

COMMISSIONERS APPROVAL

FOSS 

KANENWISHER

CHILCOTT 

IMAN 

STOLTZ 

Members Present.....Commissioner Suzy Foss, Commissioner Matt Kanenwisher, Commissioner Greg Chilcott, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....May 24, 2012

► Minutes: Glenda Wiles

► The Board met at 8:30 a.m. to discuss and approve of an Agreement with Angelus Ranch, LLC (Ed Cummings) in order to stock pile millings from the State so the County can pave N. Kootenai Creek Road. Present at this meeting was Road Administrator Eric Anderson and Deputy County Attorney Howard Recht as well as Mr. and Mrs. Ed Cummings. Eric presented the County Agreement in Draft form as well as Angelus Ranch Agreement in Draft form discussing some points of non-agreement. Attorney Recht indicated there are a couple of areas of the agreement that needs to be discussed so everyone understands the expectations of the agreement (as follows):

- Angelus Ranch Draft (page 2) #3 (c) - Having the County return the stockpile location to its grade and condition prior to stockpiling. Attorney Recht stated it will be near impossible to return the area to the same condition prior to stockpiling and the County might find themselves in a lawsuit. Mr. Cummings stated his draft is straightforward, he is offering the 1 1.4 acre for free and simply wants the area returned to its original condition. There will be millings and equipment on the acreage and he simply wants his "property left as they found it" as he cannot predict what the county may or may not do on his ground. Mr. Cummings indicated he is willing to grant an easement so the road can be brought up to safe standards. Storage issues included being able to remove every piece of milling, changing the color of the ground, any possible soil contamination from the 7,000 yards of asphalt millings etc. (Commissioner Kanenwisher and Commissioner Iman were now present). Commissioner Chilcott stated he understands Attorney Recht's concerns but he has personally known the Cummings for many years so he does not have the same concern.
- Angelus Ranch Draft (page 2) #3 (e) - Attorney Recht recommends the indemnification clause be mutual as negligence is a two-way agreement.
- Angelus Ranch Draft (page 3) #7 - Attorney Recht suggested this clause be deleted or modified so the Attorney fees are for both parties at an equal rate in case of litigation.

Mr. Cummings stated the Attorney can talk all he wants but we will not indemnify the County for their use of his land. This is a County project, not his personal project.

**Commissioner Iman made a motion to accept the Angelus Ranch LLC Agreement as presented in draft form. Commissioner Chilcott seconded the motion.** Discussion: Commissioner Chilcott indicated if this agreement included a fee for this acreage then he would be looking at something different in the agreement, as well as knowing the county has insurance. Attorney Recht stated the county should be indemnified against the landowners actions as there is no insurance to cover those actions. Commissioner Kanenwisher asked why the Board would ignore the advice of Civil Counsel. Mr. Cummings stated if the county does not want the free easement, his ranch rebuilding the fence and a free place to store the millings, then do not enter into the agreement. Commissioner Foss stated she would take Mr. Cummings' word as well but understands Civil Counsel's concerns. She asked Eric if this project is absolutely necessary or should other projects move forward. Eric stated this project does not rank high in their list of road construction and there are other places to store the millings.

**Public Comment:**

Fred Thomas stated he would like to see this project done and there might not be a future opportunity to obtain the easement etc. He suggested they add Angelus Ranch as the additionally insured to the County's Insurance Policy.

**Commissioner Iman amended his motion to add Angelus Ranch as additionally insured to the County's Insurance Policy while the millings are on the property. Commissioner Chilcott seconded the motion.** Discussion: Commissioner Kanenwisher stated he is not sure this solves the problems and this road does not meet the high priority of road repairs. Eric stated the millings are free materials, and the contract with MDOT will be simple.

**Commissioner Foss, Iman, Chilcott and Stoltz voted "aye". Commissioner Kanenwisher voted "nay". (4-1).**

► The Board met at 9:30 a.m. for a working session on the Natural Resource Document as presented by the Bitterroot Valley Resource Recovery Committee (citizen group). Present at this meeting was Planning Administrator Terry Nelson and Planning Staff Kevin Waller as well as numerous citizens and members of the Forest Service. Nancy Balance, member of the Recovery Committee explained this document came together by a group of citizens who have lost their jobs, particularly in the timber industry. Adopting this plan allows the county to play a role in 80% of the land managed by other entities within the county. The plan allows for future discussion with federal and state agencies and places the land use back in the hands in the people through the process of coordination.

Dave Campbell, District Ranger of West Fork, Bitterroot National Forest Service stated there is a Forest Plan finalized in 1987. That plan is under the National Forest Service Act. When this plan is revised it will be under the 2012 statute.

Todd McKay, Public Affairs Officer of Bitterroot Forest Service stated they coordinate with the County on numerous roads and want to be a good partner with the County. .

Commissioner Foss stated the County role is to present the county needs and perspective in regard to the land use with the Forest Service through 'coordination' which is government to government.

Board deliberation:

Commissioner Kanenwisher stated the Board understands the established Forest Plan, but the county has obligation to have a well discussed public process for input when the plan is revised.

Commissioner Chilcott noted this document was started by citizens who have a passion for the timber industry. He foresees changes being made before it is brought forward as a county policy document.

Commissioner Iman stated the county has been remise in not coming up with a policy and this document gives the Board a starting point.

Commissioner Stoltz thanked the citizens for their work and agreed it is a starting point. He too wants to take the proper time to end up with the proper document.

Commissioner Foss appreciated the backup science and how the group came to their conclusions within the document. She wants continued public input and possibly break out work sessions to work on a final product.

Public Comment:

John DeGrove has lived in Montana for 50 years and has been a Graduate and Forester for many decades. He feels the Forest Service is already following a sustainable plan and this document is an unnecessary duplication of a policy.

Fred Thomas stated this is a working draft, and recommends the Commissioners use this for coordination of federal policies. Our economy is suffering and our access to forest is limited. This debate should not be done in Washington D.C. This coordination effort brings it to the local level, rather than the lobbyists in Washington D.C.

Jim Miller stated none of the other resources were invited to participate in this document. The first meeting was at the Eagles Bar with alcohol being served which was not a proper process for this type of issue. The Forest Service already has a plan, they do solicit input from the County and have a public process for in order to draft the Environmental Impact Statement with yet another public round of input. This process under the National Environmental Policy Act is inclusive of all of us.

Larry Campbell lives up Rye Creek and the last court judgment will be nature. This document is built on sand, the economic issues are where to sell the board feet (lumber).

Kirk Thompson has a background in the timber industry/road building and has retired from the Forest Service. He understands the frustration particularly in Darby in regard to the economy. Kirk addressed how mills ran one another out of business and MRL hauled the left over lumber out of the valley. He sees problems with this document.

Ron Pifher stated he is a plant ecologists and has created Environmental Impact Statements in this valley. One component to this is the socio economic portion and the other is the dollar issue. He said the County is not "Goliath", they are "David" so make sure the policy is factual.

Vito Cileberti helped write this document. He sees the process as a coordination process as it requiring the Forest Service to follow the coordination process with local government.

Van Keel lives in Hamilton and hopes a better version will be put into place. He thinks the document is important but is full of bias and a lack of facts. He feels it is a recipe for a weaker economy and it undermines the upcoming travel plan, the current plan and sets the Commissioners up to be the 'Expert Consultants'. He has faith in the Forest Service Officials.

Russ Lawrence author of the book 'Bitterroot Valley History' stated this a backward looking document, local culture and custom cuts both ways - including Marcus Daly slicking off the forest to feed the mills. The Forest Service was created to protect the locals from the theft that was occurring and over cutting in the 50-60's. This document calls for protection of private property, and we already have protection of our private property rights. He suggested they create a much shorter document, look at creating a 3-4 page policy document.

Judy Kline has lived in Stevensville since 1974. She applauds the document from local citizens and knows while it is not a perfect document, it is a starting place.

Nikki Sardot, President of the Ravalli County Farm Bureau stated they support this for water rights, grazing and agricultural. She would like to be on any Committee or Board that works on this plan.

Bill LaCroix lives in Victor and suggested the county stick to their business and not involve themselves in Forest Service business. He stated the Commissioners agenda was changed on Monday and Tuesday which caused him a problem. He has issues with coordination process, and felt the county already has standing in the public process with the Forest Service. The Supreme Court has ruled against Jefferson Co. in their bid for coordination. The Commissioners need to be honest in how they are dealing with our tax dollars.

Charles Wissenback feels too much weight is given to policy makers in Washington DC. This policy gives us a better seat at the table. He urged the Commissioners not to make it a solid plan but to give the county flexibility when they go into a session with the Forest Service. This is important to local interest.

Wes Snedigar lives outside of Stevensville and has fought many fires in the Angeles National Forest. He say fire fighters die fighting the fires and over 200 homes burn in one day. He feels the Federal Government is not our friend when things like this happen. He appreciates this

document, it gives the citizens a voice. This wilderness is a fire bomb, with road closures and no road building, how will we get in there to fight a fire. The Forest Service lets it burn and starts burns.

Terry Polumsky lives in Corvallis. She feels the Forest Service does a good job as does the County. She suggested this be made into a policy in order to allow both entities to work together.

Skip Kowalski is a retired Forest Service employee. He feels there should be good analysis of this document in order to become a good policy. There is a new planning rule at the Forest Service which calls for more collaboration with the locals. There is a problem with document redundancy, i.e., one by the county, one by the Forest Service makes them both non productive.

Becky Peters lives in Hamilton asked if another group developed a document as well. She has a problem with pages 34-36 (energy resource development wording and tourism).

Keith Kubista encourages the Commissioners to review the document making the necessary refinements. Coordination allows protection to the citizens our citizens.

Dan Thompson stated small rural communities have been ruled by Washington DC and not always in our best interest. One way to have best local influence for us is the Commissioners being the coordinating agency with position at the table. He sees some urgency in getting something together.

Brad Larkin is a Lumber Broker asked if this was for management of timber or an environmental movement.

Mike Jeffords of the Off Road Users Association works with the Forest Service, and while they are great people they have too many rules and regulations to follow. He sees many flaws in this document but agrees it should be reviewed and put into a good document including all the citizens who are for or against it.

Pat Connell HD 87 Representative applauds the effort to this plan stating it is not duplicative. He feels the Commissioners should become involved, and improve the policy. He addressed the Water Court for flow, quality etc.

Theresa Manzella stated Marvin Wetzsteon taught her a lot in regard to timber harvesting and defensible space. It is important to include the people who live the ranching and farming.

Bill Menager agrees we need a policy and would like to see this broken into certain sections/topics. It should be representative of the county.

Kelsey Milner, President of the Bitterrooters for Planning sees the document as one segment of the community, but there are other views and he hopes Commissioners will consider other viewpoints of our natural resources. His group cannot support it the way it is written.

Harvey Hackett stated his family has lived here since 1870's, and the plan needs to look at soil and water, as it is very important and often neglected.

Marilyn Saunders gives credit for the document but sees some issues. She too is concerned over soil, water and air.

Lee Foss was part of the group that drafted this document. He noted Kelsey Milner is part of the STEP plan and has had his chance as well. He suggested they go to Darby and see what does not work (referencing the Fires of 2000). This issue has been buried by committees and it needs to be resurrected. The Forest Service Plan of 1987 is old and does not address current issues.

Nancy Ballance stated there has been quite a bit of work going into this document. She stated it is important for everyone to work on the plan, not just to criticize it, but to help create a better document.

Wayne Hedmond worked in woods at 14 years old then later on became a pharmacy graduate. In 1969 there were seven mills here. He thinks it is important at the county level to have the mills and fiber processing in Darby. He also felt any mechanism the county can explore in regard to milling capacity is important as the forest needs help due to bugs, management etc. He suggested they keep the document simple.

David Campbell stated Julie King wanted to be here but was tied up.

Public Comment closed.

Board deliberation:

Commissioner Kanenwisher stated this is not a county document. If the Board decides to move forward with this document, it must be a long public process. He stated there is no hidden agenda by any of us. Commissioner Iman stated while there may be flaws in the document he felt it important to start the process. Commissioner Chilcott stated we need to define the process for public input. This is a representative form of government, and the public still has right to NEPA process. He felt this is about the economy and our community needs to address it, not someone from Florida. Commissioner Stoltz stated it is important not to get in a hurry, but to do it right. Commissioner Foss stated this is not just an economic issue, but a water shed issue from a major burns which impacts all of us for our use of water. The smoke in the valley is creating health issues for our local citizens due to overgrown forests that are sick. In times of emergency, evacuation is a public safety issue as well. If the Commissioners don't discuss this issue we are derelict.

It was agreed to have a Commission meeting on May 29, 2012 at 1:00 to discuss and develop a procedure for developing a Natural Resource Policy.

Public Comment for items not on the agenda;

Bill LaCroix asked how much money the county has spent on the American Stewards of Liberty. He will put forth this question in writing.