

**BITTERROOT CONSERVATION DISTRICT**  
**1709 NORTH FIRST STREET**  
**HAMILTON, MONTANA 59840**  
**MINUTES**  
**February 9, 2010**

**Board of Supervisors' regular scheduled meeting, February 9, 2010, called to order at 8:01 p.m. by Chairman, Tom Ruffatto.**

**MEMBERS PRESENT:**

Howard Eldredge, Jim Lindquist, Kent Myers, Bob Nelson, Tom Ruffatto, Steve Vogt.

**MEMBER EXCUSED:**

Bob Popham

**OTHERS PRESENT:**

Jack Mauer (BTU), Julie Ralston (BCD), Richard A. Weber, P.C.

**MINUTES:**

Nelson move to approve the minutes as sent. Myers seconded, motion carried.

**BUSINESS BEFORE THE BOARD:**

- Ralston reported she has contacted the Corvallis Grange. It will be \$80.00 to rent the hall for the Riparian Best Management Listening Session. A news release is ready to be placed in the Missoulian news paper, the Ravalli Republic news paper, and the FSA News Letter. Ralston has contacted several individuals to serve on the panel. She still has to send out official invitations and copies of the agenda. Myers asked about refreshments? The BCD will provide the refreshments. Eldredge moved to authorize expenditures up to \$200.00. Myers seconded, motion carried.
- The BCD Board reviewed a letter from the Missoulian Guest Column titled "Seen, Unseen Costs of Stream Access."
- The BCD Board reviewed a request from the Montana Bureau of Mines concerning groundwater or irrigation information that the BCD may or may not have for the Florence area. The Montana Bureau of Mines has received grant funds to do a geology groundwater availability study. The scheduled study is for the Florence area. Ruffatto stated, that he has visited with the Bureau of Mines, giving it the Bitterroot Irrigation District's phone number. There was a brief discussion concerning the numerous amount of homes located east of Florence and the kind of recharge in groundwater those homes may be receiving from seepage off the Big Ditch.
- The BCD Board reviewed the Montana Association of Conservation District's questions and answers concerning fees charged for 310 Permits. Ruffatto explained that many CD's around the state do not bring in enough mill levy dollars to operate on a full time schedule, therefore, they are looking at charging fees to help supplement expenses.
- Myers asked the BCD to revisit the DNRC's 10-minute training session "Development of a Project". Myers stated that after further review of the training, he is concerned the county may miss out on the potential of receiving a significant amount of grant funds. The funds could be applied towards an actual on the ground beneficial resource conservation project. Myers has contacted several individuals and it appears there is a riparian resource restoration need on Burnt Fork Creek that would fall in line with the BCD's identified priorities. There was a brief discussion on the resource concern, possible partners, and landowner participation. Myers moved that the BCD Board go forward with the development of this project idea. Eldredge seconded, motion carried.

- The BCD Board reviewed a letter from The Montana Department of Administration concerning a 218 Agreement. Ralston reported, she has contacted the Department of Administration and was told the BCD already has a 218 Agreement in place. No action is necessary.

**COMMITTEE UPDATE REPORTS:**

- Myers reported, things are moving along smoothly for the Open Lands Fair. Ruffatto reported he had read in the paper that the Open Lands Board (OLB) received \$2000.00 from the County Commissioners for expenses associated with the Open Lands Fair. Myers stated, while it did receive the funds from the County Commissioners the OLB was asked to verify that there was enough interest by the community to attend. The OLB made several phone calls and it appears there will be enough interest.  
Myers requested to meet with Henry Burkwhat to discuss the designation of Local Important Soils. Myers believed the issue is something that really should be revisited as there seems to be some confusion between several different groups and individuals. The BCD Board agreed that the issue should be re-visited. There was a brief discussion concerning the possibility of inviting individuals to attend a meeting with NRCS, and the BCD Board, for further clarification on the issue.
- Howard Eldredge reported, the Planning Board does not have any new subdivisions that haven't already been passed on to the County Commissioners for final review. Eldredge stated, the Planning Board has been spending a lot of time on technological issues, such as, holding its meetings on the internet, so people could attend from home. Eldredge did not think this was a practical way of doing business.

**NRCS REPORT:**

Burkwhat was absent no report was given.

**GRANT INFORMATION:**

- The BCD Cost-Share Review Committee reported it has reviewed four 2010 applications. The four applications were submitted by: (1) Bauman for weed abatement. (2) Buchholz for bank stabilization. (3) Davis for bank stabilization, (4) Rothlisberger for irrigation. Total requested BCD cost-share dollars equal \$8482.50. Eldredge moved to approve funding for all four applications. Lindquist seconded, motion carried. Nelson abstained. Eldredge requested the review for possible extensions on several cost-share projects from last year. Ralston stated, the landowners from last year's cost-share program have until the end of April to complete their projects. She is hoping there will not be any need for extensions. The BCD Board will discuss granting extensions at a later date.
- The BCD Board reviewed photos of the completed projects done on cost-share contract 008-2009/Schroeder Ranch. All receipts have been turned in for reimbursement. Myers moved to reimburse the landowner the BCD's full contract share. Vogt seconded, motion carried.
- Vogt moved that the BCD Chairmen sign off on the Bitterroot Community Wildfire Protection Plan. Myers seconded, motion carried.

**NOTICES**

- Vogt moved to send Ralston to the Big Sky Public Procurement Association's Certified Contract Officer, Module 3 Training, March 22-23, 2010, Mineral County Courthouse, Superior, MT. Eldredge seconded, motion carried.

- The BCD Board reviewed DNRC's Floodplain Engineering 101 Seminar for Engineers, Surveyors, and other professionals that do or review work in Montana's regulatory floodplains. The seminar will be Monday, March 1<sup>st</sup>, 2010, at 1:00-5:00 pm., at Chico Host Springs Resort, Pray, MT.
- The BCD Board reviewed FWP's notice of Environmental Assessment for Future Fisheries Improvement Program concerning partial funding to re-habilitate the dam on Tin Cup Creek Lake, and for the stabilization of a 300' reach of Skalkaho Creek.
- The BCD Board reviewed Ravalli County Floodplain Department's request for an inspection on Walt Krengel's bank stabilization project, and a notice of a potential floodplain violation by Raymond and Sherri Dieckman, Conner, MT.
- The BCD Board reviewed the Ravalli County Planning Department's solicitation for comments concerning the Sunnyside Orchards No. 3, Block 9, Lot 12A minor subdivision.
- The BCD Board reviewed a floodplain permit issued to Clifford Presley on the Bitterroot River.

**OLD BUSINESS:**

1. 310 Application BT018-2009 Renascent, Inc./Bitterroot River-stabilize 190' of stream bank with rip-rap. Eldredge tabled.
2. 310 Application BT069-2009 Douglas Soehren/Joetta Lawrence/Skalkaho Creek-bank stabilization. Vogt tabled.
3. 310 Application BT094-2009 William D. Mehring/Tin Cup Creek-stream restoration, alteration, and debris removal. Dick Weber, Will Mehring's attorney, reported that he was under the impression the applicant's Hydrologist would be attending the meeting tonight. However, the hydrologist was not present to turn in his final drawing concerning the elevations, as requested. Nelson tabled. Weber hoped that the matter could be resolved by the next BCD Board meeting.
4. 310 Complaint BT133-2009 Sweg against Turney/Bear Creek-constructed several log dams in the middle of the creek without a 310 permit. Eldredge tabled.
5. 310 Application BT001-2010 Xavier Pastor/Little Sleeping Child Creek-remove sediment from an existing pond. Vogt tabled.
6. 310 Application BT005-2010 Barbara Roberson/East Fork of the Bitterroot-renew rip-rap against existing bridge abutments. Nelson table.

**OTHER OLD BUSINESS**

- The BCD Board reviewed notifications of completion on 310 permit BT144-2008 Mike Golden/Child Creek-replacement of an irrigation headgate structure, and 310 permit BT009-2009 Chip Lindenlaub/East Fork Bitterroot River-bank repair.

**NEW BUSINESS:**

1. 310 Application BT007-2010 Stacey Auch/Bitterroot River-bank stabilization. Eldredge tabled for an inspection. Eldredge reported he will be out of town during the all permitting agencies onsite inspection scheduled for February 26<sup>th</sup>. Bob Popham will be out of commission for some time, as he had knee replacement surgery. Eldredge will contact the applicant's consultant for an onsite inspection sometime prior to the 26<sup>th</sup> inspection. It was determined that Ralston will attend the all agency inspection. Eldredge tabled.
2. 310 Extension BT008-2010 on permit BT015-2008 Thomas L Fox/Bitterroot River-bank stabilization. Myers moved to approve the extension request. Lindquist seconded, motion carried.

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3. 310 Application BT009-2010 Tim Childers/Bitterroot River-bank stabilization. Ruffatto has visited the site and explained the area. There will be another on site meeting with the consultant, agencies, and Ruffatto. Ruffatto tabled.

### **OTHER NEW BUSINESS:**

- Ralston reported that the Bitter Root Water Form will be hosting a free public presentation “Turning Blue into Green: An introduction to the Montana Water Market”, Tuesday, February 23<sup>rd</sup> at 7:00p.m. The scheduled presentation will be in conflict with the BCD’s regular scheduled meeting.
- Ralston reported that the state 310 committee meeting has been scheduled for either March 23 or the 24<sup>th</sup>, in Helena. Vogt and Ralston will plan to attend if it is on the 24<sup>th</sup>. Vogt will attend if it is on the 23<sup>rd</sup> as Ralston will be at the procurement training in Superior.

### **PUBLIC OPEN MIKE:**

Jack Mauer:

- Believed that the Childers proposed project is a good project especially since he is using soft methods.
- Mauer is concerned with Walt Kregel’s project and believes that Mr. Kregel has caused more problems than good. Mauer believed that by allowing one rock project leads to more bank problems for other people. He could not understand why Kregel was allowed to remove a large tree. He felt that the BCD should keep an eye on this kind of stuff especially when something is done under an emergency.
- Mauer stated that he attended the Rivers Edge Subdivision review and he is upset with the rock wall that was used to stabilize the bank of the river. Eldredge explained that the landowner’s engineer went above the high water marks and above the floodplain designation, dug a trench placed large rocks in it, covered it with soil, and re-vegetated the area. The landowner then developed the area. During highwater the bank eroded back to the trench, exposing all the rock. At this point in time, the rock has not been toed in so, there is some concern as to what problems may arise from this situation. Mauer stated the county has approved the Rivers Edge Subdivision which he believes to be a very dangerous area. He believed that the landowners will eventually have to apply for 310 permits to address issues that are surely going to arise. There was a brief discussion on the different methods of bank stabilization, projects on the Bitterroot that seem to be working, and those that seem to be creating problems or not working. Myers asked if this trench practice is an on going practice and whether or not the state is addressing the issue? Ralston reported that the issue had come up once during a State 310 Committee meeting. Ralston understood from the meeting that a CD could take some authoritative action once the bank has eroded back to the point that the trenched in rocks were within the 310 jurisdiction. Myers asked why the landowner just didn’t stabilize the bank by going through the permitting process. It was believed that the landowner did not want to spend the time it would take to go through the whole permitting process, nor did he want to spend the money.

### **DISTRICT BUSINESS:**

1. Vogt moved to approve the Treasurers report, and County checks 4632-4639. Lindquist seconded, motion carried.

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2. Myers moved to purchase DSL from Qwest. Vogt seconded, motion carried.
3. The BCD Board discussed a part time assistant for the months of March and April due to Ralstons absents for training, preparation for Conservation Days, and onsite inspection for the BCD's cost-share program. The BCD will review the matter at its next meeting.

**INCOMING CORRESPONDENCE:**

The BCD Board Reviewed:

1. E-mail: Laurie Goltry MacoHet Haiti Earthquake Support Tools; MACD Conservationist, Russian Olive Trees, River Network to award Watershed Protection Grants, Training Funds.
2. Montana Water News Letter.
3. Office Depot

**Meeting adjourned at 9:45 p.m.**

**The next board meeting will be held Tuesday, February 23, 2010 at 8:00 p.m.**

*Tom Ruffatto*

Tom Ruffatto, Chairman

*Julie Ralston*

Julie Ralston, District Administrator

Date: 02/23/2010