

Gallatin Conservation District Meeting Minutes

October 16, 2017

The Gallatin Conservation District Board of Supervisors met on October 16, 2017 at 4:00 pm. Jason Camp called the 310 meeting to order at 4:01 pm. Supervisors present: Bill Wright, Sherwin Leep, Mike Hansen, Bob Logar, and John Schutter Staff: Mary Hendrix Excused absence: John Venhuizen and Loren Blanksma

Those present: Karin Caroline-Ares Property Services, Lynn Bacon-TerraQuatic LLC, Erik Garberg-CTA Engineers & Architects, Chris Mahony-NRCS, Dave Moser-MT FWP, Matt Johnson-RESPEC, and Mike Rotar-RESPEC

Public Comments on District 310 Permitting Business: None

310 Inspection Reports Decision

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| Inspection Date: 10/10/2017 | Application Number: GD 44-17 |
| Applicant: | Andy Klinnert, Arvig Enterprises, Inc. |
| Landowner: | n/a |
| Contractor/Agent: | Steve Malikowski, AEI Construction Inc. |
| Perennial Stream: | Unnamed Creek |
| Type of Project: | Other: Fiber Optic Line |
| Purpose: | Direct bury fiber optic line starting on Vaquero Parkway along Davis Lane, Cattail Street, and Max Avenue. |
| Proposed Construction Date: | Start date: 10/9/2017 Finish date: 3/31/2018 |
| Inspection Recommendations: | Withdraw |
| Inspection Comments: | Determined not a project since directional drilling beyond bed & banks and below approximately 48". |
| Discussion: | B Logar made the motion to withdraw the application, as it is not a jurisdictional project; B Wright seconds, motion carries |
| Board Decision: | Withdraw application |

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| Inspection Date: 10/10/2017 | Application Number: GD 46-17 *NOTE: OUT OF SEQUENCE* |
| Applicant: | Tench Coxe (Americus, LLC) |
| Landowner: | Americus, LLC (Tench Coxe) |
| Contractor/Agent: | Scott Davis, Pond & Stream Consulting, Inc. |
| Perennial Stream: | Ben Hart Creek |
| Type of Project: | Excavation (Pond) |
| Type of Project: | Fish Habitat |
| Type of Project: | Improvement to Existing Structure |
| Type of Project: | Wetland Alteration (expansion) |
| Others: | Pond (improve existing), Placement of Fill, Improvement of Wetland and Fish and Wildlife Habitat |
| Purpose: | To increase emergent wetland area and improve fish and wildlife habitat in a pre-existing degraded pond. The project will expand the area of emergent wetland vegetation at the site. |
| Proposed Construction Date: | Start date: 11/01/2017 Finish date: 10/31/2018 |
| Inspection Recommendations: | Withdraw |
| Inspection Comments: | Not a jurisdictional project |
| Discussion: | M Hansen made the motion to withdraw the application, as it is not a jurisdictional project; S Leep seconds, motion carries |
| Board Decision: | Withdraw application |

Gallatin Conservation District Meeting Minutes

October 16, 2017

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| Inspection Date: 10/10/2017 | Application Number: GD 45-17 *NOTE: OUT OF SEQUENCE* |
| Applicant: | Spencer Jo, LLC |
| Landowner: | Spencer Jo, LLC |
| Contractor/Agent: | Lynn Bacon, TerraQuatic, LLC |
| Perennial Stream: | McDonald Creek |
| Type of Project: | Bridge/Culvert/Ford Construction |
| Type of Project: | Road Construction/Maintenance |
| Type of Project: | Channel Alteration ("True" irrigation Ditch) |
| Type of Project: | Commercial Structure |
| Others: | Wetland Alteration, Parking/turning lots, and Placement of Fill |
| Purpose: | Development of a commercial building site that would include service and storage buildings, parking lots, and entrance driveway. The proposed work of 0.49-acre wetland fringe along McDonald Creek and a narrow true irrigation ditch (0.06-acre constructed in upland and does not convey ground water). Channel bed impacts would total 410 linear feet (LF): irrigation ditch bed 357 LF and McDonald Creek channel bed 53 LF. One commercial drive approach off adjacent Gooch Hill Road will provide ingress/egress. |
| Proposed Construction Date: | Start date: 11/15/2017 Finish date: 8/15/2018 |
| Inspection Recommendations: | Approval with modifications; waive 15-day waiting period |
| Inspection Comments: | Recommend approval conditional on submittal of site plan & culvert/stream profile. Downstream culvert is 36" which appears undersized so request 48" CMP (or equivalent squash) and not 24" pipe. Embed 4-6" below streambed bottom. May need future amendment to shift culvert location south. |
| Discussion: | M Hansen made a motion to approve with modifications, inspection comments + waiving 15-day waiting period; B Logar seconds, motion carries |
| Board Decision: | Approval with modifications + inspection comments; waive 15-day waiting period |

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| Inspection Date: 10/10/2017 | Application Number: GD 47-17 |
| Applicant: | Paul A Peterson |
| Landowner: | Paul A Peterson |
| Contractor/Agent: | Jamie Hillman, Crazy Mountain Industries, Inc. |
| Perennial Stream: | Baxter Creek |
| Type of Project: | Bridge/Culvert/Ford Construction |
| Type of Project: | Bank Stabilization/Alteration |
| Purpose: | To stop stream bank erosion and provide crossing. To install 42" to 48" round steel culvert and fill material to provide crossing and access to lower pasture and to decrease erosion caused by cattle crossing. |
| Proposed Construction Date: | Start date: 10/20/2017 Finish date: 12/15/2017 |
| Inspection Recommendations: | Approval with modifications; waive 15-day waiting period |
| Inspection Comments: | Complete work during low flow. Embed minimum 4-6" below streambed. Recommend riprap (D=12"?) along upstream & downstream face of embankment. Cattle accessing stream for water & crossing to opposite pasture causing over-widening and degraded banks. Crossing should reduce cattle crossing stream. Prefer larger pipe however upstream 48" culvert appears stable and financial constraints prevent larger pipe. |
| Continued on the next page | |

Gallatin Conservation District Meeting Minutes

October 16, 2017

Application Number: GD 47-17 (Continued):

Discussion:

M Johnson: Baxter Creek flowing through one pasture to another pasture. It's wide and shallow. Cows are struggling. Applicant is looking to install a culvert + crossing to help cows cross here. Concerned about the 48" culvert, but this is not a spring melt creek. Possibly, a hardened ford could be a good option. Applicant wants to construct this fall, so no time to change design.

D Moser: It's a good thing to do here. He has concerns about the size of the culvert and potential failure.

P Peterson: Would you be comfortable with a ford? He wants to fix the problem. One bank is 15 feet and the other side is 5 feet.

M Hansen: Would this be a hardened ford?

D Moser: Rock, concrete, corded wood

P Peterson: Would narrow the creek to 6 feet, right now its 10 feet.

J Schutter: We need to address this application with a culvert.

J Schutter moved to place the application on hold as the direction of the project has moved away from culvert installation; M Hansen seconds, motion carries

Board Decision: Application on hold

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| Inspection Date: 10/10/2017 | Application Number: GD 48-17 |
| Applicant: | Darrel DeHaan |
| Landowner: | Darrel DeHaan |
| Contractor/Agent: | Darrel DeHaan |
| Perennial Stream: | West Gallatin River |
| Type of Project: | Bank Stabilization/Alteration |
| Purpose: | The river has been eroding away for the past 5 years. It has taken out about 20 feet at that corner. I want to stabilize that corner. We will bring in 25 yards of pit run to fill in existing hole. Then bring in 40 tons of large boulders and stack them against the new fill. We will line about 30 feet of the bank with rock. This will not change the flow of the river. |
| Proposed Construction Date: | Start date: 11/01/2017 Finish date: 11/01/2018 |
| Inspection Recommendations: | Approval with modifications; waive 15-day waiting period |
| Inspection Comments: | In conjunction with proposed project, recommend that old combine in the bank be removed. The applicant was amenable to this. Work during low water. Reseed and use best management practices (BMP) as necessary. |

Discussion:

M Rotar: There is a corner of his land were the river is causing erosion. The corner has moved quite a bit. There's an old combine in the bank that the Applicant had agreed to remove.

B Logar: Is it the head or the whole combine?

M Rotar: Is embedded in the bank, but thinks it's the whole thing.

J Schutter moved to approve the project with modification comments + 15-day waiting day waiver; M Hansen seconds, motion carries

Board Decision: Approval with modification comments + 15-day waiting period waiver

Gallatin Conservation District Meeting Minutes

October 16, 2017

Inspection Date: 10/10/2017 Application Number: GD 49-17
Applicant: Walter Wolf, Flanders Mill, LLC
Landowner: City of Bozeman
Contractor/Agent: Lynn Bacon, TerraQuatic LLC
Perennial Stream: Maynard-Border Irrigation Ditch
Type of Project: Channel Alteration; Placement of Fill
Purpose: The channel and side slopes require additional erosion control measures. Erosion control fabric was used to stabilize the bed and side slope; however, energy dissipation measures are required because of intermittent and irregular high flows anticipated in the early spring. Riprap is proposed to stabilize the inlets and outlets of the Annie and Oak Street culverts and sediment control logs are proposed for channel bed stabilization.

Proposed Construction Date: Start date: 10/01/2017 Finish date: 11/01/2017
Inspection Recommendations: Approval with modifications
Inspection Comments: Recommend approval conditional upon drawings of check logs spacing & anchoring included with application, as well as fabric and how it will be anchored. How are logs configured in channel? No plan submitted. Please explain reasoning behind triangle orientation.

Discussion:

L Bacon: This is a section of the waste-ditch. When ranchers turn off the irrigation water, it goes down to the waste-ditch. Concerned about the blow-off water, rain or snows come April. There's no time to get it vegetated. The sediment log will be in a "V" formation every 100 feet. Each log is 20 feet long.

Roundtable: Discussion of the position of sediment logs and its direction

L Bacon: Sediment logs are pointing upstream.

B Wright: There was no fabric in the original permit.

D Moser: There is a DEQ violation on this project.

B Wright: When did you discover this problem?

L Bacon: About a month ago – September 9 – 12th

B Wright: Did you know the history on that ditch before?

L Bacon: Have over 20 years working in the area, didn't realize the sensitivity of the ditch

M Hansen moved to approve with modifications + updated drawings of erosion control plan utilizing sediment logs in the channel, S Leep seconds, and motion carries

Board Decision: Approval with modifications + updated drawings of erosion control plan

Inspection Date: 10/10/2017 Application Number: GD 50-17
Applicant: Brandon Whallon, Hawkins Companies LLC
Landowner: David Osterman, Whitefish LP VI & VI
Contractor/Agent: Erik Garberg, CTA Architects & Engineers
Perennial Stream: East Fork Catron Creek
Type of Project: Bridge/Culvert/Ford Construction
Purpose: The project will remodel the existing Dollar Spree store and construct five other shops. The project will also require City of Bozeman improvements including parking, landscaping, and storm water improvements. To accommodate these improvements, the project proposes to extend the exiting culvert to the north property line.

Proposed Construction Date: Start date: 03/15/2018 Finish date: 05/01/2019
Inspection Recommendations: Approval with modifications

Continued on the next page

Gallatin Conservation District Meeting Minutes

October 16, 2017

Application Number: GD 50-17 (Continued):

Inspection Comments: Recommend approval conditional on submittal of profile of culvert and tie in to existing channel downstream. Embed minimum 4-6" at outlet. Nice cottonwood gallery proposed for removal. Would prefer to work existing channel and riparian zone into AC plan rather than bury. Work during low flow.

Discussion:

M Johnson: This is on Babcock & Main

B Wright: Are there fisheries here?

D Moser: There is aquatic life, maybe not fish, but it's a nice riparian area. The upstream is a dead end for fish.

Roundtable (various people): Is there a way to keep the gallery of cottonwoods and not put the creek into a pipe?

J Schutter: Can't stop progress. We have supported permits in the past on work similar to this project.

S Leep: We have both supported and denied similar projects in the past. He then mentioned two projects that were previously denied that submitted new applications that incorporated the riparian areas within the project. Those applications were supported and today, those riparian areas are thriving and used by the community.

M Hansen made the motion to deny the permit as the project does not preserve the creek and the green space around it, B Logar seconds, motion carries

Board Decision: Denial of permit

310 Violation Complaints:

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| Inspection Date: 9/13/2017 | Complaint Number: GD 5C-17 | Application: GD 14-16 |
| Alleged Violator: | John Rosa | |
| Perennial Stream: | Baxter Creek | |
| Natural of Complaint: | Initial project and 310 permit application (GD-038-13) included 3 crossings of Baxter Creek and one crossing of an unnamed tributary to Baxter Creek. Project was not completed within 1 year, and permit GD-038-13 expired on 1-17-2014. A new application was submitted in February 2015, which included the same previous culverts proposed in GD-038-13 plus two additional culverts on Baxter Creek. Permit GD-07-15 was issued for all culverts (total of 6) with modifications for the two additional culverts to adjust location approx. 30' upstream and specify that culverts be countersunk 6" below streambed elevation. GD-07-15 expired in February 2016. In March 2016, a new 310 application (GD-014-16) was submitted for the same 6 culverts and approved with modifications (same modifications as those provided for GD-07-15). Permit GD-014-16 was issued and was effective until March 24, 2017. | |

Installation of the culvert at Annie Street (Site/Impact #1 of the 6 permitted culverts) occurred sometime during the fall of 2016.

On September 13, 2017, the 310 inspection team consisting of Mike Rotar (RESPEC) and Dave Moser (MTFWP) conducted an onsite inspection for 310 application GD-040-17, which was submitted to extend/renew GD-014-16 for pending installation of a culvert at the Oak Street crossing of Baxter Creek. During that site visit, a recommendation was made by the engineer that we visit the Annie Street crossing nearby to get an idea of how the installation at Oak Street would look when completed.

Continued on the next page

Gallatin Conservation District Meeting Minutes

October 16, 2017

310 Old Business: None

310 New Business: None

Adjournment of Meeting:

The 310 meeting adjourned at 5:51 pm.

BUSINESS MEETING

The Business Meeting convened at 6:10 pm.

Public Comments on District Business: None

Consensus Agenda: September meeting minutes. M Hansen moved to approve the consensus agenda; J Schutter seconds, and motion carries

NRCS Reports: Chris Mahony: 10/16/2017 District Report

Potential government showdown January 1st.

Water year to Date Precipitation; % of Normal (as of 10/16/2017)

Gallatin; 85%

Madison; 75%

Jefferson; 85%

Yellowstone; 78%

Programs

EQIP

EQIP; Special initiatives

National Water Quality

Headwaters drought

CSP; 2018 Renewals

Ongoing

EQIP;

Planning on 2017 applications

EQIP;

Design, certification, and payment of installed contracted practices

CSP;

certification of 2017 enhancements

2018 Renewals; 3

CTA;

Upcoming: Camp/Godfrey water sampling; completed (gauges removed; final invoice from Jim Beck with year-end report)

Miscellaneous: Justin attended USFS outreach event at Bridger Canyon Fire Hall to provide NRCS program information

Gallatin Conservation District Meeting Minutes

October 16, 2017

Pathways student
Bozeman area days (Sept 25-26): Nutrient management/Prescribed grazing/CSP/Herbaceous weeds control/Mesic training

NACD Technical Assistance grant: B Wright made a motion to continue to look into more details about this grant, S Leep seconds, and motion carries.

CD Reports: Planning Boards: None

Staff Report: Provided at meeting

Old Business: Who is planning to attend the MACD Convention? Early registration is by October 31st. S Leep, M Hansen, B Logar, B Wright, J Camp, and M Hendrix planning on attending

New Business: None

New Grants/Agreements/Contract Report: HB223 Grant Gallatin Watershed Sourcebook from July cycle resubmitted for consideration.

Well-Testing Cost Share Program: None

CD Seminars/Workshops Ideas: None

Other Events: Hazard Mitigation Planning meeting to be held in the Conference Room on October 17th at 11:00 am.

Correspondence and Handouts: None

Accounting: Financial reports, invoices, deposit, and the credit card statements reviewed. M Hansen made the motion to pay invoices and approve financials; J Schutter seconds, and motion carries

Adjournment of Meeting

J Camp made the motion to adjourn the meeting and everybody seconded the motion. The meeting adjourned at 6:45 pm. The next scheduled board meeting will be Thursday, December 21, 2017, time TBA.

Minutes approved by Jason Camp, Chairman

Date