
Park Conservation District

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

June 6, 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, Gayleen Malone, Dave Haug, Jamie Lannen

NON-BOARD MEMBERS: Ashley Lowrey, SVWG/UYWG Watershed Coordinator; Nate Brown, NRCS; Ted Nelson, NRCS; Buddy Drake, FWP; Scott Opitz, FWP; Judy O’Hair, landowner; Art Burns, landowner; Gary Libsack, landowner; Harvy Lewis – landowner; Rich Chandler, DEO Crazy Mtn Ranch; Kelton Cole, Contractor; Carter Boehm, landowner, Jade Metzler, USACE; Kelly Arterburn, PCD Administrator; William Smith, Engineer, Katherine Davis, property manager, Hailey Graf – MT CDB Stream Permitting Coordinator (zoom)

11:09 Call the Regular Park CD Board Meeting to Order – Ned Zimmerman, Chairman

***Automatic No Votes for Board members not present*

Natural Streambed & Land Preservation Act Applications Inspections/Discussion:

A. PK-24-23-C Elbow Creek, 148 Elbow Creek Road, LV. Katherine Davis; alleged complaint regarding building new housing units affecting side channel, unauthorized excavation, and diversion of Elbow Creek near main house, and potential flooding of county road due to new direction of main channel of Elbow Creek. Neighbors (Art Burns, Gary Libsack) concerned their access out will be compromised during flood conditions. Advised neighbors to contact county road department (Matt Whitman). The berm built to raise the bank of Elbow Creek by the shop is a violation and must be removed. Katherine Davis advised to submit a 310 permit to remove berm within 90 days.

**Dave made a motion to ask landowner to submit a joint application for removal of berm. Jamie 2nd. Motion passed 4-3.*

B. PK-25-23-E Elbow Creek, 148 Elbow Creek Road, LV. Katherine Davis removed debris from 2022 Flood that had collected on the fence. As the debris was removed, Elbow Creek changed directions to send main flow down a side channel, with potential to damage the county road. Backhoe was used to move gravel within Elbow Creek to block overflow channel and return flow to main channel.

**Dave made a motion that the emergency work done was not a violation, but they are required to remove berm (see PK-24-23-C). Gayleen 2nd. Motion passed 4-3.*

C. PK- 23-23-C Yellowstone River; 13 Ninth St Island, LV. Carter Boehm - alleged bank stabilization and channel excavation work without a 310 permit. Neighbors took pictures of excavator in the Yellowstone River, moving rocks and doing bank stabilization, without a 310 permit. Park CD informed Carter Boehm and Kelton Cole that they needed to stop and sent a certified letter on April 10, 2023, informing the landowner of the violation of the Natural

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Streambed & Land Preservation Act. The Army Corps of Engineers sent them notice of violation. Park CD and FWP performed a site inspection on May 31, 2023, where they found 5 barbs installed without a permit. The landowner and contractor stated it was emergency work done at low water, and they had verbal permission from Lawson Moorman (Park Floodplain). The bank stabilization work that was completed was done to stabilize the deteriorated bank from the damage done by the June 2022 flood. They had rip rap staged on-site noted during the late March site inspection. It was noted that the alleged emergency work done did not match the site plan submitted to the PCD on the joint application PK-23-23. Landowner re-stated verbal permission from Lawson Moorman, with advisement from Board chair and the FWP representative that the floodplain can't issue a permit until other permits are in place. Hailey Graf advised that no one agency can speak for another, floodplain emergency process is different, Carter Boehm has passed the 15-day window to file an Emergency permit, this falls under Rules 18 & 19 of Conservation District process. By process, Park CD must deal with violation first.

***Dave made a motion to call the work done a violation. Martin 2nd. Motion passed 4-3. Ned asked the Board how they wanted to deal with the violation.**

Buddy Drake and Jade Metzler stated legal means and requirement needed to repair the damage done during the violation and that all work must be done during low water.

***Ned stated that the landowner must submit a joint application to the Park Cd before June 15, 2023, specifying the work that was done to the stream bed and banks, including plans to remove the 5 barbs that were installed during the violation work completed in April, and new plans for stabilizing the bank on the property. If you don't file a joint application, we will find you in violation again. Jamie – so moved, Dave – 2nd. Motion passed 4-3.**

- D. PK-29-23 Hammond Creek, Crazy Mountain Ranch, 386 Hammond Creek Rd, Clyde Park. Rich Chandler – DEO informed Board that their intention is to have 0% impact on Hammond Creek during construction. They can access the site from both sides. Ned stated the bridge will span from terrace to terrace.

***Ned moved to approve as proposed and waive 15-day waiting period. Dave – 2nd. Motion passed 4-3.**

- E. PK-27-23-E Yellowstone River, Heart K Ranch, 5785 US Hwy 89 S, LV. Emergency work was done to historic berm that protects house and outbuildings. Buddy stated they did good work on the repair.

***Dave – made a motion to approve emergency work done, Gayleen – 2nd. Motion passed 4-3.**

- F. PK-28-23 Indian Creek, Eagle Rock Ranch, LLC, Jebb Todd, Wilsall. Hogenson Construction, LLC to install a new culvert for a road crossing.

***Ned moved to approve plans and waive 15-day waiting period, Dave 2nd, motion passed 4-3.**

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- G. PK-32-23 Indian Creek, Eagle Rock Ranch, LLC, Jebb Tobb, Wilsall. Park Electric to install underground electric at two separate locations. 36" minimum depth needed over culvert.
*Ned made a motion to approve the plans with modifications and waive 15-day waiting period, Dave 2nd, motion passed 4-3.
- H. PK-30-23-E Shields River, 1629 US Hwy 89 N, Clyde Park. Drew Carrigan submitted notice of emergency work done during April flooding of Shields River. ER work included excavation of oxbows and using dredged materials to build up top of banks and berms, to protect a road, house, and outbuildings. Board discussed that work done was far enough away from Shields River that it didn't fall under their jurisdiction.
*Ned moved to accept work as an emergency, Gayleen 2nd, motion passed 4-3.
- I. PK-26-23-E Flathead Creek, 387 Flathead Creek Rd, Wilsall. Steve Leffingwell – mngr. Emergency work was never completed.
*Applicant wishes to withdraw
- J. PK-31-23-E Tributary to Billman Creek, 776 US Hwy 10 W, LV. Connie Malcolm. Site inspection to be completed in June 2023.

Treasurer's Report and Financial Items

- A. Approval of Checks and Financial Reports.
- B. Checks – Dave is new treasurer.
- C. Balance sheets, profit and loss – we receive 2nd half of Mill levy in July.
- D. MCDEO Dues

*Dave made a motion to approve the financials. Gayleen 2nd, motion passed 4-3.

Minutes Approval – May 2023 Minutes

*Gayleen made motion to approve May 2023 minutes, Jamie 2nd, motion passed 4-3.

New Business

- A. CD Bureau report
- B. CD Insurance – Rocky Mountain Insurance Service, Chris – our insurance expires the end of June. \$4k / year including workers compensation.
- C. Supervisor Reimbursement Forms
- D. Ashley – approval to work from home on Wednesday's.
- E. Ashley -upcoming vacation time June 19th – June 22nd.
- F. July board meeting date – July 6, 2023
- G. Board bios and photos for the website. We will take your picture for you and draft a bio.
- H. Gayleen resigning as Board Supervisor, effective after the meeting. Judy O'Hair will fill her term. Ned thanked Gayleen for her years of service and stepping in to help the CD during difficult times.
- I. 310 training opportunities – Kelly advised Board to utilize the online mini-training information put together by Hailey Graf – State stream permitting

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coordinator, and attend site inspections. After that we can put together local training as needed.

J. DEQ notices

K. HB 321 passed. More funding opportunities for CD's. Expenses like insurance can be reimbursed through CDA grants.

*Gayleen made motion to use Rocky Mountain Insurance, Jamie 2nd, motion passed 4-3.

Planning & Development Board Update – Dustin Homan

Working through community outreach. Lawson has updates on legislation.

NRCS Update – Ted Nelson & Nate Brown

DNRC Range Tour July 6th

Snow report: snow coming out fast. As of this week, 53% of county in drought status.

Inventory – grassland, CRP applications

Community Ag Grants

Watershed Business

Upper Yellowstone Watershed Group

- Last meeting: June 15th, Emigrant
- Next meeting: October TBD, Emigrant

Shields Valley Watershed Group

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

UYRAC

Stream Permitting Panel – June 28th, 6-7:30pm, Emigrant.

Public Comment None

Adjourn 2:35

NEXT PROPOSED PARK CD MEETING:

July 6, 2023

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