

**August 18, 2022**

**4:00pm**

**GALLATIN CONSERVATION DISTRICT**

Topic: GCD August Board Meeting

Time: August 18, 2022 • 04:00 PM Mountain Time (US and Canada)

**Meeting Location: GCD Conference Room- 120 S. 5<sup>th</sup> Street, B102- Manhattan, MT**

**Zoom Details**

**[August Zoom Link](https://us02web.zoom.us/j/88144166966?pwd=NWZpbXhpclR3S1loTmFMc3oycGRjdz09)**

<https://us02web.zoom.us/j/88144166966?pwd=NWZpbXhpclR3S1loTmFMc3oycGRjdz09>

Meeting ID: 881 4416 6966

Passcode: 839828

**Call in**

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Passcode: 839828

**310MEETING AGENDA**

**1. Meeting Called to Order**

**2. 310 Inspection Reports: Ready for Discussion and Board Decision**

**a. Application Number: GD 40-22**

Inspection Date: July 13, 2022

Applicant:

Annie Stone

Landowner:

Contractor/Agent:

Morrison-Maierle, Inc.

Perennial Stream:

W. Gallatin River

Type of Project:

Channel/Bank Restoration

Purpose:

The goal of this project is for the current landowner to gain compliance under the 310 Law and with the Gallatin County Floodplain Administration to remediate the unpermitted work previously completed (GD 17C-21). The purpose of this permit application is to request permission to put back the riverbed material that was used to create the berm on the east side of the property.

Proposed Construction Date:

Start date: 6/10/2022 Finish date: 6/30/2022

Inspection Recommendation:

On Hold

Inspection Comments:

Discuss at meeting. Viewed site today and met with landowner. High flows this year have removed a good portion of the berm naturally. There is a small portion of berm still remaining at upstream end to be discussed. (This was put on hold from June 2022, due to high water. Supervisors wanted another inspection to take place after water receded.)

Discussion (July 2022):

Wanted to wait for water to recede, which it has at this point. High flow that came through took out part of the berm and had no trouble getting to the side channel. A lot of the gravel was washed away and just a small portion of the berm is left. The remaining part of the berm is not impeding flow into that side channel and is not having an impact on the resource at present. Mike R questions if the rest of it should come out and thinks that even future high flows will not impact the side channel or be further washed away. Board needs to decide if they want the rest of the berm smoothed out, or just left alone. Landowner needs to understand that any future work will require a 310 application/permit. Landowner states that the flow through the that side channel is actually better than it was before. The work he did actually guided the water where it needs to go. To put it back, will cause the river to need to erode that rock back to where water can more easily move through that side channel. 9,000 CFS was recorded through the Gateway gauge- 2<sup>nd</sup> highest flow ever recorded. Mike H comments that this is not typical for mother nature to work in the favor of a violation. Mike does not think what's left will have any impact of local irrigators in the area. Other issues going on at Erwin bridge that are impacting the irrigators, but have little to do with the berm that is left.

Decision (July 2022):

Mike Hansen motioned to keep 310 on hold until any additional info comes forward that would cause GCD to need to act on this. Questions on if there should be a timeline for this. Loren thinks a deadline of next meeting would be an appropriate timeline. Maybe put out an email to the affected parties that this issue is coming to completion at the next meeting Jason Camp seconded with the inclusion of a deadline of the next meeting. All in favor, motion carries.

UPDATE (August 2022):

Becky emailed neighboring landowners for comments or concerns to be voiced by 8/18 board meeting.

Discussion (August 2022):

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b. Application Number: GD 47-22

Inspection Date: July 14, 2022

Applicant:

Montana 16 Mile, LLC

Landowner:

Contractor/Agent:

Pond and Stream Consulting, Inc

Perennial Stream:

Sixteenmile Creek

Type of Project:

Bank Stabilization, maintain bridge crossing

Purpose:

Erosion from Sixteenmile Creek threatens the existing sole vehicular access through the ranch- a historic railroad grade. Erosion through the old railroad grade will cut off access to approximately eight square miles of property, and eliminate historic access between Maudlow and Toston. The project proposes to maintain the existing road grade and bridge.

Proposed Construction Date:

Start date: 9/1/2022    Finish date: 9/1/2023

Inspection Recommendation:

Approval as proposed.

Inspection Comments:

Use of revegetated riprap at toe end of streambank is an appropriate solution to protect infrastructure (rail bridge and grade).

Discussion (July 2022):

Old Turner ranch- West of Maudlow. Applicant is trying to keep the railroad grade- main access to their ranch. 2 locations for bank stabilization. Worried about erosion at the tight meander. Want to stabilize both locations- Riprap proposed. Suggested to try to reuse as much of rock/bank material as possible. Revegetate with removed sod and place some willows. Small sections proposed, so inspection team thinks this small placement of riprap will be allowable. Discussion on alternative methods- not sure others were considered. Might put bridge at risk if softer methods are used. Proposed hardening of bank will increase the energy to other areas. Trying to work with bankline as it is today, rather than trying to rebuild the bank back to what it was. But they then might run into problems with the USACE. Discussion on the woody debris section that is just upstream, that appears to be working well.

Decision (July 2022):

Mike Hansen motioned to modify the plans for most downstream, bank – site #1- incorporate woody debris and softer approaches, in addition to some rock- which the board recognizes will be needed

to protect the infrastructure. Jason Camp supported. Resubmit.  
Bank site #2 plan is fine. All in favor, motion carries.

UPDATE (Aug. 2022) Applicant will be present at board meeting to discuss this application.

Discussion (Aug. 2022):

c. Application Number: GD 54-22

Inspection Date: August 9, 2022

Applicant:

Bop/Meculla Ditch

Landowner:

Kevin Kennedy

Contractor/Agent:

Mark Morgan

Perennial Stream:

Gallatin River

Type of Project:

Agricultural/Irrigation Project

Purpose:

Maintenance permit requested. The channel to the headgate moved over. Need to go up river further to get water to channel. Will use existing river gravel and a trackhoe.

Proposed Construction Date:

Start date: 7/1/2022 Finish date: 7/31/2032

Inspection Recommendation:

Approval with modifications

Inspection Comments:

Use concrete blocks instead of building a coffer dam. Recommend 5 year maintenance permit. 318 waiver issued.

Discussion:

d. Application Number: GD 55-22

Inspection Date: August 10, 2022

Applicant:

Teresa Ax

Landowner:

Contractor/Agent:

Perennial Stream:

Hyalite Creek

Type of Project:

Channel/Bank Project

Purpose:

The downed cherry tree is quite large and is blocking the center channel of Hyalite Creek. The blockage is forcing water to divert to the west bank more than it normally would and is causing erosion of the bank. Continual erosion of the bank will cause more trees to fall into the creek. Will use backhoe and chainsaw to cut tree and remove debris.

Proposed Construction Date:

Start date: 8/18/2022 Finish date: 8/25/2022

Inspection Recommendation:

Approval with modifications

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Inspection Comments:

Fallen trees may be cut up by hand, ripping roots and woody debris is not permissible. Wood is acting as energy buffer, dissipating erosion. Recommend new cottonwood shoots not be cut. Concrete slabs also must be removed (separate permit submitted for this portion of the project).

Discussion:

e. Application Number: GD 56-22

Inspection Date: August 9, 2022

Applicant:

Valley Ditch Company/Matthew Kemp

Landowner:

Riverbottom LLC- Kevin Cook

Contractor/Agent:

Perennial Stream:

W. Gallatin River

Type of Project:

Channel/Bank Project

Purpose:

The purpose of this project is to remove concrete blocks from the bank edge, placed during emergency situation in 2021, and mitigate any more potential bank erosion.

Proposed Construction Date:

Start date: 11/1/2022 Finish date: 2 12/15/2022

Inspection Recommendation:

Approval with modifications

Inspection Comments:

Recommend using two cables per tree cluster dead manned behind bank (if needed) and buried, rather than overland to exiting trees. Recommend no river gravels or imported gravels used to bankfill/anchor, river will naturally infill if installed with abundant branches and roughness at bankline. 318 waiver issued.

Discussion:

f. Application Number: GD 57-22

Inspection Date: August 9, 2022

Applicant:

Eugene Cole

Landowner:

Tom Heintz

Contractor/Agent:

Perennial Stream:

Gallatin River

Type of Project:

Agricultural/Irrigation Project

Purpose:

Maintenance permit requested. As river flows drop, need to divert water toward headgate. Will use a small front end loader to move and place rock to divert flow toward headgate.

Proposed Construction Date:

Start date: August Finish date: Not provided.

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Inspection Recommendation: Approval with modifications  
Inspection Comments: Would prefer concrete blocks be used instead of coffer dam, but bank is very steep and frontend loader cannot place blocks. 5 year maintenance permit recommended. 318 waiver issued.  
Discussion:

g. Application Number: GD 59-22

Inspection Date: August 9, 2022  
Applicant: Coleman Baird  
Landowner: Jumping Horse Stock Ranch, LLC  
Contractor/Agent:  
Perennial Stream: Madison River  
Type of Project: Agricultural/Irrigation Project  
Purpose: Existing senior water rights are disrupted due to a change in the course of the river. Using an excavator, will remove a gravel bar.  
Proposed Construction Date: Start date: ASAP      Finish date: Mid-September  
Inspection Recommendation: Withdraw  
Inspection Comments:  
Discussion:

h. Application Number: GD 60-22

Inspection Date: August 10, 2022  
Applicant: Teresa Ax  
Landowner:  
Contractor/Agent:  
Perennial Stream: Hyalite Creek  
Type of Project: Channel/Bank Project, Debris Removal  
Purpose: Previous landowner placed concrete slabs on the west bank that need to be removed as they are changing the structure of the river.  
Proposed Construction Date: Start date: 8/18/2022      Finish date: 8/25/2022  
Inspection Recommendation:  
Inspection Comments: Concrete was illegally placed as riprap on bank, causing erosion problems. Concrete slabs must be removed.  
Discussion:

**3. Complaints: None**

4. Emergency Applications:

a. Application Number: GD 03E-22

Inspection Date: August 9, 2022

Applicant:

Joe Wilson

Landowner:

Forest Park Mobile Home Park

Contractor/Agent:

Perennial Stream:

Gallatin River

Purpose:

High water was eroding the bank and washing out trees at 27901 Norris Rd behind # 68, 69, 70, and 71.

Action Taken:

Placed riprap in the eroded areas behind the homes and between the homes, to keep the homes from washing away.

Construction Date:

Start date: 6/12/2022      Finish date: 12/18/2022(??)

Inspection Recommendation:

Approved- no further action required by applicant.

Inspection Comments:

Riprap placed in emergency due to rapidly eroding bank at secured mobile homes. Rock placed reasonably well with large footer rocks and well graded. No further action required, however, if additional rock is needed in future, a 310 application must be submitted.

Discussion

b. Application Number: GD 05E-22

Inspection Date: August 9, 2022

Applicant:

Kane Hudson

Landowner:

Circle B

Contractor/Agent:

Perennial Stream:

Gallatin River

Purpose:

Recent flood has diverted water from pivot. Crop is seeded and in need of water. Current water supply is inefficient.

Action Taken:

Construction Date:

Start date: 6/17/2022      Finish date: 6/20/2022

Inspection Recommendation:

Approved- no further action required by applicant.

Inspection Comments:

History of this headgate is not very long, but every year, except the first, the ranch has to excavate a considerable distance to get water. Perhaps alternate feeder channels should be pursued!

Discussion

c. Application Number: GD 06E-22      Inspection Date: August 9, 2022

Applicant:                                      Leep Land/Matt Flynn

Landowner:                                      Charles Brody

Contractor/Agent:

Perennial Stream:                              Gallatin River

Purpose:    Little to no water at headgate.

Action Taken:                                      Had an excavator (Ethan Kammerman) go further up the river from where we normally put out our concrete blocks and put a temporary diversion to get water to flow down to our channel. Diversion is made up of river gravel and an old tree.

Construction Date:                              Start date: 6/22/2022                      Finish date: 6/22/2022

Inspection Recommendation:                      Approved- no further action required by the applicant.

Inspection Comments:                              Headgate maintenance permit includes use of blocks. Emergency action was to place a log across channel, above blocks. Log will be removed when blocks are pulled. Log is not totally blocking water flow.

Discussion

**5. Other 310 Business:**

**a. Jurisdictional Determination-**

- i. William Dreyer- Proposed Subdivision- determine jurisdiction of drainage channel- Kage and Arnica- 4 lot minor.
  - 1. Inspection Recommendation: Jurisdictional- defined bed and channel with strong riparian.
- ii. William Dreyer- Proposed Subdivision- determine jurisdiction of drainage channel- Kage and Arnica- 34 lot subdivision.
  - 1. Inspection Recommendation: Jurisdictional- defined channel, standing water present.
- iii. Briana Schultz- Urban Farm/unnamed ditch- 8553 Huffine Ln.
  - 1. Inspection Recommendation: Jurisdictional- strong water flow under Huffine’s 36” pipe, traveling 80-100 yards before subbing. Channel reappears closer to Billion Auto Center. Area heavily manipulated and farmed.



- b. Pre-App meeting- Christine Pearcy- road widening of Baxter Lane- design challenges. 5250 Baxter Lane.
  - i. Inspection Recommendation: Jurisdictional- discussed Baxter Creek and Baxter Ditch (jurisdictional) realignment /relocation. 900' of pipe is unacceptable. Ditch company approval, creek channel capacity considerations. Channel design for ditch and potentially creek if over bankful capacity exceeded.
- ~~a. Stream Access- Gallatin River/Norris Rd.- Mike D.~~
  - a. **Pend until September, per Mike D.**

**6. 310 Old Business:**

- i. **Rich McEldowney- Confluence- putting in a city designated road that would culvert roughly 600' of Mandeville Creek and impact associated wetlands.**
  - 1. **Inspected July 14, 2022. Inspection comments (Mike R):** walked the section of Mandeville Creek that they are inquiring about whether it is jurisdictional or not. I would definitely say it is marginal, but I would like to have Mike D or Buddy weigh in as well.
    - a. **From Mike D- After taking a look last weekend and doing a little research at the office, I am not confident in making a jurisdictional recommendation on the section of Mandeville Creek without taking a closer look south of the project. I visited the site and area immediately adjacent to the proposed work but need to take a look further upstream on the other side of the road to feel confident with any thoughts I provide the Board. I was out there at 630am, so I was not comfortable knocking on doors to get permission to access adjacent properties. I think we are dealing with a stream-ditch situation, but I do not think it would be fair to anyone involved, including the City or developers, to make a decision without another visit. I also do not want to force Mike into being the only member of the inspection team helping the Board in what R could be a contentious decision. Therefore, I would recommend delaying the decision until next month, so we can ensure we are characterizing things appropriately.**
    - b. **Discussion (July 2022)- between Kagy and Goldenstien, south edge of town. Similar application on Figgins creek a couple years ago where jurisdiction was questioned in this same area.**

The exhibit from that was reviewed. This project runs right on the border of that jurisdictional determination. Very ditch like-hardly any water. Dilapidated headgate. Mike R says he thinks it is very marginal. Mike D wants to do more research on this before a determination should be made. Question if this is within the city's plan for Mandeville creek. Engineer does not know about the plan. City would likely be the applicant for this. City is requiring the developer to extend the street. So might be an SPA 124 scenario. Potentially need to put this off for a month. Engineer is wanting this jurisdiction determination to determine the type of permit they need to submit. If the city is the one doing the permitting, it would be an SPA 124. If the developer is doing the permitting- then would it be a 310? Thinking it would also be a 124. Will need for Mike D to get out there and make a determination.

- i. Decision (July 2022): Briana Schultz motions to acknowledge the jurisdictional request as submitted. Awaiting more information and will be on agenda next month. Mike Hansen supported. All in favor, motion carried.

c. Discussion (August 2022):

7. Public Comments on District 310 Permitting Business
8. Adjournment of 310 Meeting

**BUSINESS MEETING AGENDA-**

1. Guests & Public Comments on District Business Meeting-
  - a. AGAI
2. Grants/Agreements/Contract Report - See Spreadsheet
  - a. Park county emergency flood grant- GCD sponsor.
3. Cost-share Program:
4. Well-Testing Cost-share Program: None
5. Consensus Agenda
  - a. July Meeting Minutes-
  - b. Excused Absence of board members
6. NRCS
  - a. Report
7. Supervisor Report: Planning Boards
  - a. Planning board- Manhattan-
  - b. County Planning Board-
  - c. GLWQD-
  - d. MACD update
  - e. DNRC Update- see report
8. Staff Reports
  - a. Administrator's Report- Becky
  - b. NRS Report- Elizabeth
  - c. Education and Outreach Director- Sydney
  - d. Education Specialist Report- Leia
  - e. BSWC Report- Gillian
9. Old Business
  - a. Tablets
  - b. Property Management Company

- c. Gilly Resolution
  - d. Convention
    - i. Soliciting sponsors
  - e. Area 6 Meeting- 9/30/2022
    - i. Speaker- Eric Larson- NRCS
    - ii. Gilly resolution presentation
  - f. Other old business?
10. New Business
- a. Three Forks, West Yellowstone involvement
    - i. Three Forks Council Meetings- 2<sup>nd</sup> Tuesdays, 7pm. Zoom available.
    - ii. West Yellowstone Council Meetings- First Tuesdays. Work sessions at 6pm, meeting at 7pm. Zoom available.
  - b. Cost Share for irrigators- blocks
  - c. Office Maintenance
  - d. Cell phone allowance
  - e. Other new business?
11. CD Seminars/Workshops:
12. Parking Lot
- a. QB Revamp and Budget
  - b. Audit
  - c. Conference Room electrical upgrade
  - d. Soundproofing Office Space(s) + pavers in greenhouse
13. Accounting (Deposit, Credit Card, Invoices) + Updated P&L, Balance Sheet
- 14. Executive Session- Staff requested**
15. Adjournment of Business Meeting