
Park Conservation District

5242 Highway 89 South Livingston, MT 59047
Telephone (406) 946-3007

September 5, 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 – Chairman, Dave Haug, Jamie Lannen, Judy O’Hair, Martin Davis, DeWitt Dominick, Dustin Homan

NON-BOARD MEMBERS: Ashley Lowrey, SVWG/UYWG Watershed Coordinator; Kelly Arterburn, PCD Administrator; Nate Brown, NRCS; Ted Nelson, NRCS; Buddy Drake, FWP; Scott Opitz, FWP; Dave Poncin, 360 Ranch Mgr.; Scott Davis, Pond & Stream; Hunter Michelbrink, landowner; Larry Dears, PE; Zoom: Jerin Borrego, USACE; John Mickus, landowner.

11:01am Call the Regular Park CD Board Meeting to Order – Ned Zimmerman, Chair
***Automatic No Votes for Board members not present*

Natural Streambed & Land Preservation Act Applications, Inspections, Discussion:

A. PK-51-23:

Yellowstone River, 721 US Hwy 89S, Gardiner. Hunter Michelbrink - landowner and Larry Dears - (PE). Site inspection team: Place large rock at toe. Hunter – goal is to stabilize bank using rock on-site and improve fish habitat. Jerin (USACE) – angular rock is preferred, submit statement why you would prefer to use round rock, public safety concern – due to navigable waterway.

***Martin made a motion to approve. Jamie 2nd. Motion passed 7-0.**

B. PK-47-23:

Mill Creek, 485 Mill Creek Rd, LVG. David Poncin & Scott Davis. Inspection Team: remove failing concrete weir, create step pools, head gate won’t be changed. Scott – right now rebar is exposed, and weir blocks upstream migration, new rocks won’t move in 100 year event. Headgate will require maintenance to remove sediment. Water users were present at inspection.

***Martin made a motion to approve, Judy 2nd. Motion passed 7-0.**

C. PK-43-23-C:

Inspection Team: John Mickus invited neighbors to join inspection. Camper pad, on Mickus property, is in the floodplain. Grizzly Road washed out in 2022 flood. Neighborhood repaired road and installed riprap post-flood without a permit. Willow plantings suggested to help slow water down. Erosion is happening at the bridge. FWP – softer approach is needed, no rock toe on riprap, toe should be installed to prevent scouring. John Mickus – riprap was laid over unsightly historical retention of old telephone poles and concrete chunks. Matt Asplund did boulder wall downstream in place of concrete wall.

***Judy made a motion that PK-43-23-C is not a violation, DeWitt 2nd. Motion passed 7-0.**

***DeWitt made a motion that the non-permitted riprap installed on the bank of Soda Butte Creek by neighbors is a violation. Dustin 2nd. Motion passed 7-0.**

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***Jamie made a motion to require neighbors to apply for a 310 permit to stabilize riprap. Dustin 2nd. Motion passed 7-0.**

D. PK-39-23:

Yellowstone River, 1007 W. Scott St., Gardiner. Larry Dears - (PE). Larry – have not heard from USACE. Took out 15’ of encroachment from the plan. Board discussion on rootwad and boulder revetment success on Yellowstone River and inquired about reclamation plan for access road, which is planned to be from the neighboring property behind the Best Western. ***DeWitt made a motion to approve with the modification that they are not to use Conceptual designs Figure 13 & 14 (Rootwad and boulder revetments), Dave 2nd, motion passed 7-0.**

E. PK-01-23:

Soda Butte Creek, 279 Bannock Trail, Cooke City, Michael and Michelle Rosengren (landowners not present). Landowners requested extension to pay \$500 violation fine due to inability to pay fine. ***Ned made a motion to give one more month to pay fine, to be due October 15, 2023. Dave 2nd. Motion passed 7-0.**

F. PK-45-23:

Adair Creek, 56 Shields River Rd East, Livingston. Jamie Hillman – Contractor. Inspection team: culvert is plugged and not functioning, they want to be able to install a bridge in the future. ***Jamie moved to approve, Judy 2nd. Motion passed 7-0.**

G. PK-44-23:

Adair Creek, 56 Shields River Rd East, Livingston. Jamie Hillman – Contractor. Installation of 20’ span bridge. ***DeWitt moved to approve and waive the 15 day waiting period, Judy 2nd, motion passed 7-0.**

H. PK-48-23:

Unnamed tributary to Hammond Creek, Crazy Mountain Ranch – golf cart bridge installation over Hammond Creek. Inspection team – terrace to terrace span, out of floodplain. ***Jamie made a motion to approve, Dave 2nd, motion passed 7-0.**

I. PK-49-23:

Unnamed tributary to Hammond Creek, Crazy Mountain Ranch – golf cart bridge installation over Hammond Creek. Inspection team – terrace to terrace span, out of floodplain, this crossing will need work on revegetation. ***Dave made a motion to approve with the modification that silt fencing is used and all disturbed areas are re-seeded, Dustin 2nd, motion passed 7-0.**

J. PK-50-23:

Unnamed tributary to Hammond Creek, Crazy Mountain Ranch – golf cart bridge installation over Hammond Creek. Inspection team – terrace to terrace span, out of floodplain. ***Jamie made a motion to approve, Judy 2nd, motion passed 7-0.**

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K. PK-53-23-C:

Hammond Creek Reservoir, Crazy Mountain Ranch – violation on in-stream, jurisdictional reservoir “Rainbow Lake”. Non-permitted installation of irrigation intake.

***Dustin made a motion to find non-permitted work a violation, Jamie 2nd, motion passed 7-0.**

***Ned made a motion to require Crazy Mountain Ranch to submit a 310 application and stipulate they allow sufficient water flow out of dam to satisfy downstream water rights. Dave 2nd, Motion passed 7-0.**

L. PK-42-23:

27 W. Fork Mill Creek Rd, LVG, Yellowstone Bible Camp, Richard Colgrove. Historic bridge removed, plans to build new bridge. Inspection Team: Advise they work on north bank first, slope at 2:1, remove soil behind south abutment, no in-channel work, don’t reduce channel capacity with rock placement.

***Martin made a motion to approve with the modifications stated by the inspection team and to waive 15-day waiting period, Dave 2nd, motion passed 7-0.**

M. PK-12-23:

Bear Creek, Warren Johnson, required by DEQ to bury exposed pipe (draining attic of Jardine mine) in stream substrate.

***Martin moved to approve and waive 15-day waiting period, Jamie 2nd, motion passed 7-0.**

N. PK-41-23:

Tributary to Billman creek, Connie Malcolm. Inspection team: plan to remove concrete dam, install culvert, and create step pools.

***Dave made a motion to approve and waive 15 day waiting period, Ned 2nd, motion passed 7-0.**

O. PK-46-23:

Tributary to Billman creek, Connie Malcolm. Removal of unstable berm on upper pond, return to natural streambed.

***Martin made a motion to approve, Jamie 2nd, motion passed 7-0.**

P. PK-19-23-C:

Phelps Creek, Patrick Ondrus. Neighbors following up with CD about directional change of Phelps Creek flow. No longer a defined channel. Jamie acknowledged another complaint filed by Buddy Drake. Board wants County Road Department to be notified they are in violation. Submit 124 to fix the problem.

Minutes Approval – August 1, 2023 and August 20, 2023 Minutes review

***Jamie made a motion to approve the 8.1.2023 and 8.20.2023 minutes, Dave 2nd, motion passed 7-0.**

Treasurer’s Report and Financial Items

- A. Approval of Checks and Financial Reports.
- B. Request to cut Supervisor reimbursements checks for October meeting.
- C. Permissive Mill Levy update – CD will receive first payment in December.
- D. MPERA – State retirement plan, Joel will present in October.
- E. MACD – dues, discussion on the support the CD receives from MACD.
- F. Bridger Plant materials – pay \$25 to support.

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***DeWitt made a motion to approve the financials. Dave 2nd. Motion passed 7-0.**

New Business

- A. 2024 Annual Plan – CD will need to draft an updated annual plan. Required for all DNRC grants now. Board should think of ideas and focus areas.

NRCS Update – *Ted Nelson & Nate Brown*

Planning & Development Board Update– *Dustin Homan*

Working on a plan to move planning board meetings around the county.

Watershed Business– *Ashley Lowrey*

Upper Yellowstone Watershed Group

Upcoming: mid-September BBQ at State parcel at 6-mile

Shields Valley Watershed Group

Next meeting: September 25, 2023 in Wilsall

Public Comment None

Adjourn 2:50pm

NEXT PROPOSED PARK CD MEETING:

October 3, 2023

USDA Conference Room