

Boundary County Commissioners

*Dan R. Dinning, Chairman
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**BOUNDARY COUNTY
P. O. Box 419
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Objection Reviewing Officer
USDA Forest Service, Northern Region
26 Fort Missoula Road
Missoula, MT 59804
appeals-northern-regional-office@fs.fed.us

RE: Bog Creek Road Project Objection

Dear Reviewing Officer:

By motion today, the Board of Boundary County Commissioners approved Chairman Dan Dinning to sign this Objection letter in response to the February 15, 2019, Federal Register Notice of Availability and Objection Filing Period regarding the February 2019 Draft Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) documents for the proposed Bog Creek Road Project (Project).

This letter sets out Boundary County's objections to various content and omissions in the Draft ROD and FEIS, in accordance with 36 C.F.R. Part 219, Subpart B. These objections are based upon and relate to Boundary County's comments in its July 31, 2018 letter regarding the Draft EIS, or to Boundary County's concerns regarding changes in the current proposed Final EIS from the Draft EIS, for which Boundary County has not had a prior opportunity to comment. Pursuant to 36 CFR 218.8(b), Boundary County's previous comments are hereby incorporated by reference.

Boundary County appreciates its close working relationship with the Forest Service, and would like to resolve this objection in a collaborative fashion. Boundary County welcomes the opportunity to discuss these issues with the Reviewing Officer and Responsible Official, as contemplated by 36 C.F.R. § 219.57. Boundary County believes that would be effective and helpful to the resolution of this objection. Thank you for the opportunity to participate in this important planning process.

A. Boundary County's Objections

Boundary County is supportive of the Project's objectives, in particular ensuring that the U.S. Customs and Border has the necessary access to effectively secure the border and protect

national security. However, the County believes that the Project objectives can be realized while also allowing important public access to the national forest lands.

Each of the numbered objections described below is important to Boundary County. They are listed and numbered in no particular order of importance.

1. Issue: The Selected Alternative does not provide any public access over Roads 1009 and 1013.

a) All action alternatives meet the Access Amendment standards.

The 2011 Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones (Access Amendment) set motorized and security standards to contribute to the survival and recovery of the grizzly. The U.S. Fish and Wildlife Service determined that these standards in the Access Amendment were not likely to result in a jeopardy determination for the grizzly. Forest Plan, Appx. at 21. The following standards apply to the Blue-Grass Bear Management Unit (BMU):

- (1) Open motorized route density (OMRD) of greater than 1 mile per square mile not more than 33% of BMU
- (2) Total motorized route density (TMRD) of greater than 2 miles per square mile on no more than 26% of the BMU; and
- (3) Grizzly bear core area habitat comprising at least 55% of the BMU.

Draft ROD at 3.

All of the action alternatives that were analyzed in depth in the FEIS meet the Access Amendment standards for the Blue-Grass BMU. *See* FEIS at 43. However, Alternative 4 Modified provides the largest core habitat percentage. FEIS at 43, Table 2.4.2. Additionally, as recognized in the Draft ROD, Alternative 4 and otherwise allowing public access received significant support during the comment period on the Draft EIS. Draft ROD at 4; FEIS at C-9 to C-12; *see also* C-63 (responding to comments from the Kootenai Tribe by analyzing Alternative 4 Modified).

b) The Forest Service's decision does not adequately consider competing interests.

In initial meetings with Boundary County regarding the Project, Acting Forest Supervisor Shane Jeffries indicated the need to find the Project alternative that makes sense from the bear management standpoint, Border Patrol's standpoint, and the community standpoint. *See* Board of Boundary County Commissioners Meeting Minutes (Nov. 7 and 8, 2016) (attached). As the Forest Service recognized in the FEIS and Draft ROD, all of the action alternatives brought the Blue-Grass BMU into compliance with the Access Amendment and the Forest Plan for the Idaho Panhandle National Forests (Forest Plan). However, the Forest Service's analysis of the different action alternatives failed to consider all necessary components to ensure compliance with the Forest Plan. While all of the action alternatives brought the Blue-Grass BMU into compliance with the Access Amendment and increased core habitat for grizzly bears, the Forest Service based its decision

almost exclusively on which of the alternatives it perceived as most improving grizzly habit beyond the threshold requirements and without consideration of other competing Forest Plan Directives.

For example, the following are desired conditions related to access and recreation included in the Forest Plan:

FW-DC-AR-07. A transportation system is in place that provides safe and efficient public and administrative access to the Forest for recreation, special uses, forest resource management, and fire management activities. It is efficiently maintained, environmentally compatible, and responsive to public needs and desires. The transportation system and its use have minimal impacts on resources including threatened and endangered species, sensitive species, heritage and cultural sites, watersheds, and aquatic species.

FW-DC-AR-09. The transportation system is connected to state, county, local public, and other federal roads and trails. The transportation system provides reasonable access to facilities, private inholdings, and infrastructure (e.g., buildings, recreation facilities, municipal water systems, dams, reservoirs, range improvements, electronic and communication sites, and utility lines).

FW-DC-LND-01. Land ownership is adjusted (acquired or conveyed) to provide reasonable access or improve efficiency of NFS land management, taking resource values into consideration. Boundaries are surveyed and clearly posted and occupancy trespass is reduced. Rights-of-way and strategic easements are acquired to provide reasonable public and administrative access. Clear titles to NFS lands are retained. Special use authorizations meet forest management and public needs.

Forest Plan, at 34-35, 37.

Moreover, the majority of the national forest system land involved in the Project is classified as either Management Area (MA) 5, “Backcountry,” or MA 6, “General Forest.” FEIS at 294. The Desired Conditions for access and recreation in General Forest areas include having a “range of recreational opportunities (e.g., motorized and non-motorized)” while “route conditions are maintained or improved.” Forest Plan at 72. The Guidelines in the Forest Plan for both Backcountry and General Forest areas allow motor vehicle use and road construction and reconstruction to maintain or restore resources for areas not within an inventoried roadless area. Forest Plan at 70, 72. There are no inventoried roadless areas within the Project area.¹ The selected alternative does not adequately consider the Desired Conditions for access and recreation in the Project area as required by the Forest Plan.

Additionally, the FEIS provides little analysis of the need for fire protection and active management of the BMU, particularly in the “General Forest” management classification. Nor is there

¹ See Forest Plan North Map, available at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5436841.pdf (last visited March 25, 2019).

consideration or explanation as to how access will be allowed in emergency situations over roads that are “administratively open,” but otherwise gated and locked. These potential effects could directly impact citizens of Boundary County and should be analyzed and considered in the Draft ROD and FEIS.

- c) *Alternative 4 Modified is compatible with the needs of the grizzly bear as defined in the Recovery Plan.*

However, Alternative 4 Modified is still compatible with meeting the needs of the grizzly bear under the Recovery Plan.

All of the action alternatives that were analyzed in depth in the FEIS meet the Access Amendment standards for the Blue-Grass BMU. *See* FEIS at 43. However, the Draft ROD describes Alternative 4 Modified as being “less compatible with meeting the needs of the grizzly bear with respect to maintaining or improving habitat and minimizing the grizzly-human conflicts than other alternatives.” Draft ROD at 8. Similarly, the FEIS summarily concludes that Alternative 4 Modified is not compatible with the needs of the grizzly bear with respect to maintaining or improving habitat, despite the improvements in the TMRD and the increase in core habitat. *See* FEIS 145, 43. Indeed, Alternative 4 Modified provides the largest core habitat percentage. FEIS at 43, Table 2.4.2. Moreover, in analyzing the quality of habitat for grizzlies the FEIS appears to treat administratively open roads and roads open to the public the same, while finding that the alternative that provide public access are not compatible with the needs of the grizzly. *See* FEIS 133-34. If the qualitative analysis in the FEIS treats administratively open roads and roads open to the public the same, then it would appear that there may be other alternatives or compromises that could be reached to provide both CBP access and reasonable access to the public.

The November 2011 Final Supplemental EIS for the Access Amendment provided an in-depth review of grizzly bear mortalities in the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones, indicating that much of the recent grizzly bear mortality is associated with conflicts arising from attractants on private lands rather than conflicts on public lands. *See* Final Supp. EIS at 53. In the Selkirks Zone there is an apparent decreasing trend in mortalities on National Forest lands. *Id.* at 18, 57. In the Selkirks, 88% of known human caused grizzly mortality has occurred on non-USFS lands. *Id.* at 57. Therefore, the Final Supplemental EIS concluded that “implementing wheeled motorized vehicle access management standards, even if more restrictive, would not completely remove grizzly bear mortality risk due to the presence of other risk factors such as big game hunting, sanitation and agricultural food attractants, and human attitudes toward the grizzly bear.” *Id.* at 60.

Meeting the route density and core habitat requirements in the Access Amendment improves grizzly bear habitat and meets the needs of the grizzly bear under the Recovery Plan. The Forest Service is not required to pick the Project alternative that provides no risk or the least amount of potential impacts to grizzly bears at any costs. The Forest Service is required under NFMA to balance competing interests such as recreation, border security and public access.

The decision in the Draft ROD appears to be based almost entirely on the assumption that the Project must comply with the 1986 Interagency Grizzly Bear Guidelines (1986 Guidelines) for areas designated as Management Situation 1. The Draft ROD states that because the 1986 Guidelines were incorporated into the 2011 Access Amendment and the 2015 Forest Plan, that the management

direction for the Blue-Grass BMU, which is designated as Management Situation 1, is to “prioritize the needs of the bear.” Draft ROD at 2. While the Forest Plan does incorporate the Access Amendment, it does not address any requirement to prioritize the need of the grizzly over all other needs. *See* 150-55. Nor does it appear to incorporate the 1986 Guidelines.

The ROD for the Access Amendment, on the other hand, concludes that the Access Amendment and the standards contained therein meet the direction for Management Situation 1. Therefore, the Access Amendment ROD concludes that the selected OMRD, TMRD and core habitat requirements

fully contributes to Recovery Plan objectives, is fully consistent with ESA, utilizes best available scientific information, provides a high level of design for preventing displacement, disturbance and mortality on NFS lands, and incorporates the consideration of social, valuational, and institutional needs. *It also incorporates some flexibility in order to provide for public and administrative access, economics, and access to private inholdings.*

Access Amendment ROD at 30 (emphasis added). Thus, the Access Amendment ROD contemplates that both public and private access would be allowed under the Access Amendment, and so long as the Access Amendment requirements are met, then the direction for Management Situation 1 is also met.

Meeting the route density and core habitat requirements in the Access Amendment improves grizzly bear habitat and meets the needs of the grizzly bear under the Recovery Plan. The Forest Service is not required to pick the Project alternative that provides no risk or the least amount of potential impacts to grizzly bears at any costs. The Forest Service is required under NFMA to balance competing interests such as recreation, border security and public access.

d) The Draft ROD’s assertions that allowing public access on Bog Creek Road would diminish the the U.S. Customs and Border Patrol (CBP) ability to effectively control the border is unsupported.

The Draft ROD describes the public access to Bog Creek Road under Alternative 4 and Alternative 4 Modified as diminishing the CBP’s ability to effectively control the border environment due to the “increased probability of cross-border violators’ blending in the general public traversing the area.” Draft ROD at 7. There is no analysis in the FEIS to support this assertion. In addition to not including any analysis or evidentiary support for this conclusion, both the FEIS and the Draft ROD also fail to weigh or consider the potential beneficial effects of the public serving as additional eyes for CBP and reporting any suspicious behavior. *See* Project Comments submitted by Steve Ussiter, Reserve Deputy Sheriff for Boundary County (commenting that Alternative 4 would be most beneficial because “it would make search and rescue, as well as back country patrols easier and more effective” and “public access would enhance the job of [CBP], i.e., more eyes”). Indeed, when Border Patrol Agent Matthew Turner met with the Boundary County Board of Commissioners, he explained how the people in the community were one of CBP’s greatest assets. *See* Board of Boundary County Commissioners Meeting Minutes (Dec. 12 and 13, 2016) (attached). Moreover, Border Patrol Agent Rick Petrey indicated to the Board of Boundary County Commissioners that CBP was concerned with having east to west access of the border and that CBP did not care if the public had access to the route. *See* Board of Boundary County Commissioners

Meeting Minutes (June 11 and 12, 2018) (attached). The Draft ROD places too much emphasis on potential detriments of public access when such effects were not adequately discussed or analyzed in the FEIS. With respect to border security and access for public safety, the FEIS and Draft ROD must include analysis of both the potential benefits and detriments of allowing public access over Bog Creek Road.

e) Proposed Resolution

Boundary County ultimately supports Alternative 4 as the most balanced of the alternatives, because it meets border security needs, public health and safety priorities of the County, as well as meeting the route density and core habitat requirements of the grizzly bear under the Recovery Plan. However, Boundary County would also support the adoption of Alternative 4 Modified. Alternative 4 Modified yields more core habitat than the selected alternative that takes into account community interests and multiple Forest Plan Directives, while still improving grizzly habitat and complying with the Access Amendment standards.

2. Issue: The selected alternative does not provide unrestricted east-west access to inholding property owners.

The selected alternative as modified in the Draft ROD, only allows unrestricted access for the inholding property owners from the west on Roads 1013 and 2546. This route of travel will increase the length of time necessary to reach their property by many hours.

While Boundary County appreciates the Draft ROD's modification of the selected alternative to allow inholding property owners a limited number of trips on Blue Joe Creek Road through a special use permit, this does not constitute reasonable access for the inholding property owners.

The selected alternative does not provide reasonable access to inholding property under the Alaska National Interest Lands Conservation Act ("ANILCA"). ANILCA grants non-federal landowners, whose ownership lies within the boundaries of the National Forest System (NFS) the statutory right of access over public lands when such federal lands are needed to provide for the reasonable use and enjoyment of nonfederal lands. 16 U.S.C. § 3210(a). While Boundary County recognizes that the inholding owners' access to their property is subject to reasonable regulation by the Forest Service, the selected alternative is not reasonable given historic use. *See Adams v. United States*, 255 F.3d 787, 795 (9th Cir. 2001).

Moreover, per the Forest Service's regulations, the Forest Service was required to make its determination as to what constitutes "reasonable use" based on "contemporaneous uses made of similarly situated lands in the area and any other relevant criteria." 36 C.F.R. § 251.114(a). Although the FEIS recognizes that the Forest Service must consider criteria such as historic use and typical uses of similarly situated properties (*see* FEIS at 290), there is no indication in the FEIS or the Draft ROD that the Forest Service actually considered these criteria in reaching its determination that unrestricted access on Roads 1013 and 2546 and very limited access over Blue Joe Creek Road provided the inholding landowners reasonable use of their land. *See* FEIS at 300, 305, 313. Indeed, neither the Draft ROD nor the FEIS provides any explanation as to how the Forest Service determined that such access was reasonable. *See* Draft ROD at 15 ("It is my determination that this constitutes reasonable access to the private property in compliance

with the requirements of 36 CFR 251, Subpart D"); FEIS at 290 ("The Forest Service decision-maker determines what constitutes reasonable access in the Record of Decision"); C-12, C-13 ("The Forest Service decision-maker determines what constitutes reasonable access. Reasonable access (as required by [ANILCA] is being provided to the private inholding under all alternatives analyzed in the EIS"). The Forest Service's conclusion that unrestricted west access and very limited east access over Blue Joe Creek Road constitutes reasonable access as required by ANILCA is arbitrary and capricious and not supported by the record.

Moreover, forcing the inholding property owners to take the longer route, through multiple BMUs, and to use the Bog Creek Road for their main access to their property would actually be more detrimental to the grizzly bear than simply confining their travel to unrestricted east-west access over the significantly shorter Blue Joe Creek Road route. Indeed, forcing the inholding property owners to access their property from the west requires use of the only routes in the Project area near areas designated as Recommended Wilderness and Eligible Wild and Scenic River in the Forest Plan. See FEIS at 294.

Proposed Resolution:

Boundary County suggests that any selected alternative be modified to allow the inholding property owners to obtain a special use permit providing unrestricted east-west access to their property over Blue Joe Creek Road consistent with their historical use. Not only is this modification consistent with the ANILCA access requirements, but it would have less impacts on grizzly bears and their habitat than the selected alternative as currently modified.

B. Lead Contacts and Request for Meeting

In accordance with 36 C.F.R. § 219.54(c)(1), Boundary County's lead contact for communications regarding the objections and concerns set out in this letter is Chairman Dan R. Dinning, commissioners@boundarycountyid.org. In accordance with 36 C.F.R. § 219.57(a), we request a meeting with you to address our objections and concerns at a mutually convenient time prior to the end of April 2019.

C. Closing Comments

Thank you for the opportunity to further participate in the process for completing a decision regarding the Bog Creek Road Project. We trust that you will consider and be responsive to the objections and concerns described in this letter, and we look forward to continued dialogue and collaboration as the Forest Service continues the NEPA process and beyond, through implementation.

Respectfully,



Dan R. Dinning, Chairman
Boundary County Board of Commissioners



Boundary County

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Commissioners' Meeting Minutes - Week of November 7, 2016

***Monday, November 7, 2016, at 9:00 a.m., Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston and Deputy Clerk Michelle Rohrwasser.

County resident Marty Martinez joined the meeting.

Commissioners gave the opening invocation and said the Pledge of Allegiance.

Blue Sky Broadcasting News Reporter Mike Brown was in attendance of the meetings off and on throughout the day.

9:00 a.m., Road and Bridge Department Superintendent Clint Kimball joined the meeting to give his departmental report. Mr. Kimball reviewed his report with Commissioners.

Mr. Kimball requested Commissioners sign the Local Highway Technical Assistance Council (LHTAC) FY 18 Local Rural Highway Improvement Program Application Cover Sheet for the Riverside Road Improvement Project. The form pertains to construction engineering, etc. Mr. Kimball informed Commissioners the Wildlife Refuge is also contributing to this project.

Commissioner Pinkerton moved to authorize the Chairman to sign the Local Highway Technical Assistance Council (LHTAC) FY 18 Local Rural Highway Improvement Program Application Cover Sheet for the Riverside Road Improvement Project. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning mentioned an issue concerning lighting at the junction of Highway 95 and the north end of Deep Creek Loop. Mr. Kimball said he attended a meeting in which the feasibility of reducing the speed limit or installing an

overhead light in this area was discussed.

Commissioner Pinkerton moved to authorize the Chairman to sign the Idaho Transportation Department Local Professional Services Agreement #94210, for the Ruby Creek #2 Bridge Project, Project #A019(046), Key No. 19046 once it has been reviewed by the county's civil attorney. Commissioner Kirby second. Motion passed unanimously.

The meeting with Mr. Kimball ended at 9:15 a.m.

Commissioner Pinkerton moved to cancel taxes for year 2016 totaling \$84.38 for parcel #RP60N02W348870A as the homeowner's exemption was not put on the one acre of land. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to cancel taxes for year 2015 in the amount of \$144.14, fees in the amount of \$90.77, and penalties in the amount of \$4.72, plus interest for parcel #MHB006000W008VA as the trailer has burned. Commissioner Kirby second. Motion passed unanimously.

9:18 a.m., Commissioner Pinkerton moved to amend the agenda in order to make a motion to sign the claim of approximately \$60,000.00 from C.E. Crane and Construction for the Rock Point Dock project. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the reimbursement request for the closeout of the Rock Point boat dock project. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign Certificates of Residency for Justine Moore, Sophia Claphan, and Mykal Copeland. Commissioner Kirby second. Motion passed unanimously.

Commissioners updated Chairman Dan Dinning on the matter of county tax deeded property described as Lots 4, 5, and 6 of Block 15 of the Amended Plat of Bonners Ferry.

Commissioners and Clerk Poston reviewed her report on monies due in fines and fees owed to Boundary County.

Mr. Brown and Mr. Martinez left the meeting.

9:31 a.m., Commissioner Kirby moved to go into executive session pursuant to Idaho Code 74-206(1)b, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. Commissioner Pinkerton second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye", and Commissioner Kirby "aye". Motion passed unanimously. The executive session ended at 9:35 a.m. No action was taken.

Mr. Brown and Mr. Martinez returned to the meeting.

Commissioners tended to administrative duties.

9:44 a.m., County Civil Attorney Tevis Hull joined the meeting to update Commissioners on various matters.

Attorney Hull informed Commissioners a motion was filed for a restitution hearing for issues pertaining to the Naples Bridge. Restitution for the cost of the bridge inspection is what is being sought.

Attorney Hull said he has a letter to send to the Foreign Trade Zone Board pertaining to ownership of Boundary County's zone.

Attorney Hull updated Commissioners on the procedures to dissolve a mosquito abatement district. Idaho Code is written to state that a petition signed by a certain number of landowners within the portion sought to be withdrawn from the district is required.

Attorney Hull said that he is still working on determining whether or not Commissioners can limit the number of residents on Medicaid at the Restorium.

Commissioners asked the status of the Walter Merrifield property purchase contract. Attorney Hull said he learned that Mr. Merrifield is ready to proceed so he will modify the dates on the contract.

The meeting with Attorney Hull ended at 9:51 a.m.

9:51 a.m., Solid Waste Department Superintendent Claine Skeen joined the meeting.

Commissioners tended to administrative duties until the time scheduled for Mr. Skeen's department report.

10:00 a.m., Mr. Skeen said he will provide an updated recycled materials report at his next meeting. Ellery Howard with JUB Engineering is working on the landfill operations report. Mr. Skeen informed Commissioners that he is going to move the furniture pile at the landfill so people disposing of their furniture will do so near the recycle area so landfill employees can keep an eye on what people are dropping off. The metal has been removed from the furniture. Mr. Skeen said he started using the scales as of the first of October and the limit has been okay, but the garbage has been wet. Mr. Skeen explained the initial hiccups experienced with the electronics associated with the scale system.

Mr. Skeen said he has a copy of the Bonner and Kootenai Countys' fee schedules showing what is charged per ton for construction demolition debris. Boundary County is based on yardage and has not converted to tonnage. Mr. Skeen said he would like to charge for both yardage and tonnage.

Commissioners informed Mr. Skeen of the results of the bid for the county's fiscal year 16-17 fuel supply. Commissioner Pinkerton said fuel is not delivered to Road and Bridge so we should have another break for having a fuel tank. Mr. Skeen said he has a 1,000 gallon diesel tank at the landfill. Mr. Skeen said there are two gas pickups for the Solid Waste Department and the larger garbage trucks are diesel and use off-road fuel, but he will double-check on that.

Mr. Skeen and Commissioners discussed the landfill charge accounts for contractors and keeping track of what is owed. Mr. Skeen said he has consulted with Attorney Hull as to what is appropriate to relay to contractors for delinquent billings. Mr. Skeen said he would submit information on charge accounts monthly.

The meeting with Mr. Skeen ended at 10:10 a.m.

Commissioners tended to administrative duties.

10:30 a.m., Chief Probation Officer Stacy Brown joined the meeting to give a department report.

Ms. Brown reported that her department has 180 people on unsupervised probation, two diversion program cases, 28 regular juvenile probation cases, five people in state custody, and seven new cases. The Probation Office is staying busy with four complicated cases, according to Ms. Brown. Chairman Dinning said once you subtract the repeat offenders from that total, how many new cases are there? Ms. Brown said less than 20 cases and 30% are repeat offenders.

The meeting with Ms. Brown ended at 10:40 a.m.

Commissioners tended to administrative duties.

11:30 a.m., County Civil Attorney Tevis Hull and Bonner County Drug Court Coordinator Marilyn Kesner joined the meeting to discuss matters pertaining to starting a drug court in Boundary County.

Attorney Hull said he and Ms. Kesner wanted to discuss drug court as far as commitments from the state and what will be requested of Boundary County looking forward. Last year a budget request of \$5,000 was made for drug court. Attorney Hull said since that time there have been meetings over the last several months where discussion took place on having the Supreme Court adopt a drug court in Boundary County. Criteria for individuals being sentenced to drug court are repeat offenders or heavy drug users. Attorney Hull said his own personal view was that he has not been supportive of alternative courts although he does support the mental health court in Kootenai County and he supports that field, but his feelings with regard for drug court have not been as strong. Attorney Hull said over time he has seen people succeed in these programs and that has changed his mind about drug court. Attorney Hull added that he has also participated in the meetings to hatch the idea of having a drug court in Boundary County and to present that application to the Idaho Supreme Court. We have been using this program as the courts have been sentencing some of Boundary County's offenders to district court in Bonner County for the drug court program. The concept was to take five slots from Bonner County and put them in Boundary County. These five slots for the program participants will grow to a maximum of 10 participants over time. Attorney Hull said information has been put together during these planning stages including bylaws, which have been approved by the Supreme Court. Those involved in the program are the Prosecutor's Office, Probation Department, law enforcement, Rawlings Community Counseling, Boundary County court personnel, and Judge Buchanan. The five slots will be removed from Bonner County and now the group involved will look at how this program can go forward as far as commitments from Boundary County and the state and to address different issues.

Attorney Hull said he has also met with Kootenai Tribe representatives of potential members of the drug court program. There are several tribal members that come through district court and he wanted to make the Kootenai Tribe aware of what Boundary County is looking at as it would be beneficial to them. Attorney Hull said he has heard a lot about the historical abuses and how it has hurt the Tribe itself.

Attorney Hull said after obtaining more information it was felt necessary to meet with Commissioners again as there was the issue that came up pertaining to the request for the county to pay approximately \$1.65 for every testing kit. What was supposed to be conveyed was that often times a person, as a condition of release, has to complete a test panel on a Monday and Thursday or Tuesday and Friday and pay for those tests themselves. What happens is when there is testing between 7:30 a.m. and 8:30 a.m. there may not be a female jailer on shift so a female staff member from the Probation Office has been helping.

Attorney Hull said there are different resources available at this time to move forward with drug court in Boundary County with the approval of the Supreme Court and the implication of using specific personnel. Personnel who will be utilized would be Marilyn Kesner as the program coordinator, who is responsible for taking and processing applications for review to see who is accepted into the program and Judge Buchanan. Attorney Hull added that Judge Buchanan and Ms. Kesner are paid by the State of Idaho. Either Attorney Hull or Prosecutor Jack Douglas would also participate on the drug court team for determining eligibility and attending weekly meetings. There is no cost for salaries from that standpoint, according to Attorney Hull. There would be additional time on the Thursdays that Judge Buchanan already comes to Boundary County and that is when drug court would take place, between the hours of 3:00 a.m. and 5:00 p.m. During this time there would be a judge, court clerk, who would be paid for by the county as part of their normal duties as overtime is not anticipated, pay for law enforcement is already covered, and they would be a part of that review. The female Juvenile Probation Officers, including Carol Negley, could be made available for testing. The only financial commitment the county has is using copy machine paper, faxes, and as far as salaries, Attorney Hull said that is not being requested. Bonner County Prosecutor Louis Marshall has \$5,000 available out of his drug forfeiture budget and he has offered that as seed money and for gas money for Ms. Kesner to come up to Boundary County and for certificates and rewards for the program. It is anticipated that money will be used up over a two year period of time. Attorney Hull clarified that this is not monies given to Boundary County, but funds from Prosecuting Attorney Marshall for certain things. Participants in drug court have to pay a monthly fee of \$45 and a \$5 testing fee. The Supreme Court pays for all counseling and the participants have to pay \$45. Attorney Hull said how that works with the state is when someone is on felony probation, the offender pays the probation fee of approximately \$60 and the state has committed to taking \$45 of that \$60 and designate it for drug court and the other \$15 will go toward the probation fee. That is done in all other counties as well so that is not unusual, according to Attorney Hull. As far as counseling, Rawlings Community Counseling sits on the drug court team and they are the only counseling center that is qualified for funding and that is how the Supreme Court funds this. Business Psychology Associates is who funnels funding through the Department of Health and Welfare.

Ms. Kesner explained that the state provides \$500 per slot for the five slots and when a program participant rotates in that is \$500 per year and it is not limited to five slots as long as the program is funded. Attorney Hull said we want this program to be a success and not a program that is cut off due to budget constraints. Success is monitored when a person doesn't have any probation problems from one year after graduating from the drug court program so it is almost a two and one-half year period of time. If a person violates drug court, they will go through general probation.

Attorney Hull said the program team discussed alternative funding that would not increase the county's budget. Attorney Hull said Judge Buchanan mentioned that she only uses 50% of the district court funds. Clerk Poston said she isn't sure what Judge Buchanan is referring to, but Commissioners do have a reserve account, etc. Attorney Hull said he believes Judge Buchanan had reviewed her budget and commented on having spent less. Clerk Poston said that is true, but it is not quite 50%. Attorney Hull said the interlock device fund was also mentioned as a funding source. There is approximately \$19,000 currently in that fund and it increases by \$1,200 per year. The interlock device fund is not a heavily used fund from that standpoint, but the statute is very specific that it can only be used for testing purposes. Attorney Hull also mentioned utilizing volunteer committee members to help toward program graduation gifts such as \$5 for a latte, etc., just something to help keep people moving along. The team has discussed funding alternatives, according to Attorney Hull.

It was said Bonner County has a staff member in addition to Ms. Kesner who is funded by Bonner County, but that is not going to be considered for Boundary County at this time.

Commissioner Pinkerton questioned what occurs when someone fails their drug test. Attorney Hull explained the process when it involves regular probation as opposed to drug court. There will be immediate sanctions and discretionary time, and the team votes as to how much time that person should serve, which can depend on the nature of the violation and number of violations that person has. There is better response time for drug court as opposed to regular probation. The judge ultimately makes the decision as to how much time will be served if there is a violation. Attorney Hull said he found out, as it pertains to who is accepted into the drug court program, that the prosecutor has veto power as to whom is accepted into the program. Attorney Hull said he understands that veto power is not used often, but he does know Attorney Marshall has used it once or twice in Bonner County.

Chairman Dinning asked how often Judge Buchanan or Bonner County officials have put people in jail for failing a drug test. Ms. Kesner said it depends on where the person is in the drug program, etc., and she added that 50% to 75% of the time there is a jail sentence. There are goals and when people relapse, it is not a cookie cutter situation.

After the 18 month drug court program, there is a one-year period unless the person is arrested again. Commissioner Pinkerton asked if a prior graduate of the drug court program is eligible to participate again if they fail down the road. Ms. Kesner said she has not experienced that to date. The participant of this program is high risk and this is the last resort for them. If someone does fail, most likely there is a rider for prison time. This is a highly structured treatment program with accountability and many eyes on the participant, according to Ms. Kesner. As far as incarceration, that would be the next place as the person is high risk and high needs so the next place is prison.

Attorney Hull said the Investment Justice Act was just pushed through and it basically ties the hands of probations officers where they cannot issue probation violations. Such as if someone fails a drug test, do they go to jail? Ms. Kesner talked about community service and jail, but there are instructions to state patrol officers, etc., and people can fail or miss taking their test several times before a violation is filed. There are multiple "retain jurisdictions" when it should be a penitentiary sentence. Attorney Hull said often times he is recommending a much harsher sentence than the Department of Corrections so it is up to prosecutors to take a look at those things. It is a state-wide problem.

Chairman Dinning gave the scenario of being a drug court program participant who fails a drug test. What is the attitude of the drug court as to how many times someone can fail their tests until the drug court officials have had enough? Attorney Hull said he thinks it is a case by case basis. Those present briefly spoke of what happens if participant is terminated from drug court.

Chairman Dinning talked about there being five participant slots for drug court the first year and when this was first talked about it was said there are funds through the state. Now this has been approved for Boundary County by the Supreme Court and we were given five slots. Chairman Dinning asked Attorney Hull what he foresees happening when the state decides not to fund the program anymore. Chairman Dinning said this is looking at the perception from Boundary County such as what happens when the two years' worth of funding from Bonner County is used up and the state does not fund this. Ms. Kesner said the slot allocations are district-wide. Right now Bonner County has 27 slots and Boundary County is taking five of those slots. Chairman Dinning said if the state is not funding any slots and Bonner County's seed money is gone, how will this program be funded? Ms. Kesner said her perception is that the program would end. It was asked if staff overtime will occur once the number of slots increase. Ms. Kesner said not necessarily, it will augment somewhat, but what that would look like she is not sure. Attorney Hull said from his experience with mental health cases, the time in court is not that long.

Chairman Dinning said he was looking at growth, anticipated staff hours, and dollars as the program will gain a life of its own. Attorney Hull explained that this presentation is one to be made to the Kootenai Tribe as well. If there are members of the Tribe that participate in the program and the Kootenai Tribe sees a benefit, contributions from the Tribe may be sought. Attorney Hull said this is seen as a new concept for the county and they don't have all the answers. Benewah County also has five slots and they have seen success. Attorney Hull said he is learning through this process and being that he has never had an addiction he doesn't understand how something can take hold of someone. Attorney Hull added that he doesn't think people want their addictions, but they have them. Keeping these program participants away from certain people and monitoring their behaviors is a process overtime, but we have to try different things. We need to broaden our horizons. It is an experiment and we recognize this experiment has a two year window to take a look at successes and reassess, according to Attorney Hull.

Commissioner Pinkerton asked what impacts the associated crimes have on drug court. Attorney Hull said if there is another crime, that new crime will be prosecuted separately from drug court. Ms. Kesner said if there is a new felony, that person will be taken out of drug court. Ms. Kesner said these cases are not just drug charges, but could also be a drug-driven charge such as theft, etc.

Commissioner Pinkerton said drug court may look to tap into the Drug Court B account in the future. Ms. Kesner said if so, she would estimate a cost of approximately \$3,000, if that was the case. Clerk Poston spoke of the specific account that would be affected and how it has specific uses. Chairman Dinning said he looked at the budget for fiscal year 2014 - 2015 and approximately one-third of that budget is what had not been spent in those two years. Chairman Dinning said within that budget, the county budgets very high in the case of jury trials and all kinds of unknowns, evaluations, and other professional fees, because we never know what will be needed so if we're sticking to 50%, a lot of that is built-in contingencies we hope the county will never use. Clerk Poston explained a situation in which there was overspending for investigative services and the county did not have the budget for that. Attorney Hull said he would pass that on to Judge Buchanan, but the drug court team is not specifically looking for monies at this time. Attorney Hull said he would like Commissioners' blessing to utilize juvenile probation staff and Ms. Negley in drug court. Chairman Dinning asked how much time is taken up in that. Attorney Hull said approximately 10 minutes so 40 minutes to one hour in a week's time.

Chairman Dinning asked about the judge's schedule for drug court. Attorney Hull said Judge Buchanan will be in Boundary County twice a month. Attorney Hull explained the schedule on the day drug court will be held. When the judge is here information on the cases is disseminated, the drug court team meets for one hour between 3:00 p.m. and 4:00, and from the hour of 4:00 to 5:00 p.m. is when the judge goes into court with these individuals. The Prosecutor's Office is on board, according to Attorney Hull. The Prosecutor's Office budget is another possible resource in a couple years, according to Attorney Hull. It was said it needs to be emphasized that there will be hiccups in this process somewhere and it's not to be reflected with a heavy hand as to how this is going to be done with other elected officials.

Clerk Poston she has not been approached about this at all and she is the elected official with the court personnel, so does this mean she needs to have a court clerk available for drug court from 4:00 p.m. to 5:00 p.m., four hours per month? Ms. Kesner said the clerk's staff would be part of the drug court team. Clerk Poston said she hasn't been informed as to whether or not the financials are going through her office. Attorney Hull said Court Clerk Della Armstrong has attended the meetings for the Clerk's court position, not the financials. Clerk Poston said she is assuming she is not accepting funds. Ms. Kesner said she collects the funds and she added that protocol has been whatever county the court is held in is where funds will be deposited. Attorney Hull said he would address work involved with the Clerk's

Office. Clerk Poston said she has not even received one email about this matter. Clerk Poston said she deals with the financial side of this so she is curious as to any other financial contributions. Chairman Dinning said this is not going to be used as a drug court for tribal court so everyone will be treated the same. Attorney Hull clarified that this is about people who have committed crimes in the sovereign United States. Attorney Hull said Tribal Judge Jordan is very much in support of using the drug court, not for tribal members, but if there is a tribal member who commits offenses in the U.S., she has seen the benefits of drug court and sees the benefits to have that alternative available to them.

The meeting to discuss drug court ended at 12:35 p.m.

Commissioners recessed for lunch at 12:35 p.m.

1:30 p.m., Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

1:30 p.m., Acting Forest Supervisor for the Idaho Panhandle National Forest Shane Jeffries and Forest Service employee Shanda Dekome joined meeting to update Commissioners on matters pertaining to Bog Creek Road. Mr. Jeffries said he and Ms. Dekome wanted to provide Commissioners with an update on the Bog Creek Road Project and to answer questions on work being done. Mr. Jeffries said he had visited with the Tribe on this process so it made sense to update Commissioners as well.

Mr. Jeffries said the Forest Service is working with the Border Patrol on the Environmental Impact Statement (EIS) and developing a range of alternatives that would open Bog Creek Road to meet national security interests and Border Patrol interests. The Border Patrol is the lead agency on the EIS, but it will be a dual decision signed by both the Border Patrol and Forest Supervisor Mary Farnsworth. The expectation was and continues to be a decision and draft EIS for comments this fall or winter. The work that is ongoing is finalizing an alternative that will look at Bog Creek Road and what it looks like being open for public use in addition to Border Patrol use. Chairman Dinning said at what point will the proposed roads be identified? Mr. Jeffries said each action alternative developed ahead of what is being worked on now looks at where roads would be open and closed. One alternative that is important to grizzly bears is one that has less motorized use than another. There are two of those and the third alternative in development describes Bog Creek Road as being open to the public as well. The EIS will be released for comments from the public and stakeholders to get their interests. Chairman Dinning asked at what point can there be a meeting to determine what roads would be closed. Ms. Dekome said there are purposes needed in the proposed actions. Ms. Dekome said the EIS will show two sets of roads and alternatives and she wanted to point out that all roads for motorized access are currently restricted and not open to motorized use. Chairman Dinning asked if Bog Creek Road is considered open just because of the Border Patrol's use, why is it not treated the same, as an open road? If the road is open to the public, there will be more closed roads. Ms. Dekome said that was not correct. Ms. Dekome said Commissioners have a good grasp of the Access Amendment and this comes down to if it is modeled as open earth on Border Patrol exceeded "trips". Ms. Dekome said two of the alternatives have limited trips as a restricted road. Chairman Dinning said if he remembers right, the number of trips is approximately 57, but that is also broken down by season with so many trips allowed during the spring, summer, and fall. Chairman Dinning said if the Border Patrol wishes an alternative that is not restricted, then it would be an open road so would it increase the number of closed roads or miles? Ms. Dekome said it's not a matter of closing roads, but can we open other roads? Mr. Jeffries said we would be maxed out in the bear management unit (BMU). Chairman Dinning said the public cannot access the roads that are being talked about now. Mr. Jeffries said as soon as the third alternative is drafted he can meet with Commissioners and review the maps. Chairman Dinning said the restriction of road densities are imposed because of Fish and Wildlife Service standards. Ms. Dekome said the standards were

created because of the Access Amendment, which was a Forest Service document. The original work was done in Montana and it used Wayne Wakkinen and Wayne Caseworm's data to build on that. When looking at the Access Amendment you need to look at the BMU to see what the numbers are.

Chairman Dinning said the Forest Service would still need to close 20 to 21 miles whether or not Bog Creek Road was in place. Ms. Dekome said that was correct and that has to be in place in year 2019. Chairman Dinning said whether or not Bog Creek Road is open, in order to meet standards of the Access Amendment for a certain number of road miles in the BMU, the Forest Service would still look at closing 26 miles of road. Chairman Dinning said if the Forest Service opens Bog Creek Road, what it will do is if one of these roads were restricted and you want to have some management activity until bears are recovered, there will not be the flexibility to open the road. Chairman Dinning said there had been a lot of timber management sales dependent on the year.

Commissioner Pinkerton asked if there is core habitat in this area or will this create core habitat? Ms. Dekome said there is not enough habitat. Bog Creek Road is not modeled as core habitat; it acts as habitat, but it has not been calculated. Bog Creek Road has been counted as restricted. When you read about 25 or 26 miles that is how many miles the Forest Service needs to close. When discussing approximately how much it is to maintain Bog Creek Road, the truth of matter is the entire BMU is within 10 miles of the border so everything is of great interest to the Border Patrol so we need to work together. Mr. Jeffries said it is less about the road and more about the area of the BMU. There are different alternatives and it would be good to have the maps available, according to Mr. Jeffries. Certain roads make favorite blocks for core. It was said what Commissioners will see when Mr. Jeffries and Ms. Dekome come back to meet with Commissioners are two different options for roads that could be closed to motorized use. Commissioner Pinkerton said what it boils down to today is the Forest Service needs to have 25 or 26 miles of road closed regardless of Bog Creek Road. If Bog Creek Road is rebuilt, the Forest Service will still need to close 25 to 26 miles of road so that 5.6 miles of road will need to be accommodated elsewhere. Ms. Dekome said if it is an option not to open Bog Creek Road, then it could be considered something that is added and that was suggested in the comments, which was to decommission or not use Bog Creek Road at all. Ms. Dekome said that takes Bog Creek Road off the table so then the Forest Service needs to know where it is getting miles from. For roads to close to motorized use they are behind gates and are not open to the public. Whichever roads are chosen, motorized use will not be allowed so there would be no administrative use. Mr. Jeffries said Bog Creek Road was a place that wasn't counted on ever opening up, but now not so much. Commissioner Pinkerton said he knows as early as year 2004 negotiations were taking place to open Bog Creek Road. Commissioner Pinkerton said the Border Patrol has always used that road and he added that it is unfortunate the Border Patrol has to take the lead on the EIS and fund rebuilding Bog Creek Road when it could have been as easy as replacing a culvert. It has all been politics, according to Commissioner Pinkerton. Mr. Jeffries said this is all tied to grizzly bear recovery. It is extreme when the grizzly bear takes place ahead of national security, according to Commissioner Pinkerton.

Mr. Jeffries said the working relationship with the Border Patrol has been great and they have been looking at these roads together. Three alternatives are being developed to include addressing the needs of imperiled species. Mr. Jeffries said he would be happy to meet with Commissioners and share the three alternatives.

Chairman Dinning asked about opening Bog Creek Road as it pertains to the Priest Lake side and he asked if people will be able to drive the loop again. Ms. Dekome said she understands it is opening Bog Creek Road on the Priest Lake side. Chairman Dinning said the public won't be able to get there even if the Forest Service opens up the road. Ms. Dekome said you can access it on the Priest Lake side. Chairman Dinning asked what would happen if the Forest

Service modeled opening the entire road through Saddle Pass. Commissioner Pinkerton said it depends on where the Border Patrol will be forced to access the road. The Border Patrol will have access to the road in the way of administrative use. Commissioner Pinkerton asked what will happen when the number of trips is reached. Ms. Dekome said the Forest Service will have to go back into consultation.

Commissioner Pinkerton said it is applaudable to open Bog Creek Road for national security, but the number of trips will be exceeded so if it is going to be an open road, then it should be considered open for public use as the limited number of trips are administrative trips; not all trips. The Border Patrol's use of the road is not administrative. If the number of trips is going to be exceeded and the Forest Service is going to model Bog Creek Road as an open road, why would we not use it as such? It should not be considered an administrative trip. Commissioner Pinkerton said Mr. Jeffries mentioned that he, as Acting Forest Supervisor, needs to determine what strategic trips are versus administrative trips. If the Border Patrol is providing the Forest Service with statistics as to how many trips they are making, that is a violation of national security. Chances are, unless something changes, the Border Patrol has to violate the number of administrative trips in order to meet statutory mandates. Commissioner Pinkerton questioned who is being appeased by keeping Bog Creek Road closed, even though we all know the administrative trips are being exceeded. Getting Bog Creek Road opened is a step in the right direction, according to Commissioner Pinkerton. Commissioner Pinkerton said these are serious considerations. Mr. Jeffries said that is a valid point. As it pertains to counting no decision has been made yet. Mr. Jeffries said once he has the draft EIS, he will meet with Commissioners and talk more. Once we see the draft EIS and how it will open roads more broadly, that is a good one to take a look at. There is a way to account for roads and there is a point in which administrative trips will be exceeded so it should be an open road, but the Forest Service has to be transparent in how they think about that pertaining to grizzly bear. Commissioner Pinkerton said he knows for a fact that the people patrolling the border do not patrol it as often as they would if they didn't have to get out every half mile and open gate after a gate. Mr. Jeffries said he thinks there are three alternatives drafted that will meet the interest of national security and are consistent with grizzly bear recovery.

Chairman Dinning asked which road miles would it take and how many additional closures to be able to open that section of Bog Creek Road to the public? Ms. Dekome said originally the Forest Service didn't have this road open to the public as an alternative, but in the course of time in reviewing the National Environmental Policy Act (NEPA), etc., and going through comments, it was decided by both agencies to look at this alternative in detail. Chairman Dinning said administrative trips on connector roads will probably be exceeded because that is the quickest way there. Mr. Jeffries said in developing alternatives for greater public access, the Forest Service takes its best crack at it. Mr. Jeffries said they will get all three alternatives fully developed and then bring them back to Commissioners for review. Chairman Dinning said Commissioners would like to see everything that is available, however that looks, as he may have misunderstood. Commissioner Pinkerton said most people look at Bog Creek Road as going all the way across until you get to where Boundary Creek used to be.

Commissioner Pinkerton mentioned he read that core habitat in the Blue Grass BMU is 48.25% and the standard is 55%. It was said that means there is the BMU and based on science, the standard for core is 55% of that BMU not having motorized disturbance. Ms. Dekome said in core habitat there is no motorized use. Mr. Jeffries said as we go through this process let's find the alternative that makes sense from the bear management standpoint, Border Patrol's standpoint, and the community's standpoint. We will take the time to find the alternative that makes the most sense. Commissioner Pinkerton said it's a matter of looking at the forest, but you can't go there. Mr. Jeffries said the Forest Service needs to find the right balance.

The Access Amendment was signed in year 2011, according to Ms. Dekome. Chairman Dinning said it would be fun for Commissioners to see what roads have come off the landscape historically since the grizzly bear was listed. Chairman Dinning said Commissioners won't be in favor of obliteration. Commissioner Pinkerton said he is not in favor of road closures. Mr. Jeffries said the roads being considered are already not open to the public and motorized use.

Commissioner Kirby said you want to be able to go through this area from Bonners Ferry to Priest River so if the Forest Service can't come up with that, then they haven't come up with anything. Commissioner Kirby added that the bears don't care. Mr. Jeffries spoke of the need to go through the Selkirks without having to drive around. Mr. Jeffries said he and Ms. Dekome haven't been able to articulate that to Commissioners so they will have the maps next time they meet. It was said there is understanding that there will be access from the Priest River side and not the Boundary County side, but that is not certain.

The meeting with Mr. Jeffries and Ms. Dekome ended at 2:31 p.m.

2:31 p.m., Boundary Economic Development Director Dennis Weed joined the meeting to provide Commissioners with an update on various projects he is involved in.

Commissioners updated Mr. Weed as to the status of the schedule of fees for the Foreign Trade Zone. Attorney Hull is working on this matter. Mr. Weed said he met with Sam Fodge regarding his proposed waste energy plant.

Commissioner Pinkerton said Mr. Fodge needs 15,000 tons per day and the concern is not being able to generate that much tonnage. Mr. Weed said the cost of maintaining this type of technology is very high. Mr. Weed said he has experienced these facilities being maintained by municipalities who subsidize the equipment so he will talk to Mr. Fodge about this project being on a smaller scale. The issues are costs, the business being resource driven, etc., so it is difficult. Mr. Weed said this is also going against Waste Management who already has these contracts in place. Boundary County won't be able to reach that volume. Commissioners commented that they had written a letter of support for Mr. Fodge's endeavors, but did not commit the county to anything. Mr. Weed said a smaller scale operation might be feasible.

Mr. Weed said the City of Bonners Ferry was awarded the High Five Grant and he has applied for a grant of \$50,000 for the City of Moyie Springs through the United Pacific Foundation for a proposed youth center in the Moyie Springs area. Details will need to be worked out as far as supporting ongoing maintenance, according to Mr. Weed.

Mr. Weed informed Commissioners that he spoke to Bonner County Commissioner Glen Bailey when he attended a meeting in Sandpoint and he learned that Bonner County shares the same issues as Boundary County as it pertains to conservation easements, etc. Chairman Dinning said the geography is limiting for Boundary County.

Mr. Weed said he is working on the matter of sewer services north of Bonners Ferry.

Mr. Weed said he is meeting with the project manager of the Riverside Road Improvement Project and the landowners to make sure they have a voice. Road and Bridge Department Superintendent Clint Kimball is aware of this as well. Commissioners asked Mr. Weed to keep Mr. Kimball informed of what he is doing.

The meeting with Mr. Weed ended at 2:53 p.m.

There being no further business, the meeting adjourned at 3:00 p.m.

DAN R. DINNING, Chairman

ATTEST:

GLENDA POSTON, Clerk

By: Michelle Rohrwasser, Deputy Clerk

Date:

Monday, November 21, 2016 - 17:00

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Boundary County

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Commissioners' Meeting Minutes - Week of December 12, 2016

***Monday, December 12, 2016, at 9:00 a.m., Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

Commissioners gave the opening invocation and said the Pledge of Allegiance.

9:00 a.m., Curley Creek Fire Department Commissioners Keith Kuczka, Tony Klinkhammer, Dan Hooper, Ray Chaffee, and Dean Prentiss; and Fire Chief Brad Stalcup joined the meeting. Mr. Kuczka provided Commissioners a handout with bullet points as it pertains to their request to have the County Road and Bridge Department plow snow at the Curley Creek Fire Station on Silver Springs Road. Chairman Dinning informed those present that Road and Bridge Department Superintendent Clint Kimball was scheduled to be at the meeting, but had to tend to another matter. Mr. Kuczka said he wanted to talk to County Commissioners about plowing in front of the Curley Creek Fire Station on Silver Springs Road, which consists of one-third of a mile more than what is plowed now. Mr. Kuczka said a two-wheel drive fire truck cannot always get out in the snow. A picture of the road in question was provided to Commissioners. Mr. Kuczka said the fire commissioners wanted to add more equipment to this station, but they were not certain if this station could be kept open all year. There are seven firefighters assigned to the Silver Springs Station and if they have to go to Highway Two Loop, it adds another 30 minutes to their response time. The fire commissioners asked if the county would go that little bit of extra distance to plow by the station, consider options to straighten out the dip in the road, or adopt that portion of road as a long term goal. The short term goal is to plow in the meantime. Mr. Kuczka said fire commissioners recognize that Silver Springs Road is not a county road so they don't know whether or not plowing is feasible. Mr. Kuczka said since he is relatively new to the Curley Creek Board, he felt better about having longer term board members present at this meeting. Chairman Dinning said his first question is why the station was built in that location.

Blue Sky Broadcasting Reporter Mike Brown joined the meeting.

Chief Stalcup explained that in the 1970's, Ed Minden was a member of the homeowner's association for that area and he had purchased this acreage. Where the fire station sits now is also a community well house for different residences. Chief Stalcup said his wife had lived in this area in the 1970's, and there had been electricity, etc. Mr. Minden had gotten together with the other property owners and said if the fire department can use two acres there, they could use it.

Mr. Chaffee said this fire station was built by volunteers and he had a hand in that. Mr. Chaffee said this is when the fire department's trucks were hobbled together. The station on Silver Springs Road provided coverage for at least part of the year. In the winter fire trucks had to be chained, then the chains had to be removed in order to drive on other roads nearby. Chairman Dinning asked how this areas has been maintained so far. Mr. Hooper said he and other area neighbors have provided maintenance in the past. Mr. Prentiss said the other side of this situation is when people might ask why ambulance units can't respond so he can see that as being a problem. The fire station situation is bad as most of the time you cannot use it so it is an issue that's been brewing. It is a long term problem that needs a short term answer.

County resident Marty Martinez joined the meeting.

Chairman Dinning explained that it would be a different matter if the county were to declare an emergency as the county can do a lot more in those cases, but one thing Commissioners run into is that Curley Creek Fire Department is an association. Commissioners have been informed that the county has difficulties, legally, when entering into an agreement with a non-taxing district. Chairman Dinning informed those present that Commissioners are still waiting to hear from the county civil attorney to get his opinion. Chairman Dinning said it also becomes a matter of county funds being expended as it is considered giving credit to a non-taxing entity so Commissioners are looking into the legality of that. Chairman Dinning asked if the homeowner's association is informal and the response was the association was thought to not exist. Mr. Chaffee said he doesn't know if there had been a mutual agreement, but when the land was given to the fire department, several landowners, who were a part of the association, signed the agreement. Mr. Chaffee said he thinks most of those homeowners are gone now.

Mr. Kuczka said since Curley Creek is an association they don't have the budget to buy new land so that is not likely to happen. Mr. Chaffee said they had considered relocating and to have a piece of land, but it is too expensive to have it developed. Curley Creek would have to apply for grants to improve access and visibility. All the way from Highway Two to the Moyie Springs line is affected by this. Chief Stalcup said members of the fire department are volunteers so it just depends on who is available. Mr. Hooper said he lives right by Curley Creek station #2 and it takes him 25 minutes to get to station #1 in this weather. Chairman Dinning asked about assistance from North Bench Fire Department and it was said that Curley Creek does have mutual aid agreements.

Mr. Prentiss said if they are property tax payers, why can't they get services from the agency who collects the taxes? Commissioner Pinkerton said we are looking at how we can do this...not reasons why we can't, but we need to make sure we are not violating laws. At this point, without some legal transactions, Commissioners don't know if they can plow this area as we would like to plow, but we can't violate the law, according to Commissioner Pinkerton. Chairman Dinning said he is sure the North Bench Fire Department plows their area so with mutual aid is there the ability for North Bench to plow this station? Commissioner Kirby said North Bench only has a 100 feet of driveway and that department also consists of volunteers. Mr. Chaffee said Curley Creek Fire Department has approximately 250 members who pay dues. The department sends out almost 400 letters to its members and receives almost 60% of the dues. The dues are

\$75 per year per membership. Chairman Dinning said Commissioners do understand their situation, but don't know what the county can do. Chief Stalcup said he has talked to a couple property owners who are involved, but he suggested signing an agreement releasing the county of any property damage if that were to help matters. Chairman Dinning said he doesn't know what it would take to bring Silver Springs Road to county standards. Chief Stalcup said it would be a lot to bring this road to county standards as it is basically sand. Mr. Hooper said there is a 60-foot right-of-way and none of the existing property owners own it so the county could take it. Commissioner Pinkerton said the county needs a 60-foot easement so that could make it more of a possibility.

Mr. Hooper said if the county is giving a credit in plowing by the fire station, what if Curley Creek was charged a certain amount by the county for plowing? Chairman Dinning said those are questions Commissioners will have to ask. Chairman Dinning asked for the Curley Creek Fire Department Commissioners to come up with alternatives that Commissioners could consider. Mr. Kuczka said these things are not easy and there are always the laws of unintended circumstances. Commissioner Kirby said it is not a matter of someone getting their driveway plowed, it is a fire department and there are times of emergency. Chairman Dinning asked about the possibility of the landowners who use that one-third of a mile contributing or hiring someone with a grader. Mr. Hooper said they have had Mr. Stippich come in once per year to level out the potholes, etc.

The meeting with the Curley Creek Fire Department Board members ended at 9:23 a.m.

Commissioner Kirby moved to approve and sign the Road and Bridge Financial Report. Commissioner Pinkerton second. Motion passed unanimously.

Chairman Dinning said the back parking lot behind the Extension Office near the railroad is very dark so Courthouse Maintenance John Buckley is looking into the cost to have lighting installed.

Commissioner Kirby moved to approve the cost of lighting for the back parking lot up to \$2,500 with clarification on placement of the lights and poles. The motion died for lack of a second.

Commissioner Kirby moved to amend his prior motion to approve the cost of lighting for the back parking lot at a cost of up to \$2,700 with clarification on placement of the lights and poles. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton said he has no issue with installing lighting, but we need to look at where to set the lights so it makes a difference.

Commissioner Pinkerton moved to approve Certificates of Residency for Anna Roush and Caleb Gering. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to grant an extension of time and to accept the tax amount due for year 2016 by January 25, 2017, for parcel #MHM0130000038WA. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to grant an extension of time and to accept the following payment schedule for year 2013 taxes for parcel #RP62N03E186310A as follows: \$200.00 due by December 9, 2016, \$100.00 due by January 18, 2017, and \$100.00 due by February 20, 2017, with the balance of tax remaining for year 2013 due by March 24, 2017. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign the Xerox Agreement for a printer/copier work center (Item #5865APT) for the Assessor's Office. Commissioner Kirby second. Motion passed unanimously.

Commissioners reviewed claims for payment. Fund totals are as follows:

Current Expense \$ 45,705.47

Road & Bridge 36,120.61

Airport 3,599.20

District Court 5,085.24

Justice Fund 41,025.06

911 Funds 1,065.20

Indigent & Charity 30.04

Junior College Tuition 1,800.00

Parks and Recreation 4,516.54

Revaluation 1,082.41

Solid Waste 16,979.14

Veterans Memorial 128.19

Weeds 2,830.56

Restorium 16,655.09

Waterways 296.51

Grant, Fire Mitigation 8,804.06

TOTAL \$185,723.32

Trusts

Auditor's Trust \$ 128.76

Driver's License Trust 6,241.00

Magistrate Trust 19,624.65

Interlock Device Fund 300.00

Motor Vehicle Trust 99,169.52

Workmans Comp Trust 19.20

Sheriff's Trust Fund 220.00

TOTAL \$125,703.13

GRAND TOTAL \$311,426.45

Citizens are invited to inspect detailed records on file in the Courthouse (individual claims & Commissioners' allowance & warrant register record 2016-2017).

Commissioners stated they had questions pertaining to the Weed Cost Share Request prior to signing it.

9:42 a.m., County Noxious Weeds Department Superintendent Dave Wenk joined the meeting to clarify matters pertaining to the Weed Cost Share Request. Mr. Wenk said the county doesn't fund any of the programs. Boundary County is requesting \$22,000 for the Neighborhood Cooperative Weed Management Program to share with Bonner County, including \$3,000 for new invaders. Boundary County will receive \$1500 of that \$3000 and the amount of

\$11,000, half of the request of \$22,000, pertains to Boundary County, according to Mr. Wenk. The cooperative consists of Bonner and Boundary Counties, Kootenai Tribe, and the Idaho Department of Lands. It was said the county portion for match will not exceed the Weed Department's line item. Mr. Wenk said all three entities sign the request. The estimated match of \$55,000 consists of the time that everyone puts into this program so it is just in-kind. Commissioner Pinkerton said he just needs to know what it will cost the county. Mr. Wenk said this program won't cost the county anything. Commissioners stated that they wanted to have something in writing that states the match is not actual dollars.

Mr. Wenk left the meeting at 9:46 a.m.

Chairman Dinning said last Friday Commissioners received a pay request from the Idaho Department of Lands for a hazardous fuels reduction project and the document is time sensitive.

Commissioner Kirby moved to amend the agenda for today at 1:30 p.m., to add a motion to sign the pay request from the Idaho Department of Lands for the Lower Kootenai River Watershed Restoration Project as it is time sensitive. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign the Memorandum of Agreement with Selkirks Pend Oreille Transit Authority (SPOT) for limited operations of the SPOT bus system in Boundary County, and to appoint Commissioner Walt Kirby as liaison between SPOT and Boundary County and to appoint Clerk Glenda Poston as liaison if Commissioner Kirby cannot perform this duty. Commissioner Kirby second. Motion passed unanimously.

Commissioners need to comment on the United States Forest Service Starry Goat project today, according to Chairman Dinning.

9:49 a.m., Solid Waste Department Superintendent Claine Skeen joined the meeting.

Commissioner Kirby updated Commissioners on a matter pertaining to Panhandle Health District. Commissioner Kirby said District 5 was going to get more funding at the expense of the other districts as the state has a set amount.

Commissioner Pinkerton moved to cancel taxes for year 2016 totaling \$117.90 for parcel #RP61N01E188220A as the property was assessed for 17.0 acres but was found to be only 14.7 acres. Commissioner Kirby second. Motion passed unanimously.

Commissioners reviewed the Findings and Decision for Planning and Zoning Application 16-111, amendments to the current land use ordinance. Chairman Dinning had questions he would like to have answered prior to signing the Findings and Decision.

9:57 a.m., Property owners Scott Stover and Shane Bidwell joined the meeting.

Mr. Stover said he and Mr. Bidwell had questions about their property's solid waste fee. The property in question is now being used as a residence for two families, but it was once the Evergreen School. Mr. Bidwell said as far as the value of the property and percentages of what they are paying, they are fine with that. Since the building is now being used as a residence, it is not certain how it is being valued for solid waste fees. Mr. Skeen said there are 35 yards of garbage per

year and he explained that the fee is not based on the property. Chairman Dinning questioned what the 35 yards was based on. The building had been a commercial building when it was a school.

10:02 a.m., Treasurer Sue Larson joined the meeting.

Mr. Skeen said the building as a school was assessed at 35 yards. Treasurer Larson said it is a M150 category. It was mentioned several families were living at this location while they were having homes built along Highway 2. M150 is the category for a store and special categories and that fee increased from \$1,462.50 to \$1,522.50. Chairman Dinning said Mr. Stover and Mr. Bidwell are still paying the fee as if the building was a store or a high use building. Mr. Skeen said in contacting Bonners Ferry Garbage there is a four-yard dumpster at this property. Mr. Bidwell said there had been a dumpster, but they stopped the service because they never filled it. Mr. Skeen said the hauler said they serviced this location once a week. It was a four yard container, which equates to 208 yards per year so they fall into a category that is lower than the M150 category. Mr. Stover and Mr. Bidwell said once per month they haul their garbage in a truck bed that is approximately four feet by seven feet. Chairman Dinning said we probably need to come up with a different category. It had once been a school, but there are two families living there now. Chairman Dinning asked Mr. Skeen to take a look at the fee schedule and get back to Commissioners with a new assessment before December 20th. Since Mr. Skeen was able to determine a new category, Commissioners were able to have the necessary documentation prepared for signature.

The meeting with Treasurer Larson, Mr. Stover, Mr. Bidwell, and Mr. Skeen ended at 10:11 a.m.

10:14 a.m., Commissioners held a public hearing to consider the Boundary County Alcoholic Beverage License Applications for year 2017. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, and Blue Sky Broadcasting Reporter Mike Brown. The proceedings were recorded.

Commissioner Pinkerton moved to approve the County Alcoholic Beverage License Applications for renewal for year 2017 as presented in Exhibit A, which has been provided to Commissioners, provided all necessary documentation and fees have been received. Commissioner Kirby second. Motion passed unanimously.

The hearing ended at 10:15 a.m.

Commissioner Pinkerton moved to cancel solid waste fees totaling \$1,278.90 for year 2016 for parcel #RP62N02E148203A as the solid waste fee was corrected to represent two households. Commissioner Kirby second. Motion passed unanimously.

10:28 a.m., Commissioners held a surplus county vehicle auction. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, and county resident Marty Martinez. The bid opening was recorded.

County surplus vehicles up for auction were as follows: 1986 Nissan pickup truck, VIN #JN6ND11S1GW011285, and a 1995 Ford F350 van chassis with an ambulance body, VIN #1FDKE30FXSHA67947.

The highest bid for the 1986 Nissan pickup truck was \$218.00. Other bids received for this vehicle were as follows: \$201.00 bid by Michael Krejci, \$100.00 bid by Cullen Evans, and \$87.75 bid by Chad Kimball. The successful bidder

was Terry Johnson.

The highest bid for the 1995 Ford F350 van chassis, which had once been used as an ambulance, was \$503.00. Other bids received for this vehicle were as follows: \$501.00 bid by Mike Krejci and \$400.00 bid by Cullen Evans. The successful bidder for this vehicle was also Terry Johnson.

The bid opening ended.

Commissioner Kirby moved to approve the minutes of November 21 and 22, 2016. Commissioner Pinkerton second. Motion passed unanimously.

Clerk Poston said Boundary Ambulance Service has requested their funds in advance so she would like to provide that payment at the upcoming Boundary County Ambulance Service District meeting. Clerk Poston said the county can provide Boundary Ambulance Service \$35,000 and take \$12,500 out of the January disbursement that is to be set aside. This is an amount the county would normally pay Boundary Ambulance Service. Commissioners said they had no issue with that.

10:40 a.m., Commissioner Kirby moved to go into executive session pursuant to Idaho Code 74-206(1)b, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Commissioner Pinkerton second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye", and Commissioner Kirby "aye". Motion passed unanimously. The executive session ended at 10:50 a.m. No action taken.

Courthouse Maintenance John Buckley joined the meeting at 10:55 a.m.

Commissioners and Mr. Buckley discussed matters pertaining to having lighting installed at the parking lot behind the Extension Office.

Commissioners approved the option received for lighting for the parking lot behind the Extension Office. There is room for a pole between the rock wall and the line, according to Mr. Buckley. Commissioner Pinkerton said that should be fine. Mr. Buckley said the pole could go behind the rock wall approximately five feet.

Mr. Buckley left the meeting.

Commissioners tended to administrative duties.

Commissioners recessed for lunch at 11:40 a.m.

1:30 p.m., Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

Road and Bridge Department Superintendent Clint Kimball stopped by Commissioners' Office to drop off his written department report. Mr. Kimball informed Commissioners that when the Naples Bridge was last hit by an over-height logging truck last weekend, it was hit really hard and steel was torn. The driver did not stop, but apparently has since confessed to hitting the bridge. Mr. Kimball said he had a visit with the bridge engineers and the hope is the bridge is

not in immediate danger, but one of the beams is no longer attached. Matt Farrar, who is a bridge engineer for the State of Idaho will be here to look at other areas of concern and may issue a temporary solution, according to Mr. Kimball.

Mr. Kimball left the meeting at 1:31 p.m.

1:31 p.m., Border Patrol Agent in Charge Matthew Turner met with Commissioners to introduce himself and have a general discussion. Agent Turner said he arrived in Bonners Ferry on November 13, 2016, and prior to this location he was in charge of the Border Patrol Station in Eureka, Montana for three years. Agent Turner said he wants to integrate well into this community and he added that he has met with the Kootenai Tribe Police and would like to meet the Sheriff-elect. Commissioners and Agent Turner discussed the Explorer Program and supporting local and tribal law enforcement. Agent Turner explained how his greatest asset is the people in this community.

Chairman Dinning said few weeks ago Commissioners and Forest Service representatives met to discuss opening Bog Creek Road and he asked Agent Turner not to hesitate to rely on Commissioners in some fashion regarding that project. Chairman Dinning said Commissioners thought Bog Creek Road would be opened from end to end, but they have recently learned this road is just going to be opened up on the Priest Lake side for 5.6 miles. Commissioner Pinkerton spoke of matters that will help guide Commissioners in how they will decide on this project. Commissioners want to know what the Border Patrol wants to do currently and into the future such as open the road, close it, or keep public limited. It is about how we can help each other to get that mission tactical.

Commissioner Pinkerton also talked about integrating into the community. There is a wide open board in making headway into the community. Reaching out is one way, but maybe to meet with some of these community organizations or have town hall meetings in towns such as Porthill and Eastport as they live along the borders.

The Explorer Program has been here before and is a good program. The program continues to change and it was said the Border Patrol has done a good job with that program.

Commissioners informed Agent Turner that they will help where they can, but can't help if they don't know what the Border Patrol wants and vice versa. Agent Turner said he would take the advice about meeting with various local agencies. Clerk Poston spoke of how the county fair gets information out to the public as well.

The meeting with Agent Turner ended at 1:55 p.m.

2:00 p.m. Commissioners held a conference call with Rick Donaldson, an engineer for Robert Peccia and Associates (RPA) working on the Airport Master Plan. Present for the meeting was County Civil Attorney Tevis Hull, property owner Amy Moore, Linda Fioravanti, real estate agent for Ms. Moore, and Blue Sky Broadcasting Reporter Mike Brown.

Commissioners said they want to gain an understanding of where they are as far as coordination so Commissioners understand the process. Several months ago Commissioners had a meeting and information was provided that included a flow chart of the progression of the Boundary County airport master plan effort. Some of the items at the beginning of the process was a site survey. Having an aviation forecast done was mentioned and Mr. Donaldson said from what he sees he anticipates there being no change in the aircraft category. Chairman Dinning mentioned the user survey being completed and he asked Mr. Donaldson if he had an old survey. Mr. Donaldson said his primary source was Northern Air's address book and he has the results in a spreadsheet, but he needs to clean it up and make sense of the information rather than just hand it to Commissioners to make sense of. Mr. Donaldson said the combination of

information will result in the type of aircraft that has already been seen at a B2 facility. Then the needs of the airport will be compared to what is currently provided as well as development of any alternatives for improvements so ultimately the airport facility would match needs. So it is where we are now, what we need, and how to get there. Mr. Donaldson said he has started developing those alternatives to meet those needs and as those get finished, he will get that information into a presentable format and have a public meeting prior to development. Chairman Dinning said this is similar to developing a new planning and zoning ordinance. Mr. Donaldson said he will review the existing new airport ordinance. Chairman Dinning said it is just the process. Mr. Donaldson said there is a meeting, not a hearing, but the Federal Aviation Administration (FAA) advises that it is a good idea to do. Once the forecast is complete and presentable, along with providing some alternatives, it will get to what the county needs and there will be a meeting to get public input. The county has the existing Airport Layout Plan and when there is the new plan, there will be another meeting to finalize that plan. The Master Plan will be developed to also develop the layout plan. This is a living working document that gets updated overtime, according to Mr. Donaldson. Chairman Dinning said Commissioners wanted to make clear that this is a document that shows a future proposed plan. Mr. Donaldson said when this process is finished, by the end of year 2017, he will implement everything that is shown. This process can take many years to do or this is a plan for something that may never get done. It is just a plan.

Mr. Donaldson said it sounds like Commissioners saw alternatives that he presented at the Airport Board meeting last month. Chairman Dinning said what Commissioners wanted to get to first off is how this specifically has to do with Ms. Moore's property. Ms. Moore said she had been working with Mr. Donaldson, but as far as the Commissioner meeting in August, Mr. Donaldson sent a graph and she hadn't heard anything since. Ms. Moore said she has four possible buyers for her property and she doesn't want to get the land locked up. Ms. Moore said with all due respect, she does have land in this area that she does pay taxes on, and she has potential buyers. This land is for sale and her new agent is here with her. Ms. Moore said she is frustrated because between the airport, Planning and Zoning, and Commissioners, she cannot get informative answers so she can sell her property. Chairman Dinning explained to Mr. Donaldson that there is someone interested in purchasing Ms. Moore's property, but from the county's perspective, Commissioners had just recently been in a situation in which there were "too many cooks in the kitchen" so Commissioners would like all communication to go through County Civil Attorney Tevis Hull. Mr. Donaldson said he did speak with Ms. Moore at the initial meeting and he would be happy to complete the initial calculations, but he does work for the county and the airport board felt anything answered outside of his contractual obligation should go through the county. Chairman Dinning said through today, this master plan is still in the process of being developed. Mr. Donaldson said that is correct, it is not done, and the analysis he has done is based on the existing plan and ordinance. Chairman Dinning said as far as anything pertaining to Ms. Moore's property, it would be based on the current plan, not the future document. Mr. Donaldson said that is correct.

Chairman Dinning said in Mr. Wheatley's case, the county had to have the exact location in order for the FAA to determine, without a doubt, what was allowed to be done on that property. Attorney Hull said when Mr. Wheatley submitted his application to the county, he basically just put a dot on the application as to where he wanted to build and wanted to know what the restrictions were. Attorney Hull said the county had to go to the FAA and it was the county's understanding that you need more than just a dot on the application. Also needed is to provide the elevations of the proposed building's footprint and to get an opinion from the FAA as to the effects on the air zones. Then the FAA responds with a report for the county to review. Mr. Donaldson said that was correct and he added that the way the county ordinances are set up, that is how the process works. A 7460 Form needs to be completed along with providing information as to the horizontal location of a proposed building and its elevations. Mr. Donaldson said he was trying to put himself in Ms. Moore's shoes and provide the limitations so he knows approximately what is doable and that is why

he sent a grid to her for her property for the proposed location and took that area and gridded it off for clearance on the ground. Ms. Moore said she filled that form out and sent it back. Mr. Donaldson said the calculations for that were done so the county could take that information with a grain of salt and send it in to the FAA for their determination. Attorney Hull asked for a copy of that information since he has not seen it and then he and Mr. Donaldson could have a conversation and get back to Ms. Moore. Ms. Moore said since she had measurements, she just needed to submit the grid to Mr. Donaldson and he could help her with the numbers. Ms. Moore said in a phone conversation she had to ask Mr. Donaldson why property owners had to give permission for people to be on the land in order for someone to be there. It was said if that needed to be done, it would be for future purposes. Mr. Donaldson said the existing airport layout plan shows the protection zone on that property so it is conceivable this land could be purchased in future so he mobilized the environmental workers to look into the lots in the vicinity in order to make a complete report. Ms. Moore said the only reason to do that is a purchase, correct? Mr. Donaldson said, correct. It was said Commissioners were not in the Courthouse hallway when Mr. Donaldson and Ms. Moore had the conversation about showing how much land she was going to sell and for how much, so Ms. Moore wants everyone to know about conversations going on outside of Commissioners' Office so everyone understands.

Chairman Dinning said to understand, that according to Mr. Donaldson, the cultural resource representatives were out looking at the airport and for any property that may be something that could be purchased in the future, it would be good to at least have that process complete. Commissioner Pinkerton asked if there was any time Commissioners expressed that they might be interested in purchasing property. Mr. Donaldson said no. Commissioner Pinkerton said it was just a possibility, but right now there has been no discussion to purchase any land. Commissioners would like to see the plan first. Ms. Moore said it is one of those things where the taxpayers are paying the county for their land and they don't know what they can do on it.

Attorney Hull said to recap, Mr. Donaldson has the grid Ms. Moore provided him, Mr. Donaldson will send that grid to him, and he will take that footprint and submit the form to the FAA. Attorney Hull said the county becomes guarded when talking about estimation and to send him information. Ms. Moore said she understands the county process, but she knows Mr. Donaldson had just measured. Ms. Moore added that she is just trying to move along and do everything she needs to do, but in order to do that she wanted to make sure Mr. Donaldson's measurements and what he wanted her to do was correct. Ms. Moore said she remembers Commissioners being frustrated. Ms. Moore said with the new master plan discussed in the meeting, she was going to work with Mr. Donaldson, but Commissioners don't want that. Attorney Hull said this is good as this will clarify what the issue is and Ms. Moore will have a contact person in him. Attorney Hull said the next communication Ms. Moore has will be with him as to what to do next. Ms. Moore said okay and she added that it has been frustrating as she has done everything that was required. Ms. Moore mentioned it was said this process takes years, because it was in year 2014 and it is now year 2016, almost year 2017. Ms. Moore said she realizes things change such as budget, etc., and she is trying to understand, but she cannot keep paying on her land and she cannot do anything with this land so it is just frustrating. Chairman Dinning said Commissioners have been on that side of things and they understand. Chairman Dinning said today Commissioners are saying that Attorney Hull is the contact person to talk to from now on. Commissioners have been through this process and know there has to be one contact. Commissioners were not aware of some of these conversations, according to Chairman Dinning. Attorney Hull said in all fairness to Mr. Donaldson, he did send him an email requesting to talk to Ms. Moore, but he didn't know what was happening and did not get back to him. Ms. Fioravanti said she wants to understand the map given to Ms. Moore and she asked what 34 to 1 means. It was said 34 to 1 means for every 34 feet you can go up 1 foot. It was mentioned from 200 feet beyond the end of what is shown as the future threshold of the airport layout plan. Chairman Dinning said today where the existing runway ends, that is reflected as the airport zone. Chairman Dinning said as it sits

today, if the county did not extend the runway, would Ms. Moore's property be impacted? Mr. Donaldson said if there is no extension, no. Chairman Dinning asked if there is even a plan for an extension, does that affect Ms. Moore's property. Mr. Donaldson said the ordinance does plan for a 1,200 extension so that would affect Ms. Moore's property. Chairman Dinning said this would be analyzing the existing conditions shown on the diagram in black, which is theoretical. What is legally on the books now is the ordinance and layout plan.

Ms. Moore asked if the rumor she heard about shortening the other end of the runway is going to happen. Chairman Dinning mentioned the county may have to shorten the runway by 700 feet. Mr. Donaldson said part of the alternative is shortening that other end of the runway. Chairman Dinning said that was mandated by the FAA. Ms. Moore said if the runway is shortened, does that make her end a higher liability. Mr. Donaldson said if the runway was shortened, the airport would have to have smaller aircraft.

Ms. Fioravanti referred to the drawing and asked if the small black line over Ms. Moore's property is the existing overlay. Ms. Fioravanti also asked for clarification and said where there is a dark line over Ms. Moore's property as shown, can she put up a building there or is that up to the FAA. Mr. Donaldson said according to the county's ordinance, there are no structures in that area. Ms. Fioravanti asked Mr. Donaldson about the 1.7 acres of Ms. Moore's land. It was said that at this time, 1.7 acres of Ms. Moore's land is not usable. Attorney Hull said that is when it comes down to the application to submit to the FAA. Attorney Hull said Ms. Moore is basically asking Commissioners what she can do without having the application. Ms. Moore questioned how she is to list her property for sale and she said when they listed the property they had plans for a shop that was 22 feet tall.

Chairman Dinning said until the FAA tells the county specially, no, you cannot build what you want, Commissioners don't know what can be done so that is why the county needs to get this done.

Attorney Hull said he has been a real estate agent and a broker so he understands Mr. Donaldson not being able to give definitive answers. As an agent, you will want to disclose the FAA information, but as a board of commissioners, they cannot give a definitive answer. Ms. Fioravanti said to let her know if she is wrong by stating Ms. Moore can sell her property under the current overlay. Attorney Hull said this is the extrapolation she is taking from it, but that is not what is being said. That land is subject to the airport overlay, but a final determination is based on the layout of a proposed building determined by the FAA. If there are prospective buyers, but they don't want to buy the property without knowing, definitively, what can be done, Ms. Moore can submit information to the FAA and go through the process to determine whether or not that type of building can be built in that location, but to go ahead and say that nothing can be done on 1.7 acres, the county cannot give that. Ms. Fioravanti said she and Ms. Moore would like to submit that information to the FAA, but the FAA wants to know how high from sea level, how close to neighbors, latitude and longitude, etc. These are not easy things to say to a contractor to determine and send that information to the FAA so that is why they are asking Mr. Donaldson, who now needs to get county approval. Attorney Tevis explained how Mr. Donaldson is not the responsible person for that. Chairman Dinning said the grid and information contained in that grid is enough to allow the FAA to make a determination. Ms. Moore said it would be to take information Mr. Donaldson gave her. Mr. Donaldson said when Ms. Moore submits the form to the FAA, they will conduct the same analysis he has done. Chairman Dinning said at this point Attorney Hull has Mr. Donaldson's grid so they will talk about how to help Ms. Moore next. Attorney Hull asked for Ms. Moore's contact information as well as Ms. Fioravanti's contact information.

Ms. Moore said she knows this paperwork is extensive and that is why she asked for Mr. Donaldson's help. Attorney Hull said of the 1.7 acres, under the current plan, is it or is it not possible to build some kind of structure from a distance of the runway and height of the structure. Chairman Dinning said when there is a conclusion, we will all know.

Commissioner Kirby asked Ms. Moore if she had sold the house and other property. Ms. Moore said yes and she added the property she has consists of 4.71 acres.

The call to Mr. Donaldson ended at 2:50 p.m.

Ms. Fioravanti and Ms. Moore left the meeting at 2:51 p.m.

Attorney Hull remained for the meeting with Steve Tanner.

2:53 p.m., Commissioner Kirby moved to go into executive session pursuant to Idaho Code 74-206(1)b, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Commissioner Pinkerton second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye", and Commissioner Kirby "aye". Motion passed unanimously. The executive session ended at 3:11 p.m. No action was taken.

3:11 p.m., Boundary Economic Development Specialist Dennis Weed joined the meeting.

Mr. Weed presented Commissioners with information on the upcoming shot show in Las Vegas, Nevada, where he would like to promote Boundary County. There will be 1,800 total vendors and the show consists of three days and will be open 12 hours each day. Mr. Weed listed which types of vendors he feels he would benefit talking to. Mr. Weed said he had focused on ammunition, rifles, and knives. There is also a gun holster vendor who initially started out with two employees and now has many. Mr. Weed said his plan is to go through all 200 vendors and get information on them so he is not visiting them without having prior knowledge. Mr. Weed explained that he is looking for smaller operations that may be interested in moving their business to Boundary County. Mr. Weed said he will provide notes on discussions that took place with the vendors.

The meeting with Mr. Weed ended at 3:21 p.m.

Commissioner Pinkerton moved to approve and authorize the Chairman to sign the Idaho Department of Lands Reimbursement Request Form for the Lower Kootenai River Watershed Restoration Project, Grant #14COMP-LKRWR totaling \$10,122.90. Commissioner Kirby second. Motion passed unanimously.

3:23 p.m., County resident Steve Tanner joined the meeting.

Mr. Tanner thanked Commissioners for meeting with him. Mr. Tanner presented Commissioners with a flyer from the hospital advertising the supplemental levy and he questioned how the hospital paid for its banners, flyers, and advertising that it used to promote passing the hospital supplemental levy. Mr. Tanner questioned if the flyers and banners were made with public funds. Mr. Tanner commented that he hadn't make this issue public although he had gathered information and was prepared to do that. Chairman Dinning informed Mr. Tanner that Commissioners have copies of his correspondence on the matter and they would ask County Civil Attorney Tevis Hull to look into the matter and if something was done wrong, it will need to be addressed.

Attorney Hull said he also has the Mr. Tanner's emails and if Mr. Tanner would like to formulate his questions and forward them to him, it would be fine. Mr. Tanner asked if there is a timeline in which to challenge an election. Attorney Hull said yes, Idaho Code Statute 34-2001 refers to that. Commissioners scheduled a follow-up meeting to further discuss this matter with Mr. Tanner and Attorney Hull.

The meeting with Mr. Tanner ended at 4:01 p.m.

Commissioners continued their discussion on the election sunshine law.

Attorney Hull and Commissioners reviewed the status of other matters. Attorney Hull said he would look into the easement matter as it pertains to the county plowing snow up to a certain point at the Curley Creek Fire Station on Silver Springs Road for the purpose of emergency response.

Attorney Hull said he is still working on editing the agreement with Stimson Lumber for access on their lands for grooming snowmobile trails.

Attorney Hull said he would remove the provision requiring insurance as it pertains to the Walter Merrifield property contract.

Commissioners informed Attorney Hull the Restorium will have a limit of five residents on Medicaid. If the Restorium already has five Medicaid residents, they will not accept any new Medicaid residents until that number decreases to four. Commissioners would like a clause in the contract that Commissioners will allow more Medicaid residents if they had a certain number of vacant rooms.

Attorney Hull briefly mentioned the civil judgement in the criminal case involving the Naples Bridge.

Attorney Hull spoke of drafting a petition for Commissioners concerning dissolving the mosquito abatement district.

Commissioner Pinkerton left the meeting at 4:07 p.m.

There being no further business, the meeting adjourned at 4:18 p.m.

DAN R. DINNING, Chairman

ATTEST:

GLEND A POSTON, Clerk

By: Michelle Rohrwasser, Deputy Clerk

Date:

Thursday, January 12, 2017 - 09:30

COMMISSIONERS

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CONTACT US

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MINUTES

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[Commissioners' Meeting Minutes - Week of February 18, 2019](#)

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Commissioners' Meeting Minutes - Week of June 11, 2018

***Monday, June 11, 2018, at 9:00 a.m., Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

County resident Marty Martinez and Blue Sky Broadcasting News Reporter Mike Brown were in attendance of the meetings off and on throughout the day.

Commissioners gave the opening invocation and said the Pledge of Allegiance.

9:00 a.m., Road and Bridge Department Superintendent Clint Kimball joined the meeting to give a departmental report. A written report was submitted. Commissioners asked for clarification on demand claims for payment pertaining to Road and Bridge. Mr. Kimball explained what the claims are for and stated that they are reimbursable projects. There are two claims for \$80,000 each for two separate bridge projects, according to Mr. Kimball.

Mr. Kimball said Road and Bridge had a fairly busy week last week, which included time on Pack River Road, hand brushing a few roads, and hauling rip rap for the Snow Creek and Caribou Bridge projects so material is now stored on site. Mr. Kimball said he continues to have discussions with the Federal Emergency Management Agency (FEMA) as it pertains to District 2, Turner Hill Road and Rock Creek as the FEMA teams keep rotating so the outcomes of the projects vary. Mr. Kimball spoke of working to clean up the slide on Lions Den Road that keeps occurring.

Mr. Kimball said he would continue discussions with FEMA and start getting organized on other projects that are coming up. The hope is to get work going on the Atkins Canyon project sooner rather than later. Mr. Kimball said Road and Bridge has been patching asphalt and he's been receiving quite a few calls on the deteriorating condition of asphalt so maybe Commissioners may want to take a road tour to take a look. Chairman Dinning said maintenance of the existing pavement is important.

Mr. Kimball said he received two phone calls informing him of damage to chipseal by people unloading equipment. Chairman Dinning asked Mr. Kimball if he has given any thought on how to educate people about this. Chairman Dinning said looking forward, if the county educates people and it still occurs, then there is no excuse.

Commissioner Pinkerton moved to authorize the Chairman to sign the Funds Transfer Agreement with Western Federal Lands Highway Division, FHWA Agreement #69056718K500010 for an amount of \$10,000 for the following project: ID BOUNDARY 5806(1), Riverside Road Improvements. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the letter to Caterpillar Financial regarding the 2nd Pay for Use Agreement superseding the original 2nd agreement. Commissioner Kirby second. Motion passed unanimously.

The meeting with Mr. Kimball ended at 9:17 a.m.

Commissioner Pinkerton moved to sign Certificates of Residency for Hannah Beazer, Miako Hosterman, Cory Clairmont, Falisha Elliston, and Brady Hinthorn. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign the Deed for County Property for parcel #RP61N01E193158A sold to Agape Rock Foundation at the sealed bid property sale held on May 21, 2018. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign the Deed for County Property for parcel #RP61N01W132852A sold to David and Joy Brubaker and David and Krystle Reeves at the sealed bid property sale held on May 21, 2018. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning updated Commissioners as to what he learned at the Idaho Association of Counties Commissioners and Clerks Conference.

9:30 a.m., Commissioners held a hearing to consider the transfer of the county's alcoholic beverage license from David Young doing business as South Hill Mini Mart to Himalayan LLC doing business as South Hill Qwik Stop to sell bottled and canned beer and retail wine to be consumed off premises. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, and county resident Marty Martinez. The hearing was recorded.

Chairman Dinning stated for the record that the completed application, transfer fee and all required documentation have been received.

Commissioner Pinkerton moved to approve the transfer of the 2018 County Alcoholic Beverage License from David Young dba South Hill Mini Mart to Himalayan LLC dba South Hill Qwik Stop, to sell bottled and canned beer and retail wine to be consumed off premises. Commissioner Kirby second. Motion passed unanimously.

The proceedings ended at 9:30 a.m.

Deputy Clerk Nancy Ryals joined the meeting at 9:30 a.m.

9:30 a.m., Commissioners contacted County Civil Attorney Tevis Hull via telephone.

Attorney Hull informed Commissioners that he has a meeting with Planning and Zoning Administrator John Moss to discuss the matter involving county resident Mike Richardson's concern. Attorney Hull said Commissioners need to schedule time on their agenda for next week to go into executive session to discuss a personnel matter.

Commissioner Pinkerton moved to go into closed session pursuant to Idaho Code 31-874. Commissioner Kirby second. Motion passed unanimously. 9:40 a.m., Commissioner Kirby moved to go out of closed session. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton moved to accept the assignment of 79% on indigent case 2017-13 and 88% on indigent cases 2015-18, 2015-21, 2015-26, 2015-28 and 2015-31 combined to the Catastrophic Health Care Program. Commissioner Kirby second. Motion passed unanimously.

Deputy Clerk Ryals left the meeting at 9:41 a.m.

Commissioners took a short recess prior to their 10:00 a.m. meeting.

Commissioners reviewed claims for payment. Fund totals are as follows:

Current Expense \$36,795.23
Road & Bridge 249,017.59
Airport 3,167.83
District Court 4,232.23
Justice Fund 39,851.68
911 Funds 2,914.95
Indigent & Charity 12,158.01
Parks and Recreation 9,347.83
Revaluation 1,412.08
Solid Waste 13,633.58
Veterans Memorial 131.17
Weeds 1,038.12
Restorium 15,117.92
Waterways 313.95
Grant, Selkirk Coop Weed Mgmt 500.00
Grant, Boat Safety 475.91
Grants, Fire Mitigation 56,044.79

TOTAL \$446,152.87
Trusts
Auditor's Trust - *Misc 8,567.81
Boundary Co. Drug Court Trust 189.48
Driver's License Trust 7,553.00
Motor Vehicle Trust Acct 194,010.71
Sheriff's Trust Fund 1,998.20
Odyssey Court Trust Account 21,174.28

Odyssey Bond Trust Account 837.75

Odyssey Restitution Trust Acct 454.04

TOTAL \$234,785.27

GRAND TOTAL \$680,938.14

Citizens are invited to inspect detailed records on file in the Courthouse (individual claims & Commissioners' allowance & warrant register record 2017-2018).

Commissioner Kirby moved to approve the minutes for the week of May 28, 2018. Commissioner Pinkerton second. Motion passed unanimously.

10:05 a.m., Commissioners set aside time to discuss the Bog Creek Road matter. Commissioners referred to maps online showing the Forest Service's alternatives for the project. Commissioners discussed access for the owners of the Continental mine. Commissioner Pinkerton said the Forest Service will still close 26 miles of road elsewhere no matter what alternative is chosen. Commissioner Pinkerton added that administrative trips shouldn't affect the owners of the mine. Chairman Dinning said he isn't sure and in both scenarios, the buffer looks the same. Alternative #1 keeps everything seasonally restricted, according to Commissioner Pinkerton.

10:55 a.m., Solid Waste Department Superintendent Claine Skeen and Assistant Superintendent Eric Owen joined the meeting to continue their budget discussion.

Mr. Skeen said he had passed out three budget scenarios and the anticipated revenue worksheet is toward the back of the packet. This information includes concrete, garbage and tire fees that had been discussed, but it doesn't include payroll. The next page is the budget breakdown and there is a negative of \$56,000. A fee increase was briefly mentioned. The next page is a code breakdown from the current fee to the proposed fee and the difference. Chairman Dinning said with an 8% fee increase, the Solid Waste budget would have enough carry forward, but at the end of next year, what would that look like? Will there be any carry forward as Commissioners have to look that far ahead. The information on the budget breakdown page seems to put the next budget in the exact same situation that it is in now, according to Chairman Dinning. If we have a budget of \$982,000, does that mean that at the end of the year we are using up all of the carry forward at the end of September, including the amount a new fee increase would generate, or is that going to perpetuate? Clerk Poston said that is a potential if everything is spent. Chairman Dinning said he is still not getting the clear answer. When you add in \$56,000, we're going to recapture it by the fee increase. If everything in the budget line is expended at the end of this proposed budget, at the end of 2019, is there any carry forward? Clerk Poston said she needs to review the information further. In generating approximately \$200,000, which is anticipated revenue and additional fees, will that approximate amount of \$200,000 be available? Will that budget be looking at a better situation or not, according to Chairman Dinning. Mr. Skeen referred to a proposed budget scenario that had included a large increase. Chairman Dinning said his biggest concern is how to ensure we can have carry forward at the end of the budget year and Clerk Poston said due to the anticipated revenue in fees and the fee increase. Clerk Poston said she feels she and Mr. Skeen need to sit down and go through the budget.

Chairman Dinning said if he has \$10 and then he spends \$10 at the end of the month, he has nothing. Commissioner Pinkerton said it's the additional \$10 to the existing \$10 that you worry about.

Mr. Skeen reviewed proposed new fees such as the fee for disposing of concrete, tires and stumps, which varies depending on their size. Chairman Dinning questioned how do to determine a commercial venture versus a private party as it pertains to wood debris by the pound? It was said the public gets to dispose of six yards for free. A full size truck hauling a level load is approximately three yards, according to Mr. Skeen. As it pertains to stumps, you are paying by the pound per stump and at .025 cents, that is \$50 per ton and right now the county is paying \$44.50 to dispose of them. That cost could increase, according to Chairman Dinning. Mr. Skeen agreed. Chairman Dinning asked if Mr. Skeen sees any up-tick in recyclable value. Mr. Skeen said that market is not doing well. If the county baled its cardboard, it would cost \$44.00 per ton. With the market now, there is another facility that is losing money by recycling, but it's better to recycle this material than to put it into the landfill. How much of that 500 tons Mr. Skeen has reported for recycled material is cardboard. Mr. Skeen said about 70% is cardboard. Chairman Dinning said if the county were to bale cardboard, we would receive \$12,000 as opposed to spending approximately \$30,000. Mr. Skeen said it's approximately half.

Clerk Poston said if these fees are going to be collected, is Mr. Skeen going to need a credit card machine. Mr. Skeen said he will need a system. Clerk Poston suggested Mr. Skeen speak with the Treasurer's Office about that, and she informed him there is a \$3.00 user fee associated with using credit card machines.

Clerk Poston said she will review the budget and Commissioners need to think about this. This discussion will resume on Monday, June 18, 2018 at 11:00 a.m.

Mr. Skeen informed Commissioners that he needs to fill vacant positions at two rural monitored sites. Commissioners agreed to fill these positions as they had been budgeted for.

11:36 a.m., Commissioner Kirby left the meeting temporarily to conduct the quarterly jail inspection.

Those present questioned accepting material from residents who live outside of Boundary County and what fee amount would be for them. Mr. Owen mentioned it would be difficult to monitor out of town residents without having a system in place, especially with how busy it gets in the summer. Those present also discussed using the sticker method to determine county residency.

Commissioner Kirby returned to the meeting at 11:43 a.m.

The meeting with Mr. Skeen and Mr. Owen ended at 11:52 a.m.

Commissioners recessed for lunch at 12:00 p.m.

1:30 p.m., Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

1:30 p.m., Commissioners met with Bonners Ferry District Forest Ranger Kevin Knauth, Forest Supervisor Jeanne Higgins, Deputy Forest Supervisor Kim Pierson, Forest Service Wildlife Biologist Lydia Allen, Forest Service Public Affairs Officer Shoshana Cooper, and the following members of the United States Border Protection: Washington D.C. Headquarters Assistant Chief Shelly Lubin, Agent Rick Petrey, Environmental Specialist Joseph Zidron, Agent Erik Stephany, and Agent Bill Kingsford. Blue Sky Broadcasting News Reporter Mike Brown and county resident Wally

Cossairt were also present. The purpose of the meeting is to discuss the use of Bog Creek Road and alternatives the Forest Service has presented pertaining to use, trips and road closures.

Introductions were given around the room. Chairman Dinning said back in November of 2016 the Idaho Panhandle National Forest Acting Supervisor Shane Jeffries and Forest Service employee Shanda Dekome visited with Commissioners to give them a preliminary update on the Bog Creek Road matter, presenting two alternatives, and they promised to come back to visit again before deciding on the alternatives. It was a bit disconcerting to now see four alternatives come out without any knowledge and Commissioners want to get back on track. Chairman Dinning said Commissioners are not the public, but a government and we are just now only seeing the alternatives. Ms. Higgins said she wasn't employed with the Idaho Panhandle National Forest at that time, but she does apologize for that follow up meeting not occurring. Ms. Higgins provided Commissioners with a handout on the Bog Creek Road and alternatives. Ms. Higgins said the Forest Service is in the process of a draft environmental analysis (EA) statement. There are four alternatives in this analysis that were evaluated and the Forest Service is in a public comment phase at this point, but Ms. Higgins stated she wants to share the specifics in these alternatives as well as maps, which will be the most useful. Ms. Higgins informed Commissioners that after reviewing the alternatives, she will share the process, what to expect and how to engage further. The agencies have come out with a proposed action to reconstruct Bog Creek Road and to provide the ability for the Border Patrol to have access to patrol the border more effectively. Bog Creek Road has been un-drivable due to its condition so reconstruction is important. Ms. Higgins said the proposed action is alternative #2. What is important to note is that in addition to providing access, another purpose was for the Forest Service to evaluate opportunities to meet grizzly bear standards within this bear management unit (BMU), which is the Blue Grass BMU. Also the Forest Service was looking at the road system within the BMU to meet standards and provide access for the Continental Mine owners. Those are all factors in the proposed action and alternatives and with Alternative #2 the Forest Service did scoping and received feedback, according to Ms. Higgins. The proposal, showing the routes in green, would be completely open for public access. The routes shown in green with a red dash would only be opened for administrative access so Bog Creek Road would only be reconstructed. The routes shown in blue are seasonably restricted and these routes are limited as to the number of trips for those routes only on the blue; not the green routes with red dots, according to Ms. Higgins. Agent Petrey with the Border Patrol said the Bog Creek Road falls under the Metaline Border Patrol station so the majority of patrols would be coming from the west side. It was said the routes shown in blue are not open to public access, but are drivable.

Ms. Higgins said the routes shown in red would be closed to motorized use and put into storage so they wouldn't have administrative access either. Chairman Dinning asked if people who run cattle in this area were considered. Ms. Higgins said those people would have access to the head of Grass Creek. Commissioner Pinkerton asked if those same people would have access even on seasonably restricted roads. Ms. Higgins said those trips would be counted toward the allowed number of trips. Mr. Knauth said county resident Mike Ripatti typically uses Forest Service Road #636 and continues to Road #2464. The other route is blown out, according to Mr. Knauth.

Ms. Allen said currently, under the winter plan, Lime Creek Road is a snowmobile route and under the alternative it would not be, but the Forest Service would need to check on that. Ms. Higgins said under the proposed action, 5.3 miles of that road would not be accessible, but she thinks it's because it would be difficult to traverse once this road is put in storage, she but will find out. Ms. Higgins asked if there were any other questions for this alternative.

Commissioner Pinkerton said earlier he had asked about people grazing their cows on the roads shown in blue on the map and these were numbered trips, but would the Border Patrol need to count their trips? Agent Petrey listed who the

Border Patrol would give that information to and he added that the number of trips is provided, but not information such as days, times, etc. Commissioner Pinkerton said the number of trips is still law enforcement sensitive information and he added that it's in violation of the nation's security to give that out. Commissioner Pinkerton said people grazing their cattle can get into that area on the road marked in blue, which is seasonal, but land owners would have to come around from the eastside on the administrative roads. Ms. Higgins said it is a possibility that they could, but at this point, they have not been counting those trips so this would provide these landowners with unrestricted access.

Those present reviewed the conditions for Alternatives #3 and #4. Ms. Higgins said Alternative #3 provides the same level of access to Bog Creek Road for the Border Patrol as well as the Continental mine. The difference is that the Forest Service would close access to Upper Grass Creek, therefore providing a more solid core area for grizzly bear habit. This alternative would impact grazing and not allow motorized access, etc. This alternative does provide for seasonal access on Forest Service Road #1388, which comes to the mine from a different direction. Alternative #3 does close different roads in order to meet grizzly bear standards and all alternatives would also meet the grizzly bear standards. Chairman Dinning said Forest Service Road #1388 is now good enough for seasonal restriction, but it's not the first alternative. Ms. Higgins clarified that when a road is put into storage, the Forest Service usually pulls culverts out, etc., but the road bed is not pulled as culverts might need to be reinstalled at some point.

In Alternative #4 the green routes would be open roads so under this alternative, Bog Creek Road would be open to public and the public could travel from Bonners Ferry all the way through to the Washington State side. It's not clear on the map, but one can see how you can get through to Bog Creek Road from Bonners Ferry. It was said the other difference with this alternative is that in order to meet standards the roads shown in red lines on the map would be put into storage or decommissioned and not be available for motorized travel. The roads shown in blue on the map would be restricted to motorized use and trips would be counted. The owners of the Continental mine would have access from Bonners Ferry, motorized use would be restricted, but trips for private landowners would not be counted, and the roads would only be open to private landowners, not the public. Commissioner Pinkerton said even if the road is open for the grizzly bear amendment, it would still not be open for public use.

Chairman Dinning said all alternatives store the same amount of road. Ms. Allen said six miles of currently restricted roads would have to be closed for Alternatives #2 and #4. There is no action for Alternative #1, according to Ms. Allen. Commissioner Pinkerton said to meet standards 26 miles of road will be closed in Alternatives #2 and #4 and 25 miles would close in Alternative #3 so that is a difference of one mile. Commissioner Pinkerton said in doing nothing, we meet the grizzly bear access amendments. Commissioner Pinkerton said this is the catalyst to close the roads, period. Ms. Allen said since year 2011 and since the amendment, the Forest Service was obligated to meet the access amendment so approximately 25 miles need to be closed for the Blue Grass Grizzly Bear Amendment.

Commissioner Pinkerton asked Agent Petrey if there is any difference in the statutory law for patrolling within 25 miles of the border. Agent Petrey said no. Commissioner Pinkerton said if on private property, the Border Patrol cannot be denied the ability to patrol within 25 miles of the border. So is the Border Patrol being prohibited from patrolling in the national forest? Agent Petrey said yes, as far as motorized access. Commissioner Pinkerton said the roads currently under easement to the county give access to the border and 4.5 miles into Canada and back into the United States to Blue Joe Creek. Commissioner Pinkerton asked what percentage of the grizzly bear recovery area is in Canada and Ms. Allen said a little over 50%. Commissioner Pinkerton asked how many areas meet standards there and Ms. Allen said none to her knowledge as Canada doesn't have management areas. Commissioner Pinkerton said from Highway 3 on the Canadian side there are no restrictions and yet over 50% of the grizzly bear recovery area is within that area and

we have to guard against it. Commissioner Pinkerton asked how often the local Border Patrol agents patrol in this area. Agent Stephany said they patrol twice per month.

Chairman Dinning said from the county's standpoint on Alternatives #2, #3 and #4, and we don't have a grasp yet, the same miles of road are closed so why not look at the alternative that opens the area up to the public. Chairman Dinning said in the forestry process, before things are developed, Commissioners take a look at the information and that is what Commissioners were hoping the meeting they were supposed to have had with the Forest Service would've allowed. To him, it's called an open road, but the Forest Service is closing these roads when they are called open so why shouldn't the public be able to use them. This community has done nothing, except lose access and there would be support if they could open access to the public. Most people haven't lived in this area long enough to see what has happened, not saying it's wrong, but if there is opportunity for public access, it would be a real benefit in the long run for management. Commissioners said the Forest Service is hired to ensure these resources are available for the public; not to close it off to the public. Commissioner Pinkerton mentioned having once asked Mr. Knauth if the public could have fallen timber in the woods for firewood, but the answer was the that Forest Service couldn't allow that. The Border Patrol is paying for the grizzly bear management to meet the road standards, but this has nothing to do with what the Border Patrol is doing. Commissioner Pinkerton said the mission is to patrol the border and that road has been closed down. If you were to come in from the Priest Lake side, you have to have a special key to take the gate down. The east side of the road has multiple gates so does that deter the Border Patrol from doing their sworn duty? Assistant Chief Lubin said the Border Patrol still has to do their jobs. Commissioner Pinkerton said the Border Patrol is not able to effectively patrol the border. Commissioner Pinkerton explained how he spoke to a special committee in Washington D.C. as to how secure he feels the border is and he had replied that he felt the border is patrolled as it was done in the 1970s when there were only three agents, so it's not patrolled sufficiently. The public wants access to their national forest, according to Commissioner Pinkerton. The Grizzly Bear Access Amendment was done and published in year 1997. The study was done in the 1980's and the first bear was caught in year 1983. Ms. Allen said 50 bears were caught between years 1983 to 1989 and there were seven females that study was based on. These were all Selkirk bears, according to Ms. Allen. Commissioner Pinkerton said he is not a scientist, but the study needs to be reviewed and redone as that science was not good science. Closing the road is not relevant. Just as a layman looking in, the Border Patrol is being held to closing additional roads for additional core grizzly bear standards and all they need is to patrol the borders, but now it's also to make sure grizzly standards are met.

November 16th is when the gates open and the date for the Cabinets is December 1, 2018. Chairman Dinning questioned who developed the alternative. Ms. Higgins said there is not a preferred alternative identified in the environmental impact statement. None of the alternatives have been identified by the Forest Service or Border Patrol. Agent Petrey said the Border Patrol cares that they will have unimpeded east to west access. Chairman Dinning questioned the east to west access is provided under what, Alternatives #2, #3 and #4? Agent Petrey said the Border Patrol cares about all traffic in the area they patrol, but that is their job. Commissioners asked if having more people in the area is a reason to do a better job. Agent Petrey said yes. Commissioner Pinkerton said that was always his stance as having more people in the area helps him do his job better in protecting the country as it provides more eyes. The more people he can get to see and discover illegal activity taking place, he would eradicate this. Commissioner Pinkerton said this issue has been going on in excess of 15 years. It's not about the grizzly bear at this point; it's about the American public, according to Commissioner Pinkerton.

Ms. Higgins asked if Commissioners have additional questions about the alternatives and she added that the environmental impact statement (EIS) is a draft and there are no alternatives identified, but impacts of each alternative

are listed. The EIS is important to read and if Commissioners have questions, Ms. Higgins asked to be notified. The comment period will end July 16, 2018, and after that, the Forest Service will review comments and determine if they need to make additional modifications to the EIS. Once the final EIS is issued there will be a draft record of decision, which is subject to objection, so the Forest Service would like to try and resolve those issues before then. There will be two decisions issued, one from the Border Patrol and one from the Forest Service.

Chairman Dinning said at this point, is there any opportunity to amend or change any alternatives that are out to the public. Ms. Higgins said if there are specific comments or concerns, the Forest Service would like to hear them and the reasons for those concerns. Any major modification to an alternative would require a supplement and additional public comment period, but they would want to know if there are concerns.

Chairman Dinning said Commissioners had hoped to have an informal discussion prior to the alternatives being developed as that is how they do it in this community, before not having the ability to go back. Chairman Dinning said at this point, Commissioners would like to see an analysis so they can take a look at it. Commissioners said to Ms. Allen for clarification that Alternatives #2, #3 and #4 meet the Grizzly Bear Access Amendment. Ms. Allen said these alternatives meet the numbers. Chairman Dinning asked if there is anything else that would determine bears in any of those. Ms. Allen said from a biological standpoint, by imposing additional motorized use, whether elevate Border Patrols, they would stress avoidance, especially with sows with cubs. The analysis would assume it would impose that on individuals, which is why Alternative #3 has a benefit to bears.

Ms. Allen said Chairman Dinning is familiar with density and core and the most important is core and getting it up to 55%, but the three action alternatives proposed here have relatively different places for open density. Alternatives #2 and #3 put the Forest Service at approximately 23% and standards are at 33% so it's almost 10%. Alternative #4 does not as it lands at 31.3% and the threshold is 33% so we have very limited opportunity to open up restricted roads to do anything.

Chairman Dinning asked if there is the opportunity in what Ms. Allen is talking about to allow the barrier to open and who does that affect? Chairman Dinning said Ms. Allen may be saying that within the formula it's as if it runs from March so why not open the roads to the public in July and August. Chairman Dinning said the formula needs to change. Ms. Allen said that is beyond her. Chairman Dinning said the Border Patrol trips would exceed the allowed percentage. Ms. Allen said yes and she added if in Alternative #4 there is use on the blue restricted roads, it goes above and beyond the allowable usage. It was asked if there are only seasonably restricted roads and the Border Patrol patrols the area, does it put the percentage at 33.1%. Ms. Allen said if there is use on the roads marked in blue and the number of trips goes above and beyond the limit, it changes the equation. Commissioner Pinkerton said if the Border Patrol patrols the entire border on a regular basis, it will exceed 23% in Alternatives #2 and #3. Commissioner Pinkerton mentioned security clearance as it pertains to the Border Patrol and if the Border Patrol has to inform the Forest Service of the number of trips they make for patrolling, it's treason and it's treason to accept it.

Chairman Dinning said if the routes shown in green are open to the public, it is 31.3%. If it's administrative, will the use of the Border Patrol on that route, excluding public access, increase that percentage to 31.3% or exceed the limit of 57 trips? Ms. Allen said she believes the answer is yes, regardless of public use.

Ms. Higgins said as far as modifications to routes, if Commissioners have modifications, please share them with the Forest Service. Chairman Dinning said he would like to have the analysis. Chairman Dinning said along the northeast border there is a gray area on Alternative #4 and he asked if that was created due to possible issues having to do with Canada? Ms. Allen said yes.

Chairman Dinning said the Border Patrol wants total east to west access and they don't care if the public drives this route. Agent Petrey said that was correct. The Border Patrol needs unlimited access. Commissioner Pinkerton said Alternative #4 is a lot closer to being acceptable. It is providing for the general public to visit the national forest.

The meeting with members of the Forest Service and Border Patrol to discuss the Bog Creek Road ended at 2:30 p.m.

2:44 p.m., Restorium Administrator Karlene Magee and Assistant Administrator Pam Barton joined the meeting to provide an update on Restorium matters.

Ms. Barton reviewed her monthly report of statistics to include hours worked, full time staff hours worked, Medicaid percentage average, income from room and board, accounts over 30 days delinquent, etc. The Restorium currently has 38 residents and the Medicaid resident count is at 13. The Restorium is within \$5,000 of breaking even this month, according to Chairman Dinning. Commissioner Pinkerton said that is good progress made.

Those present discussed interior repairs needed at the Restorium due to water leaks. Commissioner Pinkerton said there is no use fixing the walls until the roof leak is fixed otherwise it is just taking care of the symptom. Ms. Magee spoke of costs to get cabinets with laminate tops.

Chairman Dinning left the meeting at 2:55 p.m., to tend to other matters.

Ms. Barton listed various bids she obtained to make repairs at the Restorium. Commissioner Pinkerton said the questions would be what's available in the budget. The kitchen repair is the highest priority, followed by building a nurses' station and repairing the back room.

Ms. Barton said she was asked to point out to Commissioners the section in the Restorium's Admission Agreement on the range of an allowed rate increase.

The meeting with Ms. Magee and Ms. Barton ended at 3:02 p.m.

Commissioners tended to administrative duties until their next meeting set for 3:45 p.m.

3:45 pm., University of Idaho Extension Educators Kate Painter and Amy Robertson joined the meeting to provide Commissioners with a quarterly update.

Ms. Painter explained the two handouts she passed to Commissioners and she mentioned she had 16 participants in the Master Gardener Program. Ms. Painter listed highlights of the various classes held and she informed Commissioners that she was awarded \$2,500 through the Idaho Community Foundation grant for the GROW Program. Ms. Painter said both she and Ms. Robertson received these grants. Ms. Painter said the intern chosen to work with her for the summer is Josh Pluid and he has done a great job keeping track of the plots. Ms. Painter resumed listing courses being offered through the Extension Office such as forestry courses, a pruning course, forage crop program, and a local food system focus group. Ms. Painter said one of her colleagues received a grant for research of the local food system and it was a swatch analysis. Community leaders will be part of this focus group. Ms. Painter informed Commissioners that her summer intern has also helped with issues they've experienced with the local website for BOCO Local. Ms. Painter listed more courses she will be offering, but hasn't posted yet.

Ms. Robertson listed the various courses she has taught and what she will be hosting in the near future to include courses for kids. The last day for Friday Friends was last week and this service won't be offered through the summer due to lack of participation, but it will start up again this fall as Ms. Robertson is looking into funding sources. The Village Project will start again, which is a partner project with the school district and it involves working with migrant kids as well. The Extension Office will have seven individual day camps for youth and two cooking camps lasting three afternoons each. Ms. Robertson informed Commissioners that she has been to Boise three times since March for various trainings. Between fair and school Ms. Robertson will be training the rest of school district staff in a food handler's course as well as some Restorium employees most likely.

Commissioners, Ms. Robertson and Ms. Painter discussed various topics pertaining to the University of Idaho.

Ms. Robertson said she's pursuing a grant to get a freeze dryer.

The meeting with Ms. Painter and Ms. Robertson ended at 4:12 p.m.

There being no further business, the meeting adjourned at 4:12 p.m.

DAN R. DINNING, Chairman

ATTEST:

GLENDA POSTON, Clerk

By: Michelle Rohrwasser, Deputy Clerk

Date:

Wednesday, June 27, 2018 - 14:15

COMMISSIONERS

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MINUTES

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[Commissioners' Meeting Minutes - Week of February 25, 2019](#)

[Commissioners' Meeting Minutes - Week of March 4, 2019](#)

[Commissioners' Meeting Minutes - Week of February 11, 2019](#)

[Commissioners' Meeting Minutes - Week of February 18, 2019](#)

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