permit.

S Leep: Could this be a historic 310?

D Moser: Maybe.

J Venhuizen made a motion to approve the project as proposed + 10 year maintenance; *S Leep* advised him that there was a prior discussion and that the team recommends a 5 year maintenance permit to due to changes to river conditions; *J Venhuizen* amended his motion to approve the project as proposed + 5 year maintenance permit; *S Leep* seconds, motion carries

Board Decision:

Approval as proposed + 5 year maintenance permit

310 Emergency Applications:

Application Number: GD 1E-18

Inspection Date: May 9, 2018

Applicant:

Adam Johnson

Landowner:

Big Sky Community Organization

Perennial Stream:

West Fork of South Fork of Gallatin River

Cause for Emergency Action:

A tree located against an established rip-rap embankment that supports the Ousel Falls trail fell in late April dislodging the rip-rap on the bank. Rising water levels have allowed water to undermine the rip-rap and the trail.

Emergency Action Taken:

Large rock sourced from the surrounding trailside and adjacent hill slope as well as salvageable dislodged rip-rap has been moved by hand and placed against the bank as temporary protection until equipment is able to reach the site.

Emergency Action Date:

05/01/2018

Additional Emergency Action:

As the site become accessible to machinery, a mini excavator will be used to cut the bank to vertical in order to place a 3 yard gabion basket (3' x 3' x 9') to create a durable foundation for the trail surface. Additional rip-rap will be placed between the gabion basket and water line.

Inspection Recommendations:

Approval as proposed

Inspection Comments:

Proposed emergency action is appropriate to address current trail damage. A more complete design for repairs would be submitted after spring runoff flows.

Discussion:

J Venhuizen made a motion to approve emergency action completed, *L Blanksma* seconds, motion carries

Board Decision:

Permit approved on emergency action taken

Application Number: GD 2E-18

Inspection Date: **Not inspected**

Applicant:

Matthew Chambers

Landowner:

Matthew Chambers

Contractor/Agent:

Not provided

Perennial Stream:

Horse Creek

Cause of Emergency Action:

Record flooding overflowed pond and culvert and eroded road and lawn, moving up to porch and house.

Emergency Action Taken: Installed new 48" culvert and fixed breach in dam.
 Emergency Action Date: 05/04/2018
 Inspection Comments: None

Discussion:

L Blanksma made a motion to approve emergency action completed + a June inspection, *S Leep* seconds, motion carries

Board Decision: Permit approved on emergency action taken

310 Complaints:

Application Number: GD 3C-18

Inspection Date: May 10, 2018
 Alleged Violator: Legends II Homeowners (several adult males identifying themselves as homeowners)
 Complainant: Beth Sirr
 Perennial Stream: Bridger Creek
 Location of incident: Bridger Creek overflow path area in Legends 2 development parallel to Boylan and just downstream from Midfield Street
 Nature of Complaint: Two diversions dug out with permitting and now diverting Bridger Creek overflow from development flood plain design back into Bridger Creek with potential to adversely impact downstream homes.
 Inspection Comments: The work that was done will need to be discussed at the meeting as to whether it should be considered jurisdictional because it was outside the bed/banks of the stream. What should be considered is whether it's jurisdictional because the work that was done is redirecting flow back to the river and affecting the banks. The consensus is that notion should be done right now during flooding but should be monitored for channel avulsion/head cutting as flows comes up in the coming weeks.

Discussion:

M Rotar: Did not go to the site inspection with Matt and Dave, but did visit the site earlier in the week and took photos. (He showed many photos).

B Sirr: Discussed her conversations with the homeowners ditching diversions in the Bridger Creek overflow area.

D Jackson: Also mentioned how this area was designed

S Leep: This is a 310 violation. This kind of work can't be done without a permit. After the water goes down, mitigation to repair the site should take place. It's also an opportunity for education for the new homeowners of this subdivision.

S Leep made a motion to declare this a 310 violation and to send a letter advising violators to cease and desist action in Bridger Creek, future mitigation requirements and education component; *J Venhuizen* seconds, motion carries

Board Decision: 310 Violation

Application Number GD 4C-18:

Complainant:

Perennial Stream:

Nature of Complaint:

Inspection Comments:

Inspection Date: May 10, 2018

Tom Olenicki, US F&WS

Trail Creek

Concern about the potential impediment to stream flows this is currently causing and additional problems if the bridge gets washed away entirely or in pieces.

The west portion of the bridge support has been undermined / eroded causing that side of the structure to fall into the creek. It does not appear to be an emergency situation since the likelihood of it breaking up, flowing downstream, and plugging something else seems low since the stream is relatively small and the steel deck and beams appear to be securely fastened making one solid structure. Currently, there is debris that has accumulated on the upstream side of the bridge causing backwater and flow is going around the edge adjacent to the failed abutment. Recommended action would be to notify landowners of the situation and that the bridge will need to come out and the banks restored during low flow.

Discussion:

D Moser: Doesn't appear to be a risk of the bridge washing downstream, it's still attached on one bank.

M Rotar: Maybe there's an absentee owner. A lot of sediment will wash downstream if the bridge fails.

S Leep: Is this an instream pond?

D Moser: Doesn't appear to be an instream pond.

L Blanksma: Access road? Where does the road go to?

D Moser: Road to nowhere, maybe an old property, discontinued use.

M Rotar: Google Earth map shows another access road can be used to reach properties beyond this unused bridge.

S Leep made a motion to declare this a 310 violation and to send a letter advising violators to cease and desist action in Bridger Creek, future mitigation requirements and education component; *J Venhuizen* seconds, motion carries

Board Decision:

310 Violation

310 Old Business: None

310 New Business: None

Adjournment of 310 Meeting

BUSINESS MEETING

Public Comments on District Business: None

Consensus Agenda: April minutes, Financials and Staff Report. *L Blanksma* moved to approve the consensus agenda; *S Leep* seconds, and motion carries

NRCS (5/17/2018) District Report

Snow water Equivalent; % of Normal (as of 5/17/2018)

- | | |
|----------------------------|-----------|
| • Gallatin; April; 149% | May; 125% |
| • Madison; April; 130% | May; 112% |
| • Jefferson; April; 144% | May; 113% |
| • Yellowstone; April; 173% | May; 135% |

Programs

- EQIP: Headwaters drought; 4 applications approved; 1 deferred
- CSP 2018; 2 applications

Events

Past:

- NRCS; Public service recognition week; field office lunch
- Bozeman/Townsend field office appraisal; April 30-May 4

Future:

- Water policy interim committee meeting; May 21-22, Bozeman city hall 121 Rouse
- Conservation planning class; Bozeman June 4-8th
- Irrigation water management; Conservation district?
- ATV training; June 11-12th

DEQ water quality report April 2018; Camp Creek and Godfrey Creek

New PATHWAYS employee; engineer; Meghan Key

Local working group (Natural resource priorities);

- Current; water quality in Camp and Godfrey creek drainages (NWQI)
- Future; extend NWQI?

Demo plantings; 16 species; native from NRCS plant materials center; 2 of each (10" plugs)

County Planning Board: None

Manhattan Planning Board: *B Logar*: Met on May 16th. There were discussions on two signs and one conditional use applications. Signs: One is for a real estate office at 502 Main Street and the second is for an architectural design business. Conditional use: A couple wants to build in a live work facility in the Farmstead Subdivision which is across from the Bark Park. A live work structure is where there is a business on the bottom floor and a residence above.

Old Business:

Education & Outreach Center: Update to concrete projects for patio (east side of greenhouse, in front of storage shed and next to pergola). MVP Masonry will be here to begin work at the end of next week.

Youth Education: *L Miller:* On May 16, there was a Seed Exchange from 4:00 pm – 7:00 pm. Red potatoes were donated by Chelle, #50 whites. Jim Albrecht brought over seed packets and mountaineer squash, red orach (Miners spinach) and parsnips. We also had sunflower, blanket flower, helenium, dill, marigold, purple coneflower, lime basil, flax, and radish seeds.

Ms. Harler (Consumer Science teacher at Manhattan School) brought Amy (FCCLA member) with her to help with snack and a seed collage/coloring project.

Rosanne Kruse and 5 of her Girl Scouts came to do a craft gluing seeds on a newspaper cutout. The idea was that the kids would go home and bury it and see if the seeds came up.

B Logar introduced *N Johns*, our new summer intern.

New Business: District Debit Card with Manhattan Bank. *J Venhuizen* made a motion to approve the District secure a debit card to the Manhattan Bank checking account with the amount affixed at \$250.00 and no cash withdrawal allowed, *J Camp* seconds, motion carries.

Reviewed new logo design

Discussed Water Projects program grant

New Grants/Agreements/Contract Report: None

Well-Testing Cost-share Program: Cost-share is still available for the well-testing program. Cost-share is up to \$40.00 maximum (50/50).

Cost-share Program: None

CD Seminars/Workshops: None

Correspondence and Handouts: Emailed

Adjournment of Meeting

B Logar made the motion to adjourn the meeting. The meeting adjourned at 8:10 pm. The next scheduled board meeting will be Thursday, June 21, 2018 at 4:00 pm.

Minutes approved by John Venhuizen, Chairman

Date