

November 17, 2021

The Lincoln County Board of Commissioners met for a regular session on November 17, 2021 in the Lincoln County Annex, Eureka, 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**.

10:15 AM **Asbestos Resource Program (ARP) Update:** Present were Virginia Kashdan, Mandy Harcourt, Solomon Alcain, Thomas Lane, Diane Watson, Ray Stout and Derrick Perkins.

Virginia submitted and gave an overview of the following report:

[Asbestos Resource Program \(ARP\) Report for Commissioner's Meeting](#)
November 17th, 2021 10:00 – 10:30

In October of 2021, ARP received 27 hotline calls. 22 were from Libby, 5 from Troy.

ARP also received 61 utility locate tickets from properties within the Superfund site in October: 55 from Libby, 6 from Troy.

ARP took 31 site visits within October. Most of these site visits were to confirm digging locations for utility locates and to active asbestos abatement/sampling projects.

ONGOING/PLANNED ABATEMENTS:

117 Mineral Avenue (ongoing abatement)

173 Michigan Avenue (ongoing contractor recruitment for interior abatement)

386 Riverside Drive (ongoing recruitment for soil removal)

ONGOING/PLANNED SAMPLING:

Vacant lot in Libby (planned sampling event for specific use areas)

FUNDING

The ARP program is funded through a Memorandum of Agreement with Montana Department of Environmental Quality (DEQ). This is funding coming from a cooperative agreement between DEQ and U.S. Environmental Protection Agency (EPA). The agreement designates \$600,000 over two years starting with costs from July 1st, 2020, until May 31st, 2022. Total costs incurred by ARP & reimbursed by DEQ since July 2020 is approximately \$379,363 leaving a remaining balance of \$220,637. The last reimbursement came in October for services rendered in September.

DRAFT DEQ ANNUAL O&M INSPECTION

Weston Solutions, a consultant for DEQ conducted the Operations & Maintenance (O&M) annual inspection on June 29, 2021. The inspection was conducted on Operating Unit (OU) 1, 2, 4, 5, and 7. A draft version of their report was made available to Lincoln County this week. We have until December 17th to send comments on the document.

OU#	Name
1	Former Export Plant
2	Former Screening Plant and nearby areas
3	Former Vermiculite Mine
4	Libby, MT (residential, commercial, and public properties)
5	Former Stimson Lumber Mill
6	Burlington Northern Santa Fe Railway
7	Troy, MT (residential, commercial, and public properties)
8	U.S. and MT highways and secondary highways that lie within the boundaries of the Site

OU6 EXPLANATION OF DIFFERENCE

The EPA has published Explanation of Significant Differences to the Record of Decision for the Libby Asbestos Superfund Site, Libby and Troy Residential and Commercial Properties, Parks and Schools, Transportation Corridors, and Industrial Park, Operable Units 4 through 8. There is a print copy of the document available at the Lincoln County Libraries in Libby and Troy. This document describes differences in implementation of institutional controls that were developed in the Record of Decision.

EPA UPDATE MEETING (DECEMBER 1ST; 11:00AM – 11:30AM)

There is a Libby Asbestos Superfund Site update meeting scheduled for Wednesday, December 1st starting at 11am. Representatives from DEQ will also be sharing updates. There is call-in information available on the Commissioner's Agenda on the Lincoln County website. For those who would like to meet in person, the Commissioner's Room will be available.

LASOC MEETING (DECEMBER 13TH; 11:00AM – 1:00PM)

The next Libby Asbestos Superfund Oversight Committee (LASOC) meeting will be on December 13th, from 11am – 1pm. The agenda and supporting documents have been finalized so they will be available on the DEQ page dedicated to LASOC. There is call-in information on the Commissioner's Agenda for those who would like to join virtually. The same information can be found in the public notice in the Kootenai Valley Record starting December 1st and on the agenda which will be posted in the Courthouse Bulletin Boards and Libby Library. For those who would like to join in person, the meeting will be held in the Commissioner's Room.

ARP RESIGNATION & PROMOTIONS

Virginia (Kocieda) Kashdan is resigning from the ARP Director Position effective December 20th, 2021. Amanda Harcourt will be promoted to the Director Position and Elzhon Anderson will be promoted to the Operations Manager.

10:30 AM **Administrative Issues:** Present were Solomon Alcain, Thomas Lane, Ray Stout, Diane Watson, and Derrick Perkins.

- Robin submitted the minutes for November 9 Municipal Canvass and November 10, 2021 regular meeting for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.

10:45 AM **Public Comment Time:** Present were Solomon Alcain, Thomas Lane, Ray Stout, Diane Watson and Derrick Perkins.

Diane asked about follow up from last week's comments regarding more detailed information and transparency from the Board of Health. Diane expressed that if the Board of Health is putting out information, they should disclose where the information is coming from and provide detailed statistical data.

Commissioner Teske said he looked at the CDC website and the information is the same as what the Board of Health is reporting and suggested adding a CDC link on the Public Health/Board of Health webpage(s).

11:00 AM **Ethan Lula, FWP:** Present were Thomas Lane, Ray Stout, Diane Watson and Derrick Perkins.

FWP Wildlife Biologist Ethan Lula based in Eureka since 2019, briefed the commissioners of wildlife activity and submitted the following report.

Lincoln Co. Commission Meeting

11/16/2021

**Brent Teske
Jerry Bennett
Josh Letcher
Jim Hammons**

Introduction

Hunting Season/Check Station Summary

- In the 4th week of the season
- 5 elk 11MD 107 WTD cumulative
- Past two weeks have seen approximately 362 Hunters come through
 - 56 Harvests for a success rate of 15%
 - Hunter numbers seem down
 - Having problems with hunters running check stations

Biennial Season Setting & Simplification Process

- FWP has new director, Hank Worsech and new RI commissioner Pat Taybor.
- Season setting began with simplification directive, and an initial round of public comment
 - In person meetings unfortunately limited due to COVID concerns
- Tentatives from simplification process will go in front of FW Commission DEC 14 and go out for another round of public comment
- Combination of HD 101 and 109, o Mule Deer Regulations
- Elk B-licenses vs. permits. Potential changes to Shoulder season to remain consistent across state

White-tailed Deer and Elk

- WTD, elk and MD recruitment responded favorably to the past two (2019, 2020) winters
 - WTD in valley especially good, and increased the # of private land B licenses
- Region is evaluating new survey methodologies for difficult to observe wildlife w/ Fisher River mule deer and WHI bighorn sheep
 - Results should be in sometime this winter
- Elk management plan is being rewritten — Multi-year process
- CWD update

Bears

- High number of BB conflicts related to exposed trash and attractants this fall. Increasing number of new residents unfamiliar with best practices.
- Ongoing issues with wildlife feeding within northern portion of county
- Working on a black bear population monitoring model

Wolf Regulation Changes

- Harvested 20 wolves this season (10 M, IOF), as of the 11th • 10 per license + 10 trapping
- Dec 31 start date unless grizzly denning has occurred
- Night hunting on private land only
 - Excluding timber co. land
 - Snaring outside of LPZ and w/ relaxing lock on private
 - Baiting has restrictions within LPZ
 - Floating start date Dec 1 — Dec 31
- the population appears to have become somewhat stabilized with an average of 190 packs and 1136 wolves per year, even with an estimated annual harvest rate of >20% in this period.
- Region 1 approximately 500 wolves and 80 packs

Mountain Lion Working Group

- Going through selection process after monitoring plan was implemented for mountain lion in 2019 and 2020

Game Damage Issues

- Increasing number of WTD game damage complaints regarding standing alfalfa

- Ongoing development and continued subdivision will continue to make established game damage programs, tied to hunter license dollars, ineligible, impractical or unsafe.
- Shoulder seasons w/ permits still in place, but potential to change during this biennia season setting to remain consistent across the state.
- Elk migrate all the way from Top of the World Provincial Park in BC.
- Turkeys in Town

Mule Deer Study (2017-2019) — Ongoing analysis

- 41 adult females Captured in Cab/Salish, 44 in Whitefish, 49 RMF
- Mountain lion predation was the leading known cause of adult female mortality imposing approximately 11% mortality on adult females
 - 6% unknown
 - Health related 3 %, wolf and coyote 1% each
- Salish migration 20 mi (mean), max 30miles
- Whitefish migration 15mi mean (max 30 miles)
- Diet composition analysis and forage selection
 - Preference for recent disturbance and early successional forest stages on summer range
 - Winter range analysis and population modeling

Bighorn Sheep

- Working with the FS to develop a habitat improvement plan for Ural-Tweed BHS using BPA mitigation funds.
- Subdivision and of lands around Roosevelt and increased risk of pneumonia pathogens could result in catastrophic collapse of the BHS sub-population, and associated metapopulation

Moose Research

- Year 8 of 10-year research project to assess moose vital rates and establish a cost-effective moose monitoring strategy. Data is preliminary
 - High adult female survival
 - Low calf survival

11:30 AM **Nordic Way Subdivision / Annex into Rural Fire District:** Present were Steve Lauer, Brett McCully, Sheriff Darren Short, Thomas Lane, Ray Stout, Diane Watkins and Derrick Perkins.

Steve Lauer on behalf of the Lincoln County Rural Fire District Board of Trustees, submitted a petition to approve the annexation of one private property owned by Ben & Heather Scott. Property is Nordic Way Subdivision Parcel A of COS4348, known as Nordic Way Subdivision, 70.57 acres and is located adjacent to the existing fire district. The LCRFD board met November 8, 2021 and approve the annexation request. Steve commented the property is owned by one person and MCA 7-33-2125 requirements have been met. Steve submitted all supporting documentation for commissioner review.

Motion by Commissioner Teske to move forward with the public process with intent to annex Nordic Way Subdivision into the Lincoln County Rural Fire District as presented. Second by Commissioner Letcher, motion carried unanimously. The Board of County Commissioners shall publish notice of the hearing as provided in MCA 7-1-2121.

Commissioner Bennett said the annexation would be a requirement of final plat approval.

Steve commented that to be annexed into a fire district is not a part of final plat approval.

Commissioner Teske clarified that in earlier discussion with property owner Ben Scott, it is the impression that the fire district was going to put in a holding tank for fire suppression purposes.

12:00 PM **Break**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

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