

April 5, 2017

The Lincoln County Board of Commissioners met for a regular session on April 5, 2017, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Bennett, Commissioner Peck, 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 Meeting:** Present were Chris Savage and Sandi Mason.

KNF Forest Priorities:

- Currently 125 mmbf of uncut wood under contract equates to \$8.76M in remaining value (does not include Oly Moly, which add another 25 mmbf).
- Currently 44.7 mmbf held up in litigation (all Libby Ranger District sales).
- Published Galton FEIS in the Federal Register on March 24th. Wait 30 days for EPA review before ROD is signed and published.
- Young Growth Draft scheduled for April DEIS Comment Period.
- On track to offer 65 mmbf this year.
- Forest Receipt Information: FY 2016 = \$2,927,970

East Reservoir: Still waiting on 9th Circuit ruling.

10 Lakes: Comment period ended February 15, 2017; reviewing comments and will issue a decision this summer. Chris said he met with members of the local snow mobile club.

OU3:

- Working on Feasibility Study and Remedial Investigation documents.
- New proposed OU3 boundary which reduces the size by almost 75%; from almost 40,000 acres to a little over 10,000 acres.
- Working on longer term fire preparedness and suppression strategy within OU3.

Montanore:

- District Court heard oral arguments on March 30th by Judge Malloy. Malloy promises 2 to 4 week turnaround on decision.
- Waiting to see an updated Plan of Operations from Montanore.
- Met with Montanore on the mitigation plan and land acquisition about a month ago. Montanore is focusing on land acquisition until project moves through litigation.
- Signed MOU with State of Montana (DEQ and FWP) on finalizing agreement for oversight committee.

Rock Creek:

- Reinitiated consultation with USFWS for Bull Trout in the East Fork Bull River drainage due to Montanore groundwater modeling cumulative effects and critical habitat listing.
- Because of other priority projects within the Region, the Forest Service won't be able to start on this until June and may delay the project by 3 to 4 months.

Troy Mine:

- Working with Hecla/Revett Silver on reclamation of their tailings impoundment. Top priority for Hecla is to reclaim this site. MDEQ had a comment period to consider reducing topsoil cap of the tails from 18 inches to 8 inches. Tails is on private land, not Federal land.
- Ball mill building collapsed this winter.

Upcoming Year and Other Priority Projects:

- Continue with visitor use surveys conducted on the forest. This occurs every five years.
- Need to resolve management plan with Lincoln County and Libby Shooting Range; conversations are still ongoing.

Capitol Christmas Tree:

Sandi discussed Lincoln County and surrounding area efforts and participation for making ornaments and keeping the momentum going. Lincoln County Fair will incorporate ornament making into this year's fair activities and local libraries are hosting ornament making for kids. Sandi commented that Alaska Airlines donated several tickets to Washington D.C. and asked if the county could host a competition with high school students in Libby, Troy and Eureka to attend the tree lighting celebration.

- Next events scheduled are in conjunction with other community events around the KNF. Events include Rendezvous in Eureka on 4/29/17 and Birds of Prey, Libby Dam on 5/20/17.
- Working with schools, civic groups and other social entities in helping create ornaments.
- Looking for other ways to involve Lincoln and Sanders Counties.

Commissioner Peck informed Chris Savage that the county is looking at increasing the functions of the position currently held by Ed Levert as the county forester. The county would like the position to act as a liaison with state agencies and the Forest Service on efforts for local projects. The position will still conduct the Firewise efforts but also work on Good Neighbor and grant opportunities. Commissioner Peck said the state is interested in helping and working alongside this position.

From a county perspective, Commissioner Peck said the Skidale Fuels Reduction Project is an important project. The state is willing to look at this as a project to complete. Commissioner Peck said he would like to see this as a Good Neighbor project.

10:00 AM **Troy Property Discussion:** Commissioner Bennett said the Shaver property behind the troy shop may close by the end of this week. Home inspections on the property will be scheduled soon and then approved purchases can move forward. Property purchases will come out of the Road Department budget. Both properties are located behind the Troy shop.

10:15 AM **Administrative Issues:** Present were Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

The Commissioners read the minutes for March 28 and 29, 2017. **Motion** by Commissioner Peck to accept the minutes as submitted. Second by Commissioner Bennett, motion carried unanimously. Commissioner Cole commended Robin for the accuracy and hard work that goes into providing quality minutes. Commissioner Peck stated he has had several good public comments on how informative the minutes are.

10:30 AM **Kootenai Truck Tire Discussion:** Present were Jeff Koskela, owner Kootenai Truck Repair, Duane Plummer, DC Orr, Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

Jeff gave a brief history of his business, Kootenai Truck Repair established in 1988 that currently employs 6 people. Jeff said he implemented tires into his business to increase overall service. Jeff informed the commission that the county falls under State of Montana pricing guidelines for tires. Jeff clarified options for tire purchasing for the county and the importance of purchasing quality tires through the lowest means possible. Duane discussed Michelin/Goodrich tire pricing options. Commissioner Peck commented that by state procurement laws, it would have to go through the bid process to purchase through a contracted source. Commissioner Cole thanked Jeff for the information provided and appreciated the information, options and ideas to reduce costs.

11:00 AM **Public Comment Time:** Present were DC Orr, Bethany Rolfson, Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

Mr. Orr said it's tough to bring the commissioners up to speed on EPA issues after many years. Mr. Orr informed the commission that he did send emails to Bernie Cassidy many years ago and questioned the legality of EPA paying Allan Payne at the time it first occurred. Mr. Orr expressed that it is great that the county has moved ahead with the restructure of the Board of Health (BOH), but there are issues moving ahead stating that per M.C.A. 50-2-115, the county attorney shall serve as legal counsel to the BOH. Commissioner Peck clarified that the current legal advisor will be deputized. Mr. Orr questioned if Bernie Cassidy would still have authority over the new deputized legal counsel Jennifer Mariman. Mr. Orr stated that EPA does not want any more costs with Libby and the state has also spent a lot of money and those costs will be moved to the county. Mr. Orr feels that what is problematic is that the people of this county cannot afford Institutional Controls (IC) costs and expressed that he would like to stop the foreseen failure now. Mr. Orr said the BOH has jurisdiction in the county over IC's and the new board needs to be aware that it's their job to protect citizens and correct wrongs when the ROD was completed. Mr. Orr said he has applied for a position on the steering committee, but has received no response and moving ahead without these problems being addressed is not really moving ahead ; property rights need to be protected. Mr. Orr suggested the county seek an opinion from the State Attorney General if the outside counsel is the proper way to move forward. Mr. Orr commented on M.C.A. 50-1-111 Asbestos Disease Account; money that came to Libby in 2009, but so far has not seen any accounting of those funds. Commissioner Bennett clarified that there was approximately \$2M appropriated directly to the CARD Clinic in 2009.

11:15 AM **Snow Removal Ordinance Discussion:** Present were Road Supervisor Marc McCully, DC Orr, Bethany Rolfson, Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

Darren submitted the Winter Road Maintenance Plan of Operations for roads maintained by Lincoln County road departments for Commissioners to review. Marc explained some of the difficulties plowing during high snowfall. It was recommended to cancel the old ordinance and create a new ordinance for road maintenance that acknowledges snow removal policy.

11:30 AM **Public Health Budget Amendment Public Hearing:** Present were DC Orr, Bethany Rolfson, Alan Gerstenecker, Nikki Meyer, Eureka via VisionNet.

Commissioner Cole read Resolution 987 in its entirety. The resolution reflected revenue and expenditure codes to be increased by \$11,000. Robin explained the codes were line items within the budget. DC Orr asked if the commissioners know what those line items are. Jennifer said the expenditure line items are travel (travel to Eureka) operating supplies (ordering vaccines), and advertising. Commissioner Peck commented the budget amendment is from revenue already received and Jennifer further clarified the revenue is from vaccines or immunization services provided. **Motion** by Commissioner Peck to approve Resolution 987 as submitted. Second by Commissioner Bennett, motion carried unanimously.

11:45 AM **Ed Levert Forestry, Inc. Contract:** Present were

Darren said there are no changes in the contract. It is a 2 year contract, but stipulates it can be terminated at any time by the contractor or Lincoln County. Commissioner Peck commented that he would like to see this position evolve into a more proactive role with forest issues, attaining government grants as well as firewise services. Commissioner Peck said there will be ongoing conversation about what this position would entail in the near future and that potentially the state may be willing to help with cost. Commissioner Cole said Ed Levert has done a good job with firewise in our communities, but would like to see more forest issue involvement. **Motion** by Commissioner Peck to re-approve the contract between Levert Forestry, Inc. and Lincoln County as submitted. Second by Commissioner Bennett, motion carried unanimously.

1:00 PM **W.R. Grace Update:** Present were Jennifer Hanson, Michele Lemieux, Mel Parker, Tony Penfold, Kevin Ryan, Ron Catlett, John Fuller, Bethany Rolfson, Duane Williams, Lisa DeWitt, Jeni Flatow, Tom Stoops, Bill Murray, Stan Christensen, Nick Raines, Nate Gassmann, Mike Cirian and Nikki Meyer, Eureka via VisionNet.

Christina submitted a fact sheet on the proposed action for OU3 Fire Preparedness Libby Asbestos Superfund Site. The fact sheet describes a proposed action to provide dedicated firefighting resources for OU3 by the EPA and USFS. The agencies have proposed a Joint Non-Time-Critical Removal Action for fire preparedness in OU3. A non-time-critical removal action is a tool that can address priority risks in the superfund process prior to a final cleanup decision. The fact sheet summarizes three alternatives. EPA and USFS prefer Alternative 3: Aerial Response with Dedicated Ground Crew which evaluates the use of dedicated aerial resources for an aggressive initial attack effort and a dedicated ground

crew. The ground crew in this alternative would be trained and equipped to safely perform firefighting duties within OU3. The agencies will accept public comment on the Engineering Evaluation and Cost Analysis from April 5 through May 5, 2017. Comments can be submitted via email to: Harrison.jennifer@epa.gov or mail to: Jennifer Harrison, U.S. EPA Region 8 (8OC-PAI), 1595 Wynkoop Street, Denver, Colorado 80202-1129. Copies of the Engineering Evaluation and Cost Analysis and related documents are available online at www.epa.gov/superfund/libby-asbestos and at the EPA Information Center located at 108 East 9th Street, Libby.

Tony gave a brief history of the Kootenai Development Impoundment Dam and clarified this is a tailings dam, not a water dam. The EPA, DNRC, and MDEQ are working closely with W.R. Grace to develop interim and long term solutions to principal spillway issues detected at the Kootenai Development Impoundment Dam located within the former mine site (OU3). Deficiencies of the box culvert principal spillway and drain system have been documented. Long term solutions will be evaluated during Phase 2 of the Feasibility Study (FS) for OU3 which focuses on the cleanup of the Grace mine site and impacted waterways. The Phase 2 FS is anticipated to be completed in 2019.

Michele said her job is to make sure engineering meets state standards and follow state regulations. Everything being done on this site has an external review made of dam engineering experts to ensure all standards are being met. Michele expressed the importance that in order to have a successful project, understanding the water flow (surface and groundwater) at the site is significant. Michelle mentioned there are a lot of agencies involved and every agency has a different interest but expressed that every agency is in the mindset to work collaboratively.

The EPA, USFS, DNRC and MDEQ and W.R. Grace have worked collaboratively to revise the study area boundary of the former mine site, reopening some 20,000 acres to recreation and other activities. This revision is based on activity-based sampling data collected last year along with data collected over many prior years. This boundary has changed over time and can change again as additional information becomes available in the future. The total revised study area includes approximately 10,000 acres in and around the former vermiculite mine site.

Commissioner Cole asked about options to work on the dam. Tony said every option is being looked at and has narrowed it down to 5 or 6 categories, but the initial question is to keep the dam or not keep the dam. Tony said they are working to put together a group for an intense 3 to 5 days brainstorming Multiple Accounts Analysis (MAA) and would like a person representing Lincoln County to participate that has some of the technical aptitude to effectively participate. Commissioner Peck requested that Mel Parker be kept in the loop since he is the only person that is downstream

Mel Parker said that EPA cleaned his property and conducted work at Rainy Creek and invited people to see the difference on the work done below the highway to restore Rainy Creek and also see the highway on the other side where nothing has been done, stating it would be good business to walk this area.

1:45 PM EMA Discussion: Present were John Fuller, Ron Catlett, alan Gerstenecker, Bethany Rolfson, Robert Mast and Nikki Meyer, Eureka via VisionNet.

Darren said that he has visited with Lisa Oedewaldt and Kirk Kraft and explained the restructure is a financial issue; Sheriff Bowe is short one officer and with budget restraints it was logical to have Kirk (already a deputy) move into that position. Darren said the discussion was good and explained that Lisa will work in the courthouse and work directly under the commissioners. Commissioner Peck said that EMA is his background and he may have to step up at times. Darren said Lisa will continue working within EMA and Planning.

Darren commented that another opportunity in GIS that an employee retired and instead of replacing that employee, we moved an IT person to conduct the day to day work and contracted out the expertise from GeoControl out of Kalispell; contracted out will save retirement and insurance costs. Darren commented that through attrition, the county eliminated a position and it also shows the public that we are seriously making efforts to reduce costs.

2:15 PM Economic Survival Strategy Plan/Jerry Okonski: Present were Jamina Hobday, Robert Mast, Alan Gerstenecker, Bethany Rolfson, Greg Larson, Ron Catlett from Senator Testers office, John Fuller and Nikki Meyer, Eureka via VisionNet.

Mr. Okonski shared a PowerPoint presentation and provided a summary on Economic Survival Strategy for Lincoln County. The presentation expressed that county level forest and range land management is a rational path to much needed revenue that would save taxpayer's money, radically improve forest health and productivity, greatly reduce wildfire potential and provide much needed business and employment opportunities. The establishment of a Rural Forest (or Range) Enterprise Zone, is based upon a pragmatic template that could then be replicated and tailored to help other counties in similar distress.

The summary outlines a framework that promotes human and forest stewardship, infrastructure maintenance, business and job creation, as well as providing a sustainable revenue generator for the county. The Economic Survival Strategy outlines how given the proper authority and support, Lincoln County can become more self-reliant and an asset to state and federal government and provide leadership in the formation of a human and forest resource template to other counties in the future.

Greg Larson expressed his support for Mr. Okonski's work and said this is not too much to ask stating the plan deals with revenue generation, self-reliance and would be a template for other counties as a drawing card for support.

John Fuller commented that if it isn't done now, it will never be done. That whatever it takes to do something along this line to become self-sufficient once again; now is the time. To immobilize the public, this offers a solution to some of our problems and is a workable plan to generate revenue. Now is the time to pull out all the stops to make this happen.

Commissioner Cole said that we have talked about this for quite some time and asked Mr. Fuller what he is hearing from Congressmen and Senators as far as this approach. Mr. Fuller said that something like this was high on Ryan Zinke's priority list for Lincoln and Sanders Counties; the climate is right.

Commissioner Peck read from Gifford Pinchot that expressed Pinchot's idea of the importance that the man who owns the land from which he makes his living should also be who manages that land. Commissioner Peck stated that he supports Mr. Okonski's concept 100%, but commented that the county can't be responsible for wildland fires. The benefit with local management is the forest service can focus on what they are good at; recreation and trail maintenance and campgrounds. Commissioner Peck agreed the climate is right and the right people are moving into the right place. There is no better place for this to be a pilot project; we have everything that would challenge this process.

A copy of the Economic Survival Strategy Plan can be obtained in its entirety from the Clerk and Recorder's Office.

2:45 PM **Weed Department/New Hires:** Present were County Weed Director, Dan Williams, Alan Gerstenecker, Dan said he needs to hire four or five 90 day temps. Three will be funded out of weed grants and two will be paid out of the weed revolving fund. One hire will be a full time/6 month employee also to be paid out of the weed revolving fund. Dan said that most of these positions go to college students. **Motion** by Commissioner Bennett to authorize the Weed Department to hire up to five 90 day temps and one 6 month employee as presented. Second by Commissioner Peck, motion carried unanimously. Dan clarified that wages are funded through grants and contracted work; revenue will be available through grants and contracted work and all profit goes into weed control. Dan informed the commission that the DNRC contract could be up to \$50,000.

Meeting adjourned at 3:00 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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