

August 1, 2018

The Lincoln County Board of Commissioners met for a regular session on August 1, 2018, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Peck, Commissioner Bennett, County Administrator Darren Coldwell and Clerk and Recorder Robin Benson.

Commissioner Cole opened the meeting with the **Pledge of Allegiance**.

9:00 AM **USFS Monthly Update:** Present were Chris Savage, Tony Penfold, Alan Gerstenecker, John Blodgett, and Josh Letcher, Eureka via VisionNet.

The following update was submitted by Chris Savage.

Lincoln County Commissioners Meeting
August 1, 2018

2018 Fire Season

- * As of date, the Kootenai has had 48 fires that have burned about 500 acres this summer.
- * Update on current large fires:
 - o Davis Mountain/Porcupine Complex – Three Rivers Ranger District
 - * In briefed Fry Type II team on Tuesday morning.
 - * ICP will be located at Upper Ford.
 - * Approximately 250 acres.
 - o Highway 37:
 - * Patrol status.
 - * Learned a lot from this fire. After Action Review will be completed.
 - * Task order to do ABS this summer around firefighting. Final acres 70
 - o Zulu Fire
 - * Patrol status. Final acres 20
 - o 10 Mile Fire
 - * I/A. 10 to 20 acres
- * Remaining fires are all initial attack.
- * Currently in Stage 1 Fire Restrictions. With cooler weather for the next week, will stay at Stage 1. To date, have had almost a dozen human caused and activity fuels fires this year.

Post Fire Salvage

- * Total acres currently proposed for salvage is about 10,475 acres.
- * Total acres burned from fires was about 85,000 acres.
- * Six salvage projects totaled for the KNF:
 - o Caribou, EA: 4075 acres –Chief signed ESD yesterday. Should sign decision by August 6th.
 - o West Fork, EA: 3120 acres. Completed. Sales will be awarded by August 31.
 - o Cub, EA: 1477 acres –Completed. Sales will be awarded by August 10th.
 - o Tamarack, CE. 225 acres. Completed. Sold 3/06/2018
 - o Gibraltar, CE. 200 acres. – Completed. Sold 6/12/2018.
 - o Moose Peak, CE. 80 acres. – Completed. Sold 6/14/2018.
- * Sales will be offered and sold this fiscal year. Seven timber sales will come out of the three larger projects.
- * Last fall, offered 12 fire suppression decks that were considered small sales. 5 were associated with the West Fork Fire.

Kootenai National Forest Timber Program

- * Currently have 166 mmbf of uncut wood under contract, equates to \$15.44M in remaining value.
- * East Reservoir decision finally came out last week. Still reviewing it and coming up with a plan.
- * Volume estimated to be sold this year will be approximately 85mmbf. Primarily will depend on final salvage volume.
- * Project planning this summer include Young Growth EIS and CE's.

Commercial Mushroom Harvest

- * Overall sold over 1300 commercial and personal permits this summer. Far more than any other Forest in the Region.
- * Law enforcement has had over 8 arrests, lots of violation notices.
- * Excellent support from both the County, City and Border Patrol.

Rock Creek and Montanore

- * Rock Creek: received concurrence from the WO and Department to publish the Notice of Availability for the SFEIS. Published in Federal Register on July 20th for EPA review. 30-day review period.
- * Could sign ROD after 30 days, however hinges on the outcome of the Hecla/State of Montana Lawsuit.
- * Montanore: working on SDEIS and BA for draft publication. Hecla decided to do the minimal amount of mitigation required only for the evaluation phase. Needed to determine what that would entail and changed analysis.

Secure Rural Schools

- * Omnibus Bill renewed SRS for another 2 years, with back payments from the last two years.
- * Title II funds initial estimate for the KNF/Lincoln County equate to \$492K for 2018. Highest was over \$800K.
- * Submitted RAC package for new membership approval to the USDA.
- * National SRS RAC charter has expired. Told to hold off on any meetings until Charter is renewed.

10:00 AM **Pre-Disaster Mitigation Planning Grant Award:** Present were MT HD2 Mike Cuffe, Nadene Wadsworth, Kyle Sturgill-Simon, EMA Director Brent Teske, Lary Smith, Alan Gerstenecker, and John Blodgett. Nikki Meyer and Josh Letcher, Eureka via VisionNet.

Nadine commented that Darren Coldwell did a great job putting together the pre-disaster planning grant application. FEMA awarded the grant agreement on July 10, 2018 for \$24,999. Match to the county is 25% and can be an in-kind contribution. **Motion** by Commissioner Peck to approve the FEMA Mitigation Planning Grant Agreement. Second by Commissioner Bennett, motion carried unanimously. Nadine explained the reimbursement and reporting procedures.

Nadine and the commissioners discussed other potential FEMA grant opportunities for Lincoln County.

10:15 AM **Tim Orthmeyer, Morrison Maierlie: Cancelled**

10:30 AM **Administrative Issues:** Present were MT HD2 Mike Cuffe, Lary Smith, Alan Gerstenecker, and John Blodgett. Nikki Meyer and Josh Letcher, Eureka via VisionNet.

Robin presented the minutes for July 16 and 18, 2018. **Motion** by Commissioner Bennett to approve the minutes as submitted. Second by Commissioner Peck, motion carried unanimously.

Commissioner Cole said he attended a meeting in Eureka regarding a new green box site location. There were 30 to 40 people in attendance. It was a great meeting and new ideas came forward from the public; ongoing.

Commissioner Peck said the liaison position for ARP has been re-advertised and there were no new qualified applicants. Commissioner Peck explained that since DEQ is not willing to reclassify the position, it led to looking at all options. DEQ sent out possible options to get to the increased hired wage. One of the options is to turn everything over to the county and manage it as a county position. The details need to be investigated for legality, responsibilities, and liability to the county. Commissioner Peck said that essentially the county would save a lot of money and the position would have management between county and EPA. There is DEQ involvement, but that will need to be clarified.

Commissioner Peck talked about the settlement on commercial and residential operable units (OU4 and OU7). Commissioner Peck said he will be drafting a letter to the Regional Administrator of the EPA and Director of DEQ, stating that it's time to formalize and officially make decisions regarding long-term homeowner responsibility and W.R. Grace settlement money. The letter is to initiate that we need to sit down now and deal with these tougher issues and have it in writing.

Commissioner Peck said he is donating \$1,000 for range safety officer training for the Libby Rod and Gun Club/Winter Sports and \$600 to the Harvest Festival. Funds will come out of the Libby Economic Development Fund.

10:45 AM Public Comment Time: Present were Lary Smith, Tony Penfold, John Blodgett, Alan Gerstenecker, Josh Letcher, Nikki Meyer, John Blodgett

Lary asked if the county has a noxious weed policy. Commissioner Cole said there is nothing in place that allows the county to enforce weed control on private properties. Lary said there are other counties that has policies enforcing weed control on private property and suggested the county check into this. Lary informed the commission about a neighbor on Leona Road that has a "plantation of weeds" and the neighbor has not been to his residence for several years. Commissioners suggested Lary to visit with Weed Director Dan Williams. Commissioner Cole said he would follow up with Dan Williams as well.

Lary said there was still a lot of snow on March 6 and asked Commissioner Bennett why a road grader took down a berm near his property. Lary said there was no reason to have the berm taken down and that 22 elk went through the Decker property but feels the berm has pushed those elk out of their migrating range; berm provides security for the elk. Commissioner Bennett said he would visit with the Troy Road Supervisor.

Lary expressed frustration with the dust from people flying in and out. Commissioner Bennett informed Lary there are about 22 roads throughout the county and we are all living with dust. Commissioner Bennett said he has looked at the area twice, and the only solution would be putting a new road through Lary's property, but it would not solve the dust issue. Commissioner Peck commented this needs to be placed on the agenda for further conversation.

Mike Cuffe thanked the commissioners for attending the Pacific NW Economic Region/Columbia River Treaty (PNWER/CRT) Annual Summit Meeting in Spokane last week. Mr. Cuffe expressed that the meeting was very beneficial and that Lincoln County was heard and well represented. Mr. Cuffe suggested a thank you follow up letter from the county including key points that may go to other members from other counties that attended.

Tony Penfold representing W.R. Grace, gave a brief update on work done for fire mitigation and the new spillway at the impoundment dam.

11:00 AM Mary Hickey, LCRFD Annexation: Present were Election Administrator Leigh Riggleman, MT HD2 Rep. Mike Cuffe, Alan Gerstenecker, John Blodgett, and Tony Penfold. Josh Letcher and Nikki Meyer, Eureka via VisionNet. Leigh informed the commission that a signed request from Mary Hickey was received requesting annexation into the Lincoln County Rural Fire District. The property owner is Barbara Grant and Ms. Hickey provided a Power of Attorney that allows her to sign for the property owner Barbara Grant. The property is a total of 6.503 acres and is the only property for annexation. Leigh said the property meets the 40%/40% rule MCA 7-33-2125 and that a Resolution of Intent for Annexation will be presented next week for commissioner approval. A public notice will go out for a scheduled public hearing after the Resolution of Intent has been signed.

11:15 AM Truman Property Discussion on Interest and Penalties: Present were Alan Gerstenecker, John Blodgett and Tony Penfold. Josh Letcher, Nikki Meyer and Joe Purdy, Eureka via VisionNet. Commissioner Cole shared an email from Don and Margaret Truman requesting the commission to consider a waiver of penalty and interest due on their tax statement. Commissioner Cole suggested he would get more facts and information and have it placed on the agenda for further discussion. Total amount of penalties requesting to be waived is \$260.09.

11:30 AM Special Use Permit / Baldy Mountain: Present were Alan Gerstenecker, John Blodgett and Tony Penfold. Josh Letcher and Nikki Meyer, Eureka via VisionNet.

Lincoln County is authorized to use or occupy National Forest System lands in the KNF subject to the terms and conditions of this special use permit. Baldy Mountain Communication Site, Lincoln County has electronic equipment within a forest service owned building and tower. The permit covers the Baldy Mountain Communications Site and expires on 12/31/2047. **Motion** by Commissioner Bennett to approve the Baldy Mountain Communication Site Special Use Permit as presented. Second by Commissioner Peck, motion carried unanimously.

11:45 AM **Resolution 2015-12 Emergency Declaration for Wildland Fire Conditions and Severe Drought:** Present were Alan Gerstenecker, John Blodgett and Tony Penfold. Josh Letcher and Nikki Meyer, Eureka via VisionNet.

Darren said the resolution is required in case the county needs to do a resolution for emergency mills. Commissioner Cole read Resolution 2015-12 as submitted. **Motion** by Commissioner Bennett to approve Resolution 2018-12 as submitted. Second by Commissioner Peck, motion carried unanimously.

1:15 PM **EMA Update:** Present were EMA Director Brent Teske, Tony Penfold, and Alan Gerstenecker. Josh Letcher and Nikki Meyer, Eureka via VisionNet.

- Brent said he attended the quarterly DES meeting in Missoula and updated commissioners on current fire status. The county is currently at stage I fire restrictions.
- Meeting with Em Kayan residents tonight with WR Grace, EPA and Forest Service to discuss preparation, code red and other public fire safety information.
- Fire Coop meeting-discussed and implemented weekly status reports regarding local fire department availability. Fire departments seem to have equipment but not personnel available.
- Pre-Disaster Mitigation Planning Grant Award discussed earlier today.
- Attended Local Emergency Planning Committee (LEPC) Meeting-discussed further training and planning another meeting in Eureka.

1:30 PM **Planning Department:** Present were Jake Mertes, Ken Davis, Tony Penfold, and Alan Gerstenecker. Josh Letcher, Joe Purdy and Nikki Meyer, Eureka via VisionNet.

- **Glen Ridge Subdivision Final Plat:** Jake said all conditions have been met and planning staff recommends commissioner approval. **Motion** by Commissioner Peck to approve final plat for Glen Ridge Subdivision subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously.
- **Dolly Varden Estates Final Plat:** Jake said all conditions have been met and planning staff recommends commissioner approval. **Motion** by Commissioner Bennett to approve final plat for Dolly Varden Estates subject to planning staff conditions and recommendations. Second by Commissioner Peck, motion carried unanimously.

2:00 PM **Kootenai Cross Country Ski Club:** Present were Susie Rice, Tony Penfold, Alan Gerstenecker, Ben Scott, Marc McCully and Josh Letcher, Eureka via VisionNet.

Ben said the master trail plan done a few years ago that Greg and Susie Rice started is growing in usage. The ski club desires the county to take over 1½ miles of forest service road for maintenance. Ben said there are school buses with kids and a lot of parents driving the road; vehicles are going off the road. Ben said he is requesting county maintenance during winter snow months to mitigate some of the safety issues. Ben said the gate at the bottom of the road is closed for 2 months by the forest service and the ski club is requesting if the gate can be moved.

Commissioner Peck commented that Turner Mountain is in the same boat. Commissioner Peck said he is a big fan of the project and that it is a benefit to the city and the county. The issue is the county is telling some of the citizens that their properties will be taken off Schedule A and will not be maintained by the county. Darren said some of the roads taken out of schedule A are shorter than the 1½ mile to the biathlon course. Commissioner Peck said its worth pursuing, but it's a bigger discussion than just plowing a portion of a forest service road. Commissioner Peck said the commissioners will have to review Schedule A roads and will need further discussion for FY 18/19 budget preparation. Commissioner Bennett said in fairness to the taxpayer, plowing non-county roads is something the commission must consider.

2:30 PM **Sonny Capece, Field Rep. for Representative Gianforte:** Alan Gerstenecker, Tony Penfold, and Josh Letcher, Eureka via VisionNet.

Sonny said he was here to introduce himself to the commission and form a relationship since he is new to representing Gianforte's Office. Commissioner Peck said he appreciates Gianforte's pushing the Good Neighbor Authority for Montana. Sonny said that Gianforte is pushing the Wilderness Study Act although it is still in committee right now and pushing for timber industry projects. Commissioner Cole said he appreciates Gianforte's support of HECLA Mining. Sonny commented that Gianforte is supportive of border control for the decline of drug cartel trafficking.

The group spoke briefly about the selenium issue at the Kootenai Reservoir. Commissioner Bennett commented that he is waiting for scientific data. Commissioner Peck said nobody is jumping out scientifically saying selenium has a detrimental effect on aquatic species or water quality; the scientific data is the data, tired of the rhetoric.

3:30 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____

Robin A. Benson, Clerk of the Board