

**Lincoln County Port Authority**  
**Meeting Minutes**  
**May 18th, 2026 @ 3:30 PM**  
**LCPA Conference Room**  
216 West 9th Street, Libby, MT

The Lincoln County Port Authority Board met on May 18, 2026, in the LCPA Conference Room, Libby, MT.

1. **Roll Call:** Board members present were Kevin Peck, Chris Bache, Tony Petrusha, Jerry Bennett, Brent Teske, and Rob Delmas with Director Jennifer Brown. Meeting attendees were Ray Stout, Stu Crismore, and Tom Lang; Vanessa Cruz was present via Zoom.
2. **Public Comment on Non-Agenda Items:** No public comment was given.
3. **Public Comment on Agenda Items:** No public comment was given.
4. **Approval of Minutes, April 20, 2026:** Jerry noted the word "County" under item 7 should be LCPA. A Motion to approve the April 20<sup>th</sup> minutes as amended was made by Rob and seconded by Tony. With no further comment and all in favor, the motion passed unanimously.
5. **Approval of Financials, April:** Tony questioned the \$100,000 increase in Fund 101200 related to the Revolving Loan Fund. Jennifer stated she will follow up with Cassie for an explanation. Jerry commented that he believes the funds should instead be placed into a savings account.  
Tony also requested that the Port review and discuss budgeting considerations related to land cleanup activities. Jerry said a new budget will be coming out by July. Tony moved to approve the April financials. Brent seconded the motion. With no further discussion, the motion carried unanimously.
6. **Old Business**
  - a. **Asbestos Resource Program Stockpile Storage:** Jennifer reported that ARP is preparing to remove the stockpile from Noble's property and relocate it to a designated area on Port property. Brent explained that testing identified trace materials in the proposed storage area, making it more cost effective to cap the area rather than remove the material. As a result, ARP would like to open the 60-

foot right-of-way, begin site preparation, and move forward with road development.

Chris questioned whether it was best to proceed prior to a formal storage agreement being finalized. The Board discussed potential terms of an agreement. Jerry commented that the material would provide a benefit to the community and stated he did not believe charging rent was necessary. He also expressed support for a 20-year renewable agreement.

Brent asked about the possibility of conveying the property to the County. Chris questioned why the material could not be stored on County property. Brent explained that transportation distance was a factor in selecting the proposed location.

Kevin moved to authorize ARP to begin site preparation activities, subject to a future formal agreement and to expedite development of the agreement terms. The Board also agreed to research the Land Disposition Policy and a possible land conveyance to the County. Tony seconded the motion. With no further discussion, the motion passed unanimously.

**b. Flood Damage:**

- i. **Approve repairs for diversion channel:** Jennifer reported that a quote has been received from the engineer for \$110,500. If determined to be an eligible project, FEMA would cover 75% of the cost, the State would cover 10%, and LCPA would be responsible for the remaining share. However, because a portion of the water rights is owned by Noble, FEMA and the State would only participate in funding the portion owned by LCPA.

Vanessa Cruz of ER Assist discussed the FEMA eligibility process, noting that the project will be required to pass through multiple levels of FEMA review to determine eligibility, which could take several months. Rob commented that even if FEMA ultimately denies the project, the work is still necessary.

Discussion was also held regarding existing agreements related to water rights and maintenance responsibilities. Vanessa stated that FEMA eligibility determinations would be based on agreements that were in place at the time of the disaster. She further explained that eligibility has been complicated by repair work that had already been completed on the channel prior to the FEMA site inspection.

One task identified as necessary moving forward is the development of a Water Maintenance Agreement, potentially structured as a cooperative agreement. Brent requested that ownership percentages and repair cost responsibilities be further clarified in order to better understand the overall financial impact.

It was noted that Noble is a partial owner and would likely complete the work. Because LCPA's obligation would remain below the \$80,000

procurement threshold, the arrangement would meet FEMA procurement and contracting requirements.

Jennifer stated she will work to confirm the water rights ownership ratios and continue advancing the Water Maintenance Agreement process.

- ii. **Approve moving forward with Task B of Evensen Engineering quote for various slope failures on Libby Creek:** Jennifer explained that when the original engineering scope was developed, the disaster declaration had not yet been signed, and the project did not qualify for FEMA or State funding assistance. Since the declaration has now been approved, the engineering associated with the west bank repair project and various slope failures is now eligible for partial reimbursement through FEMA and State funding.

Brent moved to proceed with Engineering Task B. Chris seconded the motion.

During discussion, Jennifer asked whether engineering costs would still be reimbursable if LCPA ultimately chose not to proceed with the repair project due to financial considerations. Vanessa stated that engineering costs would not be reimbursed if the repair project does not move forward.

Brent commented that if the bank is not stabilized, erosion will continue progressing toward the 5th Street Bridge. Chris added that the project area also includes the pipeline.

Jennifer will obtain a projected cost estimate from Evensen Engineering for further review. Following discussion, the motion was postponed and the agenda item was tabled until next month's meeting.

- c. **Kootenai Surveyors Quote:** A quote from KSI is presented in the amount of \$2,550 to complete a boundary line adjustment for approximately two acres where the LCPA office will be located, creating a separate parcel for the property. Jerry noted that LCPA currently has 13 boundary line adjustments available that the County would like the Port to utilize.

Brent moved to approve moving forward with the survey work in the amount of \$2,550. Rob seconded the motion. With no further discussion, all voted in favor, and the motion passed unanimously.

- d. **FHW License Agreement:** Jennifer explained that the Board had previously approved a license agreement with FHW; however, FHW is now requesting an easement instead. Legal counsel recommended against granting an easement unless compensation is provided for the easement.

Chris stated that there needs to be agreeable compensation for the easement and noted that negotiations involving attorneys will also incur additional costs. Chris further pointed out that the proposed easement area encompasses approximately 7.68 acres.

Kevin moved to follow the attorney's recommendation and proceed with negotiating compensation terms with FHW for the easement. Rob seconded the motion. Tony noted that FHW is also involved in negotiations for other trail easements.

With no further discussion, all members voted in favor and the motion passed unanimously.

e. **Brownfield's Environmental Assessment Discussion:** Jerry stated that he spent approximately three years attempting to have the EPA test parcels located on Port property. The EPA tested one section of the property, but Jerry never received any follow-up. He further explained that an alternate source is now available to assist with testing and cleanup of the property.

Jennifer clarified that the discussion also relates to the pending FHW property matter. Jerry also noted that there would be no cost to the Port associated with the effort.

Jennifer asked whether there is a deadline associated with the agreement with FHW. Following discussion, the Board determined that action on the agenda item may be taken at next month's meeting.

## 7. **New Business**

a. **Libby Park District:** Tom Lang, Manager of the Libby Park District, discussed the easement of the walking trails to Lincoln County and stated that he would like to review the easement language once available.

Chris asked whether there may also be an opportunity to transfer the fishing pond and swim pond areas to the County. Brent responded that he was unsure whether the County would be interested in such a transfer, but stated the matter would need to be brought before the County Commissioners for consideration. Brent further noted that a management agreement between the County and the Libby Park District will be negotiated once the easement is finalized.

Tom stated that there are currently two agreements in place between the Lincoln County Port Authority and the Libby Park District. Tony explained that the agreements consist of a Memorandum of Understanding and a management agreement. He added that the management agreement will need to be updated once the easement is finalized. Tony also stated that insurance requirements will need to be addressed as part of the updated agreement.

Tom reported that the Park District is working on expanding its volunteer program. He also discussed funding opportunities through NRDP, which is currently funding his position. Tom stated that NRDP will be conducting a workshop this summer and is seeking proposed projects for future funding consideration. One project currently being explored is the Haul Bridge improvements project.

Chris noted that there are multiple areas along Libby Creek with exposed concrete and rebar and suggested that a future project could address both bank repair and debris removal.

b. **2023 Chevy Tahoe:** The Board has determined that the vehicle is not being utilized enough to justify ongoing insurance costs and continued depreciation in value of the 2023 Chevy Tahoe owned by the Port. Tony moved to place it up for bid. Kevin seconded the motion. With no further discussion, all members voted in favor and the motion passed unanimously.

c. **Scrap Metal Sales:** Jerry stated that part of Jennifer's responsibilities includes cleanup of Port property and that she should have the ability to sell surplus scrap metal as part of cleanup efforts. Kevin asked whether there is a specific value that would trigger a process for the sale of scrap materials and questioned whether a set amount should be established. Brent moved to approve the disposition of surplus scrap iron, contingent upon compliance with applicable MCA requirements and the Port's procurement policy. Tony seconded the motion. With no further discussion, all members voted in favor, and the motion passed unanimously.

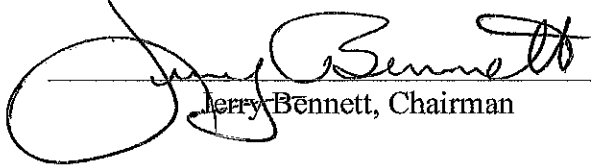
8. **Director Updates:** Jennifer stated the mobile office is coming in the middle of June, and a new meeting place will need to be established. Jerry recommended the courthouse.

**Unscheduled Matters:** Jerry asked the Board if everyone would be in favor of giving Nomad the sliver of land that would bring their boundary to the right of way and added Nomad would pay for the survey. Jerry will talk with Nomad within the next month. Tony would like to see the Trail Easement language on next month's agenda.

Adjourn: 5:10 p.m.

Next Meeting: June 15, 2026

LINCOLN COUNTY PORT AUTHORITY BOARD

  
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Jerry Bennett, Chairman

ATTEST:   
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Jennifer Brown