

Green Mountain Conservation District

Meeting Minutes

April 18th 2018

Supervisors Present

Kent Wilby
Bill Naegeli
Sean Moran
Terry Hightower
Mindy Ferrell

Employees Present

Leona Gollen

Advisors Present

Brita Olson
Travis Lemke
Katherine Maudrone
Ryan Kreiner

Jason Pignanelli

Associate Supervisors Present

Jean Dunn
Jim Carabin

Visitors Present

Mr. Wheeler

Meeting called to order at 7:00 p.m.

Meeting Agenda items not always taken in order that they appear

Introductions

Minutes 2018

- A motion to approve March 2018 meeting minutes as submitted was made by Mindy, 2nd by Terry, motion Carried.

Financial Report

- Leona reviewed the financial report with the board for the last periods.
- A motion to approve the financial report was made by Bill, 2nd by Sean, motion carried.

Administrator's Report:

- Financial report included in the monthly minutes and posted on website.
 - Leona contact other Administrators to see what they did with the financial piece of their report. It ranged from not posting any financial information to just posting the Accounts Payable and Accounts Receivable for the period.
 - A discussion concerning putting the entire financial report in the minutes and posting them on the website was had. It was determined that posting it on the website without the additional explanation might be confusing to some, in addition, the public has full access to all financial documents located in the office if requested.
 - A motion to not post financial report on the web site was made by Bill, 2nd by Sean, motion carried.
- Administration Grant
 - A motion to submit the Administration Grant as proposed was made by Bill, 2nd by Terry, motion carried.
- County Budget
 - A motion to submit the County Budget as proposed was made by Mindy, 2nd by Terry, motion carried.
- Grazing Workshop June 26th in Thompson Falls
 - GMCD posted the grazing workshop information on our web site. We will update as more information comes in.
- Area 5 Director Position

- The Board was informed of the Director open position in our area.
- Bill Naegeli would like to submit his name.
- Add Mindy to GMCD Checking Account.
 - A motion to add Mindy Ferrell to the GMCD checking account was made by Bill, 2nd by Terry, motion carried.
- Ground Maintenance;
 - Leona informed the Board that Kyle was interested again this year in doing the yard work.
 - A motion to hire Kyle again this year at \$10:00 per hour plus mileage on a “as needed” basis was made by Mindy, 2nd by Sean, motion carried.

GMCD Website: (greenmountaincd.org)

- Meeting was held April 12th and Brita, Leona, Jean, Mindy & Sean were in attendance. Below are some of the Website additions and modifications that were decided on.
 - Modify the Watershed Restoration Projects Page to have a general intro about GMCD's involvement in projects and a listed of posts about specific projects. If we would like Brita to add further information here or fill it in with past projects, please provide her with information / specific requests and content. She will do her best to add posts when there are major new developments / project milestones for ongoing projects. (Completed; see <http://greenmountaincd.org/watershedrestoration/>)
 - Add the Fly Fishing Film Tour, LCFWG Meeting in June, and Riparian Grazing Workshop in Thompson Falls later that month. (Completed; see <http://greenmountaincd.org/calendar/>)
 - About Us
 - Add “Our area” page
 - Create a map with clear district boundary and location in the state – “District Boundaries” page under “About Us” tab
 - Add pictures on the Supervisors and Staff page (get pictures)
 - Add Advisors page under the “About Us” tab, include links to websites
 - Add “Education & Outreach” tab / page
 - Add “Watershed Festival” post/page
 - Add “Envirothon” post/page
 - Meetings
 - Post agendas one week before meetings
 - Post draft minutes one week after meeting with “Draft” watermark.
 - Post approved and signed minutes after approved at the following meeting.
 - Reach out to other partner websites and confirm that GMCD website is linked correctly and where appropriate.
 - Leona will contact Kate and see if she can get some one on one time with her for training.
 - Mindy visited other websites and there are some very good ideas and she will send out the information to the Board.

LCFWG COORDINATOR “WATERSHED REPORT”

- See Attached

MT FWP Report

- Starting field work season
- Doing some walleye sampling
- Starting fish ladder. Water temps are a lot colder this year catches have been slow.
- Night shocking is in process

- Working with Brita on possible restoration projects that are outlined in the Thompson River Watershed Restoration Plan that was just completed.

NRCS Report:

- Programs
 - Contract work will be completed for all EQIP projects currently in preapproval status in Sanders County by April 20th, 2018. Troy and Travis will be scheduling site visits from the end of April through the month of May for landowners who have inquired about technical/financial assistance this past winter/spring 2018. This will be done in an effort to obtain potential 2019 EQIP applications/project work prior to the upcoming signup deadline on June 2nd, 2018.
- Outreach
 - Travis along with ESCD board member Steve Dagger conducted the annual poster competition in Eastern Sanders on 4/11/2018. Presentations were given to 3rd, 4th, 5th graders in Hot Springs, Dixon, and Plains on the topic *Watersheds – Our Water, Our Home*.
 - A 4th grade student from Hot Springs won Montana State and went to Nationals
- General
 - Ed Daugherty (County Executive Director) for Farm Service Agency here in Sanders County is requesting the use of the GMCD building for up to 1-day/month to conduct FSA outreach and program delivery more effectively in Western Sanders County. He asked Travis to make an informal request to the CD Board for a use-agreement. A formalized request from Ed and FSA-MT can be submitted to GMCD if needed.
 - Travis will have Ed contact GMCD directly and discuss using the building.
 - A motion to permit the use of GMCD office for up to one day each month by Ed Daugherty was made by Mindy, 2nd by Bill, motion carried.

(SWCDM) Soil & Water Conservation District of Montana

- See Attached

Old Business:

- Continued discussion on initiating a Wildlife and Natural Resource Management Class
 - It was clarified that GMCD can not put an intern under their payroll but will be more than happy to sponsor any grants that are needed for this education project.

Building Repair Project:

- Steps & Deck repair
 - Jim Smith will meet Kent here at the office to see what he can do about the steps.
- Lights in Shop
 - Kent purchased some motion sensor lights for that shop and he will install them.

No-Till Drill/Gopher-Getter:

- Nothing to Report

New Business:

- Supervisor training update Mindy & Sean
 - A motion was made for Leona to generate a letter addressed to MACD (and copied to Area 5 directors and legislators) to request from government officials the reinstatement of the NRCS 310 stipend to Conservation Districts. Currently the costs of the 310 permitting process is an unfunded mandate and those CDs with heavier 310 burdens should be compensated for the cost of the 310 permitting, was made by Mindy, 2nd by Terry, motion carried.

- It was thought that Lincoln has submitted a letter and Leona is to call them and see what kind of letter to write. Leona was also asked to check in with MACD to see if there is a boiler plate letter that could be modified.
- E-mail was sent to DNRC requesting most recent Conservation Law Book.
- Loaning the watershed map to Clark Fork Coalition
 - A motion to allow CFC to borrow the watershed map and Mindy will be in charge of the transportation and return of the map was made by Kent, 2nd by Sean, motion carried.
- Education update – See Attached
- Leona will write a letter on behalf of GMCD Supervisors to TF high school and inquire why they no longer have a team going to the Envirothon.

Subdivision Review:

- Nothing to Report

Time Allowed for comments from the Public not already on the agenda:

310 Activities

- 310 law and jurisdiction on Federal Land until next month.
 - Refer to attached e-mail from Don MacIntyre and Sean & Mindy's notes from Q&A session from Area V Supervisor's Training in Polsin
 - Ryan met with the FS and NWE to discuss the work that they will be doing. NWE will be doing some maintenance and possibly some pole work. FWP will include GMCD in the discussion and to determine when a 310 permit is needed.
- Armor used in TF Res. by NW Energy (Kent)
 - A motion to table this discussion until next month was made by Sean, 2nd by Terry, motion carried
- Discussion on Excavation policy
 - A Motion to dismiss this topic as it has been discussed in the recent past and all Board members are aware of the policy was made by Bill, 2nd Sean, motion carried.

SW-52-17 Henry Complaint

- This will stay on the agenda until the project is complete in August 2018.

SW-06-18 Avista Vermillion Rec. Area

- A motion to accept as a completed application and approve project as submitted was made by Terry, 2nd by Mindy, motion carried.
- 1 Supervisor abstained from voting
- FWP waved site visit

SW-07-18 Nicolarsen

- A motion to accept as a completed application and approve project as submitted was made by Terry, 2nd by Bill, motion carried.
- Avista has already approved the modification
- FWP waved site visit

SW-08-18 Avista Heron Rec Area

- A motion to accept as a completed application and approve project as submitted was made by Mindy, 2nd by Kent, motion carried.
- 1 Supervisor abstained from voting
- FWP waved site visit

SW-09-18 Avista South Shore Campground

- A motion to accept as a completed application and approve project as submitted was made by Terry, 2nd by Mindy, motion carried.
- 1 Supervisor abstained from voting
- FWP waved the site visit

SW-10-18 City of TF

- A motion to accept as a completed application and approve project as submitted was made by Mindy, 2nd by Terry, motion carried.
- FWP waves site visit

SW-11-18 Wheeler re-submit Skidoo Dock

- A motion to accept as a completed application and approve project as submitted was made by Bill, 2nd by Kent, motion carried.
- FWP Waved site visit

SW-10-17 NWE Permit 1 year extension

- DEQ Authorized Extension
- A motion to extend permit # SW-10-17 to April 18th 2019 was made by Bill, 2nd by Kent, motion carried

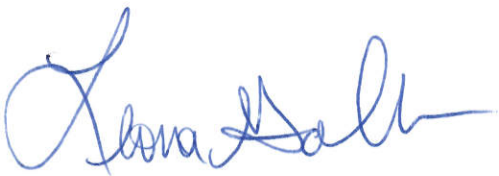
SW-09-13 Add Bull River 244 MT HWY 56 pit tag array to SW-09-13 Maintenance permit.

- A motion to add the Bull River pit tag array located at 244 MT HWY 56 to the SW-09-13 Maintenance permit was made by Bill, 2nd by Mindy, motion carried
- 1 Supervisor abstained from voting
- FWP waved

Motion to adjourn at 9:45 pm was made by Bill, 2nd by Kent, Motion carried.

Respectfully Submitted.

Approved.



Leona Gollen
Administrator



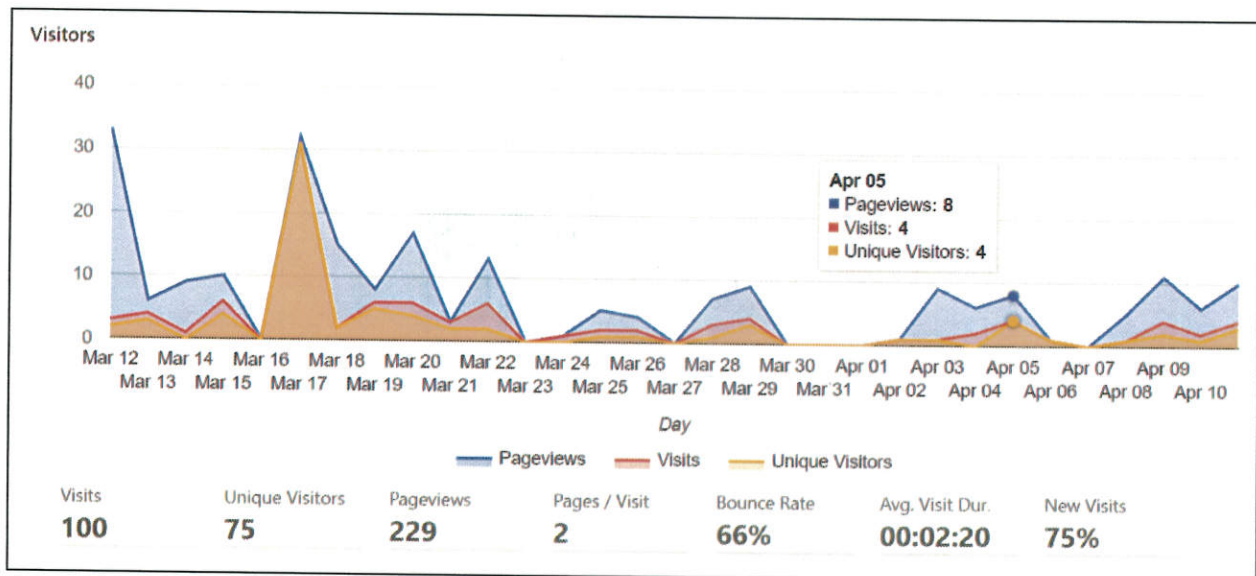
Terry Hightower
Supervisor



Report to the Green Mountain Conservation District
 April 18, 2018
 Brita Olson, Lower Clark Fork Watershed Group (LCFWG) Coordinator

Website

- March 2018 Minutes will be posted after approved and signed at April meeting
- MT Conservation Menu was added to website
- Posted about the Ranching for Rivers opportunity
- April 2018 Agenda was posted
- Website meeting with supervisors was held on April 12, 2018



Project Updates

Bull River Riparian Re-vegetation and Sediment Reduction Project

- Remaining open contracts for this project include DEQ and Avista.
 - Final quarterly report was submitted to DEQ on April 12. Our last report (final) will be in July.
 - Working on final planning and budgeting details for the remainder of spring before contract with DEQ is up at the end of June.
 - Avista funds will be budgeted for fall maintenance/supplemental planting activities.
- Outreach
 - "Roots: Bringing Back the Bull River" will be included in the Thompson Falls Fly Fishing Film Tour April 28. Please consider attending this event!
- Remaining activities include final monitoring under Watershed Consulting's contract, and maintenance and supplemental planting with Montana Conservation Corps crews end of April and end of May/early June.

Miners Gulch Project

- Josh Boyd is working on the Miners Gulch film and expects to have it finalized by the film fest on April 2018.

Watershed Restoration Planning

- Work continues Lower Clark Fork Tributary Watershed Restoration Plan. This month, LCFWG staff will have three background sections of the document and will start developing some tributary specific information.
- LCFWG will also be updating a stream restoration summary for projects completed in the Lower Clark Fork Watershed over the last 8 years and will be reaching out to the Green Mountain Conservation District for information on some of these past projects.

Attended 2018 annual meeting: Clark Fork / Kootenai River Basins Council

- April 16-17 in Missoula
- Day one: focus on work group projects, reports; sessions to discuss how work groups can provide benefits to local watershed groups
 - Presentation with Lincoln CD on the Mud Creek Restoration Project - recipient of Natural Systems/Water Availability Work Group 2018 Outstanding Water Quality/Quantity Project Awards
- Day two: breakout sessions -
 - Discussion of State & Basin Water Plans, Integrated Water Quality Report, organizations and role in water and watershed management
 - AIS panel on first year activities and 2018 expectations
- Day two: organization business - executive committee elections, work plan approval

Attended Area V Supervisor's Forum:

- Discussion on various topics:
 - MACD update
 - 310 jurisdiction and process
 - Maintaining and recruiting an effective Board
 - Supervisor Q&A
- Meeting notes available!

Assisted with "Mussel Walk" field trip event:

- Organized by: Confederates Salish & Kootenai Tribes, Flathead Lakers, Flathead Lake Biological Station, and the Boys & Girls Club
- 130 middle school students
- Educational event on aquatic invasive species: mussel identification, detection, prevention, inspection

NOW OPEN: spring round of Ranching for Rivers

- Cost-share program (50%) available to landowners to voluntarily construct grazing infrastructure (fences, hardened crossings, water gaps, offsite watering tanks and pipeline, etc.) and enable them to better manage the streams and riparian resources on their land
- Assistance available from certified grazing plan developer
- Projects must be located in an area with a DEQ-accepted Watershed Restoration Plan (assistance available to help determine if you qualify)
- Applications due **6/15/18**

SAVE THE DATE: Riparian Grazing Workshop in Thompson Falls

RIPARIAN GRAZING WORKSHOPS

FEATURING SANDY WYMAN

Sandy is a retired BLM Riparian & Rangeland Management Specialist, National Riparian Service Team 2002-2018 and NRCS for 15 years. She has worked throughout the west providing coaching and training in conflict management, facilitation, riparian assessment, restoration, monitoring, and adaptive grazing management.

Learn how to effectively manage riparian grazing areas. Workshops will include a morning session with speakers, catered lunch, and a field tour in the afternoon.

JUNE 26 THOMPSON FALLS

JUNE 27 HELENA

JUNE 28 DEER LODGE

\$15 pre-registration / \$20 at the door

Hosted by SWCDM, MRCDC, and DNRC Rangeland Resources Committee

➡ Visit www.swcdm.org for more information and to register. ⬅

MACD is in search of a new Executive Director. Please spread the word!

Also, please visit the newly updated MACD website:

www.macdnet.org

Education Report
GMCD District Report April, 2018
Mindy Ferrell - Supervisor

1) Wildlife and Natural Resource Management class at Noxon

- a. Purchased **sample textbook**: eval is that it's great! Jason will most likely order this text and we will have this copy as a resource at the CD office.
- b. Currently have 6 Srs. considering the class; hope to resolve the class conflict for Jrs.
- c. Mindy will be attending Noxon School Board meeting 5/14 as a GMCD rep along with KLT and USFS reps to support this program.
- d. Mindy will be volunteering and taking Mr. Colyer to the Idaho Forestry Contest 5/10
- e. Rcvd encouragement and promised assistance from Ruth Watkins and Susan Drumheller to write a 223 grant from NRCD. I plan to submit this for the fall cycle of funding. Will be applying for \$3000: \$2400 for intern for summer 2019; \$600 for admin
- f. Regan Plumb of KLT has informally okayed figuring out a way for KLT to supervise any intern sponsored by GMCD for the summer of 2019.
- g. I will be contacting various local people in May to determine interest for taking on an intern for summer, 2019.

2) Watershed Festival

- a. Charlotte Milling agreed to again being an aquatic/riparian presenter (aquatics/riparian) at the WF this year. If she gets other job opportunities, she committed to finding a replacement for her as leader.
- b. I've contacted 3 instructors @ Salish Kootenai College to determine interest and see if they might be willing to volunteer to teach a station that focuses on native/tribal/ cultural relationship to the Clark Fork River at the October WF.
- c. Contacted a previous Artist -n-Resident (Claire Emery) to see if she might be interested in leading an artistic / journaling station for this coming fall. It's simply an enquiry and could be used to replace LNT if SKC can't provide Native American cultural support.
- d. The Watershed Festival planning team is scheduled to meet May 3 at the office.

3) FYI:

- a. **Project Ascent** had an amazingly successful fundraiser at the Elks in TF. Wow! Consider GMCD support or partnership?
- b. Mindy will be volunteering at the **Idaho State Forestry Contest** May 10 (Mr. Colyer has requested to also come). This might be an alternative to the Environthon because of its proximity and because of its similarity of mission and content.
- c. **Outdoor Recreation Days** are scheduled for May 30 and 31 at Trout Creek and Noxon Schools. Joel Sather is the lead organizer; I'm assisting. This year we'll focus on back country recreation: fly fishing, backpacking, water safety, and horse outfitting. Next year we will focus on front country recreation.

Subject: Re: 310 on federal land

As a starting point, whenever the attorney general issues a formal opinion on a legal question concerning the interpretation of a statute we are bound by that interpretation unless it is overturned by legislative action or by a court. In 1977 then Attorney General Mike Greely issued an opinion on a conservation district's jurisdiction. It is cited as 37 AG Opinion 15 (1977). For purpose of this discussion it holds:

1. **The Montana Natural Streambed and Land Preservation Act is not applicable to projects undertaken by the federal government either on or off federal lands unless the Congress consents to such regulation.** Therefore, it is correct to conclude that the CD has no jurisdiction over a federal project on or off federal lands.
2. **The Act is applicable to non-federal projects on federal lands unless a specific act of Congress preempts state regulation, or unless the state regulation inherently conflicts with applicable federal regulation. Preemption questions in such instance must be considered on a case-by-case basis as they arise.** Therefore, it is not always true that a CD has jurisdiction over non-federal projects on federal lands. Consequently, we need to heed the AG's caveat that preemption questions (i.e., whether an act of Congress or an inherently conflicting fed regulation exists) must be addressed on a case-by-case basis as they arise. However, the good news is (which makes your understanding almost correct) it is up to the federal entity to claim the preemption. If the federal entity does not claim preemption then the CD should go forward in the exercise of its jurisdiction.

As a side note, the AG opinion answered to additional issues that may or may not be of interest to you at this time:

3. **The Act is applicable to private projects on state lands. State or local projects are regulated by the Fish and Game Commissioner under the Stream Protection Act.**
4. **The Act does not apply to Indian projects within Indian reservations. The Act does apply to non-Indian projects on non-Indian lands within Indian reservations to the extent that the Act does not conflict with tribal self-government. Answers to such questions of conflict will have to be answered on a case-by-case basis as they arise.**

Don