



Madison Conservation District  
*Local Common Sense Conservation*

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**Final Minutes**

Regular Monthly Board Meeting **\*\*7:00 PM\*\*** July 21, 2020  
Ennis Rodeo Grounds & Conference Call Line

1. Call meeting to order: 7:03
2. Supervisors Present: Nick Dyk, Jon Siddoway, Kate Roberts, Bob Sitz, Colten Clark, Kaye Suzuki (Phone), Abigail Denis (Phone)
3. Staff Present: David Laufenberg, Bayley Gibson
4. Others Present: Mike Duncan (FWP) Greg Rice, Collin Rice
5. Review minutes from previous meetings: 7:04
  - a. June Meeting Minutes
    - Modifications: None
    - Motions: Jon Siddoway
    - Seconds: Bob Sitz
    - All in favor and the motion carries
    - **Approved**/Tabled/Modified
6. Financial-Emily Osborn: 7:05
  - a. Financial Report 6-30-20
    - Rent should be noted on July 1 not June 20.
  - b. Motions: Nick Dyk
  - c. Seconds: Kaye Suzuki
  - d. All in favor and the motion carries
  - e. **Approved**/Tabled/Modified
7. Public Comment 7:20: N
8. NRCS Report (John Wagoner) 7:21

Office is in "Phase 3"...for now. Building is still closed to public, but visitors are allowed by appointment and must wear a face mask.

Completed WRE (easement) monitoring in late June. Four easements needed onsite visits.

Five EQIP contracts obligated, for 1750 acres of juniper clearing in the S. T-Roots. By working with Sean Claffey (SMSP), I suspect we will be able to treat significantly more acres than what NRCS has contracted. Work has already begun with one landowner, and by having Sean send the projects out for multiple bids. The contractor will be treating approximately an additional 150 acres with the NRCS cost share.

I'll be working with Audra and Dominique in the Ruby, to try some "Beaver Dam Analogues" and other induced meandering structures. They are wanting to set up a few volunteer days to harvest willows and implement BDA's this fall.

9. Business-310-Paul Jurenas: 7:21
  - a. 20-10
    - Applicant: Pat Goggins for Ennis Shriver Ditch Co.
    - Stream: Ennis Shriver Ditch/Madison River
    - Type of Project: Annual Maintenance Permit

- Status:
- Date: 8/1/2020 to 8/1/2025
- Notes: Kaye Suzuki recommends the board approves the project as proposed
- Motions: Bob Sitz
- Seconds: Colten Clark
- All in favor and the motion carries
- **Approved**/Modified/Tabled

b. 20-11

- Applicant: Greg Rice/Spanish Q
- Stream: Moore's Creek
- Type of Project: Installation of a culvert, an update on a previous 310 project.  
Annual Maintenance Permit
- Status:
- Date: August 1, 2020 to August 1, 2025
- Notes: David Laufenberg, Paul Jurenas and Mike Duncan visited the site July 15, 2020. Greg Rice proposed to build a head gate. The existing structure was not built to the specs provided in the previous permit from 2015. Greg claims when high water hits, the water goes over the top of the structure. He proposes to put in 30 ft. culvert to prevent this from happening. He also wants to straighten the creek 30 to 40 ft below the culvert.

David Laufenberg makes clear that the initial diversion structure was designed by Gallatin Valley Irrigation Inc. not designed by MCD. David proceeds to play the drone footage taken at the site inspection.

Mike Duncan says that the existing structure is not what was designed in the previous permit from 2015. It currently cannot handle spring flows. He also points out that there is no vegetation where the proposed culvert will be installed. Mike is also worried that if the stream is straightened, the water velocity will increase and eventually eat into the existing embankment. There is loose dirt already spilling into the stream and Mike worries about changing the stream channel. Mike also says that there are currently wooden boards in the stream blocking fish access. Both Greg and Collin Rice claim there are no fish in that stretch of the stream, nor will there ever be.

Mike Duncan believes the site is not currently healthy and is concerned about more water coming through the proposed culvert and straightened stream that will cause more problems downstream.

Bob Sitz suggests constructing a barrier along the pond embankment that will prevent the stream channel from eroding into the embankment. Mike Duncan says that the bare exposed soil will also need to be addressed so it doesn't slough in.

Nick Dyk suggests that rather than straightening the stream channel, it could be moved, replacing the existing linear feet with the same linear feet. This option will cost more but the gradient will be the same. This option would require hiring/consulting a hydrologist. Mike Duncan likes this option. Greg Rice wants to know how much this would cost. Nick Dyk thinks that NRCS would provide this service for free. The NRCS would come up with a stream profile and location and would design it.

Greg Rice insists that MCD designed the original diversion structure in his 2015 permit. Nick Dyk points out that the date on the original design is 2015 and MCD did not receive his application until May 2015.

Everyone agrees the initial design is not great and does not work.

Mike Duncan notes that the previous 310 permit required the site to be matted and reseeded but that never happened. Mike is worried that the culvert will not be installed or maintained properly. The proposed site of the culvert would be in the original creek channel.

Nick Dyk believes that the most pressing concern is the diversion structure feeding into the pond and suggests dividing the permit into sections for review. Part of this application is an annual maintenance permit that will include cleaning and maintenance in the pond. The pond is currently out of MCD's jurisdiction, but if the stream is rerouted through the pond, it will then fall under MCD's jurisdiction.

Nick Dyk asks Greg Rice if he would be willing to revegetate the project site. Greg says yes that wouldn't be a problem. Vegetation is the biggest key on that structure, especially on the embankment where the cow trail is located. Nick Dyk suggests bedding the culvert with rock and gravel and sinking it in the ground about a foot to prevent it from washing out. Other materials should be layered on top of that. It is also suggested that photo points for monitoring the site should be established, and should be included in the annual maintenance permit requirements.

- Motions: Nick Dyk moves to approve with modification for the installation of a culvert head gate structure as noted in the application package 30 ft. long. Culvert is to be bedded 6 inches below stream channel with appropriate fill materials compacted to prevent erosion. Applicant is to revegetate the diversion site and provide photo monitoring points of downstream pond embankments where stream encroaches on embankment. Photos annually. If erosion is present applicant will be required to consult a hydrologist to determine downstream channel conditions.
- Seconds: Bob Sitz
- All in favor and the motion carries
- Approved/Modified/Tabled
- Mike Duncan reminds Greg Rice that he has to get a DEQ 318 permit because DEQ should know about the project. Greg Rice asks Mike Duncan why he will not sign it. Mike Duncan says he doesn't like anything about this project and is not comfortable signing off on it.

c. 20-12 Complaint

- Complainant: Keith Shein
- Stream: Madison River
- Type of Project: Road and parking lot constructed adjacent to/on top of wetlands area and spring that feeds Madison River
- Status:
- Notes: **WITHDRAWN**
- Approved/Modified/Tabled

d. 20-13 Complaint

- Complainant: Anonymous
- Stream: North Willow Creek
- Type of Project: Concrete pour along stream channel; bridge construction
- Status:
- Notes: Nick Dyk met with complainant July 11 to find out where alleged violation occurred. Nick Dyk and Paul Jurenas did a site visit July 15. Bridge is visible from the main street in Pony. The concrete pour is 25 to 30 feet from creek channel, which is non-jurisdictional. There was some minor grubbing down into creek channel. The removal of brush and debris was a violation. It is a well-constructed bridge. It is a walking bridge. It is a violation because they did not have a 310 because the activity did impact the creek channel. Nick Dyk thinks a few limbs are

concerning that are in the center of the channel. There is a root ball under the bridge sitting in the middle of the channel. This could catch debris during flood events. Only request we have is to monitor this so it doesn't catch debris and back the creek up. Yes, it is a violation. We would request a 310 permit.

- Motions: Bob motions to request a permit from the violator
- Seconds: Colten Clark
- All in favor and the motion carries
- Approved/Modified/Tabled
- Nick Dyk adds that the applicant put in the bridge in 2018, but the complaint didn't come in until recently. Bob Sitz asks about anonymous complaints. Discussion ensues. Kaye Suzuki says that if we want to maintain our authority, why do we not use it when appropriate, meaning levying fines. We do have the authority to fine him. Kate Roberts says to fine him if he refuses to fill out the 310 form. Abigail Dennis says that there should be language on the website people can reference about proper permitting. Nick thinks we should do 310 training and community outreach about applications and what constitutes a project. Kaye Suzuki wants to recognize the influx of people into this part of the country and provide them with information about projects that need a 310 permit. Abigail Dennis suggests we reach out to local HOAs and David Laufenberg agrees. Kate Roberts asks about how much MCD is allowed to fine for violations. David says \$500 a day until action is mitigated, or up to \$7000 maximum.

- e. Work Completion Reports 9:06
  - 20-02 Locicero, Mile Creek
  - 19-20 Yellowstone Club, Muddy Creek
- f. Monthly time spent on 310's:

#### 10. Old Business and Reports: 9:10

- a. Update on tax-deductible donations
  - Tax deductible donation letter works for cash donations as well as in-kind donations.

#### 11. New Business 9:13

- a. Rental System Update
  - Build implement locks – keep hitch pins when they go out. Do we need locks? Scratch the hitch pins.
  - Signs West is making a sign for Kate's property; sign will be two-sided and cost about \$350 – includes installation.
  - Heavy harrow is the only implement stored at Kate's property right now. Still tracking down other equipment
  - Two invoices sent last week to catch up on previous usage

#### 12. Correspondence 9:22

- a. Sample tax-deductible letter from Sweetwater CD/MCD's Template
- b. GLC Thank You Note
- c. Yellowstone Club Revised Subdivision Application
- d. Stalowy v. Flathead Conservation District Ruling
- e. 310 FAQ Document sent by Jason Garber
- f. GROWW Funding Request and Invoice \$2500
  - Motions: Nick motions to pay \$2500 to the GROWW program for their funding request
  - Seconds: Jon Siddoway
  - Kaye: in the future build that into the budget as a line item.
  - All in favor and the motion carries
  - Approved/Tabled/Modified
- g. Montana Stream Permitting: A Guide for Conservation District Supervisors and Others: Printed out and put into the supervisor's notebooks. Will contact Nicole Fredson at Copy That to have copies made for everyone.
- h. Ennis Fly-Fishing Festival Canceled

#### 13. Supervisors Report 9:36

#### **14. Staff/Project Report:**

1. Fall/Winter Workshop Series
  - a. Speakers and Subjects
    1. Partner with RVCD
    2. Beaver Dam Analogues Workshop
    3. Ranchlands Medical Training this winter
2. Tributary Monitoring Program
  - a. Madison Stream Team
    1. Ethan was able to visit and demonstrate how to download data from long-term monitoring stations
  - b. Tributary Blitz Day
    1. In July or August
    2. Coordinating with partners; field visit and meeting later this month
3. Pollinator Program
  - a. Area 6 grant was awarded for \$8,500
4. Lower Jack Creek Project
  - a. Received donation from Jim Fasules; working on tax-deductible donation letter
  - b. Working with Nancy Fasules to ensure adequate July watering
5. Madisonian Newspaper
  - a. Natural Resource Notes (NRN) column regarding Jack Creek designation and restoration was published
6. Planning Board
  - a. Lee's Pool PUD update; 100 ft. stream setback was upheld
7. MadTAC Update
  - a. planning on submitting a proposal in early winter
  - b. Mike Duncan says they are mostly focused on main-stem projects this year.
7. Events and Major Meetings attended
  - a. Board Visit with Kaye Suzuki – July 6, 2020
  - b. Horse ride with Kate Roberts to USFS summer pasture – July 11, 2020
  - c. MadTAC Summer Meeting – July 14, 2020

#### **12. Upcoming Dates:**

- a. MCD Monthly Meeting, August 18, 7p.m.

#### **13. Meeting Adjourned 9:52**