

June 4, 2025

The Lincoln County Board of Commissioners met for a regular session on June 4, 2025, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Hammons, Commissioner Duram, Administrative Assistant Nikki Fox and Clerk and Recorder Corrina Brown.

Zoom participation: Aimee Hawkaluk, Alaena Woody, Chanel Geer, Dallas Bowe, Darren Short, Evan Camalla, Feleisha Storkson, Jesse Haag, John Hyslop, Josh Letcher, Kathi Hooper, Lindsay Thane, Marcia Boris, Melanie Howell, Ray Stout, Sierra Gustin, Suzanne Resch, Traci Street, Tyler Reed and Wendy Drake.

Commissioner Hammons opened the meeting with the Pledge of Allegiance.

* Commissioner Hammons was designated to act as presiding officer of today's meeting.

09:15 AM Administrative Issues/Old Business: Approve Minutes. New Position with Position Description

Approval: Present were Brian Berreman and Linda Gibson.

- Approval of the minutes from May 28, 2025 regular commissioner meeting: **Motion** by Commissioner Duram to approve the May 25, 2025 meeting minutes. Second by Commissioner Hammons. No comments. Motion carried.
- Approve a County Attorney Investigator/Compliance Officer position and position description: **Motion** by Commissioner Duram to approve this position funded from PILT the first year. Second by Commissioner Hammons. Discussion of the value of this position to the county. No public comment. Motion carried.
- PILT claims: Commissioner Hammons reviewed annual membership dues for Wood Products Association \$292. **Motion** by Commissioner Hammons to approve the dues for the Wood Products Association, \$292. Second by Commissioner Duram. No public comments. Motion carried. Forest Stewardship Foundation \$500 with an annual conference. **Motion** by commissioner Duram to approve the Forest Stewardship Foundation, \$500. Second by Commissioner Hammons. No public comments. Motion carried. Montana State University invoices for board training in both Libby and Eureka, \$1,204.41 each. **Motion** by Commissioner Duram to approve both the Libby and Eureka MSU invoices. Second by Commissioner Hammons. No public comments. Motion carried. Consultant Richard Stem, a representative for the county in developing short- and long-term solutions regarding the KNF, \$1,995. **Motion** by Commissioner Duram to approve Mr. Stems Invoice. Second by Commissioner Hammons. There was discussion and agreement to lay the motion on the table, with the intent to take it up again at the next regular meeting for further review. Jackson, Murdo and Grant, PC bills related to the selenium lawsuit were presented totaling \$15,625. **Motion** by Commissioner Duram to approve this one. Second by Commissioner Hammons. No public comment. Motion carried. Freemyer Associates provided representation regarding federal lands under county lease agreements, in support of the county's desire to transfer these lands from federal to county ownership. **Motion** to approve Freemyer Associates \$4,239 by commissioner Duram. Second by Commissioner Hammons. no comments. Motion carried.
- Commissioner Duram provided a county shop pasture lease agreement renewal with the Yorlum Cattle Company for five years at \$200 per year. **Motion** by Commissioner Duram to enter into this lease ending in 2027. Second by Commissioner Hammons. No public comments. Motion carried

09:30 AM Public Comment Time – Non-Agenda Items: Present were Brian Berreman, Jennifer Nelson and Linda Gibson.

Jennifer Nelson, a member of the advisory board, expressed concerns about the Port Authority's conversation control over the Master Stewardship Agreement (MSA) signed in October 2024, despite the agreement being in Lincoln County's name. She noted unanswered requests for information on funding, program structure, and public communication and expressed concerns with a lack of transparency in decision-making, particularly regarding hiring and fiscal oversight, and the emergence of a Lincoln County Natural Resource Advisor role. She urged the Commissioners to conduct public discussions with the Port Authority to clarify responsibilities, ensure accountability, and improve transparency.

09:45 AM Discussion/Approval of DEQ Documents: Present were Brian Berreman and Linda Gibson.

Introduction of Attorney Aimee Hawkaluk with Jackson, Murdo and Grant and presentation of a Lincoln County petition for rulemaking to the Montana Department of Environmental Quality (DEQ) requesting revisions based on new EPA guidance and scientific data showing that selenium levels in fish tissue and water are below national thresholds and are stable or decreasing. The County would ask that the water column standard remain at 1.5 µg/L and that the definition of "steady state" be amended to reflect EPA's 2024 guidance, removing the phrase "or changing" to avoid misinterpretation. These changes aim to ensure scientifically sound standards while reducing regulatory burdens on local industries such as mining, timber, ranching, and agriculture. **Motion** by Commissioner Duram to submit the petition for rulemaking to DEQ in light of the documents provided. Second by Commissioner Hammons. No public comment. Motion carried.

10:00 AM Presentation of the Great Outdoors Conservation Easement: canceled

10:15 AM Libby Airport Funds Transfer: Present was Brian Berreman.

Introduction of Tyler Reed and discussion of a request for FAA approval of agreement for transfer of entitlements in accordance with federal law. Three Forks Airport-Gallatin County transfer of \$150,000 in FY 2026 nonprimary entitlement funds from Gallatin County Airport (Pogreba Field) to Libby Airport, sponsored by the City of Libby and Lincoln County. Conversely, Libby Airport transferred a total of \$150,000 in nonprimary entitlement funds from FY 2022 to Gallatin County Airport. Both transfers were approved by the FAA for eligible airport development projects and are valid until the earlier of the respective expiration dates (09/30/2026 for Gallatin County's transfer and 09/30/2025 for Libby's). These reciprocal fund transfers allow for more flexible use of federal airport improvement funds within Montana. **Motion** by Commissioner Duram to approve the agreement to transfer entitlement funds from the Libby Airport to the Three Forks Airport. Second by Commissioner Hammons. No public comment. Motion carried.

10:30 AM **Preliminary Subdivision Review and Decision-Sunday Creek Ranch:** Present were Bobbi McCanse, Brian Berreman and Paul Johnson.

Kristin Smith, Planning Department, presented the preliminary plat approval request for the Sunday Creek Ranch subdivision, advising staff recommended approving the request, subject to eleven conditions. **Motion** by Commissioner Duram to approve the preliminary plant for the Sunday Creek subdivision with the conditions to be met. Second by Commissioner Hammons. No public comment. Motion carried.

10:45 AM **Planning Title III Funding Request:** Present were Bobbi McCanse, Brian Berreman, Jennifer Nelson, Jesse Haag, Scott Shindledecker and Stuart Crismore.

Jesse Haag, Lincoln County Floodplain Administrator presented a request for \$3,940 in Title III funds to purchase personal protective and communication equipment to enhance flood emergency response and hazard mitigation efforts. He noted this request supports his role in coordinating with FEMA, Lincoln County EMA, and other agencies to respond to flood events. He requested the equipment—ranging from GPS units and communication devices to safety gear—to improve situational awareness, field-to-office updates, and public information dissemination. He specified this use is consistent with allowable Title III expenditures for emergency response activities on national forest lands. **Motion** by Commissioner Duram to approve the request for \$3,940 and move it to discussion. Second by Commissioner Hammons. Discussion of utilizing this equipment for various purposes. Jennifer Nelson expressed support for the plan, stating that it includes necessary equipment and fits with acceptable use of this funding. No further public comments. Motion carried.

11:00 AM **Update on DOT Projects:** Present were Bobbi McCanse, Brian Berreman, Bob Vosen, Jennifer Nelson, John Damon, John Schmidt, Justin Juelfs and Scott Shindledecker.

Bob Vosen, District 1 Administrator; Justin Juelfs, Maintenance Chief; and John Schmidt, District Construction Engineer, were introduced. Bob presented a construction map outlining the five-year plan of projects under the federal aid program and discussed recent success with on-site hot plant operations. John reported that completion of the Highway 37 bridge decks is planned by the end of summer. Justin provided an overview of the Troy Highway 2 Kootenai River Bridge project, noting it will require limited nighttime highway closures to jack the bridge and replace eight bearings, one at a time. Justin acknowledged seeking funding to repair the deteriorating Yaak Highway 508, which is in need of a surfacing treatment.

11:15 AM **Public Hearings; Schrieber Meadows North and Schrieber Meadows South Subdivisions:** Present were Andy Evensen, Bob Vosen, Bobbi McCanse, Brian Berreman, Don Tracy, Earl Messick, Jennifer Nelson, Jesse Haag, John Damon, Justin Juelfs, Maggie Craig, Paul Johnson, Roby Bowe, Scott Shindledecker, Stuart Crismore and Win Dooley.

Jesse Haag, Planning Director, presented Schrieber Meadows North and South subdivision details for the public hearing, noting the information is available on the county website under planning department. <https://lincolncountymt.us>

Dr. Roberta McCanse, Planning Board, advised she abstained from voting on the proposed development due to multiple unresolved questions. She cited the significant financial investment made in anticipation of approval, uncertainty about how nearly 30 residential wells would be monitored and a lack of clear information about the aquifer. She expressed concerns about road access off of highway 2, noting a sheer drop to wetlands, the engineering challenges of road widening, and geological instability with an estimated slope exceeding 6%.

Paul Johnson advised he is against the project due to the reasons Jesse stated with the seven criteria all noting something negative. He argued the site was a poor location for both a subdivision and road, citing the presence of wetlands, small usable building areas on the lots, and a lack of adequate wildfire egress—since the only access road runs through the forest. He also warned that development would ruin wildlife habitat.

Maggie Craig questioned the implementation and oversight of mitigation measures proposed for the development. She questioned whether mitigation from agencies like MDOT, Fish, Wildlife & Parks, or the Forest Service would be effectively enforced. She referenced a past incident where the contractor burned slash piles without a permit, filling the highway corridor with smoke for weeks and despite contacting multiple authorities, no enforcement occurred. She gave an example of a contractor possibly mishandling cistern installation and potentially dumping a truck load of dirt into a creek without consequence. She advised of prior work already done, noting the access road along the lake had been widened and dirt was pushed toward the lake. She emphasized the site's challenges, with limited space between the highway and the lake, calling it a poor location overall due to water, wildlife, and access issues. She questioned the impact on local property values and taxes, citing a nearby 3.47-acre lot listed at \$375,000, which could raise resident's property taxes.

Don Tracy attended the meeting to learn more about the proposed development. He referenced the seven statutory criteria for approval and noted that numerous concerns had been raised by various reviewing agencies. He suggested that reducing the density of the development could help mitigate many of these concerns. He questioned whether future owners of the proposed lots would be allowed to further subdivide and increase housing density, which could worsen existing issues. He did not express opposition to the project yet emphasized the value of the wetland area as a habitat that supports significant wildlife and should be given strong consideration in the decision-making process. He feels the potential for future development and its impact may be a key concern.

Dr. Roberta McCanse confirmed she abstained from supporting the development due to unresolved questions, including concerns about wildlife corridors. She noted there was a recommendation for fencing along a 200-foot buffer. When asked why she didn't vote against the project, she acknowledged she probably should have but attributed her decision to being new to the planning board.

Jennifer Nelson expressed concern about the proposed development near a unique hydrologic area that was purchased by the state of Montana to preserve wetlands and wildlife habitat, including grizzly bear territory. She highlighted past issues in nearby subdivisions, such as inadequate services, slow emergency response times, soil instability, and poor enforcement of land use rules. She emphasized the significant investment in protecting the wetlands and warned that development could disrupt wildlife corridors and water systems, especially during ongoing drought conditions. She stressed the need for careful consideration of environmental impacts before proceeding.

Win Dooley advised she read the latest article and raised her kids out there and finds it sad to see the change in the land in the past fifteen years. She expressed concern of homes disrupting wildlife corridors and ancient animal migration routes. She referenced the wetland area designed by Lee from Helena, emphasizing it was designed so that the water moved at different levels at different times of the year and was meant to spread. She feels the narrative of bringing affordable housing, in this case, is ridiculous. She confirmed the commission decision deadline date of July 2, 2025 and feels the lack of evidence and speed of the process are troubling. Drawing from her experience as a former medical captain, ambulance medic, and safety officer, she voiced strong concerns about limited emergency response capacity, especially with a shrinking pool of volunteers. She questioned fire abatement enforcement, road safety, and access for emergency vehicles. She referred to the project as a “cold sore” and a “blooming disaster,” and warned that it mirrors harmful development patterns seen on the east coast and fears it will erode the land’s ecological and community value.

Stuart Crismore, Chair of the Board of Trustees for the Fisher River Valley Fire Service Area, clarified that they neither oppose nor support the proposed development, as long as their specific criteria are met. He stated that Fire Chief Kirk has been in communication with the developers to outline the department’s requirements, including proper ingress and egress and placement of infrastructure like the water cistern. He emphasized that the fire service is open to serving the community if these conditions are fulfilled. He also corrected a previous claim, stating it did not take them an hour to respond to recent fires, although the area is at the edge of their coverage zone.

Andy Evenson, project engineer, acknowledged the many valid points raised. He stated that the findings of fact and conditions of approval have addressed these issues and will be enforced through the final plat process. Regarding water use, he clarified there are no proposed surface water uses by the subdivision, and hydrogeologic evaluations show that the wells are not connected to the nearby lake, as groundwater levels are significantly lower. He emphasized that protection of the wetland mitigation area is a top concern and noted there are currently no restrictions on public access, but the project includes CC&Rs to align with MDT’s restrictions. He discussed a disagreement about wetland buffer requirements, noting that while Schrieber Creek is classified as perennial, sections have gone dry every year since 2021. He requested the buffer be reduced based on updated Fish, Wildlife & Parks guidance. He advised the proposed number of lots had already been reduced from the original plan, and further changes might occur as access and fire mitigation issues continue to be addressed.

Paul Johnson stated lot size average of ten acres is not exactly true. He noted the well at the north end static level is four foot above the bottom of the lake and doesn’t think we can say they aren’t connected.

Jennifer Nelson advised the Montana School of Mines has been conducting hydrologic work in the Chain of Lakes area. Their research suggests there is a hydrologic divide in the region: water south of it flows toward the Thompson River, while water to the north—including around Schreiber Lake—flows toward Pleasant Valley Fisher. She noted the area has experienced ongoing drought conditions, which have contributed to the shift from perennial to intermittent (annual) stream classifications. Water levels in nearby spring-fed lakes, such as Crystal Lake, remain very low again this year. She raised concerns that continued groundwater development for residential use could be affecting these lake levels.

Earl Messick, a fourth-generation resident of Libby, expressed concern about the impact of the proposed 27-lot subdivision on local water resources. He questioned how much water each home would use daily, to which Jesse responded that Montana DEQ estimates approximately 0.28 acre-feet per dwelling. He supported earlier comments about a hydrologic divide near Thompson and Davis Peak, confirming it’s a known separation between the Thompson River and Fisher River drainages. He shared personal observations that wells in the area—including a long-standing artesian well on Rex Musel’s property—have recently dried up for the first time. He emphasized his concerns about future water availability, recalling his grandfather’s warning that water would one day become a major issue.

No online public comment.

Jesse Haag noted a copy of the staff report, which includes the conditions of approval, is available on the county website. He offered to provide paper copies to anyone interested after the meeting. Discussion of the public hearing having combined coverage of both the north and south sections of the proposal.

12:24 PM Break

01:30 PM **Elections Budget Meeting:** Present were none.

Melanie Howell, Election Administrator, presented the preliminary 2025/26 election budget, highlighting a significant increase in postage costs. She noted expenses related to Election Services and Software are high, with programming and ballot stock costs difficult to estimate. She addressed training expenses for the upcoming convention and state certification. Contract services increased in anticipation of election judges needing to recertify in spring 2026. There was a discussion regarding the balance of the non-profit bulk postage account.

01:38 PM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Brent Teske, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board