

October 24, 2018

The Lincoln County Board of Commissioners met for a regular session on October 24, 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**.

9:30 AM Library Update and Survey Results: Present were Alyssa Ramirez, Chuck Gerheim, John Blodgett and Alan Gerstenecker. Also present were Josh Letcher and Nikki Meyer, Eureka via VisionNet.

Alyssa presented an outline and discussed the Lincoln County Public Libraries Needs Assessment Survey Results. Total 368 surveys were received. Alyssa was happy with the survey results showing *Excellent* or *Good* in all categories. Alyssa said she would like to focus on community awareness of services provided by the library that are outside just books such as children and teen events and programs, internet access, online databases, audio books and movies. Valued the most is the library resource sharing and access. Services to improve were better collections, updated facilities, evening hours, and more programs. Josh offered to help with the new construction of the handicap access to the Eureka Library. Alyssa commented that she is hopeful to have a short and long term strategic plan in place by June to present to the commission.

10:00 AM County Attorney's Office Update: Present were County Attorney Marcia Boris, John Blodgett and Alan Gerstenecker. Also present were Josh Letcher and Nikki Meyer, Eureka via VisionNet.

Marcia talked about case load so far this year in the county attorney's office; 133 felony cases, 182 misdemeanors, 21 abuse and neglect cases, and 6 juvenile cases. There have been approximately 6 felony trials this year. Marcia said the office is busy, but they are managing the work load well and gave credit to having a great staff. Marcia commented she is working alongside the health department and other agencies for help with public nuisance-type cases. Commissioner Peck commended the county attorney's office for the civil assistance provided by the county attorney's office. Marcia commented that since the Misdemeanor Probation Officer began supervising individuals on pretrial release, approximately 2-3 weeks ago, 7 people have been released on their own recognizance and of those 7 people, 2 were employed and are at their jobs, 4 have found employment and 1 person is taking the high school equivalency classes vs, sitting in jail. Commissioner Peck said that is a viable way to measure the success of having the Misdemeanor Probation Officer position. Marcia commented that one of the legislative goals of the MT County Attorney's Association is a more structured pretrial diversion program. Marcia said she is currently working with a multi-disciplinary group toward implementation of a drug treatment court. The training grant application for the drug treatment court program should be finalized within a couple of weeks. Darren and the commission commended Marcia on the services to the county; contract and agreement reviews, opinions and help with resolutions and policy language to name a few. The commission shared their appreciation for the professionalism and service to the county.

10:30 AM Administrative Issues: Present were Election Administrator Leigh Riggelman, John Blodgett and Alan Gerstenecker. Also present were Josh Letcher and Nikki Meyer, Eureka via VisionNet.

- Leigh asked for commissioner approval for the November 6, 2018 General Election list of Election Judges. The commission did approve the list of judges as presented.
- Robin presented the minutes for October 17, 2018 regular meeting for Commissioner approval. **Motion** by Commissioner Bennett to approve October 17, 2018 minutes as presented. Second by Commissioner Peck, motion carried unanimously.
- Robin said she advertised a vacancy for the Fortine/Trego Cemetery Board about a year ago. No applications were received. An application was submitted recently from John C. Slesar to fill an unexpired term through June 2019. Robin said she talked with Board Secretary Gayle McCarron via phone and the board is aware of the application and recommends the commission to appoint John to complete the term through June 2019. **Motion** by Commissioner Bennett to appoint John S. Slesar to fill the vacancy through June 2019. Second by Commissioner Peck, motion carried unanimously.
- Darren presented annual lease agreements between Lincoln County and MT Department of Transportation. MDOT will pay Lincoln County \$579.91 each per year for leasing space at the Pinkham and Blue Tower Sites. **Motion** by Commissioner Bennett to approve the lease agreement as presented. Second by Commissioner Peck, motion carried unanimously.
- Darren presented a support letter from the commission to USDA Rural Development for support of a \$91,000 grant to purchase two police vehicles with pursuit package for the fiscal year 2018/2019. Lincoln County commits to contributing \$41,000, to ensure the success of this very beneficial program. Commissioner Peck expressed that he feels there are comparable options with local dealerships then what may have been presented at a prior meeting regarding the purchase of pursuit rated vehicles. **Motion** by Commissioner Peck to approve the grant support letter as presented. Second by Commissioner Bennett, motion carried unanimously. Commissioner Bennett stated the motion is with the understanding that county cost will need to be absorbed from the current sheriff's budget.
- Commissioner Peck presented a letter from the commission to the EPA. Copies will go to the County Board of Health, Congressional Delegation, Lincoln County Attorney, and DEQ requesting a formal meeting and disposition on several critical issues that must be determined to fully transition into the operations and maintenance phase of the Libby Project. Topics for discussion are O&M Long Term Funding/Grace Settlement Funds, Legal and Financial Responsibilities for Legacy Material Left Behind, Administration of the Public Health Emergency in the Future, and Current Grant Issues and Status of IG Investigation. The commission agreed to approve and sign the letter.

- Dallas said she received a request from Dan Ackerman requesting a letter from the county to write off expenses for volunteer work done for the Libby shooting complex for tax credits. Commissioner Peck said he would contact Dan Ackerman and follow up.

10:45 AM **Public Comment Time:** Present were John Blodgett and Alan Gerstenecker. Also present were Josh Letcher and Nikki Meyer, Eureka via VisionNet. There were no public comments.

11:00 AM **Kootenai Valley Stakeholders:** Present were Robyn King, Jessie Grossman, Grete Gansauer, Tim Dougherty, Alan Gerstenecker and John Blodgett. Also present were Josh Letcher and Nikki Meyer, Eureka via VisionNet.

Robyn said she met County Forester Jennifer Nelson and discussed the Kootenai Forest Stakeholders, projects, Kootenai Forest Stakeholders Forest Management Guidelines, and the Libby District in general. Commissioner Peck clarified that Jennifer is the county forester, not just the Libby district. Robyn said she is looking forward to working with Jennifer. Jessie asked if the commission has a sense of what Jennifer's priorities will be. Commissioner Peck commented the focus will be on Good Neighbor Authority, firewise projects, and the Kootenai Forest River Initiative, and to bring that together on the county and agency level. Darren said Jennifer is working on grant and administrative processes as well. Commissioner Peck said Jennifer will work on collaborative efforts with the forest service for amped up involvement at that level; cooperating agency status.

Commissioner Peck said Good Neighbor Authority (GNA) sales are under the bid process in Trout Creek, stating the main thing is we get a couple sales up and running. Commissioner Peck expressed that we may need an initial nudge to engage on the Libby District end of it. Commissioner Bennett commented there are great opportunities here for GNA projects. Commissioner Peck said it's difficult to coordinate, but we need to get everyone sitting down at the table to coordinate project priority and planning process; there is so much opportunity here and we need to go from collaboration to integration. Jessi commented it will be interesting to see WUI collaboration with the forest service; to see what their interest is regarding community WUI project coordination. Jessie commented that we need a forest ranger that supports these efforts. Commissioner Peck said we need an official document that defines the WUI, prioritized projects, and signed off on multiple agency involvement. Commissioner Peck continued that even more important is the need for a common-sense document that is concise and specifically outlines the harms to the county regarding recreation, habitat, economic impacts, community wildfire protection; a very credible document that goes before a judge showing that the system is broken. Commissioner Peck said the timber Kootenai Forest Stakeholders Forest Management Guidelines have been vetted scientifically, and his personal opinion (not speaking for the commission) is those guidelines are better than what's in the forest plan.

Darren commented that the county is updating its growth plan that is intertwined with everything we are discussing and he will follow-up with Jennifer Nelson.

1:00 PM **Dave Hadden/Headwaters Montana:** Present were Greg Hoffman, Mike Rooney, Tina Oliphant, Alan Gerstenecker. Also present were Josh Letcher, Eureka via VisionNet.

Dave represents Headwaters Montana and works in partnership with industry and communities on natural resource issues that span the Montana, British Columbia international border.

The following statement in its entirety was submitted by Dave Hadden.

Statement to Lincoln County Commissioners 10/24/2018

Commissioners:

My name is David Hadden. I represent Headwaters Montana, and work in partnership with industry and communities on natural resource issues that span the Montana — British Columbia international border.

Thank you for your time today to talk about the opportunity to support the collection of water quality data in Lake Koocanusa and the Kootenai River. Reliable data will help inform future decisions about these waters for the economic, cultural, and recreational benefits of Lincoln County and Montana.

As you know, the governors of Montana and Alaska as well as leaders in their respective congressional delegations have worked to secure federal funds to collect water quality data in U.S. waters downstream of British Columbia.

Montana and Alaska, as well as Idaho and Washington, all share growing concerns about the impact of BC activity in transboundary watersheds. For example, Alaskans want assurances that four of their best transboundary salmon rivers will not be adversely affected by the 12 legacy, proposed, permitted or developed mines in the BC headwaters.

In Montana and Lincoln County, as you well know, selenium pollution from the Elk ' River mines is reaching threshold levels at the US-Canada border. A growing body of evidence indicates that upstream pollution will leach into the Kootenai River for centuries to come.

I am not prepared today to debate the effectiveness of current or proposed water treatment options at the Teck mines. Those treatment options, if effective, are clearly not sustainable over centuries. I can, however, provide information on the current opportunity for Lincoln County and Montana to better understand this situation and protect their self-interest. Base-line data provides the best means to understand how the Kootenai River's water quality may change over time.

The governors' and congressional support led to legislation in 2018 directing the EPA and the US Department of State and other federal agencies, "to work with State, local, and Tribal partners on efforts to reduce selenium, sulfates, nitrates, and other harmful contaminants in the Kootenai Watershed, to which the Elk River is tributary." ¹

The EPA and Department of State have followed through on this direction. While we have not been provided the reports required by Congress, we do know that the EPA and DOS did form the work group with other stakeholders as directed and have followed up with a report. This report served as the basis for formal talks between Global Affairs Canada and DOS at the biennial meeting last March in Washington, DC. These parties are, in fact, meeting today in Ottawa as we talk about this issue.

The congressional delegations from Montana and Alaska, and now also, Washington and Idaho, support a 2019 Interior appropriation of \$2.5 million for the collection of water quality data and the work of the inter-agency work group.

\$1.5 million would be directed to water quality sampling in transboundary rivers. \$1.0 million would support the inter-agency work group.

At this time we do not know if the 2019 Interior appropriation bill will receive a vote. Nevertheless, Lincoln County may wish to be on record supporting this research funding and the work of the work group.

There are problems upstream that will trickle down for centuries. Lincoln County is on the receiving end. There is money on the table to better understand the issue, and how it might affect our communities into the future.

In Alaska, focal governments, counties, the state leadership, and the Alaska congressional delegation are all on record in support this effort. In Montana, downstream communities and counties have not yet requested this important data collection. I hope Lincoln County will approve a resolution that supports data collection- and the work group's task to fairly resolve this issue with Canada and British Columbia.

DIVISION G- DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Commissioner Peck said the ongoing data is important, and we need to look at it over time, but not get excited over snapshots. Commissioner Peck expressed concern that nobody from local government is involved in the work group, stating that federal government does not have a clue of what our best interests are. Commissioner Peck expressed that we need closer consulting and involvement with the work group; there's no denying it needs to be monitored, but the county will need consultation and representation. Dave said he could make inquiries, and that he does advocate for local governments.

Commissioner Bennett asked if Alaska and Montana are going for this, and if we get \$500,000 what does that do for us? Dave said he cannot answer how that money will be distributed, but its use would be for the continued collection of water quality data and the work of the interagency work group.

Dave is requesting a resolution of support for the funding for continued research and the work group. Darren suggested a letter of support instead of a resolution. Commissioner Peck asked if it was just federal agencies on the work group.

Greg said there is BC representation, EPA, FWP Services, Corp of Engineers and DEQ; it's a pretty broad group. Greg said work group meetings are open, so the commissioners are welcomed to attend; Commissioner Cole said he would like to attend. Greg commented that Representative Cuffe has attended meetings. Commissioner Cole said the health of the Koochanusa and Kootenai River is a very high, top priority with the county. Commissioner Peck asked if the monies is for the 2019 appropriations, on top of what they are getting now. Dave confirmed the funding is in addition. Dave submitted a draft resolution for commission review.

1:30 PM Planning Department: No Planning Agenda

2:00 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Robin A. Benson, Clerk of the Board