

**\*\*\*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 applaudible 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:

---

GLENDIA POSTON, Clerk  
By: Michelle Rohrwasser, Deputy Clerk