

## Lake County Conservation District Meeting Agenda

Regular Supervisor Meeting, 7:00 PM

August 11, 2016

Minutes from previous meeting

Open Mic

### I. SB-310 APPLICATIONS

- A. LA16003 Tim Fox, Johnson Creek, infiltration gallery
  - 1. Spoke with Tim Fox, he is hoping to contest this with the county but if nothing comes of that he is going to start work in October.
- B. LA16005, Douglas Yeager, Dayton Creek, Culvert
  - 1. Permit approved-needs signatures
- C. LA16006 Duckworth, Stinger Creek, Stream gauge-Flume installation
  - 1. Site Report-Curt, Carlos

### II. OLD BUSINESS

- A. Facebook and Website-Kristi and Heidi-We are on a month to month basis with Click Here Designs paying \$22.50/website/month=\$45.00/month. Ready to cancel?
- B. Sandbox Project Update (See Attachment A)-Report Carlos and Zoe-If we get the grant we could have to float the money for a few months.
- C. LCCD/NRCS Dillon Bur Tour Collaboration Report-Heidi-Who wants to go? The bus is filling up fast. It is the same day as the September meeting, change meeting date. 18 paid registrations so far=\$600.
- D. Swan Resource Management Study – Jim

### III. NEW BUSINESS

- A. Montana Watershed Coordination Council (MWCC) 2016 Watershed Symposium (See attachment B)-Funding for Heidi and one supervisor is available from MWCC, Kristi will be presenting on the Lake County Forage Improvement Study
- B. SWCDM Bylaws (See Attachment C) **Please provide suggested edits.**
- C. Pollinator Resolution – Decision to send on to Don MacIntyre, then to the area meeting where they will be voted upon. (See Attachment D)
- D. Nominations for SWCDM Director and Board?
- E. Nominations for MACD Board? Current MACD Board
  - Area 1 - Dean Rogge
  - Area 2 - Bob Petermann
  - Area 3 - Bob Breipohl
  - Area 4 - Shirley Parrott
  - Area 5 - Jim Simpson
  - Area 6 - Steve Granzow
- F. Water Policy Interim Committee SJ2 Study-404 permit admin-(See attachment E)
- G. Phone and Computer Upgrades (See attachment F)-Heidi

H. Financial report – Carlos

I. Bills-\$64.48 Access Montana, Treasure State Transit \$250.00, MACO Insurance \$1150.00, Click Here Designs \$90.00, Zoe Lilja \$124.19 Total=\$1678.67

IV. REPORTS

- A. BSWC-Kristi
- B. NRCS- Ben
- C. Flathead Basin- Jim
- D. County Planning- Sigurd
- E. City-County Planning – Mark
- F. Polson Fairgrounds, Inc. - Toni

V. CORRESPONDENCE

**ATTACHMENT A:**

Sandbox Project Rough  
Budget:

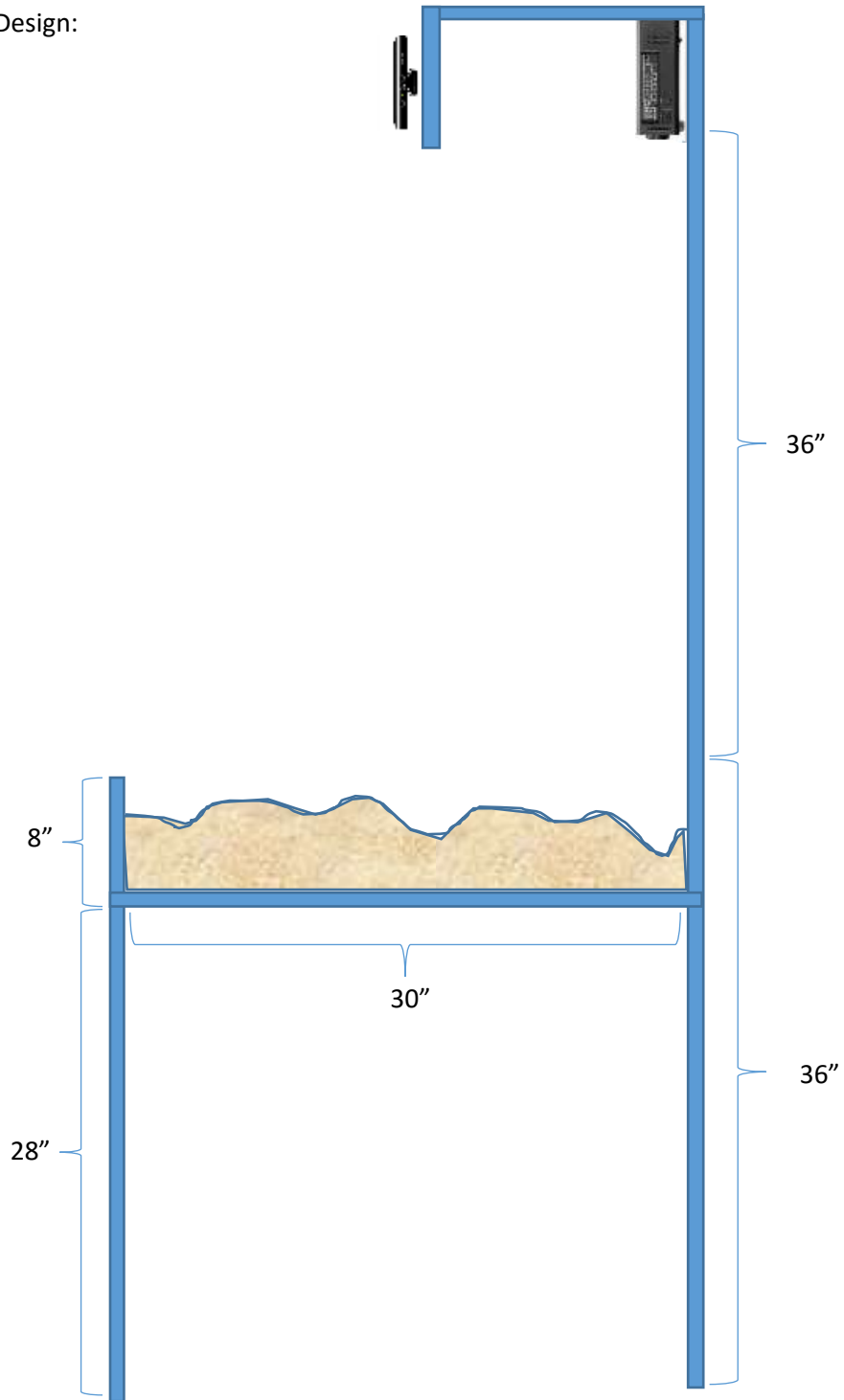
<b>Materials:</b>	<b>Amount:</b>	<b>Cost:</b>	<b>In Kind:</b>	<b>Grant:</b>
Sandtastick Sand 4" deep (about 200lbs)	200 lbs	\$200.00		\$200.00
Sandbox supplies (4:3 aspect ratio) 40"x30"		\$250.00		\$250.00
Digital Data Projector (4:3 aspect ratio)		\$800.00		\$800.00
Software		-		
Computer (running Linux)		-		
Microsoft Kinect 3D camera		\$50.00		\$50.00
Mount		\$50.00		\$50.00
Polyurethane	2 qt.	\$25.00		\$25.00
Technical Services	40 hours	\$2,000.00	\$2,000.00	\$0.00
Administration	40 hours	\$734.80	\$734.80	\$0.00
Labor	32 hours	\$800.00	\$800.00	\$0.00

Valued at \$50 an hour  
Valued at \$18.37 an hour  
Valued at \$25 an hour

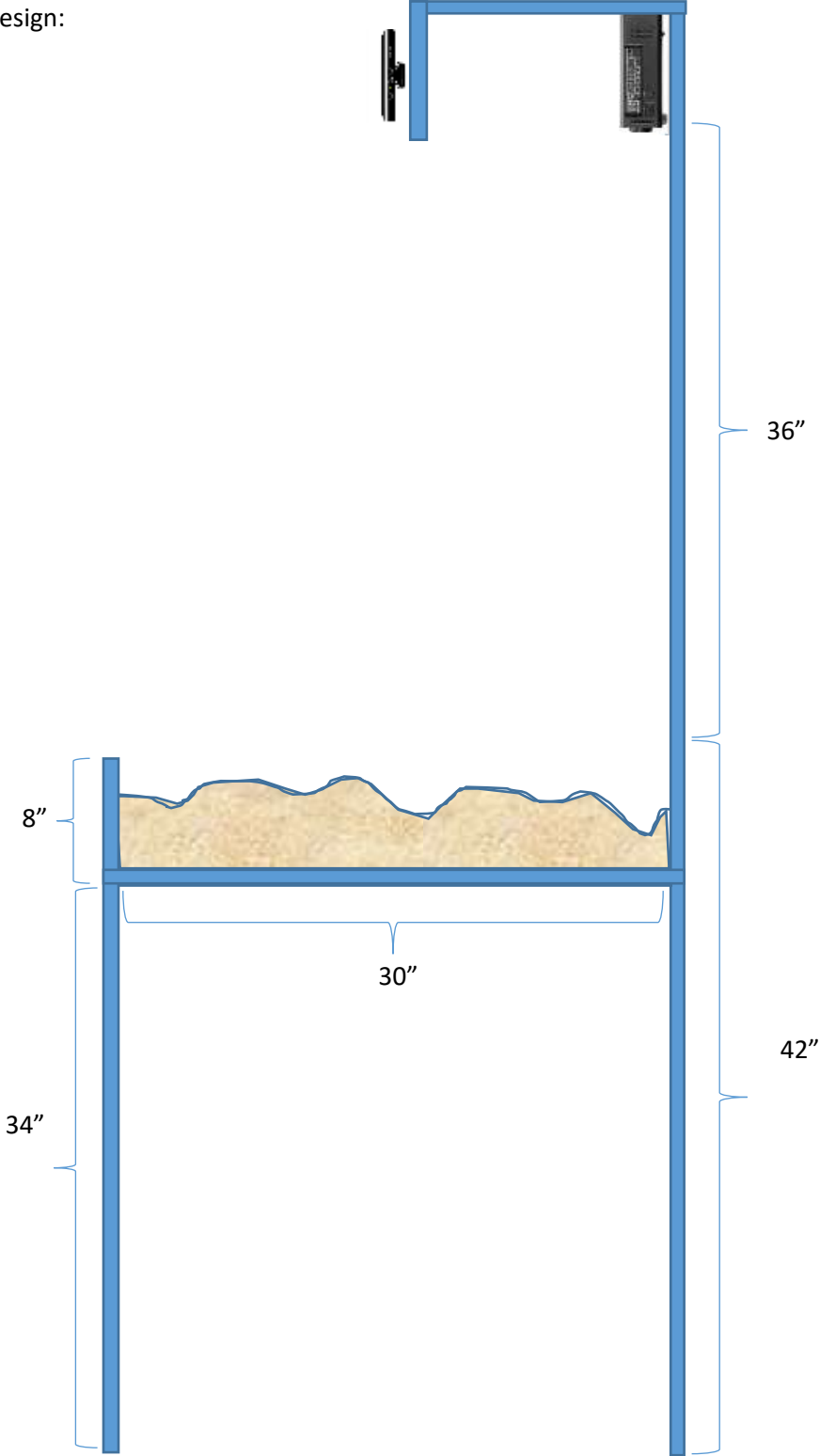
Total: \$4,909.80 \$3,534.80 \$1,375.00

- Two base design: short leg/long leg
- One sandbox and one mount

Short Leg Design:



Long Leg Design:



**ATTACHMENT B:**



	<b>Monday October 24</b>	<b>Tuesday October 25</b>	<b>Wednesday October 26</b>
<b>7:00 am</b>	Registration & Packet Pick-up	Registration & Packet Pick-up	Poster Breakdown
<b>8:30 am</b>	Pre-conference Workshop: Lois Wright Morton	Plenary: Drought Resiliency Planning Strategies	Regional Meetings: Upper Missouri Lower Missouri Clark Fork Yellowstone
<b>10:30 am</b>	Welcome & Keynote Presentations Jim Posewitz Lois Wright Morton	BREAK  Concurrent Sessions	BREAK  Concurrent Sessions
<b>12:00 pm</b>	LUNCH <i>MWCC Welcome Remarks Poster Announcement Silent Auction Opens at 12:15</i>	LUNCH <i>Partnership in the Blackfoot: Jim Stone &amp; Randy Gazda Trade booths, silent auction</i>	<i>Closing Remarks</i>
<b>1:30 pm</b>	Concurrent Sessions	Concurrent Sessions	Depart.
<b>3:30 pm</b>	BREAK	BREAK	
<b>3:45pm</b>	Workshops	Concurrent Sessions	
<b>5:00 pm</b>	BREAK	BREAK	
<b>5:30 pm</b>	Welcome Reception <i>Montana Heritage Center</i>	Reception <i>Petroleum Room</i>	
<b>7:00 pm</b>		BANQUET BSWC & Partner Acknowledgement	

ATTACHMENT C:



## By-Laws

Adopted \_\_\_\_ \_\_, 2016

# BY-LAWS

## ***Article I***

### Name and Location of Association

The name of the Association is the Soil and Water Conservation Districts of Montana (SWCDM). It shall maintain its principal office for the transaction of business at 1101 11<sup>th</sup> Avenue, Helena, Montana 59601, but may have offices at such other places as the board of directors may from time to time appoint, or the business of the Association may require.

## ***Article II***

### Association as an Incorporated Entity

SWCDM is a non-profit, non-partisan organization, incorporated under the laws of the state of Montana. The Association is organized to conduct any and all lawful business for which a corporation under section 501(c) (3) of the Internal Revenue Code - or any corresponding section of a future federal tax code – can be organized.

## ***Article III***

### Purpose

- A. SWCDM is organized to serve and support Montana's 58 locally-led conservation districts in managing Montana's natural resources through programs, technical expertise, information sharing and other resources. From forests and rivers to farms and rangelands, SWCDM works to implement sound natural resource management for the benefit of all Montanans. To these ends it will cooperate with other entities and organizations working for similar objectives on an area, statewide, regional, or national basis.
- B. SWCDM will provide such other support relating to any activity or program of the conservation districts as may be imposed by the laws of Montana on the conservation districts.
- C. SWCDM will carry out the purposes and exercise the powers of the Association as set forth in its Articles of Incorporation and as may be established by these By-Laws and any amendments thereto.

## ***Article IV***

### Membership

Membership shall consist of the 58 conservation districts. The Association has the authority to assess dues, as needed, if supported by the body at the annual meeting.

## **Article V**

### Board of Directors

- A. The board of directors shall consist of seven (7) board members that will constitute the governing body of the Association. Each district area shall have one board member. The Montana Association of Conservation Districts' Board of Directors shall appoint the seventh at-large board member.
- B. The term of office for a district area board member is three (3) years, except that the initial terms of office shall be as follows: Area 3 and Area 5 board members shall serve a one (1) year term; Area 2 and Area 4 board members shall serve a two (2) year term; and, Area 1 and Area 6 board members shall serve a three (3) year term. The at-large board member shall serve at the pleasure of the Montana Association of Conservation Districts Board of Directors, which may remove an at-large board member at any time and appoint a new at-large board member.
- C. The district areas are: Area 1—Daniels, Garfield, McCone, Petroleum, Roosevelt, Sheridan, and Valley conservation districts; Area 2—Carter, Dawson, Little Beaver, Custer, Powder River, Prairie, Richland, and Wibaux conservation districts; Area 3—Big Sandy, Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith Basin, Liberty, Phillips, Pondera, Teton, and Toole conservation districts; Area 4—Big Horn, Carbon, Lower Musselshell, Rosebud, Stillwater, Sweet Grass, Treasure, Upper Musselshell, and Yellowstone conservation districts; Area 5—Bitterroot, Deer Lodge Valley, Eastern Sanders, Flathead, Granite, Green Mountain, Lake, Lincoln, Mineral, Missoula, and North Powell conservation districts; and Area 6—Beaverhead, Broadwater, Gallatin, Jefferson Valley, Lewis and Clark, Madison, Meagher, Mile High, Park, and Ruby Valley conservation districts.
- D. The election of directors takes place at Association area meetings, the time and place of which will be announced by the chair of the Association. Each district will have one vote for election of its area director. A director will take office at the beginning of the Association's regular annual meeting and, except as provided in Subsection B, will hold office for three years, or until a successor has been elected and qualified. Vacancies on the board will be filled by appointment of the chair, with the concurrence of the majority of the board.

## **Article VI**

### Duties of Officers

- A. Officers of the Association consist of a seven-person board with a president, vice president, and treasurer elected by the board of directors. Officer terms will be one year, be voted upon at the annual meeting, and begin January 1<sup>st</sup>.
  - 1. The chair is the executive head of the Association, and presides at all meetings of the board of directors. The chair appoints membership to ad hoc committees, and is an ex-officio voting member of all committees. The chair shall execute bonds, mortgages, loans and other contracts and legal instruments, which have first been approved by the board of directors.
  - 2. The vice chair performs the duties of the chair in the chair's absence or when the chair is unable to serve.
  - 3. The treasurer receives and disperses such moneys as may be directed by the chair and board of directors. All checks and investments must be signed by the treasurer



or by any officer or employees as designated by the treasurer. All checks and investments must be signed by two of the qualified individuals identified in this Article.

- B. Any officer may be removed at any time by the affirmative vote of a majority of the whole board.
- C. All officers shall be bonded.

## **Article VI**

### Duties of Board of Directors

- A. The Association's powers, business and property shall be exercised, conducted and controlled by the board of directors. Without prejudice to the general powers and other powers conferred by the Articles of Incorporation and these By-Laws, the board of directors shall have the following powers, namely:
  - 1. From time to time to make and change policies and procedures consistent with the Articles of Incorporation and these By-Laws for management of the Association's business affairs;
  - 2. To lease, purchase or otherwise acquire in any lawful manner, including but not limited to the borrowing of money, for and in the name of the Association, any and all real estate and other property, rights, or privileges, whatsoever deemed necessary or convenient for the prosecution of its business, and which the Association is authorized to acquire, at such price or consideration and generally on such terms and conditions as they think fit, and at their discretion to pay therefor either wholly or partly in money, stock, bonds, debentures, or other securities of the Association;
  - 3. To sell or dispose of any real or personal estate, property, rights, or privileges belonging to the Association whenever in their opinion its interest would be thereby promoted.
- B. It is the duty of the board of directors to effectuate all policies and programs. The board of directors may adopt amendments to the By-Laws as it deems necessary or desirable for the governance of the Association.
- C. It is the duty of the board of directors to cause to be kept and made available appropriate minutes of all meetings. Minutes must include without limitation:
  - 1. the date, time and place of the meeting;
  - 2. a list of persons and organizations in attendance, directors excused and directors not in attendance;
  - 3. the substance of all matters proposed, discussed, or decided; and
  - 4. a record of votes by board members for any votes taken including motions and who seconded the motion.
- D. Out of state travel must be approved by the chair or the executive director prior to that travel.

## **Article VII**

### Board of Director's Meetings

The attendance of more than one half of the board of directors shall constitute a quorum. Actions of the board of directors are executed by a majority of the board. Meetings may be held telephonically or electronically.

### ***Article IX***

#### Association Regular Meetings and Special Meetings

- A. Regular Association meetings shall be held once a year at a time concurrent with the MACD association meeting.
- B. A district must be given at least ten days advance written notice of the time and place of the regular meeting.
- C. Regular meetings shall have time designated for conducting the business of the Association.
- D. Special meetings may be called by a majority of the directors. Written or electronic notice of a special meeting shall state the time, place and purpose of the meeting, and be sent to each member of the Association at least ten days prior to the special meeting. No business may be transacted at any special meeting except as stated in the notice thereof, unless a majority of the member conservation districts are present and a motion is made to consider business other than that stated in the notice and approved by two-thirds of the districts present either in person or via telephone or electronically.

### ***Article X***

#### Subsidiary Boards

Subsidiary boards may be created to carry out specific aspects of SWCDM business at the discretion of the full board. SWCDM may appoint members to these boards as set forth in the subsidiary board bylaws. All board appointments will be at the discretion of the SWCDM Board and may be rescinded or altered during business meetings where a quorum is present.

### ***Article XI***

#### Committees

- A. Committees will be designated by board action. Renewal of committees and objectives will be voted upon by the board yearly at the first meeting of the year.
- B. The chair may appoint and disband ad hoc committees made up of Association member and nonmembers to address special issues as necessary. Ad hoc committees make recommendations to the board of directors. A quorum for an ad hoc committee is one-half of the membership of the committee. The acts of an ad hoc committee are executed by a majority vote of the membership in attendance at a meeting.

**Article XII**

By-Laws and Amendments

- A. As required by the By-Laws as amended on November 14, 1972, the above and foregoing By-Laws are adopted by the board of directors.
- B. By-Laws may be adopted, amended or repealed by a majority vote of the board of directors or by two-thirds majority vote of all qualified districts at the annual or special meeting of the Association.
- C. Upon adoption of the above and foregoing By-Laws previous By-Laws are repealed.

**Article XIII**

Fiscal Year

The fiscal year shall begin the first day of January in each year.

The undersigned does hereby certify that the above and foregoing By-Laws were duly adopted by the directors as the By-Laws of said Association on the \_\_\_\_ day of \_\_\_\_\_, 2016, and that the same do now constitute the By-Laws of this Association.

\_\_\_\_\_  
Chair

**ATTACHMENT D:**

LCCD Pollinator Resolution 2016

THEREFORE, BE IT RESOLVED that NACD and MACD continue their support of Pollinator projects, through

--Educational and outreach materials with specific emphasis on the relationship between pollinators and agriculture;

--Funding for habitat establishment and restoration;

---Development of ideas and templates for pollinator projects;

THEREFORE, BE IT FURTHER RESOLVED that MACD encourage collaboration with other agencies and organizations to further develop local and regional plans for pollinator habitat enhancement; and

THEREFORE BE IT FURTHER RESOLVED that MACD encourages individual Conservation Districts to include pollinator projects in their annual goal setting.

**ATTACHMENT E:**

**Water Policy Interim Committee SJ2 Study-404 Permit Info Sheet**

Decision: Should the State of Montana assume responsibility for the administration of the Federal 404 permit program

Federal 404 Permit=Dredge and Fill Permits

<b>SJ2 study findings</b>
Congress passed the Clean Water Act in 1972, which mandates 404 permits for anyone placing dredged or fill material in a jurisdictional waterway.
Montana has previously explored assumption of the 404 program.
Placing fill in streams and wetlands impacts water quality, water quantity, flood protection, and wildlife habitat.
The U.S. Army Corps of Engineers administers the 404 program in Montana, which overlaps to varying degrees with seven other permissions that must be obtained from six federal, state, and local agencies for activities in a stream.
The federal Clean Water Rule – and appeals to it – may impact the jurisdictional reach of 404 program.
The Environmental Protection Agency has a process for a state to assume a Section 404 program.
A state-issued Section 404 permit must be at least as rigorous as a Corps-issued permit.
State assumption of the 404 program is uncommon; two states have assumed most 404 permitting functions, while at least seven other states have formally explored assumption of their 404 program.
EPA has convened an advisory subcommittee to study state jurisdiction of waters.
The cost to run a 404 program roughly equivalent to the Corps' is approximately \$1 million per year.
It may take up to five years for the Department of Environmental Quality to prepare a fully functioning Section 404 program.

The Water Policy Interim Committee is considering the following options related to SJ2 and its evaluation of permits for waterway projects and state assumption of federal Section 404 permits:

1. Issue a report as a conclusion to the SJ2 study.

**PRO:** This would de facto formally end this study and leave the matter as it is. Districts could go about their business with no changes to the 404 permit.

**CON:** The issue of local control remains of concern. There are many people unsure of the scope of the new Waters of the United States (WOTUS) proposed rules that are now held up in the federal courts. The 404 permit system will likely change in some manner should the Supreme Court ruling allow the new rules to be put in place.

**COMMENTARY:** There are several legislators keen on the idea of local control, especially when they saw the amount of confusion caused by the proposed WOTUS rules published by the EPA. The main issue with WOTUS, it seemed to me, was exactly what waters would be considered federal waters? No one could answer that with certainty.

These rules will very likely end up being reviewed by the US Supreme Court, maybe late next year. We don't have a clue how it will end up. On top of this uncertainty, as we look at state budgets, there is much concern about the ability of Montana to take on a new responsibility, especially since there would be no federal dollars to manage the program should the State assume control. This is an important issue, but the current funding situation and the pending Judiciary Branch involvement both complicate the decision.

2. Issue a report and direct the Department of Environmental Quality to apply for a federal Wetland Program Development Grant in 2018 to further explore state assumption of federal Section 404 program.

**PRO:** This would allow more time for the state to study this issue, and more time for the Districts to more closely examine the responsibilities that Montana would assume and what role, if any, we would have.

**CON:** The Wetland Program Development Grant is very competitive and Montana may not be successful. In addition, the Wetland Program Development Grant is used by DEQ to support our state's wetland program. It is not known what impact, if any, another application from Montana would have on the funds available for that program.

3. Issue a report and recommend federal Section 404 program as an area of study for the 2017-18 WPIC.

**PRO:** This would allow more time for the state to study this issue, more time for the Districts to more closely examine the responsibilities that Montana would assume, and what role, if any, the Districts

would play. This would also allow for action at the Supreme Court, as well as a new administration at the federal level that may have differing priorities.

**CON:** I can see little downside for this option. There are too many birds currently flying in the federal sky, and we'd be better off waiting until we see the horizon.

Legislative staff could pretty much use the current study as background materials for the next look.

4. Issue a report and preintroduce a committee bill, asking the Legislative Council to again designate an interim committee study of federal Section 404 program.

**PRO:** This is close to option 3 but formalizes the process with a bill. In addition, waiting this long would allow us to take into account the new federal administration and their position on WOTUS.

**CON:** I can see little downside for this option, other than it might get pushed into the background should other more pressing needs arise at the Session and the bill not pass. If the bill did pass, Legislative staff could pretty much use the current study as background materials for the next look.

5. Issue a report and draft legislation directing the DEQ to assume the federal Section 404 program, assess fees for 404 permits, and establish a work-sharing agreement with the state's 58 conservation districts.

**PRO:** My opinion is that we would be able to negotiate from a strong position with DEQ concerning potential responsibilities, including financial, phase in, policy, staffing, procedures, etc. As ONE example, would Supervisors take on these responsibilities if all costs are covered and the state agrees to allow Supervisors and staff to enroll in the state health care program? There are some other possibilities to discuss.

**CON:** Some Supervisors have expressed interest in this program. On the other hand, many Districts do not want added responsibilities, even if staffing and funds are included. The Supreme Court and the new federal administration may change the rules of the game, so to speak, and make our planning efforts in vain. The Districts have not had the chance to weigh into this in a formal manner.

**ATTACHMENT F:**

**Telephone and Computer Upgrade Specifics**

**Computer:**

- Purchase a government computer that comes with printing services, internet, IT and software upgrades as well as access to ArcMap = \$1500.00 (one time cost)
- Current situation: Access MT monthly internet bill \$64.48x12=\$773.76, printing and upgrade supplies \$200.00 =\$973.76 in yearly costs
- ArcMap user access comparable to government access = \$1500/year
- Comparable set up would cost us \$2473/year versus one time \$1500 cost

**Telephone:**

- Main wants: good camera, ability to check email and run some GPS collection apps, a little more storage and computing power
- I-phone SE 64gb \$49.99 (one time cost)

NVLPT 3G/4G Nationwide Email for Government Calling Plans			
The calling plans below reflect the monthly access fee discount. No additional discounts apply.			
NVLPT Nationwide for Government	400 Voice Minutes	600 Voice Minutes	1000 Voice Minutes
Monthly Access Fee (non-share)	\$61.53 <del>\$47.38</del> (74510)	\$78.19 <del>\$60.21</del> (74512)	\$93.56 <del>\$72.06</del> (74514)
Monthly Access Fee (share)	<del>\$64.00</del> <b>\$49.35</b> (74511)	<del>\$80.76</del> <b>\$62.19</b> (74513)	<del>\$96.14</del> <b>\$74.03</b> (74515)
Monthly Anytime Voice Minutes	400	600	1000
Friends & Family (up to 10 numbers)	Included <sup>1</sup>		
Unlimited Domestic Push To Talk	\$2.00 (Smart phone- 76785/81129/81174, Basic phone- 76142/ 83270)		
Voice Overage Rate	\$0.25 per minute		
Domestic Mobile to Mobile	Unlimited		
Domestic Night & Weekend Minutes	Unlimited		
Domestic Long Distance	Included		
National Access Roaming	Included		
Domestic Data Allowance	Unlimited		
Unlimited Hotspot/Tethering	\$10.00 per line (73702 3G) (76445 4G)		
Domestic Text (SMS) and Multimedia (MMS) Messages	Unlimited		
Add-a-Line	\$35.99 per line <sup>2</sup> (86140)		

**Notes:** Current coverage details can be found at [www.verizonwireless.com](http://www.verizonwireless.com). See attached Calling Plan and Feature Details for important information about calling plans, features and options. <sup>1</sup>Friends & Family eligibility varies on selected calling plan. <sup>2</sup>The \$35.99 Add-a-Line plan can only be 50% of an accounts total share lines.

- \$47.38/monthx12=\$568.56/year
- You can cancel your contract at any time without a fee
- You can upgrade phones every two years