

March 30, 2022

The Lincoln County Board of Commissioners met for a regular session on March 23, 2022 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Teske, Commissioner Letcher, County Administrator Jim Hammons and Clerk and Recorder Robin Benson.

Meeting allows for teleconferencing and VisionNet availability.

Commissioner Bennett opened the meeting with the **Pledge of Allegiance and Prayer.**

9:30 AM Teck / Update on Elk Valley Operations in Regards to Selenium:: Present were Trevor Hall, Vicki Marquis, Carla Fraser, Rory O'Connor, John McLaughlin, Aaron Bolton, Amanda Eggert, Andy Janes, Ashley Bussell, Brian Balmer, Brian Stephens, Dale Steeves, Jason Gildea, Jim Dunnigan, John McDonald, Jon Metropoulos, Lauren Sweeney, Mariah Besplug, Representative Steve Gunderson, Mike Hensler, Ray Stout, Rebecca Nelson, Rebecca Westley, Tamara Johnson, Travis Schmidt, Tristan Scott, Mark Tinholt and MT Petroleum Association.

Trevor Hall introduced Teck staff to everyone present. Trevor expressed the standard used by DEQ was not of standard practice and is unreliable data. Selenium is reducing in that site specific area (Lake Koocanusa) and has been stable since 2012.

Rory provided background and history of Teck operations & projects. Teck has been in operation for approximately 100 years.

Carla talked about Teck water quality experience and management, research and development programs, scientific technologies and water quality data.

Trevor discussed that Teck favors legal scientific based standards and conveyed that DEQ standards in this site specific do not reflect real scientific data. Trevor said today's meeting is to help provide data and facts to help commissioners make decisions.

Vicki said Lake Koocanusa was listed as threatened in 2012 and that was based on DEQ's best available science at that time and has not been updated yet and there was very little monitoring and was also based on an estimate that has been proven wrong over time. Vicki commented that fish in Lake Koocanusa has a safe level of selenium and explained that scientific data is attained through fish tissue studies. Vicki further clarified how whole body and muscle data are usable and confirm selenium levels found in Lake Koocanusa are safe and have been safe for as long as data has been collected. Montana FWP has confirmed that it has seen no fish population declines in Lake Koocanusa and that it has no evidence of deformities due to selenium. There are no agencies that are saying or have found any fish deformity out of Lake Koocanusa. Koocanusa fish data shows selenium well below US EPA criteria and considered safe for all fish. Trevor said Lincoln County is being presented with an inaccurate standard because data shows lower levels of any selenium standards in the country. Data confirms selenium levels in Lake Koocanusa are safe, and water treatment is removing nearly all (95%) selenium from treated water upstream, improving water quality. All the data is publicly available, and Tech welcomes more conversations and is available to answer any questions.

Commissioner Teske asked why DEQ is so insistent on Lincoln County and Lake Koocanusa; why this level of intent on the Kootenai.

Trevor replied that is a very good question, and that Teck as well as Representative Gunderson and Senator Cuffe have been asking those questions and still have not received real answers.

Trevor commented that we are here to allow folks to get a better, more educated view of the facts.

Commissioner Bennett expressed his real concern is about what incorrect information/data being distributed could mean to the state and other counties; it has a ripple effect.

Commissioner Bennett asked for comments from those attending.

Rebecca Nelson asked if there was more recent data on fish tissue since 2017.

Carla said the work done in 2015 and 2017 data showed no concern that there needed to be continued monitoring.

Representative Gunderson questioned if the fish decline of 2017 has recovered and thanked the University of Montana for their contributions and solutions.

Carla said studies show 2 successful years and explained the 2017 decline was due to weather events, ice freeze to lower levels and some mining contributing to the flow, but main cause was weather. The monitoring since 2017 show a fish recovery.

Amanda asked if there was any remediation with the International Joint Commission and if BC is in the process of modifying its selenium standards.

Trevor said the International Joint Commissioner is a government-to-government relationship and BC is working closely with the Technical Advisory Committee with members from the EPA, USGS and Montana DEQ and other US Agencies to continue using best standards.

Teck monitors water quality routinely at more than 130 locations in the Elk Valley and in the Koocanusa Reservoir.

Monitoring reports are available at: teck.com/elkvalley

10:30 AM Administrative Issues: Present were Treasurer Sedaris Carlberg, John McLaughlin, Ray Stout, Rebecca Nelson, and Solomon Alcain.

- Robin submitted the minutes for March 23, 2022 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Teske, motion carried unanimously.
- Commissioners signed a letter to Chad Benson in support of fuel mitigation strategies and expressing wildland fire concerns within the OU3 and surrounding acres that comprised the original Libby Superfund Site.
- Commissioners signed a letter to MT Department of Administration regarding support of InterBel Telephone Connect Montana ARPA Broadband Infrastructure applications. Commissioner Letcher commented that grant funds would bring internet improvements to North Lincoln County.

- Teske asked about any funding available for the food pantry. Commissioner Bennett said he will follow up.
- Sedaris talked about how the state is toying with the idea to make counties pay for all supplies for MV Departments. This would include printers, toners, paper and all other department supplies. The costs would come out of the county budget. The state is also considering getting rid of the Merlin Software System and want counties to pay 10 million of the estimated cost for a new system. Sedaris said she is not getting a lot of information. Currently county IT is not allowed to touch state equipment. Sedaris expressed concerns about what may be coming and not getting real answers and clarity. Sedaris noted that historically, the county option tax revenue does not go to the MV Department.

10:45 AM **Public Comment Time:** Present were Brian Todd, John McLaughlin, Ray Stout, and Rebecca Nelson.

Brian Todd said he lives on Bobtail Meadow and conveyed the Libby Air Quality Regulations did include his area but the map is not distinctive. At times air quality is unhealthy, mainly during open burning season. Brian expressed that the current air quality map in Libby takes in a lot of area where nobody lives and proposed a new map with less acreage but incorporate more populated areas, the air quality shed boundaries are not well defined.

Commissioner Bennett said he will visit with Kathi Hooper on the air quality mapping and follow up.

Brian asked about the condition of county roads deteriorating and commented of a big expenditure; wading pool at the fish pond. There is a lot of sediment coming into the fishpond, and now there is a proposal to put in a wading pool. Brian said it would be the same source of water, would require pumps, filters, and the pool could be unusable and creates liability.

Commissioner Bennett said the wading pool is a Port Authority project, not county. The county road department has helped the port, but not at the county expense. Commissioner Bennett commented there are other similar wading pools around the state. Research has been done and it is acceptable to post no lifeguard on duty signage. The Port Authority does reimburse the county. Commissioner Bennett clarified that funds for roads is not paid by taxpayer but from forest receipts and SRS funds.

Brian asked about the forester position.

Commissioner Bennett explained the County Forester is working in unison with state and forest service coordinating treating USFS lands. The County Forester coordinates with private lands, USFS and the State, and is also working on a new Community Wildland Protection Plan update.

11:00 AM **Robyn King / Yaak Community Hall:** Present were Jon Metropolis, Rebecca Nelson, Ray Stout, John McLaughlin and Wendy Drake.

Robyn talked about an agreement for the Yaak Community Hall Restoration Project that was submitted to the commissioners and is requesting input. Robyn said they are asking for the county to be the sponsor for grants Commissioner Bennett referenced other county grants, that when the grant comes to submittal the county has to conduct a lot of work, paperwork not known at the time bearing administrative duties.

Robyn said she is willing and able to shoulder that burden and happy to add language into the agreement.

Commissioner Bennett asked about the length of project.

Robyn said she does not have a good answer at this time because they are trying to get bids first and they need to ensure there is a fiscal sponsor to get the project moving.

Commissioner Bennett said his concern is the reporting aspect, regarding length of time, and suggested a simple project timeline after having a contractor.

Robyn will make changes to the agreement and resubmit a draft to the county administrator.

12:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

ATTEST: _____
Robin Benson, Clerk of the Board