



"Local Common Sense Conservation"  
415 S. Front Street, Townsend, MT 59644  
406-266-3146 x3016  
[Josie.Reynolds@mt.nacdnet.net](mailto:Josie.Reynolds@mt.nacdnet.net)  
[Denise.Thompson@mt.nacdnet.net](mailto:Denise.Thompson@mt.nacdnet.net)

**BROADWATER CONSERVATION DISTRICT  
REGULAR MEETING MINUTES  
November 26, 2019  
5:00 PM  
USDA Service Center Conference Room**

**SUPERVISORS PRESENT:** Rick Van Dyken, Darrell Baum, Gary Flynn, Greg Field, Kelly Ingalls

**SUPERVISORS ABSENT:** N/A

**ASSOCIATE SUPERVISORS PRESENT:** Herb Argabright

**ASSOCIATE SUPERVISORS ABSENT:** Toby Dundas, Jim Beck, Dallas Diehl

**ADVISORS TO THE BOARD PRESENT:** Ron Spoon (FWP), Eric Wyatt (NRCS); Darrel Folkvord (Broadwater County Commissioner); Cory Swanson (County Attorney); Denise Thompson (BCD Program Coordinator)

**GUESTS:** Daniel Davis

**I. Chairman Rick Van Dyken called to order the regular meeting of the Broadwater Conservation District at 5:18 p.m.**

**II. AGENCY REPORTS**

- a) **Planning Board** (*Herb Argabright*) – There is nothing new on the Horse Creek Subdivision. There have been around five letters sent out in concern to the environmental impact this subdivision would have. There is no time frame in place for when all the paperwork and information will be complete. There may be an issue with the road situation in that area, same situation as the south end of the county is facing.  
The week of December 9, there will be a meeting with the consultant who is assisting the county in the growth policy.
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**Measurements**- Absent. No Report.
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- e) **Helena National Forest/Townsend Ranger District** (*Mike Welker, Philip Knaub*) – Absent. No Report.
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- h) **Broadwater County Commissioner Representative** (*Darrel Folkvord*) – December 10, 2019 at 6:00 there will be a meeting for the Fairgrounds Master Plan. They did a tour of the work that has been done on Deep Creek, and they are satisfied.
- i) **DES Coordinator/Floodplain Coordinator** (*Mike Koehnke/Shawn Higley*) – Absent. No Report.
- j) **County Attorney** (*Cory Swanson*) – **SEE IV. 310 BUSINESS: a. OPEN APPLICATIONS: BW-6-15 – TRACY FORTNER, MONTANA GULCH**
- k) **MACD/NACD/DNRC/SWCDM/MACDEO & Other State and Federal Agencies** – Rick Van Dyken gave a report on behalf on MACD. Rick attended the MACD Convention in Kalispell. The MACD board met on Tuesday morning and passed the new dues proposal that was presented to everyone at the area meetings. For the next three years, dues will be based on a 6.5% of a three-year average of districts taxable valuation, preferably 2017-2019, but 2016-2018 will be accepted. For districts who wish to provide the actual tax income, the dues can be based on that number. Minimum dues will be \$750, and maximum \$17,000. Districts who cannot afford full dues can appeal to MACD for relief and maintain good standing. Monthly statements detailing expenditures will be emailed to all districts. Resolutions 19-02: Support the CSKT Compact; 19-04: Declare Wolves a Predator in Eastern MT; 19-05: Request at EA or EIS from BLM Concerning Water Rights Filings; 19-06: Request BLM Deny APR Proposal to Remove Fences and Graze Bison Year-Round; 19-09: Fund St. Mary's Diversion Project; 19-10: Acquire PILT Funds for US Re-Acquired Reservation Lands; 19-11: Ensure Counties Disburse PILT Fund as Regular Tax Income; ALL PASSED. Resolution 19-01 was withdrawn at convention and Resolution 19-12 did not pass out of the area meeting.  
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**III. PUBLIC COMMENT/GUESTS: Daniel Davis is interested in becoming an Associate Supervisor for the Broadwater Conservation District.**



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1. **Misc. Projects/Grants Updates**



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➤ **Deep Creek Watershed Restoration Project/Grant Update:**

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4. **Computer Warranty** - Denise's computer has an expired warranty. This means that if something goes wrong, NRCS IT can not help with the problem. It is very unlikely that an extended warranty can be purchased. More research will be done, but it is possible that if the Board wants to maintain two computers on the NRCS network, that they may need to purchase a new laptop.

d) **Event Reports:**

1. **MACD Convention – November 19-21, 2019 – Kalispell, MT** – SEE II. AGENCY REPORTS: k) MACD

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1. **Memorandum of Agreement** – DNRC sent their comments to NRCS. They are waiting for the final approval and hope to be able to present to districts in December. After the Memorandum is complete, they will work on the Cooperative Working Agreement.
2. **Annual Ag Appreciation Dinner** – February 29, 2020 is the tentative date set for the Ag Appreciation Dinner. We will need to get in contact with the Cattlewomen, Gayle Watson and FFA.
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- a) **Miscellaneous Reading Material Folder and Correspondences:**
- b) **On-Going Business:**
- c) **Other New Business:**
  1. Horse Creek Hills Subdivision – SEE II. AGENCY REPORTS: a) Planning Board
- d) **Natural Resource and Legislative News:**

**VII. UPCOMING EVENTS:** (noted on the agenda)

- VIII. ADJOURNMENT:** The meeting was adjourned at 8:15 p.m., following a motion by Darrell Baum and a second by Greg Field. The next meeting is tentatively scheduled for 5:00 p.m. on January 28, 2020 at the USDA Service Center.

Minutes submitted by: Katie Mumford Administrator

Minutes approved by: [Signature] Chairman





\* Correction noted \*

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- f) **MSU Extension Office (Allison Kosto)** – Absent. The agenda for the Pesticide Applicator Training on December 17, 2019 was passed out.
- g) **Weed Coordinator (Jessica Bushnell)** – Absent. No Report.
- h) **Broadwater County Commissioner Representative (Darrel Folkvord)** – December 10, 2019 at 6:00 there will be a meeting for the Fairgrounds Master Plan. They did a tour of the work that has been done on Deep Creek, and they are satisfied.
- i) **DES Coordinator/Floodplain Coordinator (Mike Koehnke/Shawn Higley)** – Absent. No Report.
- j) **County Attorney (Cory Swanson)** – **SEE IV. 310 BUSINESS: a. OPEN APPLICATIONS: BW-6-15 – TRACY FORTNER, MONTANA GULCH**
- k) **MACD/NACD/DNRC/SWCDM/MACDEO & Other State and Federal Agencies** – Rick Van Dyken gave a report on behalf on MACD. Rick attended the MACD Convention in Kalispell. The MACD board met on Tuesday morning and passed the new dues proposal that was presented to everyone at the area meetings. For the next three years, dues will be based on a 6.5% of a three-year average of districts taxable valuation, preferably 2017-2019, but 2016-2018 will be accepted. For districts who wish to provide the actual tax income, the dues can be based on that number. Minimum dues will be \$750, and maximum \$17,000. Districts who cannot afford full dues can appeal to MACD for relief and maintain good standing. Monthly statements detailing expenditures will be emailed to all districts.  
Resolutions 19-02: Support the CSKT Compact; 19-04: Declare Wolves a Predator in Eastern MT; 19-05: Request at EA or EIS from BLM Concerning Water Rights Filings; 19-06: Request BLM Deny APR Proposal to Remove Fences and Graze Bison Year-Round; 19-09: Fund St. Mary's Diversion Project; 19-10: Acquire PILT Funds for US Re-Acquired Reservation Lands; 19-11: Ensure Counties Disburse PILT Fund as Regular Tax Income; ALL PASSED. Resolution 19-01 was withdrawn at convention and Resolution 19-12 did not pass out of the area meeting.  
Rick also attended a Financial Responsibility and Table Talk session. A supervisor and the administrator from Judith Basin sat on the panel. They discussed: the importance of having audits; having one supervisor who does not sign checks, but that supervisor would receive the bank statement every month to review; and that rental equipment income can only be used for lawful expenses. Jim Simpson is the MACD President and Dean Rogue is the MACD Vice President.

**III. PUBLIC COMMENT/GUESTS: Daniel Davis is interested in becoming an Associate Supervisor for the Broadwater Conservation District.**

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### V. 310 BUSINESS

#### a) **Open Applications**

- BW-6-15 – Tracy Fortner, Montana Gulch – reclaiming mine tailings – The hearing on November 8 was discussed. Cory informed the board on what happens moving forward: Fortners have to file a Brief by January 8, 2020; Cory will file a Response Brief by February 10, 2020; a Reply Brief will be filed by March 10, 2020; oral arguments (hearing) will be held on April 10, 2020 at 1:30 pm, each party will be given thirty minutes to argue their positions. A site visit will be scheduled this fall for Montana Gulch.
- BW-2-18 – Fox Benton, Deep Creek – Bank Stabilization/Alteration – (Expires December 2019) No November Report.
- BW-4-18 – Wyatt Gibbs, Jefferson River – (Expires November 8, 2019) No November Report.
- BW-5-18 – Dave Smith, Jefferson River – road construction – (Expires November 8, 2019) No November Report.
- BW-16-18 – Tony and Shannon Woodward, Duck Creek – bridge/culvert construction and improvement – (Expires September 11, 2020) No November Report.
- BW-22-18 – Chuck Hahn, Beaver Creek – irrigation – No November Report.
- BW-23-18 – Chuck Hahn, Deep Creek – No November Report.
- BW-25-18 – Doug Bing, Jefferson River – (Expires March 11, 2020) No November Report.
- BW-27-18 – John Baker, Cabin Gulch – recreational mining – No November Report.
- BW-28-18 – Ron Schock, North Fork – irrigation structure – No November Report.

#### b) **2019 Applications**

- BW-1-19 – Richard Lyon, Duck Creek – bank stabilization/alteration – No November Report.
- BW-2-19 – Tim Peterson, Beaver Creek – bank stabilization/alteration – No November Report.
- BW-4-19 – Robert Boswell, Duck Creek – irrigation structure – No November Report.
- BW-5-19 – Randy Robertson, Beaver Creek – bank stabilization/alteration – No November Report.
- BW-6-19 – Hilliard Thornton, Jefferson River – bank stabilization/alteration – No November Report.
- BW-7-19 – Dennis Hayes, Johnny's Gulch – recreational mining – No November Report.
- BW-10-19 – Steve Davis, Whites Gulch – recreational mining – No November Report.
- BW-11-19 – Brandon Flynn, Greyson Creek – bridge/culvert installation – No November Report.
- BW-12-19 – Tyson O'Connell, Un-named – pond – No November Report.
- BW-14-19 – Leisa McArthur, Deep Creek – bank stabilization/alteration – No November Report.
- BW-16-19 – James & Teresa Conner, Deep Creek – irrigation structure/debris removal – No November Report.
- BW-17-19 – Yellowstone Pipe Line Company (Eli Kliewer), Crow Creek – utilities – No November Report.
- BW-18-19 – Yellowstone Pipe Line Company (Eli Kliewer), Warm Springs Creek – utilities – No November Report.
- BW-19-19 – Sam Antonick, Deep Creek – irrigation structure – No November Report.

#### c) **Other 310 Business:**

- (PENDING) Thompson Ranch, Gurnett Creek – stream crossing – No November Report.
- (PENDING) Graymont, Indian Creek – No November Report.
- 310 Rule Change Specific to Montana Gulch and Findings of Fact on Declaratory Ruling for Montana Gulch – No November Report.
- 310 Rule Change from HB0383 – Reviewed revisions to rule and revised decision sheet. Board approved to hold a public hearing on January 28, 2020 at 5:00 pm for the HB0383 310 rule revision, following a motion by Darrell Baum and a second by Kelly Ingalls. Passed.

#### d) **Emergency Applications: N/A**

#### e) **Complaint Notices: N/A**

### V. DISTRICT BUSINESS

#### a) **Minutes Approval:** October minutes were approved as corrected, following a motion by Greg Field and a second by Gary Flynn. Passed.

#### b) **Financial Business**

1. **Financial Report Approval:** October financial report stands approved. There was discussion about the future of the four CDs. Interest rates at other banks and financial services will be explored. Board approved to roll over CD#1223 and CD#1224, following a motion by Kelly Ingalls and a second by Darrell Baum. Passed.
2. **Bills Pending Approval:** Board approved to pay a \$50 MWCC Watershed Partnership, following a motion by Kelly Ingalls and a second by Greg Field. Passed. Board approved to pay the remaining November bills pending, following a motion by Darrell Baum and a second by Gary Flynn. Passed.
3. **Payroll Approval:** October payroll stands approved.
4. **Other Financial Business:**
  - **County Mill Levy/Permissive Mill Levy** – Josie is still working on scheduling a meeting with the county and Debbie Kelley.
  - **FY 2019 Annual Financial Report** – No November Report.
  - **Supervisor Mileage and Per Diem** – Josie will email/mail the supervisors and associate supervisors with the draft spreadsheet the end of December. The final Supervisor Mileage and Per Diem will be approved at the January board meeting.
  - **Employees/Budget** – Denise talked to the board about staying on part time until June to finish grants and to work on filing.

#### c) **On-Going Business:**

1. **Misc. Projects/Grants Updates**

## November 26, 2019 Minutes of the Broadwater Conservation District

- **NRCS Technical Assistance Grant** – No Report.
- **BOR Drought Resiliency** – A final invoice was sent in the amount of \$2,089.99. A grant completion form has been submitted to Ann at DNRC. Grant will be finalized and closed out.
- **RMEF Grant (Forest Service)** – No Report.
- **Crow Creek Watershed DNRC Grant** – Grant has been extended to December 31, 2020. A memorandum will be signed. This grant will help with administrative wages for planning and outreach.
- **Project Coordinator Updates:**
  - Wyse Acres Garden – Termination date will be May 21, 2020. An amendment form will need to be signed.
  - A \$500 Mini Education Grant that was written by Katie Mumford was never used. The grant will be closed.
- 2. **Deep Creek Updates**
- **Deep Creek Watershed Restoration Project/Grant Update:**
  - Monitoring: No Report.
  - FEMA: No Report.
  - Reach 8: No Report.
  - 319 Grant: Denise is looking into getting solar lights and rocks placed near the sculpture on Deep Creek. The board would like her to look into cost and if landowner approves.
- **Deep Creek General Updates:** Deep Creek 223 Grant has a termination date of June 30, 2020. Denise is going to look into getting more trees and possibly some beaver protection fence in the Deep Creek area. There is an MSU professor that has reached out to the district and Justin (NRCS), about some information on Deep Creek and what made the work on the Deep Creek Watershed so successful! She is doing a research project on watersheds/projects like Deep Creek. She will be coming to meet with Justin (NRCS) and Denise on December 16, 2019.
- 3. **Big Springs RRGL #1 and #2 Update** – Denise sent out an email to the members of Big Springs requesting an update. Cory Davis responded and has some strong thoughts on what he would like to see done. They are looking at setting up a meeting before things get busy again. They will need to discuss the direction that they will go and get a scope of budget set so it can be presented to DNRC.
- 4. **Computer Warranty** - Denise's computer has an expired warranty. This means that if something goes wrong, NRCS IT can not help with the problem. It is very unlikely that an extended warranty can be purchased. More research will be done, but it is possible that if the Board wants to maintain two computers on the NRCS network, that they may need to purchase a new laptop.

d) **Event Reports:**

1. **MACD Convention – November 19-21, 2019 – Kalispell, MT – SEE II. AGENCY REPORTS: k) MACD**

e) **New Business:**

1. **Memorandum of Agreement** – DNRC sent their comments to NRCS. They are waiting for the final approval and hope to be able to present to districts in December. After the Memorandum is complete, they will work on the Cooperative Working Agreement.
2. **Annual Ag Appreciation Dinner** – February 29, 2020 is the tentative date set for the Ag Appreciation Dinner. We will need to get in contact with the Cattlewomen, Gayle Watson and FFA.
3. **Young Ag Couples Conference** – Board approved to send Dallas and Melissa Diehl to the Young Ag Couples Conference and to cover the \$50 registration fee and to also make a \$100 donation, following a motion by Gary Flynn and a second by Greg Field. Passed.
4. **Personnel Policy** – BCD's current personnel policy and DNRC's new personnel policy will be reviewed by the board before January meeting. Kelly Ingalls and Darrell Baum will meet on December 12 at 1:00 to look over the policies and discuss any changes they feel necessary. They will present these changes to the rest of the board at the January meeting.

## VI. OTHER BUSINESS

- a) **Miscellaneous Reading Material Folder and Correspondences:**
- b) **On-Going Business:**
- c) **Other New Business:**
  1. Horse Creek Hills Subdivision – SEE II. AGENCY REPORTS: a) Planning Board
- d) **Natural Resource and Legislative News:**

## VII. UPCOMING EVENTS: (noted on the agenda)

- VIII. **ADJOURNMENT:** The meeting was adjourned at 8:15 p.m., following a motion by Darrell Baum and a second by Greg Field. *The next meeting is tentatively scheduled for 5:00 p.m. on January 28, 2020 at the USDA Service Center.*

Minutes submitted by: \_\_\_\_\_ Administrator

Minutes approved by: \_\_\_\_\_ Chairman

