

Becky Clements &lt;bec

EXHIBIT

tabbles

GCD-20

## Montana DEQ Complaint - 475 Gateway South Complaint Follow Up

2 messages

**Romankiewicz, Christopher** <CRomankiewicz@mt.gov> Mon, Mar 9, 2020 at 10:14 AM  
To: DNRC Gallatin CD <becky@gallatincd.org>

Good morning Becky. I hope you had an enjoyable weekend.

Please see attached emails regarding the complaint at 475 Gateway South. I met with the landowner on Wednesday, March 4 and reviewed the project and property. Based on my observations and conversations, I have recommended closure of this complaint. Jeff did contact me and indicated that he would seed the disturbed areas this week conditions permitting. I have photos of the property if you are interested. Thank you for your support and assistance.

Please let me know any questions or if you would like to discuss this further.

Christopher Romankiewicz

Lead Compliance Inspector

Compliance, Training, and Technical Assistance Section

Water Quality Division

Montana Department of Environmental Quality

(406) 475-2138

[cromankiewicz@mt.gov](mailto:cromankiewicz@mt.gov)

----- Forwarded message -----

From: "Romankiewicz, Christopher" <CRomankiewicz@mt.gov>  
To: "Jeff@bozemantreeservice.com" <Jeff@bozemantreeservice.com>  
Cc: "Weiss, Ryan" <Ryan.Weiss@mt.gov>  
Bcc:  
Date: Fri, 6 Mar 2020 23:28:53 +0000  
Subject: Follow-Up: Complaint: Pfeil Property

Jeff –

It was a pleasure meeting you on Wednesday, March 4, 2020, at [475 Gateway South Road](#). Thank you for supporting the process to address the complaints filed with the Montana Department of Environmental Quality (DEQ) Enforcement Division. As discussed during our meeting I am recommending closure of the complaint. Please note that the Montana DEQ Enforcement Division will review the information I have provided and will make a final determination.

### Next Steps

Please complete the following:

- Direct inquiries regarding this complaint should be sent to Susan Bawden in the Montana DEQ Enforcement Division. She is cc'd on the email and can be reached at (406) 444-3390.
- Obtain permits from the Montana DEQ Water Protection Bureau before additional construction related activities begin at [475 Gateway South Road](#). As discussed these permits include obtaining authorizations under:
  - General Permit for Storm Water Discharges Associated with Construction Activity – the authorization is for construction related disturbance (clearing, grading, excavation, stockpiling, removal of earth material) and subsequent storm water run-off from the property into state waters. More information can be found at the following link: <http://deq.mt.gov/Water/StormWater/StormSystems> The General Permit can be found under the Construction tab.
  - General Permit for Construction Dewatering – the authorization is for dewatering the property during construction and associated support activities. More information can be found at the following link: <http://deq.mt.gov/Water/permits/Discharges> The General Permit can be found under the tab titled: General Permits for Discharges to Surface Waters

When I spoke with the Paul Herbst at Stahly he mentioned the General Contractor, once selected, will be required to obtain the necessary permits for the Water Protection Bureau. I strongly advise that you speak with the General Contractor

and the variety of regulatory agencies to make sure these permits and any others are obtained before proceeding with future work. Please feel free to contact me with questions regarding permitting and/or proposed plans to ensure compliance with the Water Protection Bureau's permits.

- Maintain existing Best Management Practices (BMPs) on-site. Specifically, maintain the berm around the stockpile. This requires maintaining the compaction on the berm. Additionally, I would recommend seeding the disturbed areas associated with the pond work completed in 2019 if construction activities are not expected to resume/begin in 2020.

Again, thank you for support and attention to this matter.

Christopher Romankiewicz

Lead Compliance Inspector

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From: "Romankiewicz, Christopher" <[CRomankiewicz@mt.gov](mailto:CRomankiewicz@mt.gov)>

To: "Weiss, Ryan" <[Ryan.Weiss@mt.gov](mailto:Ryan.Weiss@mt.gov)>

Cc:

Bcc:

Date: Fri, 6 Mar 2020 23:28:47 +0000

Subject: RE: Pfeil property "glamping" photos and video

Ryan –

Provided below is a brief summary of my meeting with Jeff Pfeil regarding the complaints filed with Enforcement about the Glamping Project. Based on my observations and

discussions, I am recommending closure of the complaint.

I met with Jeff Pfeil on Wednesday, March 4, 2020, to discuss the complaints filed with Montana DEQ Enforcement Division regarding the project at [475 Gateway South Road](#). The complaints alleged turbid discharges were occurring to the Gallatin River from pumping operations associated with the work being completed on the pond. Complaints were filed with Montana DEQ on October 7, 2019, and February 24, 2020. The complaints were referred to the Compliance, Training, and Technical Assistance section of the Water Protection Bureau on February 25, 2020.

Based on my discussion with Jeff Pfeil and field observations, the following has been documented:

- Construction activities were completed in December 2019. Construction activities included excavating material from and making improvements to a stock pond, stockpiling of material from the excavation, and site grading around the pond. Dewatering of the stock pond did occur; however, I was told that pumped water was land applied. Area of disturbance was estimated less than one acre; however, snow cover made it difficult to determine all areas disturbed. There was no construction equipment related to the associated work, including pumps, on-site during my inspection. I did not identify a discharge of sediment related to the construction activity or dewatering operations. The only activity occurring on-site was tree work – pruning, cutting, and cleaning up material. There was no disturbance associated with this work.
- Construction activities are expected to resume after additional permits are obtained from Gallatin County Conservation District, Gallatin County, and approval is provided from DEQ Subdivisions. Presently, there is no clear timeframe for the issuance of permits and/or approvals.
- I spoke with three consultants/engineers regarding this project and have been informed that necessary permits will be obtained from Water Protection before construction activities resume. These include obtaining authorizations under the Construction General Permit and Construction Dewatering.
- I spoke with Jeff (property owner) regarding the requirement to obtain these permits before construction activities resume and offered compliance assistance to help facilitate 1.) obtaining permit coverage and 2.) assistance in the field before and during construction activities. I also recommended that Jeff maintain the BMPs (earthen berm around stockpile) to help prevent or mitigate impacts to state waters. He indicated that if the permits are not obtained this spring, he will most likely return the property to grazing.

Please let me know if you require any additional information.

Christopher Romankiewicz

Lead Compliance Inspector

Compliance, Training, and Technical Assistance Section

Water Quality Division

Montana Department of Environmental Quality

(406) 475-2138

[cromankiewicz@mt.gov](mailto:cromankiewicz@mt.gov)

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**From:** Weiss, Ryan <[Ryan.Weiss@mt.gov](mailto:Ryan.Weiss@mt.gov)>  
**Sent:** Friday, February 28, 2020 8:43 AM  
**To:** Romankiewicz, Christopher <[CRomankiewicz@mt.gov](mailto:CRomankiewicz@mt.gov)>  
**Subject:** FW: Pfeil property "glamping" photos and video

Chris,

Susan talked to me about this unpermitted facility and requested you or an inspector from CTTA take the lead to visit the site and determine what, if any, permit coverage is required. In efforts to not overload any one inspector with enforcement referrals, I wanted to check with you to see if you would like to take this one or if you believe that Jay or another inspector can handle it. Don has a lot going on with the AGOL migration. I've sent Lisa-kay and Dan several enforcement referrals already that they are working on in their respective regions, but not Jay. I did talk to Jay about this and he suggested he and I could both go next week. What are your thoughts on this one?

Thanks,

Ryan

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**From:** Bawden, Susan  
**Sent:** Tuesday, February 25, 2020 10:35 AM  
**To:** Weiss, Ryan <[Ryan.Weiss@mt.gov](mailto:Ryan.Weiss@mt.gov)>  
**Cc:** Smith, Kevin <[Ksmith@mt.gov](mailto:Ksmith@mt.gov)>; Harbage, Rebecca <[RHarbage@mt.gov](mailto:RHarbage@mt.gov)>; Steinweden, Shasta <[ssteinweden@mt.gov](mailto:ssteinweden@mt.gov)>; Anderson, Chad <[chada@mt.gov](mailto:chada@mt.gov)>  
**Subject:** Pfeil property "glamping" photos and video

Hi Ryan,

As we discussed, ENF has received many emails regarding the development of this property located at 475 Gateway South Rd., Gallatin Gateway.

The initial complaint we received was that Jeff Pfeil, was digging a pond on his property. After talking with Jeff, his consultant Ben, and doing some research it was determined that the Jeff was refurbishing a historical stock pond and the disturbance did not have a footprint of greater than one acre. At the time Jeff was conducting his activities in accordance with the Gallatin County Floodplain Administrator's instruction. There was no discharge to state water at that time, so I closed the complaint (I've placed a copy of the complaint file and other documents in the folder linked below).

Now we are receiving many emails that feel more like "public comment" than complaints. The neighbors are against the glamping resort. However I did receive video (link in email below) and photos J:\ENFORCEMENT\Complaints\Pfeil . Unfortunately the video only shows water flowing across a property that could just as easily be snow melt as a pumped discharge. The photos do indicate turbidity in a creek discharging to a river, but the metadata doesn't indicate where they were taken. In order to get ahead of this and determine if any permits are required, would you have one of your staff ( Chris?) conduct a field investigation for us to determine if a permit is required and if so what?

Jeff Pfeil's contact info: 406.581.8711; [Jeff@bozemantreeservice.com](mailto:Jeff@bozemantreeservice.com)

His consultant is Ben Davis 406.223.9585; [ben@downstreamresearch.com](mailto:ben@downstreamresearch.com)

After the investigation, let's all meet and discuss the results and next steps.

Best,

SB

**From:** Kris [<mailto:kriskruid@gmail.com>]

**Sent:** Monday, February 24, 2020 11:07 AM

**To:** Bawden, Susan <[SBawden@mt.gov](mailto:SBawden@mt.gov)>

**Cc:** Lehman Peggy & Gordon <[riverswynd@gmail.com](mailto:riverswynd@gmail.com)>

**Subject:** [EXTERNAL] Video re: Silting of Gallatin River and Spring Creek /Peggy Lehmann

Good morning Ms. Bawden: Peggy Lehmann asked me to forward this videot to you regarding the silting of the jurisdictional spring creek and the Gallatin River by Jeff Pfeil/Pfeil Acquisitions. Please find attached. I would appreciate it if you could respond that you have received the files and can open them. Many, many thanks to you for your attention to this critical matter.

EMAIL 2 OF 2

The following photos were taken by Peggy Lehmann on December 18 and 19, 2019:

This video shows the Pfeil Acquisitions team members running to turn off the pump that are using to cause silt to run thru the spring creek into the Gallatin. They noticed they were being filmed and ran to turn off the pump.

[IMG\\_9703turningoffpump.mov \[drive.google.com\]](#)

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Kris Kruid

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**2 attachments**

-  **Follow-Up: Complaint: Pfeil Property.eml**  
18K
-  **RE: Pfeil property "glamping" photos and video.eml**  
36K

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**Becky Clements** <[becky@gallatincd.org](mailto:becky@gallatincd.org)> Mon, Mar 9, 2020 at 11:36 AM  
To: "Romankiewicz, Christopher" <[CRomankiewicz@mt.gov](mailto:CRomankiewicz@mt.gov)>

Thank you for the update!

*Becky Clements*

District Administrator

Gallatin Conservation District

406-282-4350

Email: [becky@gallatincd.org](mailto:becky@gallatincd.org)

[gallatincd.org](http://gallatincd.org)

[Quoted text hidden]

## Subject: Follow-Up: Complaint: Pfeil Property



**Romankiewicz, Christopher** <CRomankiewicz@mt.gov>  
to Jeff@bozemantreeservice.com, Weiss, Ryan

You are viewing an attached message. Soil and Water Conservation Districts of Montana Mail can't verify the authenticity of : messages.

Jeff –

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to Weiss, Ryan

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3/9/2020

RE: Pfeil property "glamping" photos and video - becky@gallatincd.org

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[IMG\\_9703turningoffpump.mov \[drive.google.com\]](#)

Kris Kruid

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Gallatin Conservation District  
PO Box 569  
Manhattan, MT 59741

RE: Pfeil development refusal, near Gallatin Gateway, MT

Dear Gallatin Conservation District,

Our family have been residents on the Gallatin River for over 40 years, ½ mile down-stream of the proposed 'pipeline' and development. We have always valued the land and the water as use for cattle raising, recreation and irrigation. This river flows to the Missouri and on. **We MUST PRESERVE the Gallatin River.** During the time living along the river, we have seen it flood several times. Washing away roughly 5 acres of our river front property!

**This land is on an island between two frequently flooding branches of the Gallatin River. The parcel is categorized in the MT Department of Administration cadastral database as "unbuildable".**

Mr. Pfeil has violated or ignored permitting when it comes to development and sought forgiveness rather than permission. His current proposal is to put dozens of glamping sites, a road network, and associated infrastructure mostly in an active floodplain on what is essentially a flood-prone island in the Gallatin River system, as well as shallowly bury a sewer line under the riverbed.

**Prevention is the answer to Preservation.**

**Developing within the floodplain poses a high risk** of having much of this potential eye-sore wash downstream during a high-water event. That is a very likely, scary and damaging scenario that would both do further damage to the river but probably cost tax-payer dollars to deal with.

To develop property anywhere in the Gallatin County, there are very strict DNRC rules and regulations that must be followed. Why then is this even an issue, as this floodplain proposed development should not even be an issue. This land is not buildable much less adequate to bury septic systems, or other water disposal options. He should have done his due diligence prior to just deciding that he could build anything he wants to. Please use your best practices to prevent a disaster. This is easily avoided by saying NO to a permit!

**Montana's natural resources and recreational opportunities should not be put at risk for the personal gain of one person.** There is a very big potential for devastating impacts to the environment including, but not limited to, polluting the river, affecting the Farmer's Canals, risking lives of people, disruption of public services, strain on emergency service providers, damage to public facilities and so much more. The naturally occurring process called River Scouring will eventually cause this pipeline to break releasing sewer and natural gas in the river. If this sort of development is allowed, wouldn't it have serious ramifications for the value of riparian parcels, and

therefore property taxes? It is reasonable that the public request that regulators require hydraulic modeling to ensure that the depth of the boring is sufficiently protective of the riverbed in cases such as catastrophic failure of ice dams or the Farmer's Canal diversion dam.

There is growing widespread opposition to this project locally in greater Bozeman communities, with other voters in Montana and, as citizens of the US become aware, recreationalists and environmentally conscious people from around the United States.

**Please do not approve these permits.**

The Gallatin River is a public waterway and a treasured natural resource that is irreplaceable. Along with many of my neighbors, I look to the agencies that are reviewing this proposal to do the right thing and continue to prohibit development that diminishes rather than enhances the value of this area and this county.

**Prevention is the answer to Preservation.**

Respectfully,



Jodi Hougard Petty  
P.O. Box 92  
Gallatin Gateway, MT  
jodihpetty@gmail.com

Concerning Pfeil Campground on Gallatin River, immediately west of Gallatin Gateway.

March 4, 2020

Several serious questions come to mind concerning this campground on the Gallatin River:

The first is that it involves serious excavation within the floodplain. Apparently this excavation was approved by Sean O Callaghan, floodplain administrator. How could this be approved WITHOUT INSPECTION, and without filing of proper paperwork?

Another question is how can this project within the floodplain be labeled "recreational" when it involves the erection of numerous permanent structures and permanent infrastructure such as electricity, gas, internet and sewer? This sounds more like a subdivision.

How was the old pond allowed to expand from 4,000 to 14,000 square feet? Again, apparently without the proper paperwork and inspection. Again within the floodplain.

Have the regulating bodies considered the long- and short-term effects on fish and wildlife, of boring ten feet under the riverbed to supply water, gas, sewer, etc?

I spend many hours each year on the Gallatin above Axtell Bridge. I would hate to see this beautiful riverine stretch damaged or destroyed by an ill-considered and possibly illegal project. I urge that this ill-considered project be halted.

Sincerely,

Richard H. Wedel

Dick.Wedel@gmail.com

A handwritten signature in cursive script that reads "R H Wedel". The signature is written in black ink and is positioned below the typed name and email address.

March 2, 2020

TO: Gallatin Conservation District Supervisors

Dear Supervisors:

Is this incompetence or a complete work of fiction?

Please provide evidence that there was ever a stock pond on this property. Maps going back to 1965 through 2014 show what can at best be referred to as a cattle wallow. **Therefore, the entire application should be rescinded.** Additionally, there can be no "70 years of silt" to remove since it has been a shallow cattle wallow for the last 55 years. The result of digging produced alluvium, not silt, the giant piles of which can be seen from the road. Pfeil's application is full of falsehoods. Pfeil excavated a new pond removing the alluvium that exists throughout the property.

Either the information on Pfeil's planning permits is based on fiction or the agencies that "told" him he didn't need permits need to explain their actions. Since the Conservation District is listed as just one of the agencies who "told" Pfeil he didn't need any permit, it seems odd you would later issue a cease and desist order because Pfeil was digging without a permit. **Please see section: Overview #4, M for the statement suggesting you told him he didn't need a permit. This is reiterated in paragraph D 4.**

The engineering plans are also works of fiction. The 1965 map shows the "existing pond" measuring at less than 4000 square feet. Pfeil represents it as a 14,000 square feet and suggests he's going to remove 70 years of silt. There is no evidence that shows there was ever a 14000 square foot pond on this property.

In file Pfeil.fof.pdf page 2 Paragraph E, the existing pond is identified as "within the floodway". Paragraph H goes on to cite the FEMA flood insurance study (September 2, 2011) and Flood Insurance Rate Map Panel No. 30031C0905D is shown to be within the floodway. Section J includes a response from the Floodplain administrator stating that "the project does not increase the surface area of the pond" but maps don't support that claim. **It is important to note that no one reviewed the property BEFORE the work was done.** All of this could have been avoided if that step had been taken.

How can the planning administrator grant a permit without a site inspection? It seems the flood plain administrator is willing to accept doctored photographs without inspection as to their validity.

Given the way Pfeil and the paid engineers have proven to play fast and loose with the rules and guidelines, I ask you for the following considerations:

1. Whatever reparations you decide, **please insist they are completed by a 3rd party restoration expert that you recommend.** There should also be a Conservation District sanctioned on-site supervisor overseeing every move. We've already seen the way Jeff interprets the rules and causes damage to the land and water. He has already taken shortcut, interpreted your guidelines to suit his own purposes. He should not be trusted to enact whatever plan you decide is the best course of action to restore the damage.

2. Please rule that the pond he illegally dug through the spring creek must be filled in and the spring creek should be restored to its previous condition. The land should be restored with native grasses and vegetation.

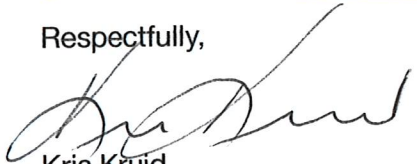
3. Please send an independent engineer to review the entire site and appraise all of the damages. One should look for evidence of infrastructure construction and installation of pumping stations.
4. Please have Pfeil replant all of the trees and vegetation he removed at or below the water line along the banks of the river.
5. The plan on page 5 of the application indicates a depth of 10 feet but, as you know, he dug deeper and removed over 2000 cubic yards of alluvium - not silt. One can also see the Pfeils "pond" has been superimposed over the actual existing cattle wallow from 1965.
6. The attached photo Image 9712 shows Pfeil silting the spring creek that carried the silt to the Gallatin River and dumped it there.
7. The floodplain map provided by Pfeil has been imagined by Pfeil. There is no evidence supporting any FEMA floodplain map that matches this gross misrepresentation.

Pfeil should pay for all of these charges for restoration. Please impose a very large fine and further charge Pfeil with the misdemeanor for ignoring the rules and guidelines. Please make an example of Pfeil showing all who are watching that the Conservation District will not tolerate free-wheeling damage to our natural resources.

Going forward, should Pfeil request a future 310 permit, please triple check every statement he submits on any application and charge him for the costs of hiring an independent engineer for doing so. He has proven that he will misrepresent the facts to suit his purpose and that he is not to be trusted.

It looks like the fate of the health of the Gallatin River and the extent to which people may disregard the standards in place by the Conservation District will depend on your ruling on this project. Pfeil's actions set a dangerous precedent. Please do the right thing and make an example for the blatant and egregious disregard for the Conservation District's authority.

Respectfully,



Kris Kruid  
12500 Axtell Gateway Rd  
PO Box 153  
Gallatin Gateway, MT 59730

cc:

Sean O'Callaghan, Flood Plain Administrator  
Gallatin County Commissioners  
Gallatin County Planning Commission  
Montana DNRC  
Rich Jost DEQ  
Tim Davis DEQ

Attached:

Image 9712 - silt dump into the Gallatin  
Image 1965 - showing the shallow cattle wallow Pfeil misrepresented as a giant pond  
Pfeil Application.pdf - Overview Paragraph 4 M 5  
Pfeil.fof.pdf



Becky Clements <becky@gallatincd.org>

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## Gallatin River Pipeline

1 message

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**Natalie Phillips** <natphillips2013@gmail.com>

Thu, Mar 5, 2020 at 3:30 PM

To: becky@gallatincd.org

Stop this! Please!

The Gallatin River Pipeline is wrong on so many levels. It jeopardizes the water rights of many citizens. It has the potential to poison our wildlife and pollute our environment. It poses a very real threat to the charm of our beloved Gateway.

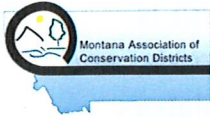
There are alternatives, such as propane for toilets and heat.

What happens in the event of an earthquake? This is a likely scenario you know.

Pfeil's proposal calls for too many units and presents too great of risk.

**WE OPPOSE THE GALLATIN RIVER PIPELINE PROPOSAL!!**

Lee & Natalie Phillips  
12737 Axtell Gateway Road  
Gallatin Gateway, MT 59730



Becky Clements <becky@gallatincd.org>

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## Preserve the GALLATIN RIVER

2 messages

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Jodi Hougard Petty <jodihpetty@gmail.com>

Thu, Mar 5, 2020 at 11:28 AM

To: becky@gallatincd.org

Dear Becky,

Our family have been residents on the Gallatin River for over 40 years, ½ mile downstream of the proposed 'pipeline' and development. We have always valued the land and the water as use for cattle raising, recreation and irrigation. This river flows to the Missouri and on. **We MUST PRESERVE the Gallatin River.** During the time living along the river, we have seen this area flood several times. Washing away roughly 5 acres of our river front property!

**This land is on an island between two frequently flooding branches of the Gallatin River. The parcel is categorized in the MT Department of Administration cadastral database as "unbuildable".**

Mr. Pfeil has violated or ignored permitting when it comes to development and sought forgiveness rather than permission. His current proposal is to put dozens of glamping sites, a road network, and associated infrastructure mostly in an active floodplain on what is essentially a flood-prone island in the Gallatin River system, as well as shallowly bury a sewer line under the riverbed.

**Prevention is the answer to Preservation.**

**Developing within the floodplain poses a high risk** of having much of this potential eye-sore wash downstream during a high-water event. That is a very likely, scary and damaging scenario that would both do further damage to the river but probably cost tax-payer dollars to deal with.

**Montana's natural resources and recreational opportunities should not be put at risk for the personal gain of one person.** There is a very big potential for devastating impacts to the environment including, but not limited to, polluting the river, affecting the Farmer's Canals, risking lives of people, disruption of public services, strain on emergency service providers, damage to public facilities and so much more. The naturally occurring process called River Scouring will eventually cause this pipeline to

break releasing sewer and natural gas in the river. If this sort of development is allowed, wouldn't it have serious ramifications for the value of riparian parcels, and therefore property taxes? It is reasonable that the public request that regulators require hydraulic modeling to ensure that the depth of the boring is sufficiently protective of the riverbed in cases such as catastrophic failure of ice dams or the Farmer's Canal diversion dam.

There is growing widespread opposition to this project locally in greater Bozeman communities, with other voters in Montana and, as citizens of the US become aware, recreationalists and environmentally conscious people from around the United States.

**Please do not approve these permits.**

The Gallatin River is a public waterway and a treasured natural resource that is irreplaceable. Along with many of my neighbors, I look to the agencies that are reviewing this proposal to do the right thing and continue to prohibit development that diminishes rather than enhances the value of this area and this county.

**Prevention is the answer to Preservation.**

Respectfully,

Jodi Hougard Petty  
P.O. Box 92  
Gallatin Gateway, MT  
[jodihpetty@gmail.com](mailto:jodihpetty@gmail.com)

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.....  
Jodi Hougard Petty  
310-245-5634 cell

.....  
Mailing Address:  
[1767 12th Street #219](#)  
[Hood River, OR 97031](#)

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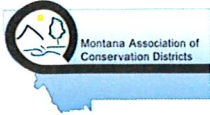
**Becky Clements** <[becky@gallatincd.org](mailto:becky@gallatincd.org)>  
To: Jodi Hougard Petty <[jodihpetty@gmail.com](mailto:jodihpetty@gmail.com)>

Thu, Mar 5, 2020 at 12:50 PM

Received, thank you.

*Becky Clements*

District Administrator



Becky Clements <becky@gallatincd.org>

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## Pfeil property pre-excavation views

2 messages

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**Dick Shockley** <ddshockley@aol.com>

Tue, Mar 3, 2020 at 2:57 PM

To: Megan.Gibson@gallatin.mt.gov, becky@gallatincd.org

Megan, Gallatin County Compliance Office  
Becky, Gallatin Conservation District

Attached are two ONX mapping app views which show the Pfeil property prior to the extensive excavation.

First landscape view shows the source of the spring creek at bottom right (south) edge of photo, near the old abandoned building. The stream is naturally spring fed and flows year around, as it has for many decades and likely much earlier.

The darker green area (right center) in the restored pond view shows the general area of what was the backwater pond filled to a relatively shallow depth by Jim Daniel blocking the stream flow on the north edge of that area. When he decided to "fill-in" the pond, he removed the device used to block the stream and it reverted to the natural channel and flow. Subsequent flooding collapsed banks and moved heavier materials into the area which had been the Daniel pond. The area reverted to its original floodplain pasture composition.

I was able to view and download the views which support my recollection of the stream and pond areas on the Pfeil property from some time ago when I had crossed that area with Daniel permission to fish the river below the diversion dam. 'Not sure how helpful these views may be, but it might be worthwhile for a field crew to see them prior to visiting the site to inspect and contrast to what now exists. In particular the views seem to substantiate the stream characteristics which define it as a "natural perennial stream". The "pond" view does show a stabilized pasture area with a stream flowing through it with merely a wide area - pond/puddle - cattle wallow.

Respectfully, *Dick Shockley*

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2 attachments

Pfeil stream spring source.jpg



203K



Pfeil pit pre dig view.jpg  
217K

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**Becky Clements** <[becky@gallatincd.org](mailto:becky@gallatincd.org)>  
To: Dick Shockley <[ddshockley@aol.com](mailto:ddshockley@aol.com)>

Thu, Mar 5, 2020 at 12:02 PM

Received, thank you.

*Becky Clements*

District Administrator

Gallatin Conservation District

406-282-4350

Email: [becky@gallatincd.org](mailto:becky@gallatincd.org)

[gallatincd.org](http://gallatincd.org)

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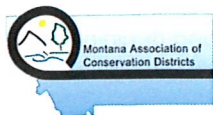


gn\maps Web App

3/3/2020

<https://webmaps.com/maps.html>

1/1



Becky Clements <becky@gallatincd.org>

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## Re: Pfeil Response to Investigation Letter

1 message

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**Dick Shockley** <ddshockley@aol.com>

Mon, Mar 2, 2020 at 9:13 AM

To: Megan.Gibson@gallatin.mt.gov

Cc: becky@gallatincd.org, Sean.OCallaghan@gallatin.mt.gov

Megan,

Megan,

Thank-you for providing the response. I think due diligence may be fairly easily applied to confirm or deny Mr. Pfeil's assertions. Consider the following.

1. Words are important and understanding of the phrase "deepen the pond to a depth of approximately 10 feet" as stipulated in the permit is critical. With respect to other relative elevations and to floodplain elevation in particular, is the average depth of 10 feet or maximum depth of 10 feet the criterion?
2. An engineering field survey seems fairly straight forward to estimate the excavated fill material.
3. Gallatin Conservation District analysis, as well as an engineering field survey will determine the "perennial flowing stream" status of this waterway.
4. Having employed professional engineering and excavation resources, it is unacceptable to submit such an important floodplain permit application as "clearly a learning experience". Furthermore to use Merriam-Websters dictionary simple definition of sediment seems an affront to your professional integrity. There are other common definitions which refute the notion that the solid pile of rocks, topsoil and other material is "sediment".
  - a. Wikipedia: *Sediment is naturally occurring material that is broken down by process of weathering and erosion, and is subsequently transported by the action of wind, water, or ice or by the force of gravity acting on the particles.*
  - b. Britannica: *Sedimentation, in the geological sciences, process of deposition of a solid material from a state of suspension or solution in a fluid.*
  - c. Science Daily: *Sediment is any particulate matter that can be transported by fluid flow and which eventually is deposited as a layer of solid particles on the bed or bottom of a body of water or other liquid. Sedimentation is the deposition by settling of a suspended material.*

Please consider the points above in your review of the complaint reply and subsequent next steps.  
Letter attached.

Respectfully, Dick

-----Original Message-----

From: Gibson, Megan <Megan.Gibson@gallatin.mt.gov>

To: ddshockley@aol.com <ddshockley@aol.com>

Sent: Mon, Mar 2, 2020 7:43 am

Subject: Pfeil Response to Investigation Letter

Good Morning Dick,

Please see the attached response letter to my February 13<sup>th</sup> Investigation Letter. I'll be reviewing this and deciding on next steps. I'll be in touch after review and analysis.

Thank You,

Megan K. Gibson  
Compliance Officer  
Gallatin County  
311 W. Main St., Room 108  
Bozeman, MT 59715  
(E) [megan.gibson@gallatin.mt.gov](mailto:megan.gibson@gallatin.mt.gov)  
(P): 406-582-3775

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 **COMPLAINT Response 2 Mar 2020.doc**  
29K



Becky Clements <becky@gallatincd.org>

## Pfeil Permit Requests

1 message

Kris <kriskruid@gmail.com>

Mon, Mar 2, 2020 at 8:43 AM

To: Becky Clements <becky@gallatincd.org>

Cc: TimDavis@mt.gov, joe.skinner@gallatin.mt.gov, Scott.MacFarlane@gallatin.mt.gov, Don.Seifert@gallatin.mt.gov, sean.ocallaghan@gallatin.mt.gov, RJost@mt.gov

March 2, 2020

TO: Gallatin Conservation District Supervisors

Dear Supervisors:

Is this incompetence or a complete work of fiction?

Please provide evidence that there was ever a stock pond on this property. Maps going back to 1965 through 2014 show what can at best be referred to as a cattle wallow. Therefore, the entire application should be rescinded. Additionally, there can be no "70 years of silt" to remove since it has been a shallow cattle wallow for the last 55 years. The result of digging produced alluvium, not silt, the giant piles of which can be seen from the road. Pfeil's application is full of falsehoods. Pfeil excavated a new pond removing the alluvium that exists throughout the property.

Either the information on Pfeil's planning permits is based on fiction or the agencies that "told" him he didn't need permits need to explain their actions. Since the Conservation District is listed as just one of the agencies who "told" Pfeil he didn't need any permit, it seems odd you would later issue a cease and desist order because Pfeil was digging without a permit. Please see section: Overview #4, M for the statement suggesting you told him he didn't need a permit.

This is reiterated in paragraph D 4.

The engineering plans are also works of fiction. The 1965 map shows the "existing pond" measuring at less than 4000 square feet. Pfeil represents it as a 14,000 square feet and suggests he's going to remove 70 years of silt. There is no evidence that shows there was ever a 14000 square foot pond on this property.

In file Pfeil.fof.pdf page 2 Paragraph E, the existing pond is identified as "within the floodway". Paragraph H goes on to cite the FEMA flood insurance study (September 2, 2011) and Flood Insurance Rate Map Panel No. 30031C0905D is shown to be within the floodway. Section J includes a response from the Floodplain administrator stating that "the project does not increase the surface area of the pond" but maps don't support that claim. It is important to note that no one reviewed the property BEFORE the work was done. All of this could have been avoided if that step had been taken.

How can the planning administrator grant a permit without a site inspection? It seems the flood plain administrator is willing to accept doctored photographs without inspection as to their validity.

Given the way Pfeil and the paid engineers have proven to play fast and loose with the rules and guidelines, I ask you for the following considerations:

1. Whatever reparations you decide, please insist they are completed by a 3rd party restoration expert that you recommend. There should also be a Conservation District sanctioned on-site supervisor overseeing every move. We've already seen the way Jeff interprets the rules and causes damage to the land and water. He has already taken shortcut, interpreted your guidelines to suit his own purposes. He should not be trusted to enact whatever plan you decide is the best course of action to restore the damage.
2. Please rule that the pond he illegally dug through the spring creek must be filled in and the spring creek should be restored to its previous condition. The land should be restored with native grasses and vegetation.
3. Please send an independent engineer to review the entire site and appraise all of the damages. One should look for evidence of infrastructure construction and installation of pumping stations.
4. Please have Pfeil replant all of the trees and vegetation he removed at or below the water line along the banks of the river.
5. The plan on page 5 of the application indicates a depth of 10 feet but, as you know, he dug deeper and removed over 2000 cubic yards of alluvium - not silt. One can also see the Pfeils "pond" has been superimposed over the actual existing cattle wallow from 1965.
6. The attached photo Image 9712 shows Pfeil silting the spring creek that carried the silt to the Gallatin River and dumped it there.
7. The floodplain map provided by Pfeil has been imagined by Pfeil. There is no evidence supporting any FEMA floodplain map that matches this gross misrepresentation.

Pfeil should pay for all of these charges for restoration. Please impose a very large fine and further charge Pfeil with the misdemeanor for ignoring the rules and guidelines. Please make an example of Pfeil showing all who are watching that the Conservation District will not tolerate free-wheeling damage to our natural resources.

Going forward, should Pfeil request a future 310 permit, please triple check every statement he submits on any application and charge him for the costs of hiring an independent engineer for doing so. He has proven that he will misrepresent the facts to suit his purpose and that he is not to be trusted.

It looks like the fate of the health of the Gallatin River and the extent to which people may disregard the standards in place by the Conservation District will depend on your ruling on this project. Pfeil's actions set a dangerous precedent. Please do the right thing and make an example for the blatant and egregious disregard for the Conservation District's authority.

Respectfully,

Kris Kruid  
12500 Axtell Gateway Rd  
PO Box 153  
Gallatin Gateway, MT 59730

cc:  
Sean O'Callaghan, Flood Plain Administrator  
Gallatin County Commissioners  
Gallatin County Planning Commission  
Montana DNRC  
Rich Jost DEQ  
Tim Davis DEQ

Attached:  
Image 9712 - silt dump into the Gallatin  
Image 1965 - showing the shallow cattle wallow Pfeil misrepresented as a giant pond  
Pfeil Application.pdf - Overview Paragraph 4 M 5  
Pfeil.fof.pdf

--  
Kris Kruid

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**4 attachments**



**1965.jpg**  
627K



**IMG\_9712siltDUMP.jpeg**  
5384K

 **Pfeil.fof.pdf**  
293K

 **Pfeil Application.pdf**  
511K





**BEFORE THE GALLATIN COUNTY FLOODPLAIN ADMINISTRATOR  
GALLATIN COUNTY, MONTANA**

**FINDINGS OF FACT AND ORDER:  
IN THE MATTER OF THE APPLICATION OF  
JEFF PFEIL TO CONDUCT WORK IN  
THE REGULATORY FLOODPLAIN OF  
THE WEST GALLATIN RIVER**

**I. FINDINGS OF FACT**

- A. Section 76-5-101, et seq., MCA, establishes the minimum requirements for county floodplain management regulations.
- B. The Gallatin County Floodplain Ordinance (“Floodplain Regulations”) was adopted December 14, 2017 (Ordinance #2017-011).
- C. The purpose of the Gallatin County Floodplain Regulations is:

*To promote the public health, safety and general welfare, to minimize flood losses in areas subject to flood hazards and to promote wise use of the floodplain. These Regulations have been established with the following purposes intended:*

- A. *To guide development of the 100-year floodplain areas of Gallatin County outside incorporated areas consistent with the enumerated findings by:*
  - 1. *recognizing the right and need of water courses to periodically carry more than the normal flow of water;*
  - 2. *participating in coordinating efforts of federal, state and local management activities for 100-year floodplains; and,*
  - 3. *insuring the regulations and minimum standards adopted, insofar as possible, balance the greatest public good with the least private injury.*
- B. *Specifically it is the purpose of these Regulations to:*
  - 1. *restrict or prohibit uses which are dangerous to health, safety or property in times of flood, or cause increased flood heights or velocities;*
  - 2. *require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction;*
  - 3. *identify lands unsuitable for certain development purposes because of flood hazards;*
  - 4. *minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
  - 5. *insure that potential buyers are notified that property is within a 100-year floodplain and subject to the provisions of these Regulations; and,*
  - 6. *insure that those who occupy 100-year floodplains assure responsibility for their actions.*

- D. **Intent of Review:** The purpose of the floodplain permit application is to review required plans and information, to determine if the project as proposed meets the purpose and requirements of the Floodplain Regulations. A permit will be granted or denied by the Floodplain Administrator on the basis of whether the proposed establishment, alteration or substantial improvement of an artificial obstruction or non-conforming use meets the requirements of the Floodplain Regulations.
- E. **Description of Proposed Project:** The application for a floodplain permit was submitted by Jeff Pfeil on April 9, 2019, for a floodplain permit to excavate material from within an existing stock watering pond and stockpile the excavated material in a location outside of the regulatory floodplain. According to the application, the purpose of the project is to dig out an existing stock watering pond to remove the sediment that has accumulated in it over the last 70 years. The application materials describe the existing pond as being spring fed and having a surface area of approximately 14,000 square feet. The project proposes removing approximately 2,000 cubic yards of material to deepen the pond to a depth of approximately 10 feet. Based on the Flood Insurance Rate Map (Panel No. 30031C0905D) and site-specific survey work conducted by C&H Engineering, the existing pond is located within the floodway.
- F. **Record:** The Floodplain Administrator's decision is based on the following information:
1. The application for a floodplain development permit received from the Applicant on April 9, 2019, consisting of a narrative (2 pages) addressing Gallatin County submittal requirements, Joint Application Form (3 pages), and maps (2 pages);
  2. The site plan from C&H Engineering & Surveying, Inc., depicting the floodplain delineation of the property approved along with LOMA Case No. 19-08-0434A, received by the Floodplain Administrator on April 26, 2019; and
  3. The Gallatin County Floodplain Regulations adopted on December 14, 2017.
- G. **Location of Proposed Project:** The proposed project is located at 475 Gateway South Road, on Tract 2 of Certificate of Survey 2901, in the Northwest One-Quarter (NW¼) of Section 11, Township Three South (T3S), Range Four East (R4E), P.M.M., Gallatin County, MT.
- H. **Applicability of Gallatin County Floodplain Regulations to Proposed Project:** The project site is located within the limits of the Gallatin County, Montana, FEMA Flood Insurance Study (September 2, 2011), and according to the subject study and Flood Insurance Rate Map Panel No. 30031C0905D is shown to be within the floodway portion of Zone AE.
- I. **Legal Notice and Public Comment:** Notice of the subject floodplain permit application was published in the *Bozeman Daily Chronicle* on April 14 & 21, 2019. Notice was also sent to adjoining landowners via first class mail. No public comments were received concerning the project.
- J. **Compliance with Gallatin County Floodplain Regulations:** Based on the information contained in the application, and as explained below, and subject to the conditions of approval, the Floodplain Administrator finds the proposed project to comply with the following requirements of the Floodplain Regulations.

**Section 5.02.B.1:** Excavation may take place in the floodway provided: (a) a buffer strip of undisturbed land of sufficient width to prevent flood flows from channeling into the excavation is left between the edge of the channel and the edge of the excavation; (b) the excavation meets all applicable laws and regulations of other local and state agencies; and (c) the excavated material is stockpiled outside of the floodway, and if reasonably attainable, outside the floodplain. These requirements are in addition to the

overarching requirement that activities in the floodplain shall not result in any increase to the 100-year flood elevation, as set forth in Section 5.02.B of the Floodplain Regulations.

**Floodplain Administrator Response.** With respect to the overarching requirements of Section 5.02.B of the Floodplain Regulations, deepening the existing pond is not anticipated to have any impact on the 100-year flood elevations at the project location as the project does not increase the surface area of the pond or propose any fill within the floodplain that could cause an obstruction or divert flood flows. With respect to the requirements of Section 5.02.B.1 the Floodplain Administrator finds:

- (a) The pond has been in place for many years and is situated over 300 feet from the closest channel of the West Gallatin River. While the published channel migration study for this reach of the River recognizes the project site as being within the “Historic Migration Area”, the location of the two main channels of the River is expected to remain relatively stable in this general area given the presence of the two public bridges on Gateway South Road just upstream of the project site and local government’s interest in preserving public infrastructure. It should also be noted that some ground elevated above the Base Flood Elevation (see LOMA Case No. 19-08-0434A) exists upgradient of the project, between the pond and the River, which would reduce the effect of any flood flows reaching the pond. Based on all this information, it appears that the buffer strip of undisturbed land is of sufficient width to prevent flows from channeling into the excavation;
- (b) The Applicant has consulted with other regulatory agencies and it does not appear that any other permits are required to conduct the work;
- (c) A Letter of Map Amendment (LOMA Case No. 19-08-0434A) was recently approved on the subject property, recognizing that a portion of the property is located above the Base Flood Elevation. Material stockpiling locations shall be limited to the portion of the property generally shown on the site plan and found to be above the BFE per the LOMA approval.

**K. Additional Factors for Consideration:** Section 4.01.B.1 requires the Floodplain Administrator to consider additional factors, which follow:

- a. *The danger to life and property due to increased flood heights, increased floodwater velocities or alterations in the pattern of flood flow caused by encroachments.* The Applicant states: “There will be no danger to life or property, no increase in flood heights, water velocities, or changes in flood flows as a result of this work.”
- b. *The danger that materials may be swept onto other lands or downstream to the injury of others.* The Applicant States: “There should be no increased risk of materials being swept downstream. The materials shall be stockpiled in a location that is not in the floodplain.”
- c. *The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions; and whether septic systems will be located to avoid impairment or contamination during flooding.* The Applicant states: “There will be no public water supply to consider for this project.”

**Floodplain Administrator Response:** The project does not involve development or installation of any water supply or sanitation system, nor is it anticipated to impact any existing water supply or sanitation systems.

- d. *The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner.* The Applicant states: “There is no facility to consider for this application.”

**Floodplain Administrator Response:** The facility in question is the pond. The deepening of the existing pond is not anticipated to increase the susceptibility of the facility to flood damage, or the impact of any such damage on the landowner.

- e. *The importance of the services provided by the facility to the community.* The Applicant states: "There is no facility contribution to the community for this application."
- f. *The proposed development will be reasonably safe from flooding.* The Applicant states: "There is no proposed development taking place."

**Floodplain Administrator Response:** The project is not anticipated to impact any flood related hazards associated with the pond.

- g. *The drainage at the site is adequate to reduce exposure to flood hazards.* The Applicant states: "The drainage at the site is adequate to reduce exposure to flood hazards."
- h. *The requirement of the facility for a waterfront location.* The Applicant states: "There is no facility to consider for this application."

**Floodplain Administrator Response:** As described above, the pond is located over 300 feet away from the closest channel of the West Gallatin River. The proposed project includes deepening, but not expanding the existing pond.

- i. *The availability of alternative locations not subject to flooding for the proposed use.* The Applicant states: "The consideration for alternate locations for the proposed use does not apply to this work."

**Floodplain Administrator Response:** The proposed treatment to the pond will take place in the current location of the pond.

- j. *The compatibility of the proposed use with existing development and anticipated development in the foreseeable future.* The Applicant states: "The work is very compatible with the existing and any future proposed uses permitted under the county floodplain regulations."
- k. *The relationship of the proposed use to any adopted growth policy or other plans covering the project area.* The Applicant states: "There are currently no adopted growth policies for Gallatin Gateway to consider. However this application would be acceptable under any of the other existing county growth policies."

**Floodplain Administrator Response:** The project is within the jurisdictional area of the Gallatin Gateway Community Plan, a plan adopted under the Gallatin County Growth Policy. Policy 3.8 of the Plan states:

"New growth in the Town Core shall be designed to protect the Gallatin River. As the Town Core expands to the south and north of the existing historic town site, new development should be designed to avoid the floodplain and provide a setback from the river to protect both groundwater and riparian areas. Existing lots within the Town Core and the original platted town site shall be grandfathered."

The deepening of the existing pond is not appropriately categorized as new growth; however, review of the project under the Gallatin County Floodplain Regulations takes protection of the Gallatin River into account.

- l. *The safety of access to the property in times of flooding for ordinary and emergency services.* The Applicant states: "Safe access for emergency personnel to the site does exist via Gateway South Road."

**Floodplain Administrator Response:** The proposed project is not anticipated to change the characteristics of access to the property in times of flooding.

- m. *Such other factors as are in harmony with the purposes of these Regulations, the Montana Floodplain and Floodway Management Act and the National Flood Insurance Program.* The Applicant states: "The proposed work is in harmony."

## **II. ORDER**

### **A) Based on the record, the Floodplain Administrator finds and orders as follows:**

The requested uses are in conformance with the provisions of the Floodplain Regulations, and since the requested uses will be able to meet the applicable construction standards and performance criteria of Section 5.02 of the Floodplain Regulations, it is hereby ordered that the floodplain permit application by Jeff Pfeil, is approved subject to the conditions listed below. Said permit shall be valid for one calendar year from the date of issuance and shall become null and void if conditions are not appropriately satisfied, or if work is done beyond the size or scope authorized.

**1. This approval authorizes the following activities, subject to the conditions of approval described below:**

- Excavation of approximately 2,000 cubic yards of material to deepen the approximately 14,000 square foot pond to a depth of approximately 10 feet as depicted in the submitted application materials.

### **B) This permit is conditioned upon the following:**

1. Said permit shall become null and void if conditions are not appropriately satisfied, or if work is done beyond the size or scope authorized herein.
2. This permit shall be valid until May 7, 2020. Prior to the expiration date of the permit, the applicant may submit a written request to extend the duration of the permit.
3. Development of the project shall comply with all applicable local, state, and federal rules and regulations. The applicant is responsible for obtaining all necessary permits from appropriate regulatory agencies prior to commencing work.
4. Development of the project shall comply with all applicable standards of the Gallatin County Floodplain Regulations, including but not limited to Sections 5.02.B.1 as described in the above findings. All excavated material shall be removed from the regulatory floodplain.
5. During development of the project, building materials and equipment shall be stored and maintained as far away as practicable from stream bank locations.
6. During development of the project, accepted best management practices for erosion control shall be implemented.

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### **Post-Project Conditions**

7. Within thirty (30) days of completion of the project the applicant shall notify the Floodplain Administrator and provide an opportunity to schedule an on-site inspection.

8. Within thirty (30) days of completion of the project the applicant shall submit photographic documentation of the completed project demonstrating that the project has been accomplished in accordance with the Gallatin County Floodplain Regulations, and in accordance with the design plans submitted with the application for the permit activity. Work that may be conducted in the floodplain is limited in size and scope to the work described in the application.

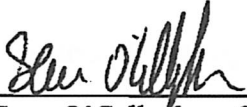
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**APPEALS OF DECISIONS MADE BY THE FLOODPLAIN ADMINISTRATOR**

The requirements for appeals are described in Section 4.04(C) of the Gallatin County Floodplain Regulations. Appeals of any Decision made by the Floodplain Administrator may be appealed to the Gallatin County Commission within 30 days of the date of the Decision and payment of the applicable review fee. On hearing any appeal, the Gallatin County Commission shall take testimony and enter finding of facts and conclusions and shall make such findings and conclusions available to the appellant within a reasonable time.

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DATED THIS 7th DAY OF May, 2019.

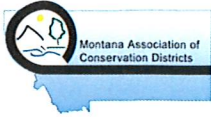


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Sean O'Callaghan, CFM  
Gallatin County Floodplain Administrator

cc: Traci Sears, DNRC

F:\Development Review\Projects\Floodplain\F2019-030 Pfeil Pond\Pfeil.fof.docx



Becky Clements <becky@gallatincd.org>

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## Glampground proposal in Gallatin Gateway

2 messages

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**francis vargo** <vargosjazzcityandbooks@gmail.com>

Fri, Feb 28, 2020 at 12:06 PM

To: becky@gallatincd.org

Hello.

I am writing to you to express my concerns and opposition to the proposed Glampground on Mill Street in Gallatin Gateway.

It is a misdemeanor for anyone to dig on or near water without a 310 permit. The property owner has requested a RETROACTIVE 310 permit. To my knowledge, the owner is facing no penalty of any kind for his actions. The property owner dug out the pond area without the 310 permit and should face some consequences for this action. Property owner expanded a 4000 square foot cattle wallow into a 14000 square foot pond. Property owners engineers falsely represented this in their submission for permits for the project.

Because of the actions of the property owner, a third party environmental engineer and a third party overseer should be brought into this issue to assure the pond mess is corrected properly. Property should also have the infrastructure and pumping station inspected to assure compliance in all areas.

All trees and vegetation along the river bank at or below water level should be restored. Property owner should face whatever fines exist to cover his violations.

There should be third party review of all property owner submissions related to the development of this property.

Please give a close review of this project before making any decision. The future of the Gallatin River is at stake.

Best regards,

Francis Vargo

February 15, 2020

Gallatin Conservation District  
PO Box 569  
Manhattan, MT 59741  
via email: becky@gallatincd.org

RE: Threat to the Gallatin River

Dear Gallatin Conservation District Administrator:

Please take a very, very careful look the permits filed by Pfeil Acquisitions to drill under the Gallatin River. This is a private citizen applying to drill underneath the Gallatin River, a blue ribbon trout stream, for the purposes of bringing natural gas, sewer and other utilities to a private piece of land that is 100% within the floodplain. He has already violated permits by digging through a spring creek, causing silt to flow through the spring creek into the Gallatin River, violating the conditions of a permit to dig a pond, polluting the neighbors land and is showing complete disregard for the existing wetlands. Suggesting that the term "Glamping" is "Recreational" in order to skirt the current stringent vetting and review process required for subdivisions and camp grounds is an affront to the intent of the safeguards in place to protect the river. This land is on an island between two frequently flooding branches of the Gallatin River. The parcel is categorized in the MT Department of Administration cadastral database as "unbuildable". This kind of development uses "permanence" of structures to skirt the issue of riparian impacts.

**We understand that the Conservation District is in charge of 310 permitting for some of the necessary work to do any of this development and that you have already ruled that Pfeil (the landowner) violated the 310 permitting process by enlarging a pond and dumping debris from that effort in the floodplain. Thank you to CD leadership for enforcing that violation. We hope you will make Pfeil put the pond back into its previous state. Further, please take a very careful look at any request from Pfeil for 310 permitting for the pipeline.**

**We are very grateful to the CD for protecting the river and water quality, as well as enforcing violations of permitting. We encourage you to consider the long-term health of the resource over unwise development in a floodplain.**

Montana's natural resources and recreational opportunities should not be put at risk for the personal gain of one person. There is a very big potential for devastating impacts to the environment including, but not limited to, polluting the river, affecting the Farmer's Canals, risking lives of people, disruption of public services, strain on emergency service providers, damage to public facilities and so much more. The naturally occurring process called River Scouring will eventually cause this pipeline to break releasing sewer and natural gas in the river. If this sort of development is allowed, wouldn't it have serious ramifications for the value of riparian parcels, and therefore property taxes? It is reasonable that the public request that regulators require hydraulic modeling to ensure that the depth of the boring is sufficiently protective of the riverbed in cases such as catastrophic failure of ice dams or the Farmer's Canal diversion dam. These events can suddenly lower baseline, significantly increasing scour and erosion of the stream bed and potentially exposing the pipelines.

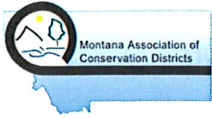
There is growing widespread opposition to this project locally in greater Bozeman communities, with other voters in Montana and, as citizens of the US become aware, recreationalists and environmentally conscious people from around the United States. Please do not approve these permits. This project requires third

party review of the proposal since it is so unusual and has so many perils associated with it. We need time to gather a lot more information from independent engineers and other respected professionals about the potential dangers and long term effects of this request. The Gallatin River is a public waterway and a treasured natural resource that is irreplaceable. Along with many of my neighbors, I look to the agencies that are reviewing this proposal to do the right thing and continue to prohibit development that diminishes rather than enhances the value of this area and this county.

Respectfully,

A handwritten signature in blue ink, appearing to read "Kris Kruid & Charles Bales". The signature is written in a cursive style with a large initial 'K' and 'C'.

Kris Kruid & Charles Bales  
12500 Axtell Gateway Rd  
PO Box 153  
Gallatin Gateway, MT 59730-0153



Becky Clements <[becky@gallatincd.org](mailto:becky@gallatincd.org)>

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## Fwd: Riverbend Glamping Getaway

2 messages

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**Donna Fleury** <[dsfleury4@aol.com](mailto:dsfleury4@aol.com)>  
To: [becky@gallatincd.org](mailto:becky@gallatincd.org)

Wed, Feb 26, 2020 at 4:11 PM

Sent from my iPhone

Begin forwarded message:

**From:** Donna Fleury <[dsfleury4@aol.com](mailto:dsfleury4@aol.com)>  
**Date:** February 11, 2020 at 1:03:13 PM MST  
**To:** [planning@gallatin.mt.gov](mailto:planning@gallatin.mt.gov)  
**Subject:** Fwd: Riverbend Glamping Getaway

Sent from my iPhone

Begin forwarded message:

**From:** Donna Fleury <[dsfleury4@aol.com](mailto:dsfleury4@aol.com)>  
**Date:** February 10, 2020 at 9:46:26 AM MST  
**To:** [sean.ocallaghan@gallatin.mt.gov](mailto:sean.ocallaghan@gallatin.mt.gov)  
**Subject:** Riverbend Glamping Getaway

As a property owner on the West Gallatin River just north of Gateway, I strongly oppose the glamping project. No one can guarantee that the construction of pipelines below the river, 37 campsites and 20 Conestoga wagons creating the possibility of hundreds of people on a daily basis at the proposed Riverbend Glamping Getaway could not as Jeff Pfiel stated, "ensure his project would not adversely impact the West Gallatin River". Another major concern is the project being built in the floodplain. The potential damage that could occur down river including the threat to wildlife, natural landscape, and possible pollution may be irreversible. I

believe it is my responsibility to do what I can to protect and preserve this river for future generations. Additionally, in my opinion Jeff Pfiel should not be allowed to apply retroactively for a 310 permit, or any other 310 permit, based on his complete disregard for the permitting process

Respectfully,

Donna Fleury  
77013 Gallatin Rd  
Bozeman

Sent from my iPhone

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**Becky Clements** <[becky@gallatincd.org](mailto:becky@gallatincd.org)>  
To: Donna Fleury <[dsfleury4@aol.com](mailto:dsfleury4@aol.com)>

Thu, Feb 27, 2020 at 8:18 AM

Received, thank you.

*Becky Clements*

District Administrator

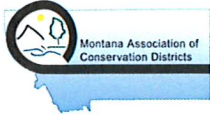
Gallatin Conservation District

406-282-4350

Email: [becky@gallatincd.org](mailto:becky@gallatincd.org)

[gallatincd.org](http://gallatincd.org)

[Quoted text hidden]

**Becky Clements** <becky@gallatincd.org>

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## Pfeil permit

2 messages

**Megan Buecking** <meganbuecking@gmail.com>

Wed, Feb 26, 2020 at 9:37 AM

To: Becky Clements &lt;becky@gallatincd.org&gt;

Hey Becky, I believe the attached stream permitting application proves that Mr. Pfeil did know about he required 310 permit. On page 3 item 5 he suggests that the Conservation District had been contacted and I think he's trying to suggest he didn't need a 310 or other permits. On Page 9 it is stated that he needs a 310, incredibly clearly. On the final page is his signature and the date 4/9/19.

I hope this document does indeed provide evidence of his knowledge. If not though, I think that the conservation district seriously needs to reconsider their stance on "not going there" just because someone seems agreeable or naive. Of course Mr. Pfeil is going to act like he is agreeable, he needs something from you. He, and many other developers, will take advantage of your flexibility and the results will be permanently damaged rivers, streams, and lives. This is the conservation district's responsibility to the county, and to let things slide simply because someone seems like they will cooperate is really unacceptable.

I respect the work you do and thank you for you time. I hope that you can consider the reality of this situation. Pfeil wants to make money, that is it. He is proving that he is willing to break the rules and forgiveness rather than permission. He has been aggressive and threatening to his neighbors, here in Gateway, at his work, and at his property in Big Sky. I have numerous documented accounts that showcase his actual character. If you are basing your decision not to press charges and to allow this permit based on character, I'd be happy to share some of the accounts that showcase his character with you so you can understand a more holistic view of the person you are working with.

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Pfeil Application.pdf

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**Becky Clements** <becky@gallatincd.org>

Wed, Feb 26, 2020 at 10:39 AM

To: Megan Buecking &lt;meganbuecking@gmail.com&gt;

Received, thank you.

*Becky Clements*

District Administrator

Gallatin Conservation District

406-282-4350

Email: [becky@gallatincd.org](mailto:becky@gallatincd.org)

[gallatincd.org](http://gallatincd.org)

[Quoted text hidden]

# Application to dig out the existing stock watering pond located at 475 Gateway South Rd. Gallatin Gateway , MT.

Application prepared by:

Jeff Pfeil

406-581-8711

1442 Baxter lane east

Bozeman, Mt. 59718

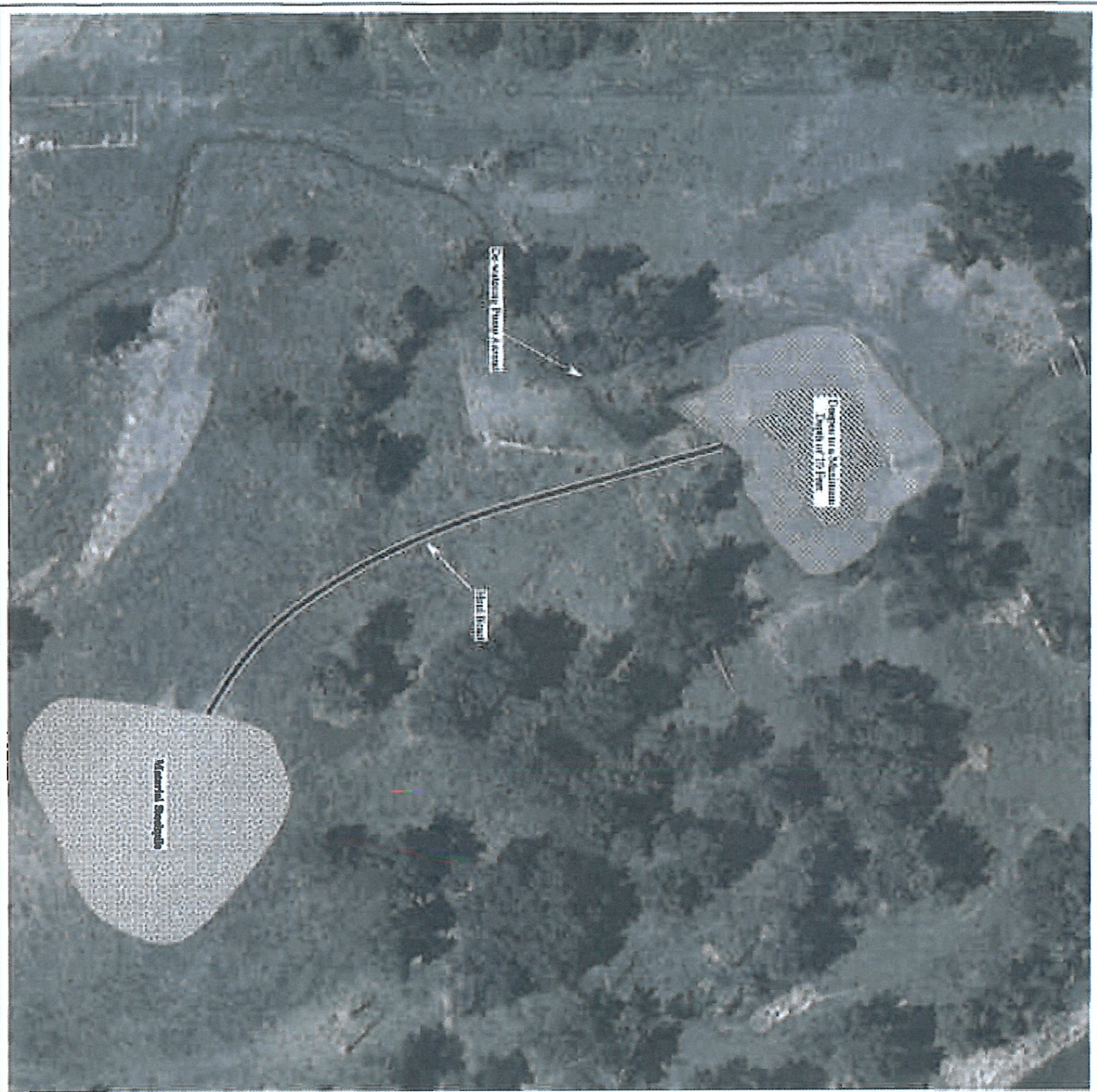
## Overview

The purpose of this application is to obtain a permit to dig out an existing stock watering pond to remove the sediment that has accumulated in it over the last 70 years.

The following narrative responses are to the corresponding reference number or letter in the "Gallatin County Additional Minimal Submittal Requirements"






- 1) A map depicting the portions of the property in floodway has been provided
- 2) A site plan with showing the location of the pond and the location for material stockpiling outside of the floodway or floodplain has been provided.
- 3) All standards within chapters 5 and 6 in the Floodplain Regulations have been reviewed and this work is within compliance as proposed.
- 4) Responses below A-M.
  - A. There will be no danger to life or property, no increase in flood heights, water velocities, or changes in flood flows as the result of this work.
  - B. There should be no increased risk of materials being swept downstream. The materials shall be stockpiled in a location (see map) that is not in the floodplain.
  - C. There will be no public water supply to consider for this project.
  - D. There is no facility to consider for this application.

- E. There is no facility contribution to the community for this application.
  - F. There is no proposed development taking place.
  - G. The drainage at the site is adequate to reduce exposure to flood hazards.
  - H. There is no facility to consider for this application.
  - I. The consideration for alternate locations for the proposed use does not apply to this work.
  - J. The work is very compatible with the existing and any future proposed uses permitted under the county floodplain regulations.
  - K. There are currently no adopted growth policies for Gallatin Gateway to consider.  
However this application would be acceptable under any of the other existing county growth policies.
  - L. Safe access for emergency personnel to the site does exist via Gateway South Road.
  - M. The proposed work is in harmony
- 5) Prior to Submitting this permit I have spoken with the DNRC, the Gallatin Conservation District, Montana DEQ, Army Corps of Engineers and Montana FWP. In all cases the work was discussed in detail and it was determined that digging out the existing stock watering pond is acceptable by each agency without any additional permits.
  - 6) The application fee of \$275 is included.
  - 7) Mailing labels for the adjoining property owners are included.
  - 8) 3 copies are included.
  - 9) A topographic map of the site has been provided.
  - 10) There will be no new structures built as a result of this application.
  - 11) There will be no new structures built as a result of this application.
  - 12) Cross Sections of the site are not applicable for this project.
  - 13) There will be no increase to the base flood elevation as a result of this work. All material extracted from the pond will be removed from the floodplain.
  - 14) A Professional engineer was not engaged for hydraulic modeling as there will be change to the flows, velocity, or volumes of flood water as a result of this application.



**Construction Notes:**

1. The existing pond has a surface area of approximately 14,000 sq ft. The pond will be deepened to a maximum depth of 10 ft. Accumulated sediment on the pond bottom may allow or prevent excavation of certain areas of the lake. Client will be notified if there are any suggested changes to the project's scope of work.
2. As shown, approximately 2,000 cubic yards of material will be removed from the pond to deepen.

- Pond Enhancement Construction Legend:**
-  Pond Material to be Deepened (44,000 sq ft)
  -  Proposed Water Level Control Structure Location (not to scale)
  -  Proposed Outlet Pipe (18 inch diameter (D183000)) (not to scale)
  -  Pond Spillway/Diversion/Sluicing Location
  -  Temporary De-watering (arrow indicates flow direction)



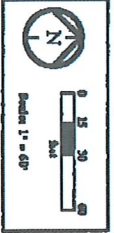
280 West Kagi Blvd  
 Suite D #810  
 Bozeman, MT 59715  
 (406) 209-1357  
 www.troutscapes.com

4/12/2019	Conceptual Design

**Petal Property**  
**GALLATIN GATEWAY**  
**POND**  
**ENHANCEMENT**  
 Gallatin Gateway  
 Gallatin County  
 Montana

**475 Gateway South Road**  
**CONCEPTUAL**  
**DESIGN PLAN**  
**VIEW**

**COMMENTS**  
 1. Map scale derived from aerial photography and survey data.



Drawn By: HW      Checked By: JLB  
**sheet 2 of 2**





SECRET

Revised: 6/5/15 (310 form 270). Form may be downloaded from: [www.dnrc.mt.gov/licenses-and-permits/stream-permitting](http://www.dnrc.mt.gov/licenses-and-permits/stream-permitting)

AGENCY USE ONLY: Application # \_\_\_\_\_ Date Received \_\_\_\_\_  
Date Accepted \_\_\_\_\_ / Initials \_\_\_\_\_ Date Forwarded to DFWP \_\_\_\_\_

*This space is for all Department of Transportation and SPA 124 permits (government projects).*

Project Name \_\_\_\_\_  
Control Number \_\_\_\_\_ Contract letting date \_\_\_\_\_  
MEPA/NEPA Compliance  Yes  No If yes, #14 of this application does not apply.

**JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES**

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

**The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.**

<input checked="" type="checkbox"/>	PERMIT	AGENCY	FEE
	310 Permit	Local Conservation District	No fee
	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
	318 Authorization 401 Certification	Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

**A. APPLICANT INFORMATION**

NAME OF APPLICANT (person responsible for project): Jeff Pfeil

Has the landowner consented to this project?  Yes  No

Mailing Address: 1442 Baxter lane east

Physical Address: same

Day Phone: 406-581-8711 Evening Phone: same E-Mail: jeff@bozemantreeservice.com

NAME OF LANDOWNER (if different from applicant): Same

Mailing Address: Click here to enter mailing address or N/A.

Physical Address: Click here to enter physical address or N/A.

Day Phone: Click here to enter or N/A. Evening Phone: Click here to enter or N/A. E-Mail: Click here to enter or N/A.

NAME OF CONTRACTOR/AGENT ): Troutscapes River Restoration llc

Mailing Address: 280 W. Kagy Boulevard Suite D #310

Physical Address: same

Day Phone: 406-209-1357 Evening Phone: same E-Mail: lbigelow@troutscapes.com

**B. PROJECT SITE INFORMATION**

NAME OF STREAM or WATER BODY at project location stock watering pond Nearest Town Gallatin Gateway

Address/Location: 475 Gateway South Road Geocode (if available): tract 2

Choose SW 1/4 of the NW 1/4 Choose. 1/4, Section 11, Township 3S, Range 4E of PMM County Gallatin

Longitude Enter Longitude., Latitude Enter Latitude.

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No. If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, PROVIDE WRITTEN DIRECTIONS TO THE SITE.

### C. PROJECT INFORMATION

1. TYPE OF PROJECT (check all that apply)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Bridge/Culvert/Ford Construction | <input type="checkbox"/> Fish Habitat                      | <input type="checkbox"/> Mining            |
| <input type="checkbox"/> Bridge/Culvert/Ford Removal      | <input type="checkbox"/> Recreation (docks, marinas, etc.) | <input type="checkbox"/> Dredging          |
| <input type="checkbox"/> Road Construction/Maintenance    | <input type="checkbox"/> New Residential Structure         | <input type="checkbox"/> Core Drill        |
| <input type="checkbox"/> Bank Stabilization/Alteration    | <input type="checkbox"/> Manufactured Home                 | <input type="checkbox"/> Placement of Fill |
| <input type="checkbox"/> Flood Protection                 | <input type="checkbox"/> Improvement to Existing Structure | <input type="checkbox"/> Diversion Dam     |
| <input type="checkbox"/> Channel Alteration               | <input type="checkbox"/> Commercial Structure              | <input type="checkbox"/> Utilities         |
| <input type="checkbox"/> Irrigation Structure             | <input type="checkbox"/> Wetland Alteration                | <input type="checkbox"/> Pond              |
| <input type="checkbox"/> Water Well/Cistern               | <input type="checkbox"/> Temporary Construction Access     | <input type="checkbox"/> Debris Removal    |
| <input checked="" type="checkbox"/> Excavation/Pit        | <input type="checkbox"/> Other _____                       |  |

2. PLAN OR DRAWING of the proposed project **MUST** be attached. This plan or drawing must include:

- a plan view (looking at the project from above)
- dimensions of the project (height, width, depth in feet)
- location of storage or stockpile materials
- drainage facilities
- an arrow indicating north
- a cross section or profile view
- an elevation view
- dimensions and location of fill or excavation sites
- location of existing or proposed structures, such as buildings, utilities, roads, or bridges

3. IS THIS APPLICATION FOR an annual maintenance permit?  Yes  No

(If yes, an annual plan of operation must be attached to this application – see “Information for Applicant”)

4. PROPOSED CONSTRUCTION DATE. Include a project timeline. Start date Late spring or early summer

Finish date 4 weeks after the start. Is any portion of the work already completed?  Yes  No

(If yes, describe the completed work.)

5. WHAT IS THE PURPOSE of the proposed project?

To dig out 70 years of sediment buildup from an existing stock watering pond.

6. PROVIDE A BRIEF DESCRIPTION of the proposed project.

Dewater the pond and dig it out.

7. WHAT IS THE CURRENT CONDITION of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.

The pond is on the interior of the property. There are no nearby structures or wetlands.

8. PROJECT DIMENSIONS. How many linear feet of bank will be impacted? How far will the proposed project encroach into and extend away from the water body?

None. N/A

9. VEGETATION. Describe the vegetation present on site. How much vegetation will be disturbed or covered with fill material during project installation? (Agencies require that only vegetation necessary to do the work be removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.

None. N/A

10. MATERIALS. Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic yards/Linear feet: 2000      Size and Type: Muck/Gravel  
Click here to enter text.

Source: the pond

**11. EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

There will be an excavator and a haul truck used for this project. The equipment will not be used until dewatering is complete.

**12. DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?

No risk of erosion exists

- Minimize stream channel alterations?

No stream channel work will be performed

- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?

Stream flows will not be impacted.

- Minimize effects on fish and aquatic habitat?

There are no fish in the pond

- Minimize risks of flooding or erosion problems upstream and downstream?

There is no risk of erosion. Work will not be performed if conditions indicate a potential flood scenario. We will wait until safe conditions exist.

- Minimize vegetation disturbance, protect existing vegetation, and control weeds?

There will be minor disturbance to the site with the exception of the haul road to move the material to the stockpile location. Weed controlled will be performed on the property 2-3 times during the course of work and after the work is complete.

**13. WHAT ARE THE NATURAL RESOURCE BENEFITS** of the proposed project?

Aside from being able to water cows more effectively with much better quality water the dig out of the pond will allow for a better habitat for waterfowl and migratory birds.

**14. LIST ALTERNATIVES** to the proposed project. Why was the proposed alternative selected?

The alternative is to do nothing.

**D. ADDITIONAL INFORMATION FOR SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS ONLY.**

If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits – See “Information for Applicant.”)

1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.

There will be no placement of dredged material in the floodplain or near the adjacent waterways. The excavated/dredged material will be moved to higher ground.

2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.

Fortunately a location outside of the floodplain exists near the pond.

3. List the names and address of landowners adjacent to the project site. This includes properties adjacent to and across from the project site. (Some floodplain communities require certified adjoining landowner lists).

See attached scan of mailing labels used for County notification purposes

4. List all applicable local, state, and federal permits and indicate whether they were issued, waived, denied, or pending. Note: All required local, state, and federal permits, or proof of waiver must be issued prior to the issuance of a floodplain permit.

After speaking with ALL agencies involved in great detail it was determined that this work did not require additional permits under the agriculture exemption to dig out an existing stock watering pond.

5. Floodplain Map Number N/A


6. Does this project comply with local planning or zoning regulations?  Yes  No

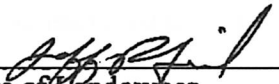
**E. SIGNATURES/AUTHORIZATIONS – Each agency must have original signatures signed in blue ink.**

After completing the form, make the required number of copies and then sign each copy. Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possess' the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized.

APPLICANT (Person responsible for project): LANDOWNER:  
Print Name: Jeff Pfeil Print Name: Jeff Pfeil

 4/9/19  
Signature of Applicant Date

 4/9/19  
Signature of Landowner Date

\*CONTRACTOR/AGENT:  
Print Name: Not applicable

I do not want my contractor involved in my permitting  
Signature of Contractor/Agent Date

\*Contact agency to determine if contractor signature is required.

EMILY B. GADD  
715 S. 5<sup>TH</sup> AVE  
BOZEMAN, MT  
59715 - 4524

GORDON & MARGARET  
LEHMANN  
PO BOX 324  
GALLATIN GATEWAY  
MT 59730

TURNER ENTERPRISES INC  
901 TECHNOLOGY BLVD  
BOZEMAN, MT  
59718 - 4059

EARL J. WORTHAN  
PO BOX 271  
GALLATIN GATEWAY, MT  
59730 - 0271

MICHAEL FALLER  
2010 BITTERN DR  
AMMOND, ID  
83406 - 6659

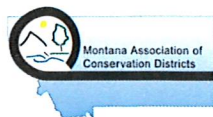
GARY KIRT  
709 JEFFERSON AVE SW A  
WATERTOWN, MN  
55388 - 9287

SLABTOWN LLC  
709 JEFFERSON AVE SW A  
WATERTOWN, MN  
55388 - 9287

KELLEY B. BUSH  
PO BOX 687  
BOZEMAN, MT  
59771 - 0687

ARGHS INVESTMENTS OF  
MONTANA LLC  
7080 SILVERSPRINGS CIR  
BILLINGS, MT  
59106 - 4209

WILLIAM & BRANDI  
MAXWELL  
2105 CITYWEST BLVD STE 100  
HOUSTON, TX  
77042 - 2855



Becky Clements <becky@gallatincd.org>

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## Pfeil Floodplain Pond

1 message

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**Dick Shockley** <ddshockley@aol.com>

Mon, Feb 24, 2020 at 9:15 AM

To: Sean.OCallaghan@gallatin.mt.gov, Megan.Gibson@gallatin.mt.gov,  
becky@gallatincd.org

Cc: joe.skinner@gallatin.mt.gov, scott.macfarlane@gallatin.mt.gov,  
don.seifert@gallatin.mt.gov

Dick Shockley  
627 Gateway South Rd  
Gallatin Gateway, MT 59730

24 February, 2020

### GALLATIN COUNTY PLANNING DEPT

311 West Main St. Rm 108  
Bozeman, MT 59715

RE: **Pfeil Floodplain Pond**

Dear Floodplain Administrator,

Contention: The assertion of the presence of an "existing stock watering pond" is at best an exaggeration; at worst, a fabrication. Recollections, *Google Earth* and *ONX Mapping* images depict a wide spot in the stream or a cattle wallow in the perennial stream, not a stock watering pond. Jim & Dorothy Daniel, previous owners of the property, periodically grazed cattle for a few months a year for several decades on this floodplain pastureland. Stock water was readily available for cattle to water from the stream.

Question: Are there historical data, documentation, and/or testimonial evidence to confirm the presence of an "existing stock watering pond"?

Conclusion: Absent valid substantiation of the existence of such pond, the floodplain permit application was erroneous and therefore, the F2019-030 Pfeil Floodplain Permit issued 7 May, 2019, should be rescinded.

Recommendation: Rescind floodplain "pond" permit, require floodplain pit to be filled in, and require property owner to stabilize area with natural plantings and any other necessary mitigation actions. Require collaboration with Gallatin Conservation District to acquire any necessary permits to complete mitigation of adverse stream conditions and complete stabilization of affected floodplain areas.

Respectfully,

*RH Shockley*

Richard H. Shockley  
CC: Gallatin County Compliance Officer  
Gallatin Conservation District  
Gallatin County Commission

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 **PFEIL POND, GALLATIN CTY COMPLIANCE Feb 24,20.doc**  
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