

**May 18, 2023
4:00pm**

GALLATIN CONSERVATION DISTRICT

Topic: GCD May Board Meeting
Time: May 18, 2023 • 4:00pm Mountain Time (US and Canada)

Meeting Location: GCD Conference Room- 120 S. 5th Street, Suite B102- Manhattan, MT

Zoom Details:

[May Zoom Link](https://us02web.zoom.us/j/89570895176?pwd=WGpHWHhNWXdY1dQWUJ3SkltMU1IUT09)

<https://us02web.zoom.us/j/89570895176?pwd=WGpHWHhNWXdY1dQWUJ3SkltMU1IUT09>

Meeting ID: 895 7089 5176

Passcode: 716781

Call in

+1 253 215 8782 US (Tacoma)

310MEETING AGENDA

1. Meeting Called to Order

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

a. Application Number: GD 79-22

Inspection Date: May 9, 2023

Applicant:

Bruce Angiolillo

Landowner:

Angiolillo Livia and Angiolillo Livia

Contractor/Agent:

Urbani Fisheries

Perennial Stream:

Flathead Creek

Type of Project:

Channel/Bank project, wetland alteration, riparian fencing, crossings, beaver dam analog installation.

Purpose:

To restore fluvial and biological function to approx. 12,000' of Flathead creek. Goals are to improve fisheries, wildlife habitats, and fluvial function through the restoration of historic alpine beaver meadow ecosystem processes. The riparian corridor will be fenced off, Three livestock crossings or watering accesses will be constructed, lowering the impact of cattle to the stream ecology. Banks will be recontoured and stabilized with vegetation to reduce erosion and release of sediments. Beaver dam analogs will be installed, and embedded logs, rocks, small rock weirs, point bars, and pools will be added for improved fish habitat and to add diversity of habitats.

Proposed Construction Date:

Start date: 10/31/2022

Finish date: 11/1/2023

Inspection Recommendation:

Approval as proposed

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Inspection Comments: Recommend/acknowledge that materials (primarily boulders) are sourced onsite (from in channel) with no imported stone or riprap to be used. Stone should be approximately 2' in diameter max size vs 3' listed on application.

Discussion:

Decision:

b. Application Number: GD 85-22

Inspection Date: April 11, 2023

Applicant:

Eric Leinonen

Landowner:

Turner Enterprises, Inc.

Contractor/Agent:

Great West Engineering

Perennial Stream:

Wilson Creek

Type of Project:

Channel/Bank project, wetland alteration

Purpose:

To restore habitat complexity and a more natural channel form to Wilson Creek, a perennial tributary of the Gallatin River, through restoration of an incised stream channel, in-stream habitat enhancement, and a partial stream channel relocation, which is expected to result in re-establishment of lost wetland on the floodplain.

Proposed Construction Date:

Start date: 1/1/2023

Finish date: 12/30/2024

Inspection Recommendation:

Approval as proposed

Inspection Comments:

Great project that is well intentioned and planned. Should significantly enhance resource. 318 waiver issued.

Discussion:

Decision:

c. Application Number: GD 11-23

Inspection Date: March 9, 2023

Applicant:

Deanna Campbell

Landowner:

Joshua Campbell

Contractor/Agent:

Urbani Fisheries, LLC

Perennial Stream:

Baxter-Border Ditch

Type of Project:

Channel/Bank project, wetland alteration

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Purpose: The construction of a recirculating stream that will connect to the pond will be beneficial to the landowner and surrounding ecosystems. Benefits include: Improve wildlife habitat, natural water storage or aquifer recharge, improve water quality and fish habitat, and to protect property from flooding.

Proposed Construction Date: Start date: 8/1/2023 Finish date: 9/1/2023

Inspection Recommendation: Approval with modifications

Inspection Comments: Plan is good, but clarification on whether or not this is part of Baxter-Bporde4r Ditch. If it is, ditch company needs to be notified. 318 waiver issued.

Discussion (March 2023): Body of water is a stream ditch. No issues from the inspection team for the channel work. Also, part of their overall plan was a couple of ponds. Applicants are diligently trying to communicate with the ditch owners to see if they're ok with it. Ditch meeting is this week.

Decision (March 2023): Bob Logar motioned to put on hold until they hear from the ditch company. Tammy Swinney supported. All in favor, motion carries.

Discussion (April 2023): DNRC reports- water rights issue concerning the pond. Needs to ensure what rights planning is in place for compliance with MT Water Law before any work is completed. Briana reports they had the wrong contact for the ditch users. Applicant will keep working on this.

Decision (April 2023): Continue on hold status.

Discussion (May 2023):

d. Application Number: GD 18-23 Inspection Date: May 9, 2023

Applicant: Allied Engineering Services, Inc.

Landowner: The RMW Ranch Trust

Contractor/Agent: Hogenson Construction LLC

Perennial Stream: SF Muddy Creek; MF Muddy Creek, Kistner-Hardy Reservoir

Type of Project: Agriculture/Irrigation Project, Dam rehabilitation and enlarged spillway.

Purpose: The MT DNRC recommends rehabilitation of the Kistner- Hardy Dam to bring it into conformance with current DNRC standards and to ensure protection of resources downstream of the impoundment. The dam is reported to be over 100 years old and

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has recently been reclassified as a high hazard dam. Critical issues include the following: the dam embankment is overly steep and exhibits excessive seepage, the principle outlet pipe is aging and shows significant deterioration and damage, and the spillway capacity is inadequate for current design standards. The dam crest had inadequate freeboard and exhibits low/settled areas, the crest is narrow for current design standards and the upstream slope has inadequate erosion control (riprap).

Proposed Construction Date: Start date: 7/1/2023 Finish date: 12/30/2023
Inspection Recommendation: Approval as proposed
Inspection Comments: Proposed modifications to dam outlet works and principal spillway are much needed and will improve integrity and longevity of structure. Recommend providing erosion control (silt fence, erosion control fabric, etc.) at distal end of spillway to separate earthen material pile from outlet channel. 15 day waiver recommended.

Discussion:

Decision:

e. Application Number: GD 19-23

Inspection Date: NA
Applicant: Kyle Roth- Blackfoot Communications
Landowner: Gallatin County
Contractor/Agent: Blackfoot Communications
Perennial Stream: Aajker Creek
Type of Project: Crossings, Utilities (bore)
Purpose: To bring fiber optics to the cell tower on Harper Puckett Rd.
Proposed Construction Date: Start date: 5/24/2023 Finish date: 10/26/2024
Inspection Recommendation:
Inspection Comments:
Discussion:
Decision:

f. Application Number: GD 20-23

Inspection Date: NA
Applicant: Kyle Roth- Blackfoot Communications
Landowner: Gallatin County
Contractor/Agent: Blackfoot Communications

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Perennial Stream: Dry Creek
Type of Project: Crossings, Utilities (bore)
Purpose: To bring fiber optics to the cell tower on Harper Puckett Rd.
Proposed Construction Date: Start date: 5/24/2023 Finish date: 10/26/2024
Inspection Recommendation:
Inspection Comments:
Discussion:
Decision:

g. Application Number: GD 21-23

Inspection Date: NA
Applicant: Kyle Roth- Blackfoot Communications
Landowner: Gallatin County
Contractor/Agent: Blackfoot Communications
Perennial Stream: Hyalite Creek
Type of Project: Crossings, Utilities (bore)
Purpose: To bring fiber optics to the cell tower on Harper Puckett Rd.
Proposed Construction Date: Start date: 5/24/2023 Finish date: 10/26/2024
Inspection Recommendation:
Inspection Comments:
Discussion:
Decision:

h. Application Number: GD 22-23

Inspection Date: NA
Applicant: Kyle Roth- Blackfoot Communications
Landowner: Gallatin County
Contractor/Agent: Blackfoot Communications
Perennial Stream: McDonald Creek
Type of Project: Crossings, Utilities (bore)
Purpose: To bring fiber optics to the cell tower on Harper Puckett Rd.
Proposed Construction Date: Start date: 5/24/2023 Finish date: 10/26/2024
Inspection Recommendation:
Inspection Comments:
Discussion:
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i. Application Number: GD 23-23

Inspection Date: May 9, 2023

Applicant:

Marvin Schmitt

Landowner:

same

Contractor/Agent:

Perennial Stream:

UT of Jefferson River

Type of Project:

Agriculture/Irrigation- Maintenance Permit requested.

Purpose:

Annual irrigation maintenance. Remove vegetation or debris.

Proposed Construction Date:

Start date: 7/1/2023

Finish date: 10/31/2023

Inspection Recommendation:

Approval as proposed

Inspection Comments:

Recommend approval of 5 year maintenance permit. 318 waiver issued.

Discussion:

Decision:

j. Application Number: GD 24-23

Inspection Date: May 9, 2023

Applicant:

West University LLC- Barry Brown

Landowner:

same

Contractor/Agent:

Perennial Stream:

UT of E. Gallatin River

Type of Project:

Buildings/Structures, Crossings/Roads

Purpose:

To create lots ready for the development into additional residential housing to help alleviate the problem of the housing shortage in Bozeman. Impacts to stream and wetlands would occur due to the construction of City required roads and trails for site access, as well as the rerouting of an irrigation ditch to restore hydrology to its historic location on the property. Specific project elements include the extension of Kagy Boulevard, the widening of Kagy Boulevard, the installation of two pedestrian paths and bridges, the hydrologic enhancement of one historic natural drainage, and connecting to a sewer main located north of the project site on Lincoln St. The project is anticipated to permanently impact .68 acres of jurisdictional wetlands, 270 feet of stream channel, and 120 feet of irrigation ditch.

Proposed Construction Date:

Start date: 7/1/2023

Finish date: 7/1/2025

Inspection Recommendation:

Approval as proposed

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Inspection Comments: Crossings of waterways are well thought out. FWP recommends confirming proposed diversion is adequately sized and will not negatively impact downstream water users.

Discussion:

Decision:

k. Application Number: GD 25-23

Inspection Date: May 8, 2023

Applicant:

Bill Bacon

Landowner:

same

Contractor/Agent:

same

Perennial Stream:

Hyalite Creek

Type of Project:

Channel/Bank Project

Purpose:

Protect property from flooding and erosion by placing riprap along the effected bank.

Proposed Construction Date:

Start date: 8/4/2023

Finish date: 8/5/2023

Inspection Recommendation:

On Hold

Inspection Comments:

Advised applicant t that more information is required in application to include basic drawings and description (type, size) of material (rock) to be used from project. Applicant will be submitting revised application that will provide this information.

Discussion:

Decision:

l. Application Number: GD 26-23

Inspection Date: May 9, 2023

Applicant:

Amo DeBernardis (Dick)

Landowner:

A H Black Co.

Contractor/Agent:

Perennial Stream:

WF of Gallatin River

Type of Project:

Agriculture/Irrigation- Maintenance Permit requested.

Purpose:

Annual irrigation maintenance. Remove vegetation or debris.

Proposed Construction Date:

Start date: 5/15/2023

Finish date: 5/15/2033

Inspection Recommendation:

Approval as proposed

Inspection Comments:

Necessary maintenance activities on these irrigation diversion structures. Recommend a 5 year maintenance permit. 318 waiver issued.

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Decision:

m. Application Number: GD 27-23

Inspection Date: May 8, 2023

Applicant:

Jason Mittelstaedt

Landowner:

same

Contractor/Agent:

Perennial Stream:

Hebgen Lake

Type of Project:

Recreation Project

Purpose:

Construction and installation of recreational swimming/boat dock.
Removable for winter months. Floating for variable water levels.

Proposed Construction Date:

Start date: 6/1/2023

Finish date: 9/30/2033

Inspection Recommendation:

Approval as proposed

Inspection Comments:

Project approval for extent of activity presented in application.
Work beyond this extent would require an additional application.
All dredged material must be removed and placed above the full
pool elevation of the lake. 15 day waiver recommended.

Discussion:

Decision:

n. Application Number: GD 28-23

Inspection Date: May 9, 2023

Applicant:

Susan Matteucci

Landowner:

same

Contractor/Agent:

Pond and Stream Consulting, Inc.

Perennial Stream:

Dry Creek

Type of Project:

Channel/Bank Project, Violation Remediation

Purpose:

Violation remediation (GD 04C-22). Protect property from erosion,
fish habitat. Remediate loss of vegetation on upper bank by
replacing lost soil and vegetation to the extent practical. Loose soil
to be addressed and suitable cover/vegetation replaced.

Proposed Construction Date:

Start date: 5/26/2023

Finish date: 5/26/2024

Inspection Recommendation:

Inspection Comments:

Discussion:

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3. Complaints:

a. Complaint Number: GD 04C-22 Inspection Date: March 9, 2023
Complainant: C. Parrish
Perennial Stream: Dry Creek
Inspection Recommendation: Activity has been initiated on a perennial flowing stream without a valid permit.

Inspection Comments: Remediate loss of vegetation on upper bank by replacing lost soil and vegetation to the extent practicable. Exact elevations of previous bank do not necessarily need to be replicated but loose soil to be addressed and suitable cover (vegetation) replaced.

Discussion:

4. Emergency Applications:

a. Application Number: GD 01E-23 Inspection Date: May 9, 2023
Applicant: Montana Rail Link
Perennial Stream: E. Gallatin River
Purpose: Riverbank erosion is becoming severe due to recent fluctuating high water flows. Track structure will be compromised if no action is taken and could cause a train derailment.

Action Taken: Heavy equipment excavator mobilized to site via railcar to place soil missing from track structure embankment erosion and placed riprap for armoring to prevent further erosion.

Date Action was Taken: 5/3/2023
Inspection Recommendation: Modified- applicant must submit 310 application within 90 days to mitigate damages from emergency action.

Inspection Comments: Emergency action is appropriate for the location and condition to stabilize bank. Recommend that applicant seed soil material that was placed above riprap toe and cover with erosion control blanket/fabric. Submit after the fact 310 application.

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b. Application Number: GD 02E-23 Inspection Date: May 9, 2023
Applicant: Amo DeBernaradis (Dick)
Perennial Stream: S. Cottonwood Creek
Purpose: Winter snow and stream flows cause severe damage to the existing diversion/headgate for the Hart Ditch. Current warm weather now permits access to repair and replace materials needed to make the headgate//diversion workable before high water flows cause more damage or possible loss of the structures. Hand work was started on May 2 to prepare for additional work, which will require heavy equipment to rebuild bank. Equipment necessary to accomplish the work is available now, but will not be under the time frame of a standard 310 permit.
Action Taken: Removal of large cottonwood trees and vegetation on and around the structures with an excavator, which will generally be working on the stream banks not in the stream. It will be necessary for the excavator to cross the stream and replace side banking to stop stream flows from cutting the south side of the structure causing the stream to route around the south side of the diversion structure.
Date Action was Taken: 5/2/2023
Inspection Recommendation: Modified- applicant must submit 310 application within 90 days to mitigate damages from emergency action.
Inspection Comments: Recommended placing some larger rock behind wooden wall on left side of diversion.
Discussion
Decision:

5. Other 310 Business:

- a. GD 88-22 Revisit last month's discussion.
- b. USACE Project- accepting public comments.
- c. Jurisdictional Determination- none

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6. 310 Old Business:

d. Application Number: GD 87-22

Inspection Date: December 5, 2022

Applicant:

Hammer Ranch, LLC

Landowner:

same

Contractor/Agent:

Confluence Consulting, Inc.

Perennial Stream:

Lewis Ditch- tributary to Camp Creek

Type of Project:

Channel/Bank Project

Purpose:

The project is necessary to restore Lewis Ditch to a condition which supports sediment transport so that the fishery can be fully functional and self-sustaining. Currently, the channel dimensions are too wide, and the associated gradient is insufficient to maintain proper sediment transport. As a result, the bed gravel has become smothered with sediment, reducing fish spawning opportunities and impacting aquatic insect development. Sedimentation throughout the proposed project reach has also limited functional deep pool habitat and its associated thermal refuge for fish. The purpose of this project is to restore these key limiting functions to improve instream habitat for fish and aquatic life. This will be accomplished by restoring functional deep pool habitat, improving spawning and aquatic insect habitat, and reducing channel width to improve sediment transport.

Proposed Construction Date:

Start date: 2/1/2023 Finish date: 3/17/2023

Inspection Recommendation:

Inspection Comments:

Work on this ranch was done approximately 20 years ago. Sediment transport is a problem, but fisheries is functioning. Board discussion is required.

Discussion (December 2022):

Work proposed is on the Lewis Ditch. Headgate is closed but ditch is full. Want to narrow and work the ditch so that it passes the sediment that it has retained. But also wants to install a sediment pond above, which doesn't make sense and will require maintenance in the future. Fish population is handling current conditions just fine. So not sure if this is necessary from a resource standpoint. Brianna questions that this project will not be a narrowing project at all. If they clean out 66 pools, this will be a sediment trap. So won't narrow or help with transport at all. The last time this was completed was 20 years ago. Buddy doesn't

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think this will really gain anything with the project. Concern about water rights/conveyance issue. Applying under false pretense. Verbiage up front doesn't fit the data/application plans submitted. Sherwin wonders about the riffles and other things that might affect water conveyance to effectively get water to the irrigators. Engineer states water in will equal water out. Will be better at capturing sediment and improve water quality downstream and benefit fisheries downstream. Jim (engineer) will get a letter out to all the water users on the ditch to let them know of the project. 66 pools into a system that has sediment issues to begin with is just going to fill in. Rootwads and boulders into system is not natural. Brianna doesn't agree with those additions as they are not natural. Engineer states the work done 20 years ago was not done very well and proposed work will improve upon this. Sediment trap on the other end will hopefully alleviate the pools filling in as quickly and help with that high sediment load. Jim states boulders are already there from prior work. Having wood in the system is not necessarily a bad thing. Fish like it as it provides cover for the fish. Buddy wonders how the land management will change. There will be no grazing, more vegetation along some of the stretches. Loren suggests putting on hold for a month so to verify water right users have been notified and give them a chance to respond. Jim will send letter and responses to the board.

Decision (Dec. 2022):

Bob Logar motioned to put on hold upon notification of the water users. Will revisit in January. Tammy Swinney supported. All in favor, motions carries.

UPDATE (January 2023):

Notification has been sent to downstream landowners.

Discussion:

Landowners and water right holders were contacted. Feedback from only one person was provided. No opposition. Downstream landowner presented that he wonders whose responsibility it is to notify downstream landowners. This project will impact his property. Potential adverse effects of this project. DNRC was consulted for list of water right users. Landowner is frustrated he was not on that list. He thinks projects needs to be considered for the long term. Large holes are guaranteed to fill in. Currently functional habitat. Mike D reiterates to make sure it's done as

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Decision (January 2023):

wanted this time, as it shouldn't be approved again in the future. Sediment trap should be required at the bottom- per Mike E (neighboring landowner), so sediment isn't just getting flushed downstream. Jim (Confluence) says he has no problem doing that. Loren Blanksma motioned to approve with 15 day waiver and modification of sediment retention structure at the bottom, to be removed at end of construction. Bob Logar supported. Digging out 66 pools in a system that's functioning- Briana has a problem with this notion. Tammy Swinney and Briana Schultz opposed. Motion carries.

UPDATE (May 2023):

New plans submitted for reduced scope of work project plans for the Lewis Ditch restoration project. Due to contractor costs, they have decided to forgo constructing the upper reach of the project and prioritize working the lower reach. None of the work in the lower reach has been changed, but just wanted to notify the CD that the sediment trap will be relocated downstream to what will now be the new upper extent of the project. Basically, just shortening the total length of the project so to get back to the available construction budget.

7. Public Comments on District 310 Permitting Business

8. Adjournment of 310 Meeting

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BUSINESS MEETING AGENDA-

1. Guests & Public Comments on District Business Meeting-
2. Grants/Agreements/Contract Report - See Spreadsheet
3. Cost-share Program:
 - a. CD 02-23- Grden
4. Well-Testing Cost-share Program:
 - a. WTCS-14-23-Buhl
5. Consensus Agenda
 - a. April 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. Gallatin Watershed Collaborative-
 - f. 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- Bea
9. Old Business
 - a. Governance Calendar – Draft. display on screen

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- b. Insurance Quote
 - c. MFM Trivia Fund Raiser - recap
 - d. Soundproofing project- finished!
 - e. Three Forks, West Yellowstone updates:
 - i. Three Forks Council Meetings- 2nd Tuesdays, 6pm. Zoom available.
 - 1. Next Meeting- 6/13/2023
 - ii. West Yellowstone Council Meetings- First Tuesdays. Work sessions at 6pm, meeting at 7pm. Zoom available.
 - 1. Next Meeting-6/6/2023
 - f. Other old business?
10. New Business
- a. Scholarship
 - b. Escape Ramps
 - c. Plumbing update
 - d. FY24 budget approval
 - e. Other new business?
11. CD Seminars/Workshops:
- a. Rancher Roundtable workshops- March, April, May, June- 6pm
 - b. MFM Vendor Workshop- 5/31, 4pm
 - c. Intro to Gardening Workshop- 6/2, 2-4pm
 - d. Rain Barrel Workshop- 6/20/23, Time- 4pm
12. Parking Lot
- a. Audit
 - b. Conference room electrical update
13. Accounting (Deposit, Credit Card, Invoices) + Updated P&L, Balance Sheet
14. Adjournment of Business Meeting