

310 Business Agenda:

MEETING CALLED TO ORDER:

THOSE PRESENT:

EXCUSED:

GUESTS:

310 INSPECTION REPORTS ~ READY FOR DECISION:

Inspection Date	8 /11/2015	Application Number	GD-040-15
Applicant	John Venhuizen		
Landowner	Roelena Venhuizen		
Perennial Stream	Camp Creek	Section	35 T 1N R 3E
Type of Project	Bridge Removal		
Type of Project	Culvert Construction		
Purpose	Replace a bridge with a culvert, 9'2" x 14'3" across, 30' length.		
Inspection	Approved with Modifications		
Inspection Modifications	Prefer a bridge to culvert, however may be cost prohibitive. Higher risk of flood hazard & embankment failure with culvert. Mapped floodplain requires floodplain permit from county. Recommend countersink culvert 6", 2:1 side slopes; protect inlet/outlet with properly sized rip rap - underlain with granular filter or geotextiles fabric filter. Reseed in fall, cover seeded slope with fabric (coir) or straw		
Discussion			
Board Decision			

COMPLAINT: Received complaint for Rocky Creek, GD-3C-15, looks like rock and trees installed in creek for beaver habitat. Will try to get inspection scheduled before board meeting so board can take action if necessary.

EXTENTION REQUEST: GD-42-14, Randy Pates, Mill Creek. Permit expires 8-21-15. Requesting one-year extension. See email.

OLD BUSINESS:

Date Received: 5-15-15	Complaint Number: GD-1C-15
Alleged Violator: Bill Haugland	
Perennial Stream: Mill Creek	
Nature of Complaint: Appropriator had re-directed Mill Creek upon our completion last fall of restoring Mill Creek to original drainage. All our restoration work completed after acquiring 310 permit. Photos taken.	
Verification: I personally visited the site on 5-15-15 with my brother Gary.	
Submitted by: Randall Pates	
Inspection Results: Inspected 5-29-15. Activity performed without valid permit. See inspection report.	
5-28-15 – the board acknowledged complaint and declared this a violation.	
6-2-15 – Mr. Haugland was served with an Order requesting the flow in Mill Creek restored within 7 days of service of Order and submittal of ‘After-the-fact’ 310 application within 14 days of service of order.	
6-12-15 – As of this date, no remediation work has taken place. Mr. Haugland stopped by CD office and plans to attend 6-18-15 CD meeting.	
Discussion:	
Bill – I don’t understand why the ditch has always ended and gone the other way and they decide to divert it back into the creek.	
John – that’s not what we’ve heard from your neighbors	
Jason – after your Dad passed a berm was put up.	
Bill – no. you’re saying the ditch by the calving corral is not a ditch.	

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Jason- that has always run water

Bill – never seen that. That would mean water would run right behind my house. It never ran down there and you know it.

Jason – you know it did. They have pictures of excavator tracks diverting the water and that ditch was dug within the last three years.

Bill –I’m not saying I didn’t put it back to the way it is.

Buddy – another issue, it would still be considered a violation because you altered the creek.

Bill – not denying that.

Sherwin –Bill, when we went up there last year and declared it a violation is there a reason you didn’t come to us then and respond to the violation letter?

Bill – I feel they’re the ones diverting it illegally.

Marcie – Bill I don’t think there’s anyone in this room that would deny that Mill Creek is a creek. You are acknowledging that it is a creek. We are here to address the work that you did in the creek. As a District, we cannot go back and forth like this each season. If you feel that you have the right to that water then you need to apply for a permit just like anyone else. But we need to agree to a solution.

Buddy – and I would add that the federal fines for something like this can be severe especially if it’s a continued problem.

John – that’s what needs to happen, you need to file a 310 and you need to fix it.

Bill – I’m not saying we have water rights on that.

Bill W – I’m confused, we talked about this last year. This was declared a violation. Why did you divert that water?

Bill – I understand but I’m not going to let them shut the water off to the ditch.

Sherwin- people divert all the time but you’ve ignored the law and you cannot get into a creek with an excavator; you’re just ignoring it. You can’t do this type of work without a permit. You should know this after last year.

Sherwin – I move that we follow through on this and Mr. Haugland restore the channel within 7 days and submit and after the fact 310 application within 14 days.

Mike – second

Motion carries

Jason abstained

As of 7-13-15 have not received 310 application.

7-16-15 Discussion

Sherwin read Randy letter.

Dave – contacted Todd Tillinger with Corps.

Bill – need to put a stop,

Justin – he would need a travel variance to take equipment in FS land.

Bill – I think we should levy a fine to the deadline set at the last meeting.

Michael – I think a \$200-300 per day fine would be adequate and lessen the time.

Bill – move to send notice of fine stipulating how the fine works, \$500 initial fee and \$100 for each day out of compliance (starting from date of deadline in Order)

Michael – second

Motion carries

As of 8-13-15 have not received response.

→ 8-21-15 see correspondance received from Michael Cusick of Moore, O’Connell, & Refling. Discuss Don’s recommendations. Take action if necessary.

8-25-15 Meeting:

Rockin TJ, GD-2C-15, Middle/Hyalite Creek

7-16-15 Meeting:

Dave looked at this and what they did matches the work performed in the past; they applied gravel to the bank with a bobcat. I don’t think I’d fill out a complaint on this.

Buddy – I remember going on this inspection and I thought they had a maintenance permit but Marcie researched and apparently this started as a complaint back in 2006. I didn’t feel they needed a permit then.

Marcie – in 2006 a complaint was filed and determined that a permit was not needed for whatever reason. When I spoke with Teresa at Rockin TJ, she assured me that there was not a bobcat in or around the stream and said a neighbor is always trying to get her in trouble. She gave me permission to have Dave look at. Upon Dave’s review, I

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was surprised that she was not being completely honest about the situation. We typically require a permit anytime equipment is used and Don is pretty adamant about that. I would think after the complaint situation she would have applied for a permit.

Buddy – she was aware that a permit was needed.

Dave – she performed the same work she's done in the past.

Marcie – the past work probably should have been permitted and wasn't. I don't feel she should be able to alter the banks as she pleases when we'd likely require a permit from anyone else.

Michael – move that we send letter of advisement (compliance with 310 law) and she submit 310 application for past work.

Jason – second

Motion carries

Sent letter July 24, 2015 asking for 310 submitted before August 10, 2015. Have not received response.

8-20-15 Meeting:

NEW BUSINESS:

PUBLIC COMMENT:

District Business Agenda:

MEETING CALLED TO ORDER:

THOSE PRESENT:

ABSENT:

READING AND APPROVAL OF MINUTES FOR June 18, 2015 and July 16, 2015:

GUESTS: Tammy Swinney, District Manager of Gallatin Local Water Quality District – will update board on their activities.

OLD BUSINESS:

NEW BUSINESS:

GRANTS/AGREEMENTS/CONTRACT REPORT: Approve/sign DNRC 310 Amin grant for \$ 5777.27.

WELL-TESTING COST SHARE PROGRAM:

COST SHARE PROGRAM

STAFF REPORT:

Stacey, at meeting, see written report

Marcie, at meeting, see written report

Stacey accepted position with DNRC and resigned effective 8-17-15. Discuss position and make decision if necessary.

ASSOCIATE SUPERVISOR REPORTS:

Loren

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AGENCY REPORTS:

CHECKS FROM MANHATTAN CHECKING:

CREDIT CARD:

Date	Num	Name	Memo	Amount
06/30/2015	5021	J&H Inc.	Monthly copier maintenance	22.00
07/01/2015	7372	Media Works	Web Hosting	8.95
07/03/2015	6300	Montana Health Cooperative	July health insurance	318.32
07/08/2015	4814	Century Link	Internet Service	102.94
07/09/2015	5111	Staples	Office supplies	53.74
07/13/2015	9402	United States Postal Service	postage	14.22
07/14/2015	9402	United States Postal Service	roll of stamps	49.00
07/16/2015	5812	Nogan's	Meeting dinner	62.00
07/16/2015	0000	Visa	Cashback reward	-153.59
07/21/2015	9402	United States Postal Service	certified letter & return receipt for Haugland	6.74
07/22/2015	5942	Amazon	kids tattoos & stickers	38.20
07/31/2015	5021	J&H Inc.	Monthly copier maintenance	22.66
				545.18

INVOICES TO PAY (may add more prior to meeting)

Date	Num	Name	Memo	Amount
07/16/2015	9203	Bozeman Trophy	Signature stamps	76.50
08/03/2015	3498522	Jive Communications, Inc.	August Phone Service	114.71
07/31/2015	1871	Media Works	web hosting & assistance	171.00
07/31/2015	2116138-5	NorthWestern Energy	gas & power	209.00
08/10/2015	0715-060	RESPEC	310 Consulting Service	562.50
08/07/2015	977	Town Center Condominium POA	August Condo Fees	642.18
08/07/2015	979	Town Center Condominium POA	September 2015 Condo Fees	642.18
08/03/2015	08032015	Town of Manhattan	123 S Broadway Water	34.78
08/20/2015	8-20-15 SB	Stacey Barta	Mileage & Expenses	196.30
	8-20-15			
08/20/2015	MM	Marcie Murnion	Mileage & Expenses	598.15
→ 8-19-15		Marcie	Office, Kitchen, Bath supplies	213.21

DEPOSITS RECEIVED: \$80.00 for 2 ramps from Tom Williams, \$40.00 cash for wildlife ramp for Townsend producer.

TREASURER'S REPORT:

P&L, Balance, Budget.

Sign letter to Treasure for authorized check signers. (Rest of board to sign)

REVIEW WORK PLAN Review for 10-15 minutes.

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CD SEMINARS/ WORKSHOPS:

MEETINGS: Area 6 Meeting, Sept 21, 2015 at Montana Roadhouse, White Sulphur Springs, 9:00-3:30. See information in packet. Registration due by Sept 14th.

CORRESPONDENCE:

EXECUTIVE SESSION:

PUBLIC COMMENT:

MEETING ADJOURNED