



Stillwater Conservation District

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February 4th, 2025 Minutes

Location: USDA Service Center Conference Room (334 N. 9th Street, Columbus, MT)

Meeting called to order by: Bob at 6:00pm

Supervisors Present: Robert Van Oosten (*Chairman*), Noel Keogh (*Vice Chairman*), Butch Behrent (*Treasurer*), Steve Story (*Secretary*), Ben Walker (*Urban Supervisor*), Nathan Jones (*Urban Supervisor*),

Supervisors Approved Absent: Darryl Thompson (*Associate Member*)

Others Invited: Sharon Flemetis (*District Admin*), Celeste Barnett (*310/Volunteer Coordinator*), Bryan Giordano (FWP), Colton Shimer (USACE), Veronica Corbett (*DNRC Water Rights*), Shannon Blackburn (FWP),

Guests: Shari & Terry Ekwortzel, Denise & Alvin Rich, Culley Landgaard

Consent Agenda Items - Adopted

1. Previous Meeting Minutes
2. Grant Update
3. Education & Outreach
4. 2024 310 summary
5. Reports
6. Violation Updates

Public Comment * 3 Minute Limit * The Public will conduct themselves in a professional manner or be asked to leave.*

Guests commented during the discussion on the Little Rocky Creek Ponds Complaint.

REPORTS

- Bob Van Oosten – 2 months since planning board, next meeting 2-5-25 will be discussing a subdivision in Park City that needs an extension.
- Butch Behrent - Would like to Thank Ben for all the work he's done with the Declaratory Hearing, all Board members said Thank You.
- Noel Keogh – Watershed had a meeting 2 weeks ago, they will be working with FWP doing discovery to do projects above Nye to help landowners and create juvenile fish habitat, there will be 310 applications coming in regarding these. The 3Ws workshop is set for June 9th at the Roscoe Community Center. Will be attending the soil symposium this week.
- Steve Story – No Report
- Ben Walker – Planning Board met and elected officers, next month they will be discussing Farmers Union's above ground fuel station plans.
- Nate Jones – Has been attending the MACD meetings, has a phone call in for some clarifications and will report more next meeting.
- Sharon Flemetis – We were not successful in our request for TA funding grants on the Columbus & Scott ditches, we will try again when the next round opens in July. MACD denied request for a scholarship for the soil symposium, but Black Beard Construction wants to sponsor her going so she will attend and stay overnight in Billings 2/5/2025 she will return to the office on the afternoon of 2/6/2025. Has been attending the MACD meetings about the senate bills 10, 123 & LC344. MACD has decided to support HB 10 and is

still gathering information on the other 2. She will continue attending the meetings and keep everyone informed about the progress of these bills. Received an update from MRL today, they apologized for missing the deadline but plan to submit the requested application and remit their fines soon.

- Celeste Barnett – Gone from Feb 6th through Feb 13th

FINANCIAL REPORTS

Presented by Sharon Flemetis

Nate Motions to Approve Report as Presented

Seconded: Ben

Discussion: *Black Beard Construction would like to donate to our Range Days account. We will advertise the availability of scholarships for FFA members to attend range days.* **Vote: Approved**

Monthly Warrants - **Steve Motions to Approve and Pay Warrants Presented**

Seconded: Butch Discussion: None Vote: Approved

NEW BUSINESS

Election of Officers and approval of committee members:

- Butch Behrent up for Re-election for Area 5

Steve Motions to Re-elect Butch Behrent as Board Supervisor Representing Area 5

2nd: Noel

Discussion: None

Vote: Approved

Steve Motions to keep all officers in their current positions 2nd: Nate

Discussion: *Bob agrees to 1 more year as Chairman* Vote: Approved

Swearing in of Officers - Butch will go to Court House to do this.

Water Reservation User Transfer: **Nate** Motions to accept the water transfer request as presented 2nd: Steve Discussion: Reservation is on the Stillwater Vote: Approved

Public Document Request Guidelines – Butch Motions to accept the new guidelines
2nd: Nate Discussion: *Sharon can still approve sending simple requests and may email them at her discretion, Extensive request will come back to the board to approve the cost estimate* Vote: Approved

CCD Public Document Request – Signature line has been removed from the form submitted; verified it is on the form on the website, will send the newly approved form and ask them to re-submit with a signature.

Shemer Public Document Request – Approved to email the requested document.

OLD BUSINESS

Declaratory Ruling Hearing – Need a special meeting to make the decision. Board feels there will be discussion needed so meeting will be set for March 4th at 5:00pm, prior to the Regular Board Meeting.

310 APPLICATIONS AND COMPLAINTS

APPL. #	Name	Stream	Project	Accepted	Decision
24-040	Lane	Stillwater	Bank Stabilization	11/6/24	Noel Motions to approve with modifications & the suggestion that he revegetates and monitors the bank for a 1-2 years before armoring. Second: Butch Discussion: Is this project necessary? He does have the right to protect his house. Vote: Approved Nate Opposed
25-001	Ekwortzel/Broadwater	Stillwater	Bank Stabilization	12/30/24	On Hold

COMPLAINTS

#25-002C – Complaint on Ponds Being Built on Little Rocky Creek

Presented Complaint inspection report. Several Nye landowners came to voice their concerns about the ponds being built on Little Rocky Creek. We showed photos that were taken on our complaint inspection, and drone footage provided to us with the official complaint. Mr. Rich who lives directly downstream from the ponds is very concerned about his septic tank being only about 140 ft from the 3rd and largest pond. He described the area and a culvert that runs under Hwy 419 and seems to be directly running into pond #3. The #3 pond's construction is just dikes placed on dirt with no removal of vegetation and no compaction or key. The ponds are within 7-10 feet of the stream. There is serious concern that the dikes will fail with significant rainfall or quick snow melt. The sediment and erosion that has a possibility of being a detriment to the stream and stream bank is a serious concern. The source he plans to get water from does not seem adequate to fill the ponds, the first pond is already filling with groundwater that should be used by the stream. There is currently no discharge plan. Failure of these ponds could also significantly affect the highway bridge located close to the construction.

We invited our partnering agencies to this meeting and they all have concerns as well. DNRC Water Rights has no record of any water rights for these ponds, they stated it is at least a year long process with no guarantee that the rights would be granted. Water Rights does not have strong enforcement capabilities, but Mr. Rich was advised of 2 further complaints he may submit to their office.

USACE stated that they are concerned that this construction has impacted wetlands along the streambank. They plan to pursue an investigation but cannot definitively make a decision on impacts before vegetation starts growing in the spring.

FWP has not been asked for a permit to stock these ponds with fish, even though the builder of the ponds stated that is the end goal. They do not believe they would grant a requested permit due to the native cutthroat present in the stream. They also will not entertain a permit without a granted water right.

DEQ was not present at the meeting but has been in touch and expressed concerns.

This is not in Floodplain's Jurisdiction.

County Sanitation was not present but has expressed concerns about the pond being built so close to a permitted septic system.

Nate Motions to make this complaint a violation under our jurisdiction to protect the stream and streambank from damage. We will send a cease & desist order & ask for an engineered plan along with copies of permits from USACE, DNRC, DEQ, and FWP.

Seconded: Noel Discussion: *An engineered plan is not something we usually require and should not require in this situation. We should ask for a completed 310 application within 30 days.*

Nate Amends his motion to not require an engineered plan, but to require they submit a 310 application within 30 days

Second: Ben Discussion on amendment: None Vote on Amendment: Approved, Butch & Noel Opposed

Motion to make this complaint a violation under our jurisdiction to protect the stream and streambank from damage. We will send a cease & desist order & ask for a completed 310 permit application within 30 days. We are also asking for them to provide us copies of the applicable granted permits from USACE, DNRC, DEQ, and FWP. - Nate Seconded: Noel Vote: Approved

SAVE THE DATES:

February 15, 2025 – Sharon's Birthday

February 17, 2025 – Presidents Day

February 27, 2025 - Site Inspections


March 4, 2025 – Monthly Board Meeting

March 27, 2025 - Site Inspections

April 1, 2025 – Monthly Board Meeting

MOTION TO ADJOURN THE MEETING: Nate SECONDED: Ben MEETING ADJOURNED AT: 8:21pm

Minutes Approved on:

Minutes Approved By 

Date: 3/4/25