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Park Conservation District

5242 Highway 89 South Livingston, MT 59047  
Telephone (406) 946-3008

May 2, 2023  
REGULAR BOARD MEETING

MINUTES

USDA Conference Room  
5242 US HWY 89 S. Livingston, MT 59047  
11:00 a.m.

**BOARD MEMBERS PRESENT:** Ned Zimmerman – Chair, DeWitt Dominick, Dustin Homan, Martin Davis, Gayleen Malone, Dave Haug

**NON-BOARD MEMBERS:** Ashley Lowrey, SVWG/UYWG Watershed Coordinator; Nate Brown, NRCS; Ted Nelson, NRCS; Buddy Drake, FWP; Judy OHair, landowner; Keri Bilbo, NRCS; Larry Cawfield, Tetra Tech Engineer; Joel Chavez, DNRC; Hunter Morrical, WGM; Mace Mangold, WGM; Andrew Feltenstein, landowner; Trevor Speake, Heart K; Jon Judica, Pioneer Technical Services; Jeff Defew, DWE; Webster Crsit, Attorney for Carter Boehm; Kelton Cole, landowner

11:07 Call the Regular Park CD Board Meeting to Order – *Ned Zimmerman, Chairman*

*\*\*Automatic NoVotes for Board members not present*

**Natural Streambed & Land Preservation Act Applications Inspections/Discussion:**

**A. PK-10-23-C:**

Yellowstone River- East River Rd, LV. Andrew Feltenstein; bank repair with riprap along 100 LF of bank eroding adjacent to driveway; removal of violation riprap ‘windrow’ along of banktop along two segments.

Modification: windrow rock removed.

**\*Dustin made motion to approve with modification, martin 2ndmotion, motion passed 5-2.**

**B. PK-20-23:**

Yellowstone River; MT DNRC- Johnson – (NRCS- EWPP) Hank Rate house, US Hwy 89 S, Gardiner, MT; Bank Stabilization along the Yellowstone River building outward with riprap and a launchable toe, approximately 300 LF.

Must go to DEQ for 318.

**\*Martin made motion to approve as proposed, Dave 2<sup>nd</sup>, motion passed 6-1.**

**C. PK-14-23:**

Heart K, Applicant request for discussion. Needs to explore other options and come up with a mutual new path moving forward. Will design and reapply, allow time for modifications. Keep application on Hold.

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**D. PK-15-23-C: Carter Boehm Discussion – not on agenda**

13<sup>th</sup> 9<sup>th</sup> St Island, did site inspection in late march from initial complaint, work was being conducted upstream and not on Boehm's property, so was not a violation. Now work was conducted last week of April without a 310 permit. Cannot make motion that it is a 310 violation as it was not on agenda – will be on agenda for June meeting.

**PK- 01-23:**

Soda Butte Creek – Michael Rosengren- bank stabilization, Bannock Trl Rd., Cooke City, MT; upper portion of project includes USFS lands. Will go back in June to inspect when snow melts. - -

- Follow up with notice of violation.
- Need to wait until a site inspection can be conducted in June.
- Table and put on June agenda

**E. PK-16-23:**

Yellowstone River, Wild Eagle Mountain Ranch, LLC c/o Jim Hogemark, (Mgr.); replacement of a irrigation culvert pipe intake and stabilization of about 60 LF bank, left (north) bank downstream of Springdale Bridge.

**\*Dustin made motion to approve, Dave 2<sup>nd</sup>, motion passed 6-1**

**F. PK- 12-23: ON HOLD**

Bear Creek- Warren Johnson- Jardine Land and Livestock, LLC c/o Ron Burke  
13 Crevice Mountain Road, Gardiner, MT - bury exposed pipeline that carries Jardine mine discharge pipe -diffuser within the channel corridor per MT DEQ compliance requirements.

**G. PK-17-23:**

Fleshman Creek, Northwestern Energy, Alleyway of S 10 St. replacing an exposed 2" gas line with a new plastic 4" line boring under channel at depth of 4 ft.

Needs to go to City Commission instead of CD for final decision – CD will make recommendation to approve.

**\*Dustin made motion to recommend to commission, Dave 2<sup>nd</sup>, motion passed 6-1.**

**H. PK-18-23: ON HOLD**

Yellowstone River, Charles Schildecker, c/o Chris Iverson; 18 Shelter Belt Rd., LV; upstream from Mill Creek Br. Left (north) terrace embankment, Bank riprap/stabilization of approximately 30 ft high terrace and 150 LF bank segment.

**I. PK-19-23-C:**

Phelps Creek, Patrick Ondrus, alleged relocation of Phelps Creek, Official Complaint Forms 274 from neighboring properties. Alleged activity has caused extensive flooding and ice build up along private easement most of winter 2022-23 on Chapman Rd, and adjacent pastureland.

- Motion that it is not a violation (but write letter that there is a problem).
- Send letter to landowner that we would entertain a 310 application to fix the problem
- Send letter to County

**\*Gayleen made motion that it is not a violation, Dustin 2<sup>nd</sup>, motion passed 6-1.**

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**J. PK-21-23:**

Yellowstone River, Lennae Guyer- Dome Mountain Ranch, bank stabilization using riprap along a 300 LF segment of the east embankment; 113 East River Rd., Pray, MT

\*Applicant wishes to withdraw and reapply at a later date.

**K. PK-22-23:**

Yellowstone River, Lennae Guyer- Dome Mountain Ranch, bank stabilization using riprap along a 300 LF segment of the east embankment; 133 East River Rd., Pray, MT

\*Applicant wishes to withdraw and reapply at a later date.

**Treasurer's Report and Financial Items**

A. Approval of Checks and Financial Reports.

B. Checks:

C. Balance sheets, profit and loss

\*Gayleen made motion to approve financial report and checks, Martin 2<sup>nd</sup>, motion passed 5-2.

**Minutes Approval – April 2023 Minutes**

\*Martin made motion to approve April 2023 minutes, Dustin 2<sup>nd</sup>, motion passed 5-2.

**New Business**

A. CD Bureau report

B. CD Insurance

C. DEQ permitting letter

D. Supervisor reimbursement forms

**Planning & Development Board Update– *Dustin Homan***

Created new subcommittee to focus on public engagement, will hold outreach meetings in Emigrant and Gardiner.

**NRCS Update – *Ted Nelson***

*Keri Bilbo – Area Conservationist Supervisor -Hello and overview of partnership*

Snow report

New DC Nate Brown

Current hiring clerk

**Watershed Business**

Upper Yellowstone Watershed Group

- Last meeting: March 2, Emigrant
- Next meeting: June TBD, Emigrant

Shields Valley Watershed Group

- Last meeting: February 13, Wilsall
- Next meeting: TBD, Wilsall

**Public Comment**      None

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*Closed Session: Offer Kelly Arterburn District Administer Job at \$25/hr*

*\*Dustin made motion to approve, Dave 2<sup>nd</sup>, motion passed 6-1.*

Adjourn 2:35

NEXT PROPOSED PARK CD MEETING:

May 2, 2023  
USDA Conference Room