



Meeting Minutes October 16th 2019

Supervisors Present

Kent Wilby
Sean Moran
Mindy Ferrell
Bill Naegeli (Conference Call)

Employees Present

Leona Gollen

Advisors Present

Brita Olson	John Gubel
Ryan Kreiner FWP	Craig Neesvig
Ben Montgomery	Jared Worthington
Katherine Madrone	Chris Rossel

Associate Supervisors Present

Visitors Present

Tricia Cottrell	Frank Gebhardt
Mason Cottrell	

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

Meeting Agenda items not always taken in order that they appear

Introductions

Minutes 2019

- A motion to approve Sept 18th, 2019 meeting minutes as submitted was made by Mindy 2nd by Sean, motion carried.

Financial Report

- The financial report did not get sent out prior to the meeting as was planned.
- Leona reviewed the financial report with the board for the last period.
- A motion to approve the financial report for last period was made by Sean, 2nd by Mindy, motion carried.

Administrator's Report:

- NRCS Local Workshop Oct 22nd 10:00 am
- Cancel Novembers Meeting
 - Due to all Board members being at a convention in November
 - A motion to cancel November 2019's meeting and schedule Decembers meeting for the 11th was made by Sean, 2nd by Mindy, motion carried.
- Sponsoring 223 Grant for Landowner outreach
 - A motion to sponsor a 223 Grant for Landowner outreach that will be coordinated by LCFWG was made by Mindy, 2nd by Sean, motion carried
- A motion for GMCD to purchase 10 Convention raffle tickets was made by Mindy, 2nd by Sean, motion carried.

GMCD Website: (greenmountaincd.org)

- See attached
- Regular Maintenance has been done on the web page.
- Mindy would like to see more work in progress on our website.

LCFWG COORDINATOR “WATERSHED REPORT”

- See attached

MT FWP Report

- Finished gill netting.
- Recently discovered walleye at the headwaters of the Upper Thompson Lakes. These fish are not native to Montana
- Finished up bull trout red counts and they are down.
- Avista upstream transport of Bull Trout just wrapped up for the year; Westslope Cutthroat were transported to Cabinet Gorge Reservoir in the spring.
- At TF dam there is a fish ladder and it is checked every day. And there have been 3 walleyes in the ladder.

NRCS Report:

- Ben Montgomery and Jared Worthington from Ronan are here representing NRCS.
- Jared will be filling in for Travis position temporarily
- NRCS used to fund different projects throughout the county but they are now focusing on specific projects that are related and address a certain issue, whether forest, restoration etc. Called Montana Focused Conservation.
- Proposals will be submitted and accepted or rejected depending on need.
- NRCS is aggressively seeking collaborative partners at this time.
- NRCS would like to know if GMCD is interested in collaborating on forest health project in our area. NRCS will get us a draft proposal of a partnership.
- NRCS has spent a lot of funds in Hot Springs on irrigation projects and is now ready to expand
- Sharing resources is the key goal and forming a stronger partnership with GMCD.
- There will be multiple collaborative focus projects going on at one time in our area.
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(SWCDM) Soil & Water Conservation District of Montana

- No Report

Public Education

- Water Festival – See attached report
- Doree Thilmony and her students from the Thompson Falls high School did a fantastic job in assisting with group leadership and helping wherever needed.
- Envirothon.
 - Mindy has a 1-page summary that she will put together that she will send out to all interested parties. She will follow up in December to review interest.
 - This will be left on the agenda for Decembers meeting.
- Pollinator Outreach
 - Mindy put out area feelers and has received 4 interested responses. She will be collaborating with Elena from ESCD as this project progresses.
 - When Bill was in Billings, he visited Still Water Ranch and they have 9 acres of the pollinator seeds on his ranch in one area and seems to be flourishing.

Supervisor Education:

- Area V Meeting Update

- Went very well. There was some confusion on the resolution but the recommendation to go forward was established
- Research Farm tour was great
- Montana Conservation Seedling Nursery gave a presentation on available products. You can visit the website at www.dnrc.mt.gov/nursery.
- Motion to have Bill vote in favor of resolution 19 at the convention which would support MACD's Congressional request to back the CSKT Water Compact and secure federal ratification was made by Mindy, 2nd by Kent, motion carried.

Old Business:

- **Nothing to Report**

Building Repair Project:

- Dan Normando filled dirt in around the foundation of our building and added gravel to the parking area.

No-Till Drill/Gopher-Getter:

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New Business:

- Grass Seeder (Kent)
 - Kent will do some research on machinery and cost. Will be expensive. Recommended that we do not go bigger than an 8-footer because of transportation issues. Kent will try and find a dealer in Missoula or around the area.

Subdivision Review:

- Nothing to Report

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

-

310 Activities

SW-11C-19 FWP

- Ryan went out and planted with NWE and when last checked it looks good.
- NWE will replant in the spring, anything that did not take.
- A motion that this investigation is closed was made by Kent, 2nd by Sean, motion carried.

SW-01-19 Hause

- A motion to contact the engineer that works with DNRC and schedule an appointment was made last month.
- RDG forgot about scheduling a visit when they were at Prospect Creek. We are in the process of trying to re-schedule.
- Leona will follow up with Mr. Hause, RDG, and DNRC.

SW-22-19 Mudryk

- A motion that the activity described in the 310 application is outside the scope of the 310 permit laws was made by Bill, 2nd by Kent, motion carried.

SW-23C-19 Swamp Creek Possible Violation

- See attached meeting memo from Mindy
- There was work on a ford that is on FS easement and was not authorized by the FS.

- Mr. Gubel from the FS stated the road is part of the NFS network. It is open to the public and any work that is done on the road needs to be authorized by the FS and any in stream work needs to be authorized by GMCD.
- Because there are Bull Trout this is a critical habitat area and US FWS needs to be involved.
- Mason Cottrell is the last person that did any work in this area and he stated that he smoothed the ford and filled some potholes See attached letter from him.
- Mr. Cottrell stated that he did talk to the FS concerning this work. And stated that he was told that he could smooth it out but he was not the one who brought the gravel in. He flattened it out when there is no water running. He stated he is not the only one that has worked on the road.
- Craig Neesvig from the FS asked the question on why they bought property on the other side of the low water ford. FS does not have the funds to put in bridges. The FS has fixed these fords more than a couple of times.
- Mr. Gubel said that he does not know who Mr. Cottrell talked to at the FS but there are no road work authorizations of any kind in the process.
- The FS cares about infrastructure in this area. The FS has an investment in this road and it needs to be fixed and does not want the structure of the road bed or crossing to be damaged.
- Mr. Cottrell stated that a group of people paid around \$600.00 each for gravel to be hauled in (at the direction/Coordination of one of the other landowners, (did not give name) And it was this no named landowner that did the actual work on the ford.
- Mindy suggested having a landowner meeting and complete a 310 application jointly.
- It has been agreed upon that the Ford and surrounding area needs to be put back to the original FS design and the FS can help facilitate the project.
- Kent asked that a 310 application be submitted to GMCD on how the unpermitted work will be fixed. A 310 application will be sent to Mr. Cottrell.
- Craig suggested that the Landowners get together and meet with FS.
- Mr. Cottrell will be working with FS and other landowners to complete a 310 application and submit it by December 4th.
- FS will visit the site to determine how to proceed.

SW-24C-19 Conklin

- Mr. & Mrs. Conklin contacted Bill per the letter that was sent to them. They agreed to have the Contractor fill in the ditch and reseed the area and when they are done, they will notify Bill for a site visit.
- This will remain on the agenda until the next meeting.

SW-25-19 Sutherland

- A motion to accept the “after the fact” application as complete and approve project as submitted was made by Mindy, 2nd by Sean, motion carried.

SW-26-19 Gebhardt

- A motion to accept as a complete application and approve project as submitted with no need for a site meeting was made by Mindy, 2nd by Sean Motion Carried.
- FWP waves site visit

SW-14-19 Petrie Work Completion Form

- After review of the submitted “work completion form” A motion to accepted this project as complete and close the permit was made by Kent, 2nd by Sean, motion carried.

SW-20-19 Harlow Work Completion form

- After review of the submitted “work completion form” A motion to accepted this project as complete and close the permit was made by Kent, 2nd by Sean, motion carried.

SW-35-18 Anselmo Work Completion Form

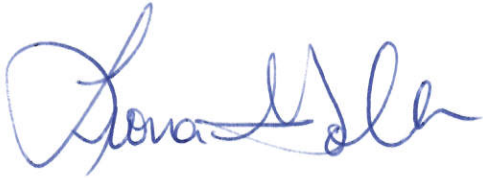
- After review of the submitted “work completion form” A motion to accepted this project as complete and close the permit was made by Kent, 2nd by Bill, motion carried.

SW-07-19 Fister Work Completion Form

- After review of the submitted “work completion form” A motion to accepted the dock work only on this project as complete and close the permit was made by Kent, 2nd by Sean, motion carried.

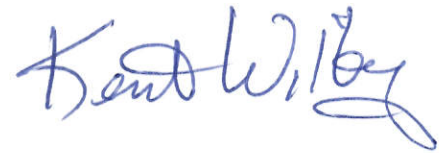
A motion to adjourn at 9:45 pm was made by Kent, 2nd by Sean, Motion carried.

Respectfully Submitted.

A handwritten signature in blue ink, appearing to read "Leona Gollen".

Leona Gollen
Administrator

Approved.

A handwritten signature in blue ink, appearing to read "Kent Wilby".

Kent Wilby
Chairman

Sanders County Water Festival 2019

Sanders County Water Festival 2019

17th Annual Sanders County Water Festival

High School students from Doree Thilmony class assisted with chaperoning the groups. They did an awesome job.

Stations include:

Fisheries - Harvey Carlsmith & Mark Tewazat (Fish Wildlife & Parks)

Tracks – Jesse Elgren & Megan Thrash (Forest Service)

Native Use of Rivers – Stephanie Gillin (Confederated Salish and Kootenai Tribes)

Wetlands – Charlette Milling (Ohio State Univ.)

Habitat Hula – Brita Olson (Lower Clark Fork Watershed Group))

Unwanted Invaders – Lily Haines (Clark Fork Coalition)

Schools involved – 5-6th Grade Students

Noxon

Plains

Thompson Falls

Trout Creek

Dixon

Hot Springs

Sponsors

Green Mountain Conservation District

Easter Sanders Conservation District

Mt. Fish Wildlife & Parks

US Forest Service

Confederated Salish and Kootenai Tribes

Ohio State Univ.

Lower Clark Fork Watershed Group

Clark Fork Coalition

Blackfoot Communication

Avista Utilities

Crowder Design

Mt. Department of Natural Resources

Natural resource Conservation Service

Memo

To: GMCD Board
From: Mindy Ferrell
Date: October 9, 2019
Re: SW-23C-19 Unauthorized work in Swamp Creek

Per discussion with Terry and others, I had a meeting at the Cabinet District this morning about this unauthorized work. Before our discussion at our Board meeting next Wednesday, Leona and I thought it good that I recap this meeting and the situation as best I can.

Present at the meeting on 10/9/19: Craig Neesvig (hydrologist), Chris Rossel (fisheries), Judy Erwin (road engineer), Mickey Carr (road technician). Subsequent to Terry's and my photos, Doug Grupenhoff and then Mickey went out to view the crossing. The law enforcement officer was made aware of this work.

Terry Hightower and Mindy Ferrell took photos of this unauthorized work on 9/11 while going to inspect the authorized work done to the stream above the property belonging to Ariel White. Autumn Parmeter was present at this inspection and was concerned about the work done to the stream. Subsequently, Autumn reported that Mason Cottrel had done this work.

The excavation work was done by rubber-tired equipment (photo of tread available) between 9/7 – 9/9 on the ford of what is currently the main channel of Swamp Creek. The property is owned by Ariel White (caretaker Autumn Parmeter) and the FS has a legal access of 33 feet from center on FS 2220.

The FS has access needs for potential timber sales, maintenance agreement for BPA, and for public recreation. This crossing has had considerable work done in the recent past to put in large rock base which supports concrete logs going across this stream. It is estimated that the current rock has covered these logs by 2 – 3 feet.

Swamp Creek is identified as critical habitat for Bull Trout by USFWP (Unit 31, Clark Fork River Basin. They, along with the State, have the responsibility to protect and maintain this stream as such. The USFWP overseeing address is Creston Fish & Wildlife Center 780 Creston Hatchery Rd. Kalispell, MT 59901. Keven Aceituno, Biologist and the MT Ecological Services would be the contact: 406-758-6871 or kevin.aceituno@fws.gov. Chris said that there is a limited window of opportunity for work on an identified Bull Trout stream from July 15 – August 31, but an emergency permit could be granted to work outside of that window.

Mason Cottrel had contacted Mickey early in the spring of 2019 asking what the Forest Service could do to improve and secure access to his property for both him and his family. Mickey identified the various permits that would have been given, and basically said that the FS was not in a position to do any of this work. An email by Autumn Parmeter subsequent to Terry and my inspection, indicated that Mason was the one who did the work.

At the meeting, Craig Neesvig brought up that this event might be compared to the Carle#3 Cochran violation up Vermillion in about 2008-09. It might be worth it to reference that event to determine the course of action followed by various entities, including GMCD.

It was also discussed whether or not the Army Corp of Engineers should be informed of any determination of violation and plan for remediation.

It was felt by all at the FS meeting, that it is critical to have work done before next spring run off because: the current work makes the maintained channel more unpredictable; permitted bridge structures currently in place could be jeopardized possibly creating lack of access and increased obstruction; flooding could create new unpredictable channelization; the overlaying rock will become like 'ball bearings' and cause increased (not decreased) difficulties when crossing; legal access to the FS could be jeopardized; bull trout sensitive streams and fishery habitat need to be restored as quickly as possible.

SUGGESTED ACTION

I am to send out an email with this summary to all Board members as well as our advising partners, Katherine Madrone and Ryan Kreiner (Photos have already been sent) so that we can discuss it at the next Board meeting.

Leona will draft a letter to all landowners beyond this crossing to inform them that a discussion of unauthorized work will be on the agenda at the GMCD Board meeting on Wednesday, October 16 should they wish to attend.

Leona will invite John Gubel (or his representative) to this same meeting to discuss the topic from their perspective.

Under discussion might be whether or not letters from several entities would be better sent separately, or whether all entities could sign off on a group email.

We'll need to discuss the timing of our actions and requested response from Mr. Cottrel. We do not usually have a Board meeting in November, but rather have a meeting early December. Of course, winter then sets in followed by spring run-off ...

All parties at the FS meeting felt it imperative that someone be present if Mr. Cottrel would be doing the work to assure restoration and because a concrete log could easily be snagged thus removing the work and investment already done.

Another option to consider would be if the FS did the restoration work and charged Mr. Cottrel for that work.



Report to the Green Mountain Conservation District
October 16, 2019

Brita Olson, Lower Clark Fork Watershed Group (LCFWG) Coordinator

Website

- Final July Minutes were posted.
- Draft September Minutes were posted.
- October Agenda was posted.
- Last month's stats weren't available, as I believe some website maintenance (through MACD/SWCDM was occurring).

Project Updates

Fall Site Visits:

- Went on multiple site visits this fall working to identify future projects in the Thompson River drainage, the upper Prospect Creek drainage, as well as in East Fork Blue Creek. These were productive and we have a number of opportunities on the horizon for future years.

Bull River Re-vegetation

- This week we are working with the Montana Conservation Corps (MCC) to complete lingering maintenance on re-vegetation projects in the Bull River. It is cool to see the progression of these projects, as in many areas the vegetation is over my head, and in some places we have starting seeing natural regeneration.

Request for GMCD to sponsor a 223 grant for a joint program between the LCFWG and GMCD, due October:

- The objective of the project would be to engage more private landowners in the Lower Clark Fork and Thompson River watersheds in conservation projects on their properties. Targeted tributary-specific outreach will highlight issues and opportunities in their watershed(s) and interested landowners will be provided with access to planning, implementation, and coordination support.
- Draft application was sent out to the board on Tuesday, October 15 and is due on Wednesday, October 23.
- Request GMCD's support of this program and application.

Exploring opportunities to collaborate with the NRCS:

- The NRCS has new avenues through targeted implementation plans to inject funding and resources into conservation practices.
- There may be an opportunity for NRCS to support capacity in a partner organization such as the GMCD to complete work that is in line with NRCS programs.
- There are a lot of "what-ifs" and uncertainties related to this and we're not sure if it would be a good idea, but would like to ask GMCD's blessing in generally exploring what this type of partnership could look like.

Green Mountain Conservation District,

On this date (10/16/19) I received a letter via postal mail citing the unauthorized and unpermitted work to the Main Stem Swamp Creek crossing at the Forest Service road 2220.

I would first like to apologize for any possible violation that may have occurred as well as provide a possible explanation. First this is not the first year this crossing has needed grading and reshaping in order to provide the property owners the necessary ingress and egress through this crossing. I have worked on this crossing multiple times, along with multiple neighbors in the area, in an attempt to continue safe access to our residences. Please see the letter which I wrote with the intention of seeking assistance from the Forest Service which further explains my concerns.

Furthermore last summer I went to the local Forest Service Office regarding this very issue of smoothing out the Creek bed to keep it accessible. I spoke to two persons in charge who both agreed and told me they were very aware of the yearly changes of the creek bed as well as ongoing issues with the private bridge crossing and people attempting to gain access to Forest Service property beyond the private properties. They informed me the Forest Service has not the finances nor manpower to address this crossing. They did however tell me if we were to wait until the creek bed is dry then we could repair the ruts and maintain the crossing. I was informed that the only issue they had was the introduction of gravel placed on the creeks banks that was sourced from another location. Essentially they told me to work with what we have and don't bring any foreign materials into the waterway. I was told at this time that under the gravel was a concrete log crossing and to dig the gravel down until we reach that log crossing. At a later date we attempted to dig down the gravel to this crossing however found it was approximately three feet under the gravel and had to fill it back in due to the depth of the water blocking passage. I was informed that if they were to deny the work that they would essentially be denying our access to our property which they can not do.

I am guilty of working on this crossing however I am far from the only one.

I would like at this time to officially request Green Mountain Conservation District to consider placing bridges over the Swamp Creek crossings as well as where road 2220 crosses Galina Creek as it drains into Swamp Creek. Ultimately these bridges would keep vehicle traffic out of the creeks altogether making for a healthier stream habitat.

If I had my way public bridges would be placed on the three creek crossings which would not only keep pollutants out of the water way but also provide safe passage for residents and emergency vehicles. Unfortunately I can not afford to take on this project by myself nor can my neighbors.

Respectfully,

Mason Cottrell
138 Fox Lane
Trout Creek MT, 59874

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