MINUTES
Missoula Conservation District
3550 Mullan Road, Suite 106
Missoula, MT 59808-5125
February 13, 2012

Attendees:
Lori Zeiser, Msla CD-Staff
Tara Comfort, Msla CD-Staff
Libby Maclay, Msla CD- Supervisor
Dick Ramberg, Msla CD-Supervisor
Sid Wills, Msla CD-Supervisor
Tim Hall, Msla CD – Supervisor
Travis Greenwalt, Msla CD-Associate Supervisor
Marnie McClain, Msla Co. Attorney Office
Ladd Knotek, MT FW&P
Katie MacKendrick, Coordinator & Heather Whiteley, Board Member – Rattlesnake Creek Watershed Group

Absent District Board Members: Art Pencek, Bob Schroeder, Rob Roberts

Tim Hall, Chairman, Missoula Conservation District, called the meeting to order at 7:02 p.m.

Libby Maclay moved to accept the January 9, 2012 Minutes, Tim Hall seconded the motion – motion passed.

Treasurer's Report –Dick Ramberg, Treasurer, reported that there is $50,432.88 in 1st Security Checking.

Public Comment: No Public Comment

Rattlesnake Creek Watershed Group – Katie MacKendrick, Coordinator and Heather Whiteley, Board Member for the Rattlesnake Creek Watershed Group attended the meeting and addressed the Board requesting on behalf of Sussex School District sponsorship for a DNRC Education Mini-Grant for Sussex School for the over-all objective to raise student awareness and encourage protection of stream and riparian corridors, and to engage students in collecting real data which will be used in management of Bugbee Wildlife Refuge. Tim Hall moved to sponsor the Mini-Grant through DNRC, Dick Ramberg seconded- motion passed.

Katie & Heather also gave an update of where the watershed group is at present and what their future plans are and the 3 critical focus areas-Urban Riparian Buffers Initiative, Bear Blocks and Water Wise Blocks, Continued Outdoor Education Outreach in the Rattlesnake Drainage and a request to consider helping fund any or all of these focus areas.

NRCS Report – John Bowe was unable to attend the meeting and provided a written report in Supervisor packets.

310 Law Applications/Permits/Complaints

Existing 310 Applications

MS-36-11 – Marc Medeiros – Grant Creek – Stream Bank Restoration-Required – Inspected 11/03/11 – (Re: CM-07-11) – Lori reported that a letter was sent to Mr. Medeiros by both regular and certified mail with a return receipt following the January 9, 2012 stating that the November & December decisions of the District Board of Supervisors stands, and that Mr. Medeiros has until March 1st to submit his bank restoration plan to the CD to be in compliance with the requirements set by the Board.

MS-42-11 – Nels Hallgren – Wisherd Creek – Bank Stabilization – Not Inspected - the District Board of Supervisors and Ladd Knotek, MT FW&P are requesting a site inspection prior to the March 12, 2012 (weather permitting) Missoula Conservation District meeting.

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New 310 Applications – Dick Ramberg moved to accept MS-01-12 and MS-02-12 as new projects, Libby Maclay seconded – motion passed

MS-01-12 – Yellowstone Pipe Line Co / Terracon-Dan Nebel, Consultants-Applicant – Clark Fork River – Directional Boring for Pipeline Replacement – Not Inspected. Dan Nebel of Terracon Consultants, Inc and Fran Nunn of Conoco-Phillips, Operator of YPL attended the meeting and gave the District Supervisors an overview of the project. Slides were shown of the project site and proposed project and Tara Comfort read a letter from the County Commissioners & Peter Nielsen of the Water Quality District. This project to bore under the Clark Fork River to replace an exposed gas line was determined **"Not a Project"** that requires a 310 Permit from the Missoula Conservation District as long as the project plans are followed as proposed and submitted in the 310 permit application number MS-01-12. The boring as proposed will be outside the area of 310 jurisdiction set by the District of 50 feet back from the ordinary high water mark of each side of the Clark Fork River.

If YPL/Terracon determines that they will need to trench through the river or operate machinery in the river (or within the 50' riparian buffer zone on either side of the river), they will need to re-apply for a 310 permit for trenching. The District determined with the legal advice of Marnie McClain that they do not have the jurisdiction to require the abandoned pipe to be removed, but urges Yellowstone Pipe Line Company to remove the abandoned pipe at a later date. Removal of the abandoned pipe will require a 310 permit. YPL/Terracon was also instructed to contact the District when they begin the project and following completion. Libby Maclay made the motion, Dick Ramberg seconded – motion passed.

MS-02-12 – W. Austin Pugh – Cramer Creek – Site Restoration Following a Violation – Not Inspected – Tara Comfort reported that Mr. Pugh had contacted the CD and was advised to call Marnie as his file had been turned over to her. Marnie reported that Mr. Pugh had contacted her on January 18, 2012, and had not responded to the CD because he has been out of town caring for an ill parent. Mr. Pugh plans on restoring the site to how it was before vandals opened up the road; he plans to visit the site as soon as the snow melts and he can get to the site. Marnie asked him to re-contact the CD, and to submit a 310 application with his plans for restoration to the District office prior to the February 6, 2012 deadline. The 310 application was received in the office on Friday, February 10, 2012, Tara read the application to the Board – Mr. Pugh is planning on restoring the site; he is requesting time to submit final plans until after he can access the site. The decision of the Board of Supervisors is as follows:
This application for required site restoration following a 310 Violation (Re: CM-11-11) on Cramer Creek was addressed and the 310 application Mr. Pugh submitted was reviewed by the Board of Supervisors. Pending the site visit and submittal of a detailed restoration plan, the District Board of Supervisors is tabling this application until this information is submitted to the District Office, on or before May 1, 2012, and this will again be addressed by the District Board of Supervisors at their May 14, 2012 meeting. The District Board of Supervisors recommends placing straw bales at the base of the raw slope of the road on the far side of the bridge to prevent sediments from entering the stream during this spring's run-off. No further action will be taken by the Board of Supervisors until the May 14, 2012 meeting.

310 Complaints – No complaints

310 Issues-

Tara Comfort reported on the culvert installation completed by Ken Verley on Butler Creek as permitted by the District for a 48" culvert or equivalent squash pipe replacing the 2 undersized

existing culverts that partially washed out spring, 2011. The Floodplain Department is requiring this culvert to be removed (sized for a 50-year event), and replaced with a larger one to handle a 100-year event. The size required will be a 6' diameter pipe. Tara stated that the contractor for Verley discussed the size required and the capacities of the 2 pipes with her. In order to bring the present site up to the capacity of a 6' pipe, an additional 5' pipe would need to be installed next to the 4' pipe. As this is not workable, recommended, or economical, the contractor plans to submit an application to the District to remove the 4' pipe to replace this with either a 6' squash pipe or bridge. The District Supervisors discussed that they did not realize that Butler Creek had a designated floodplain up at this location.

County Attorney Report – Marnie McClain – **See MS-01-12 Yellowstone Pipeline and MS-02-12 – W. Austin Pugh**

MT FW&P – Ladd Knotek **- See Tyler/Stout EWP Project**

Employee Reports –

Tara Comfort - Employee Report –January 10, 2012 to February 13, 2012: 310 Administration – Edited District minutes, agenda, and all letters of District decision on 310 permits with Lori Zeiser. Assisted Dan Nebel, Terracon and Conoco Phillips, and coordinated with Ladd Knotek, Dana Boruch, Marnie McClain, and Peter Nielson, Water Quality District, on Yellowstone Pipeline Co. pending 310 application for boring under the Clark Fork River upstream of the Milltown site. Assisted Jody Wills with 310 information on Blixit Creek. Assisted Carl Sanders with aerial mapping of the diversion site of the Grass Valley French Ditch and 310 information.

Conservation Planning: Continued work and write-up of Weston Ranches conservation plan and maps. Provided Cascade Conservation District supervisors and staff with information on the District's cost-share program, sent information, and held a conference call with their Board to answer questions. Provided technical assistance to Dennis Anderson, Miller Creek on his cost-share contract planning and implementation. Worked with Susan Sakaye on payment for Schroeder EQIP contract for weed spraying. Attended Forestry meeting as District representative at DNRC Missoula office, for technical advisory committee working with NRCS for EQIP funding for forestry practices. Provided technical assistance and information to landowners Pat Sends, Condon, Andy Fisher, Missoula, and Heather – Trout Unlimited, Missoula on planting recommendations for streambanks, and Marge Zaveta on irrigation diversion and headgate structure designs. Assisted Carl Sanders with planting information on his proposed windbreak through the District cost-share program.

Office Administration: Continued work on Stout/Tyler EWP project with Marnie McClain, NRCS, Fred Stout, Tim Hall and permitting agencies. Finalized Project Agreements, O & M Agreements and Plan between District and NRCS and District and Fred Stout and Karl Tyler with oversight from Marnie. Compiled a proposed schedule of implementation for the project required by NRCS. Continued correspondence with permitting agencies and modified plan proposal on O & M Plan and riparian buffer planting plan based on agency requests. Met with Fred Stout and NRCS engineers on all modifications to plan for landowner approval, and discussion of alternatives to proposed project including moving the home. Scheduled site visit with permitting agencies, NRCS, and Tim Hall of the proposed EWP project that was cancelled due to snow storm on 1/19/12. Worked with Bruce Anderson, WGM on background and history of Stout past projects and coordinated with additional information requested by FWP through Bruce on the Stout Project with the NRCS. Compiled a power point of the project site and a history of the site practices and past projects. Provided Fred Stout with site maps of the Channel Migration Zone mapping and the proposed riparian plantings. Corresponded with Chris Brick, Clark Fork Coalition on Stout EWP Project Proposal providing

background information and history. Scheduled and facilitated a meeting of the permitting agencies, NRCS, Tim Hall, and Fred Stout at our office 2/13/12 and took minutes of the meeting.

Met with Tonda Moon, MT Dept of Ag on review of my pesticide license and planning recommendations. Continued working with Tami Sabol on 310 Google Database Entry.

Lori Zeiser – Employee Report –January 10, 2012 to February 13, 2012:
Started letters, took warrants to the Co. for payment and started minutes week of January 9, 2012. Finished up on Minutes for January 9, 2012 and Agenda for February 13, 2012 meeting and sent to Tara for additions and corrections. Sent faxes and e-mails for 2/13/12 meeting and prepared power point for meeting. No inspections set for February meeting with Ladd Knotek. Assisted Nels Hallgren-Wisherd Creek, Marc Medeiros-Grant Creek, Dan Nebel, Terracon for YPL-Clark Fork River, assisted Tara with research, etc. on Austin Pugh-Cramer Creek on 310 applications, complaints, and issues.
Continued working with NRCS, Tara and Fred Stout on proposed project for EWP Sponsorship. Continued working with Maclay-Lolo Ditch FRIMA Grant payment through the ASAP-US Fish & Wildlife Service and assisted and worked with Heather Whitely & Katie MacKendrick of the Rattlesnake Creek Watershed Group request for District sponsorship for a DNRC Education Mini-Grant for Sussex School and for District funding for the watershed group. Completed and sent out 1099's for 2011 District funding and the close out of 2011 calendar year books. Worked on education mini-grant basic contract. Prepared contract extension for Tami Sabol. Send Supervisor re-election information to Dick Ramberg and Libby Maclay. Updated 310 Excel files, ran a back-up on the district computer and updated QuickBooks information for banking and for DA Davidson. Began issue 1 of District Newsletter. Attended 2012 Agri-Business Banquet as District representative. Continued working with Julie Ralston for MACDEO training issues and 2012 NACD National Convention.

New Business –

Correspondence- Lori gave an update on the correspondence the District received in the mail and electronically.

Supervisor Re-Election Forms – Lori reported that the re-election form and the signatures petitions have been sent to Libby Maclay and Dick Ramberg – Lori is requesting they return the forms to the office by March 1, 2012 in order to get them filed with the county by March 12, 2012.

Old Business –

Maclay-Lolo Ditch – FRIMA Grant – Lori Zeiser gave an update – the CD has been reimbursed through the ASAP federal payment system, and the final report has been electronically submitted to the US Fish & Wildlife Service, Lori is waiting for confirmation of acceptance of the final report to close the file.

Fred Stout – EWP Update – Tara gave the Board a report on the progress of the project – To date, the District has received no permits from any of the agencies. The NRCS has a tight time-line for when the project must be completed and the EWP funding spent. The NRCS and Tara met with Fred Stout and went over the offer to use the funding to move the home, which will require a deed restriction or conservation easement be placed on all Stout's property within the mapped channel migration zone area. Fred, at this time, does not wish to consider this and has asked to proceed with the bank stabilization project with the permitting agencies. Tara reported that the project agreements are finalized and the District is now under contract with the NRCS for this project. The concerns and requests of the permitting agencies are being addressed by NRCS on the rock armoring portion of the

project and the planting portion has been modified by Tara and Fred Stout to include a substantial riparian buffer averaging 50 feet wide from the river for the length of the project site and beyond. Tara and Tim Hall went over the meeting with the agencies, NRCS, and Fred Stout today at our office on the conditions or modifications that the permitting agencies want to see on this project proposal in order to get it permitted. These are still coming in writing from the agencies.

USDA Service Center Remodel update & CD plans during the remodel – Tara reported that she had talked with Craig on whether the CD will have to pay for extra office space and at this time the CD will not have to pay for space for her and Lori. Craig stated that the CD would need to pay for office space for any future additional employees. The projected date for the remodel is estimated to begin around the 1st of April; Lori has reserved the Extension Office Conference room for April, May, and June's District meetings.

2012 Agri-Business Banquet – February 8, 2012, Holiday Inn Parkside **–** Travis & Lori & Tim Zeiser attend from the CD, Tom Vannoy and his wife were at the CD sponsored table, the other couple did not attend.

Cost-Share & Grant Applications –

1. Update 2012 Cost-Share – In packets. Tara gave a short verbal update on progress – More than half of the contracts are now returned and one landowner to date has decided not to participate.
2. Discussion of possible new programs/projects with remaining funds/ and possible reduction in funding – the sub-committee (Rob Roberts, Tim Hall, & Bob Schroeder) met on January 16, 2012. Tim reported that since Rob & Bob are not in attendance at this meeting, their discussion and recommendations will be addressed at the March 12, 2012 District meeting.
3. Review of New Riparian Grant Applications –

    a) RP-01-12 – Carolyn Demin – Ninemile Creek – request for Riparian Mini-Grant funding to plant above the District Cost-Share Bank Stabilization site for added vegetative stabilization measures – Tim Hall moved to fund the mini-grant, Sid Wills seconded – motion passed.

310 Google Earth Database-DNRC/DTM – Tara gave an update report– Tami Sabol has continued to work on entering the 310 to the data base – the new contract for Tami has been sent to her for signature.

Payment of Bills – Tim Hall made a motion to pay the bills, Sid Wills seconded – motion passed.

<u>Warrants:</u>

Missoulian	$ 39.00
Ck # 1667 – Public Meeting Notice January 2012	
Blackfoot Communications	$ 116.50
Ck # 1666 – Telephone/Internet	
Pitney Bowes	$ 126.42
Ck # 1668 – Qtrly Rental agreement – Postage Machine	
Staples Credit Plan	$ 21.98
Ck # 1669 – Office Supplies	
Alpha Graphics- Gateway Printers	$ 403.18
Ck # 1670 – Office Supplies	
MACD	$13,923.43
Ck # 1671 – Association 2012 Dues ($25 PMC Dues)	

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Totals **$14,630.51**

Checks: (1st Security Bank)

Tami Sabol	$ 138.75
Ck # 1025 – Data Entry Oct/Nov/Dec 2011	
Yellowstone Photo	$ 151.09
Ck # 1026 – Stout slides to jpeg on cd	
Outback Steak House	$ 116.17
Ck # 1027	
Totals:	**$ 406.01**

Tim Hall moved to adjourn the meeting, Sid Wills seconded - the meeting adjourned at 9:20 p.m.

Tim Hall, Chairman announced that the next meeting will be March 12, 2012 at 7:00 p.m. in the Missoula Conservation District conference room, 3550 Mullan, Suite 106, Missoula, MT.

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Lori Zeiser, Admin. Assistant Timothy Hall, CD Board Chairman

Voting Record-CD SUPERVISOR	FOR	AGAINST	ABSTAIN
Timothy Hall	7	0	0
Elizabeth Maclay	7	0	0
Art Pencek	Absent	0	0
Richard Ramberg	7	0	0
Rob Roberts	Absent	0	0
Robert Schroeder	Absent	0	0
Sidney Wills	7	0	0