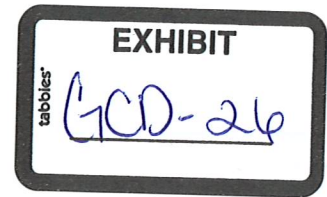


Becky Clements
District Administrator
Gallatin Conservation District
September 15, 2020

RECEIVED
9/16/20



Ms. Clements,

In response to your request, I would like to summarize my interpretation of the jurisdictional status of the unnamed spring creek tributary to the Gallatin River, located on the Pfiel property in Gallatin Gateway, Montana. As you know, I am a civil engineer under contract to provide technical support to the Conservation District and have been doing so for six years. I have been practicing as a licensed civil engineer in Montana since 2014, as well.

I first became involved with the Pfiel Regulatory hearing during inspection of the declared violation in January 2020. The purpose of the inspection was to evaluate the work and recommend a course of action to remedy the violation. We visited the site and it was apparent that recent work had been conducted to deepen and widen an existing pond along the watercourse and install an outflow structure. In general, a project of this type would not be recommended by the inspection team due to the numerous negative impacts that in-line ponds impose on a stream.

I have reviewed the Petition for Declaratory Ruling and wish to comment on some of the points:

- The petition does not readily acknowledge that the watercourse conveys spring water perennially. The point is made in the petition that the watercourse is a man-made ditch because it is straight and contains spoils along its length. I concur that spoils are located along the margin of the watercourse from excavation. However, what is uncertain is whether a natural spring has flowed at this location prior to excavation or enhancement. Also, the watercourse is not straight but rather exhibits curvature and sinuosity like other adjacent spring flow sourced watercourses on the island.
- The subject watercourse is located between the outermost active channel banks of the Gallatin River, and within its historic river migration corridor. Although the subject watercourse does not receive direct baseflow from the Gallatin River, it has been reported anecdotally that high flows and ice jam induced flows from the Gallatin River regularly access the watercourse.

Thank you for the opportunity to provide comment to the petition documents.

Matt Johnson, PE
RESPEC Company LLC