

June 7, 2023, Minutes

The Lincoln County Board of Commissioners met for a regular meeting on June 7th, 2023, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Josh Letcher, Commissioner Brent Teske, Commissioner Jim Hammons. Absent were Administrative Assistant Jennifer Brown and Clerk and Recorder Corrina Brown. Also Present were Dania Zinner EPA, Beth Archer EPA, Jason Rappe DEQ, Caroline Balliew DEQ, Nick Raines WR Grace.

Meeting allows for teleconferencing and ZOOM availability. Present online were Chanel Geer LCSO, Rebecca Nelson Tobacco Valley News, Ray Stout KVR, Hayden Blackford, Tom Lane Lincoln Co. EMA, Jesse Haag Lincoln County Planning Director, Bruce Phillips, and Bree Adamson District Attorney Office.

Chairman of the Board, Commissioner Letcher opened the meeting with the **Pledge of Allegiance and Prayer**.

9:30 AM Libby Asbestos Update: Beth Archer from EPA presented a slide presentation on the progress going on with the Libby Asbestos OU sites. Operable Units 1, 2, 6 and 8 were discussed as to their status. OU-1, the former screening plant, was partially deleted in May 2020. OU-2 was partially deleted in April 2019. OU-6 the Rail Line ROW and rail yards partially deleted in August 2022. OU-8 the transportation corridors were partially deleted in September 2021.

Operable Units 4, 5, and 7. OU-5 the former Stimson Lumber Mill. ESD signed in May of 2023 by Region 8 Administrator. Requesting State Concurrence on partial deletion of OU-5. OU-4 and 7, Libby and Troy, which includes the residential and commercial properties, are being GIS and Response Manager will continue to be updated.

On General O&M, sitewide operation and maintenance plan was completed in May 2023, along with the sitewide Institutional Control, and the Implementation and Assurance Plan. The annual inspection will happen in June of this year.

The former mine site, OU-3 on the forest, remedial options have been screened and now alternatives need to be refined. This will be in Phase 1. In Phase 2 the mine site and the waterways, they are making progress on screening remedial options. Moving forward they will be comparing the remedial options in detail for both Phases 1 & 2. EPA will be sharing their preferred remedial option in a proposed plan anticipated to be in 2025 or 2026.

Once this is out, there will be a 30-day comment period. Then EPA will issue a responsiveness summary and Record of Decision documenting the selected remedy for the OU-3.

Jason Rappe from Montana DEQ talked about the growth in the area and trying to keep track of the properties. He mentioned putting together all the site plans into one set of plans. Commissioner Teske commented that he was glad they were streamlining the plans to make it more user friendly for people. He told the panel he would like to see a presentation of the mine site in photos for people to see, since no one from the public has been able to see what has been going on at the mine site.

10:30 AM Administrative Issues/Old Business Approve Minutes: Lincoln County Alcohol Tax Designation 2024, Marcia Boris Summer Intern, Weed Dept. Grant Funding. Present were Marcia Boris County Attorney and Kathline Sheffield Victim Witness Advocacy.

- The annual renewal for the State Alcohol Tax was brought up for approval. **Motion** by Commissioner Teske to approve the Alcohol Tax. Seconded by Commissioner Hammons. No public comment. Motion carried.
- The minutes were submitted for May 31, 2023, for approval. **Motion** by Commissioner Teske to approve the minutes for May 31, 2023. Seconded by Commissioner Hammons. No public comment. Motion carried.
- Minutes from June 1st, 2023, Weed department budget meeting were presented for approval. **Motion** by Commissioner Teske to approve the minutes for June 1st, 2023. Seconded by Commissioner Hammons. No public comment. Motion carried.
- Minutes from June 2nd, 2023, Justice Court/ Adult Probation budget meeting were presented for approval. **Motion** by Commissioner Teske to approve the minutes for June 1st, 2023. Seconded by Commissioner Hammons. No public comment. Motion carried.
- Marcia Boris spoke to the Commissioners regarding a summer Intern. She said in the past the pay was \$15 an hour but that is not enough. She would like to see the pay increase to \$20 an hour. **Motion** was made by Commissioner Teske to approve the \$20 pay. Seconded by Commissioner Hammons. No public comment. Motion Carried.
- There were two grants and a quote for approval from the Weed Department. The grants were renewals. One grant was for Ragwort, the second grant was for Rush Skeleton weed. **Motion** was made by Commissioner Teske to approve the two grants. Seconded by Commissioner Hammons. No public comment. Motion Carried. The quote for approval and payment was for an Herbicide called Rejuvra. This Herbicide has been used in the past by the weed department for controlling Ventenata. **Motion** by Commissioner Teske to approve the quote for payment for \$10719.00 to be paid out of PILT. Seconded by Commissioner Hammons. No public Comment. Motion carried.

10:45 AM Public Comment Period: No Public comment.

11:00 Am **US Forest Service Update:** Present were Chad Benson USFS Forest Supervisor, Heidi McRoberts USFS, Jennifer Nelson Lincoln Co. Forester, Luke Dahm Lincoln Co. Mark Peck.

Chad Benson updated the Commissioners on the projects on the Kootenai National Forest and where they were at this time. He spoke about the Preliminary injunction on the Knotty Pine project. He didn't understand why the Forest Service could not continue to work on part of the project that was outside the Bear Management Area and the designated BOARs.

Other projects he spoke about were Ripply and Black Ram which are still going through the courts. Norman/ McCedar and Granite/Snowshoe are other projects the Forest Service are working on. Work is also being done on the 200-acre area around OU-3, the old WR Grace mine site. Commissioner Teske asked if there are any projects moving forward on the forest. Mr. Benson said the Norman McCedar project is still on track and moving forward and there is funding for this project.

Mr. Benson spoke about a meeting with the State on Fire Management for this year. He said the state is bolstering their fire program and is appropriating an extra 1 million dollars to each forest to help with wildfires. This is an addition to the 8 million from the regular appropriation for the year.

Another item brought up by Mr. Benson was the trail work on the forest, particularly the Flower Creek Trail project. He said this project is moving forward.

Commissioner Letcher spoke to Mr. Benson concerning the problem with a lot of timber in his area that is dying. He said everything greater than 12 inches in diameter seems to be turning red. He explained how a couple years ago it was just a few trees but now it is taken over everywhere. Commissioner Teske asked some specific questions regarding the BOARs area. What are the criteria for designation of these areas? Many people are asking questions about the BOARs areas, and he wants to be able to give them information on the areas.

Mr. Benson explained that the BOARs designation was lined out in the 2011 Forest Plan. It was attached to the Forest Plan Addition under Appendix "A". Bears that move outside the Bear Management Units (BMU) for 10 years and bears with cubs for 15 years. To determine this, they use credible sightings, captures and radio collar documentation.

There was a lot of discussion regarding the BOARs areas in relationship to the ongoing litigation with some of the large timber projects. Mr. Benson told the Commissioners there were 4 BOARs areas on the forest. But now the FWP brought credible information on bears in the Fisher/Cabinet Face to designate a 5th BOARs area on the forest.

Commissioner Teske asked where the general area is for the new BOARS area. Mr. Benson gave a description of the BOARs area in and around the West Fisher, East Cabinet area. Mr. Teske said it seems there are new BOARs areas every time a bear is spotted outside of the bear management area.

Mr. Benson said getting a handle on the courts would help a lot. He said they are throwing everything back at the Forest Service and telling them to fix it. There was more discussion on the BOARs and other bear management issues.

12:07 PM **Meeting Adjourned.**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Jim Hammons, County Commissioner