

# 07-13-11 Citizen Coordinating Council Meeting

Lutheran Church of the Master, 6:30 PM to 9:00 PM, Coeur d'Alene, ID

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## Attendees (who signed in and/or announced themselves)

Jerry Boyd	Terry Harwood
Julie Dalsaso	Troy Lambert
Jeri DeLange	Ed Moreen
Bonnie Douglas	Andy Mork
David Fortier	W.C. (Bill) Rust
Susan Fromhill	Rusty Sheppard
Denna Grangaard	Rebecca Stevens
Terry Harris	Carol Young

## Meeting Overview

The July 13, 2011 meeting of the Citizen Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (Basin Commission or BEIPC) covered the following topics:

- Introductions
- CCC Elections for Chair and Vice-chair
- Open Discussion on Basin Cleanup/CCC Issues
- Basin Commission Updates
- Lower Basin Collaborative
- EPA Updates
- Lake Management Plan Activities
- Repository Updates
- Communications Project Focus Team (PFT) Update

CCC Chair Jerry Boyd chaired the meeting.

## CCC Elections for Chair and Vice-chair

Jerry Boyd, CCC Chair, reviewed the elections process and noted that the CCC Chair and Vice-chair elections occur every two years. Nominations were solicited from the full membership via mail and e-mail, and Jerry Boyd and CCC Vice-Chair Troy Lambert were the two nominees. They agreed that Jerry would continue as Chair and Troy would continue as Vice-chair and asked for comments from CCC members present at the meeting. Bill Rust, CCC member, motioned that both nominees be considered in their current positions. All members present were in agreement.

## Open Discussion on Basin Cleanup/CCC Issues

Jerry Boyd asked participants to bring up any issues or topics to discuss.

Julie Dalsaso, CCC member, noted the “History of the Cataldo Dredge” document that was circulated to the CCC prior to the meeting. It discussed how deep and wide some of the tailing ponds were from the dredge operations in the 1920s and noted that over 16 million tons of mill tailings were deposited in the area. She said this document helps dispel the myth of the present day Cataldo site and shows that it is very contaminated. She also noted that she was excited about the HECLA settlement and that it may now allow the cleanup to move forward. Julie also noted that she is interested in seeing how some of the settlement money will go towards public health efforts in the public schools to increase lead testing.

Bill Rust, CCC member, noted that when he was a chief engineer, his predecessor was the manager of the Cataldo Dredge and the person who shut the dredge down. He mentioned that not only mine tailings were dumped but also trash from everyone who lived in the valley because there were no municipal dumps until the 1960s. It was not uncommon for old fridges to clog the 18” pipe at the Cataldo site, he said.

## **Basin Commission Updates**

Terry Harwood, BEIPC Executive Director, provided updates related to the Basin Commission work.

**Flooding and Basin Remedies Update.** Terry gave an update on the proposed stream bank stabilization projects in the pending ROD Amendment where EPA has proposed dredging and removing sediment from sandbars in the Upper Basin and stream bank stabilization work. A group of BEIPC staff, EPA staff, and consultants from CH2MHill traveled around the Upper Basin and the south fork of the river to review proposed actions. They identified areas where proposed work should not be done, work was not proposed but needs to be considered, and areas where the work proposed needs to be modified. EPA staff members are working on changes to the ROD Amendment based on these conversations. The following considerations are part of the decision-making about work locations and remedies:

- Any of the remedy work in the river must not adversely affect hydraulic conductivity.
- Proposed work must sustain the 100-year flood requirements (i.e., the remedy must be “permanent”).
- Designs will be coordinated with other agencies involved with flood control (e.g., Army Corps of Engineers) so that remedies do not cause problems downstream.

Bill Rust commented that EPA is not set up to deal with issues of flood control and that their actions may have unintended consequences. He provided an example of a mining company in Eritrea that wanted to build a mine but first required upgrades to the power grid. Once they fixed the power grid, they became the de facto power company. EPA is saying they have authority of all hazardous substance clean-up which includes roads, etc. This involves a number of different jurisdictions, and EPA will need to work on coordinating projects with local agencies and vice versa.

**Road Remediation.** Terry is continuing to work with, EPA, IDEQ, communities, Shoshone County, and the East Side Highway District on finalizing the road remediation program to address road deterioration issues that may affect remedies in the Basin. The program is dividing

roads into two classifications, paved (chip seal, asphalt, etc.) and gravel/dirt roads and plans to have a system in place to address both types of roads by the end of September. Gravel/dirt roads will be sampled and remediated under the Property Remediation program. These roads will be the near-term focus. Work will build on sampling efforts that have already occurred in many road shoulders (these stretches will not be re-sampled). Starting in mid- to late-July, sampling will begin for roads where there is no data at 1 inch, 6 inches, and 12 inches depths. Remediation will only occur on the top 6 inches if no contaminants are found at the 12 inch depth.

The preliminary plan is to have paved roads addressed by individual road jurisdictions such as counties and road districts using an escrow account set up for each jurisdiction using remediation funds. Terry, EPA and IDEQ will be meeting with road jurisdictions in August to discuss the plan and to hopefully start work before the end of this construction season. There is still a need to determine which roads require work and how to deal with any roads that are continually flooded. (A complete inventory of paved roads from East Side Highway District and Shoshone County is already completed.) Priority projects will be determined by the local jurisdictions; they are aware of which roads need to be completed and will submit project proposals for approval (the specific process will be worked out after meeting with all of the mayors and officials in the project area). The shoulders of paved roads may continue to have contaminated sediment transported to them even if the road surface is paved.

David Fortier, CCC member, commented that he was worried about jurisdictions spending settlement dollars on non-cleanup actions. He said we don't want the main clean-up to be short-changed with projects that may be more short-term and that we need to be a little protective of clean-up dollars to ensure that they are used appropriately.

Terry responded that these projects are considered cleanup related because they install barriers to prevent the release of contaminated soils. This is being undertaken as a barrier implementation project to protect human health and not a road improvement/maintenance program.

**Property Remediation Program.** The program continues to conduct remediation projects and this year has focused on larger properties. The goal is to complete about 220 projects this year, with 55 already completed and 33 currently underway. EPA is working with less money this year. EPA is also working on a process for cleaning up properties where they are unable to get permission from the landowner.

**Flood Protection and Levees.** Funding for a levee analysis for the CDA Basin has been requested at the federal level but chances are not good that it will occur due to the current financial climate.

## **Lower Basin Collaborative**

Terry Harris, the Executive Director for the Kootenai Environmental Alliance provided a brief overview of the Lower Basin Collaborative (LBC) on behalf of Susan Mitchell who was unable to attend the meeting. The LBC was established to help organize efforts in the Lower Basin and was modeled after other collaborations in Idaho to bring a number of different stakeholders to the table to solve problems. He said that now that clean-up activities are moving down the

Basin, the focus will begin to shift to the development of the ROD for the Lower Basin. The LBC is an effort to get this process moving early so that downstream communities can discuss and understand the issues in advance and with a multi-stakeholder approach.

A two page cover note was distributed to the membership, which described the process for developing the LBC. Specific language updates to the CCC Protocols that were developed and reviewed by BEIPC, EPA, and local jurisdiction staff were also distributed. Terry Harris said that the proposed language for the CCC Protocols needs to be adopted to accommodate the addition of the Collaborative to the CCC. The floor was opened to questions from the CCC.

Bill Rust asked how the Lower Basin Collaborative was different than what the CCC has been doing over the last ten years. He said that it seems that the description of the Collaborative is very similar to the charge of the CCC and TLG.

Terry Harris answered that the LBC was a conscious effort to be collaborative and solve problems beyond the suite of issues that EPA is charged with addressing. He said it is a way to get all of the local jurisdictions and communities in the Lower Basin at the table to discuss comprehensive solutions that may not be possible otherwise. The Lower Basin is different than the Upper Basin, he said, and will be a different kind of clean-up process.

David Fortier commented that the public and county governments have not been listened to because the process has been driven by the federal agencies. The Collaborative proposes a more citizen-led approach. He sees this as different from the CCC because it is oriented for citizens to try and participate in smaller “sub-groups” that have a narrower focus than the entire Basin. He said the larger CCC is not getting the participation needed to be effective at the local level. Smaller, local meetings that are held closer to where people live will help encourage participation. That is very difficult to do in a larger forum, he said.

Bill Rust noted that when the CCC first started there was an effort to try and have local sub-groups, particularly in the Lower Basin through the CCC and TLG. The question is how will this process make the agencies pay any more attention to citizen input than they have in the past? There is a feeling out there that the public was ignored and that is why CCC participation has dropped off.

David Fortier also noted that it is difficult to travel to Spokane or Wallace to attend out of town meetings and really sit down to talk about the issues in detail. The CCC tries to encourage people to bring questions to these meetings but his experience is that it works much better in smaller groups of people who can formulate questions or comments and bring them to the larger group. This process could also work for other sub-area groups.

Rusty Sheppard, CCC member, asked if the Collaborative was similar to a PFT that develops solutions for review by the TLG. Terry Harris answered that conceptually this was very similar in that the LBC would work through Lower Basin-specific scientific and engineering issues but at a much higher level than the technical discussions of the TLG. Terry provided an example of local road jurisdictions providing a lot of input on high use roads and priority projects where grant funds should be spent. The Collaborative could help by examining those recommendations and providing input to the Basin Commission.

Rusty noted that it was unclear whether recommendations and comments from the Collaborative would go directly to the Basin Commission or come through a TLG.

Troy Lambert, CCC Vice-chair, asked if the LBC would create another vehicle for citizens to come together when this is already possible under the CCC. Small groups of citizens are able to get together and discuss an issue and bring it to the quarterly CCC meetings. He asked why we need another official group.

Jerry Boyd commented that small group, open meetings were held to discuss the selection of a site for a new Upper Basin repository and citizen concerns to be considered in the site selection. The meetings were facilitated by Jerry and sponsored by the CCC. The comments collected from consultants for IDEQ and EPA were summarized and considered when proposals were made to the Basin Commission. That process seemed to be effective and the Collaboration will probably be similar.

Jerry also asked if the meetings would be open to anyone who chose to attend. Terry Harris answered that the meetings are multi-stakeholder and open to a broad spectrum of participants.

Terry Harris noted that most decisions will operate on consensus where everyone agrees on how to bring issues forward. The idea is to sit down, hammer out a solution, reach consensus, and then move on to the next issue. This was how the collaborative process worked in the Clearwater Basin. The Collaborative will help focus the CCC process in a particular location and move the consensus building process a little closer to the action. The group will work closely with the Lower Basin PFT.

Terry Harris also commented that the idea is to avoid the “minority report” and to get as many different stakeholders at the table as possible to accommodate different interests. Having a varied group of stakeholders discussing options will make the process richer and not just focused on comment/dissent. He said it would hopefully ensure that if a group were discussing something like land protections that may adversely impact jobs that the process would lead to ideas for creating new jobs.

Rusty Sheppard asked how the Collaborative and TLG can be separate and both use the agencies as part of their process. Terry Harwood responded that was why they are working within the CCC – to ensure communication between these groups.

Bill Rust noted that he was at the first CCC meeting and has been present at many since. He said that a number of the people that are proposing the collaborative refused to participate in the process, particularly up in the Valley. He said that this sends the message that you are better off not participating in the process, waiting until the plan is released, and then working to change the plan.

Julie Dalsaso noted that she recently learned more about using a “collaborative” and that the model is relatively new. She said that now that she understands how a collaborative functions, she can see how the LBC would be different than the CCC. The CCC process has been agency-driven, she said, while the LBC will be citizen-driven. For example, there are legal steps required to change the ROD. If citizens missed their opportunity to comment, then they don’t feel like

their opinion was heard even if they finally make it to the CCC. A collaborative may not have the same issues of the process being driven by Superfund rules and regulations. It would be great to bring some specific training to this group on how collaboratives have functioned in other parts of the country to help people understand how they work. Terry Harwood mentioned that a presentation on collaboratives from Senator Crapo's office may be possible as they support this model and have used it in the past.

The group also discussed the potential Federal Advisory Committee Act (FACA) issues that federal agencies may face and noted that while federal agencies can't be part of voting or decision making in a collaborative, they can provide information and assistance to ensure all parties understand decisions.

Rusty Sheppard asked if other entities are allowed to comment on any topics reported to the CCC by the collaborative. Jerry answered yes and that all comments would be entered into the record for reporting to the Basin Commission.

The group discussed the ability to create other collaborative groups and whether it would be possible for other entities to form a collaborative within the CCC if the changes to the protocols are accepted by the Basin Commission. They noted that all collaborative members must also be members of the CCC; the group must broadly represent the community and be multi-stakeholder. The idea is to have a broad spectrum of ideas to make sure that all points of view have a seat at the table.

Bonnie Douglas, CCC member, said that the text noting that collaboratives are designed to be a group of non-alike people coming together to discuss an issue should be highlighted in the updated protocols document. Terry Harwood also noted that in this context, consensus means total agreement from all participants. Bonnie also commented that while you may find things that you never agree on, a collaborative can make progress by finding the common path and focusing on issues that members can agree on.

Terry Harwood described the process for updating the CCC Protocol language. The current draft was written collaboratively with the LBC steering committee, Jerry Boyd, Terry Harwood, the state and EPA and has been shared with the county commissioners for their input. Terry also ensured that the language fit Basin Commission protocols. The section that covers collaboratives would also apply to any group that wants to form under the CCC, and the language changes must be approved by the Basin Commission. He said the LBC would probably meet more than quarterly (as necessary), and there would be a standing agenda item on upcoming CCC meetings to report out on discussions and decisions. Any items brought up by the LBC would be reported out as part of the CCC presentation at the following Basin Commission meeting. All of the comments received during today's meeting will be noted in the packet Terry Harwood submits to the Commission prior to their meeting.

Comments on the draft language should be sent directly to Terry Harwood and Jerry Boyd via email by August 1<sup>st</sup> so that an updated draft can be circulated to the Basin Commission prior to their August meeting.

Two edits were discussed at the meeting: one was to add a caption in the text describing "sub-groups" and the other was to move the section defining potential participants to the beginning

of the new language. Other CCC members noted that they would be sending detailed comments after the meeting.

## EPA Updates

Ed Moreen, EPA, provided updates on EPA's work in the Basin.

**ROD Amendment Update.** The Upper Basin ROD amendment was released a year ago and there have been a number of public meetings to discuss the process. The following potential adjustments to the clean-up plan are being discussed:

- Eliminate the stream liner due to its difficulty and high cost.
- Define the starting point and how the clean-up project will proceed in discrete time periods (e.g., five year increments).
- Identify areas of strong consensus.
- Identify contingent actions.
- Adjust the site clean-up list based on the 2011 site characterization work.
- Incorporate aquatic benchmarks.

EPA examined the South Fork CDA Bank Stabilization project and conducted a field visit to clarify comments raised about the proposed biostabilization project. In consultation with the Upper Basin PFT, the Work Trust is reinstating access on Nine Mile Creek, performing some site characterization and implementing the USBR mine site cleanup on the west side of Osborne.

Jerry asked if work could be added to the Work Trust plan once the ROD is completed because some remedy protection needs might emerge once the amendment is complete. Ed noted that this was possible.

**HECLA Update.** The 30 day comment period (established by the Department of Justice) ends on July 17, and there has been no request for public meetings/extensions. The agreement provides \$263 Million over several years for clean-up activities. EPA is also working to identify a process for coordinating work with local mining companies. (Note: A requested public meeting has now been scheduled)

ASARCO settlement dollars were placed in the CDA Work Trust to continue to fund work in the Basin. The trustee hires consultants to do work in the Basin with the dollars provided based on the workplans coordinated and approved by the Basin Commissions and EPA. There is also a Natural Resource Trust which received a separate pot of money to use for restoring natural resources on involving the USFWS, State of Idaho, USFS, BLM and CDA Tribe.

Julie Dalsaso asked how human health concerns would be addressed. Ed Moreen answered that the Panhandle Health District is funded through a cooperative agreement with Idaho DEQ. They have also received dollars from other settlements to supplement activities.

**Lower Basin Update.** The Coeur d'Alene River did not overtop its banks this year because the Lower Basin lakes were much lower than they were in the 2008 flood, but during the flood event a number of water and sediment samples were taken. Ed described the geography of the Basin

and how sediment transfer continues to contaminate the entire alluvial system. He said there were three major peaks this year where the river flow reached over 20,000 CFS and samples were attempted as the river climbed, peaked, and then began to drop back down.

Sampling results showed that lead levels were diluted where the North Fork CDA enters the system; levels went up at the junction with the South Fork and then were diluted again in the Cataldo stretch.

A series of modeling workshops will be held to update technical audiences with these data. EPA also plans on holding information sessions for any interested citizens who would like to learn more about the modeling process and the data the agency is gathering. Information will be circulated once the sessions are scheduled.

## **Lake Management Plan Activities**

Rebecca Stevens, Coeur d'Alene Tribe, provided an update on the Lake Management Plan (LMP) and associated activities. The Tribe recently deployed a buoy at Station Five, south of Harrison. The buoy collects real-time data on a number of metrics in two-hour increments and inputs the data into the lake model.

The Tribe is also working on a milfoil eradication project to experiment with two different types of 2-4D (with and without Nitrogen). The milfoil is affecting sensitive aquatic resources that the Tribe depends on, she said. On July 18<sup>th</sup> the Tribe will conduct a study in the southern portion of the lake to determine herbicide movement.

As part of the LMP outreach and education component, a weather station is being installed at the Camp Cross camp to use in conjunction with the camp's environmental education program. Curriculum was developed for counselors to work with campers to collect data and report to a central database. A culture day with Tribal staff is also planned on August 1<sup>st</sup>.

Rebecca noted that the Lake\*A\*Syst Program materials that have been used in Priest and Pend O'reille watersheds are being updated, and the Tribe and DEQ hope to have it completed by fall for implementation next year. The Tribe is giving public presentations to try and get people more connected and involved with Lake clean-up activities. Tribal representatives will be staffing a booth at the North Idaho Fair to provide information on the LMP and increase public awareness and education.

## **Repository Updates**

Andy Mork, IDEQ, provided updates on the repositories. For the Osburn repository site, IDEQ is currently in the characterization phase. The 30% Design Report will be out in early fall (September or October) for public review and comment. This report identifies the major features, including property boundaries, access roads, traffic studies, etc. that go into the planning process for mitigating the wetland damage that will occur during the construction of the access road.

Two documents will be released: an executive summary for broad review and a detailed design report for those interested in a more technical review. Activity has already begun to expand the berm on the existing tailings pond. IDEQ is negotiating an access agreement with U.S. Silver.

Terry Harris asked if the road and/or berm construction would impact the wetlands onsite. Andy replied that only the road portion that will lead from Nuckles Gulch will have an impact, and the State is responsible for mitigating the impact. This work will happen right next to U.S. Silver property, and an agreement between the two parties will be necessary. A wetlands biologist is working on the project. The mitigation design will be complete as part of the 30% Design Report package. The current wetland onsite is highly contaminated.

Andy also provided an overview of the flood flow model, which outlines the protocol for water testing during seasonal flooding at East Mission Flats. The sampling program was designed to investigate if any material is migrating from East Mission Flats to the river. If the repository is contributing to river contamination, he said, sampling results should be higher on water leaving the site than when water enters the site. Andy walked through photographs that described the geography of the area, how materials are kept onsite, and the location of the testing sites.

When material is deposited onsite, he said, it is graded and compacted and then sprayed with a tackifier. When exterior slopes are completed, they are covered with clean soil and rip-rap to contain material. Then, the section is surrounded with a silt fence to contain any run-off. There is a waste water retention pond onsite to make sure run-off doesn't mix with river water. Recently there was some sloughing of clean soil material from an exterior slope due to heavy rains. One photo showed water discoloration within the silt fence due to silt from the slope.

The group discussed the sampling protocol and the results from 2008 and 2011 which showed, in most samples, that water entering the site is significantly more contaminated than when it leaves the site via the outflow culvert. In one sample, the levels were the same flowing in and out (no change). All of the samples taken at the outflow culvert in 2011 were below the recording limits (so were noted as ½ the detection limit to provide visualization on the graph).

Terry Harris commented that the picture leaves the question open because samples were not taken in the turbid water inside the silt fence. He mentioned that for some of his constituents the sample locations may not be adequate to prove that East Mission Flats is not contributing to downstream contamination.

Ed Moreen and Terry Harwood noted that there is only one outlet for water on the site through the culvert (where the samples were taken) and that the silt fence around the site will remain in place for as long as the repository is active to contain any sediment should unanticipated events occur. Subsequent slide events may provide stronger factual evidence that material is not leaving the site, they said. They noted that this was a very small slide – potentially five yards of soil in a system that is moving much larger amounts during flood events.

Troy Lambert commented that even if you have all the data points possible you may not convince everyone. He said that it does not make sense to spend thousands of dollars sampling additional points if they won't change the overall picture. Funds should be spent as efficiently as possible.

## **Communications Project Focus Team (PFT) Update**

Jeri DeLange, BEIPC, provided a brief update on the Communications Project Focus Team (PFT). The BEIPC's Communications PFT and the CCC will help to sponsor a joint booth at the North Idaho Fair in August. Jeri also reminded everyone about the survey developed by the PFT for the CCC on the BEIPC website. The survey will be used to gather feedback from CCC members and the public about how to improve communications related to citizen involvement in the Basin Commission process. This information will allow the CCC, the Basin Commission, and the Communications PFT provide better opportunities for information and participation in the CCC. All responses will be confidential. To review and complete the survey, please visit: <http://basincommission.com/OnlineSurvey.asp>.

## **Next BEIPC Meeting**

The Basin Commission Board will hold its next meeting on August 17 at the Wallace Inn, 100 Front St., Wallace, ID. It is open to the public, and an agenda will be posted on <http://www.basincommission.com>.

## **Adjourn**

The CCC meeting was adjourned at 9:30 PM.

# *Presentation of Citizen Comments to the Basin Commission Board*

*July 13, 2011*

## **Verbal Comments**

Verbal comments provided at the July 13, 2011 CCC meeting are reflected in the CCC meeting summary and paraphrased below.

## **Written Comments**

Bonnie Douglas, CCC Member, Rusty Sheppard, CCC Member, and Troy Lambert, CCC Vice-chair, provided written comments on the proposed inclusion of the Lower Basin Collaborative into the CCC. These comments are included at the end of this document. Julie Dalsaso, CCC member, also provided written comments which accompany this document as a separate attachment.

## Comments

## Commenter

<b>Various Topics</b>	
The "History of the Cataldo Dredge" document that was circulated to the CCC prior to the meeting discusses how deep and wide some of the tailing ponds were from the dredge operations in the 1920s and noted that over 16 million pounds of mill tailings were deposited in the area. This document helps dispel the myth of the present day Cataldo site and shows that it is very contaminated.	<i>Julie Dalsaso, CCC Member</i>
I am excited about the HECLA settlement and that it may now allow the cleanup to move forward. I am interested in seeing how some of the settlement money will go towards public health efforts in the public schools to increase lead testing.	<i>Julie Dalsaso, CCC Member</i>
EPA is not set up to deal with issues of flood control and their actions may have unintended consequences. For example, there was a mining company in Eritrea that wanted to build a mine but first required upgrades to the power grid. Once they fixed the power grid, they became the de facto power company. EPA is saying they have authority of all hazardous waste clean-up which includes roads, etc. This involves a number of different jurisdictions, and EPA will need to work on coordinating projects with local agencies and vice versa.	<i>W.C. (Bill) Rust, CCC Member</i>

## Comments

## Commenter

<p>I am worried about jurisdictions spending settlement dollars on non-cleanup actions. We don't want the main clean-up to be short-changed with projects that may be more short-term. We need to be a little protective of clean-up dollars to ensure that they are used appropriately.</p>	<p><i>David Fortier, CCC Member</i></p>
<p><b>Lower Basin Collaborative and CCC Protocols</b> (<i>see additional written comments at the end of this document</i>)</p>	
<p>The public and county governments have not been listened to because the process has been driven by the federal agencies. The [Lower Basin] collaborative proposes a more citizen-led approach. This is different from the CCC because it is oriented for citizens to try and participate in smaller "sub-groups" that have a narrower focus than the entire Basin. The larger CCC is not getting the participation needed to be effective at the local level. Smaller, local meetings that are held closer to where people live will help encourage participation. That is very difficult to do in a larger forum.</p>	<p><i>David Fortier, CCC Member</i></p>
<p>When the CCC first started, there was an effort to try and have local sub-groups, particularly in the Lower Basin through the CCC and TLG. The question is how will [the Lower Basin Collaborative] process make the agencies pay any more attention to citizen input than they have in the past? There is a feeling out there that the public was ignored and that is why CCC participation has dropped off.</p>	<p><i>W.C. (Bill) Rust, CCC Member</i></p>
<p>It is difficult to travel to Spokane or Wallace to attend out of town meetings and really sit down to talk about the issues in detail. The CCC tries to encourage people to bring questions to these meetings, but it works much better in smaller groups of people who can formulate questions or comments and bring them to the larger group. This process could also work for other sub-area groups.</p>	<p><i>David Fortier, CCC Member</i></p>
<p>Will the [Lower Basin Collaborative] create another vehicle for citizens to come together when this is already possible under the CCC? Small groups of citizens are able to get together and discuss an issue and bring it to the quarterly CCC meetings. Why do we need another official group?</p>	<p><i>Troy Lambert, CCC Vice-chair</i></p>
<p>Small group, open meetings were held to discuss the repository design. I facilitated the meetings, and they were sponsored by the CCC. The comments collected from consultants for DEQ and EPA were summarized and considered when proposals were made to the Basin Commission. That process seemed to be effective, and the [Lower Basin Collaborative] will probably be similar.</p>	<p><i>Jerry Boyd, CCC Chair</i></p>

## Comments

## Commenter

<p>Most decisions [of the Lower Basin Collaborative] will operate on consensus where everyone agrees on how to bring issues forward. The idea is to sit down, hammer out a solution, reach consensus, and then move on to the next issue. This was how the collaborative process worked in the Clearwater Basin. The Collaborative will help focus the CCC process in a particular location and move the consensus building process a little closer to the action. The group will work closely with the Lower Basin PFT.</p>	<p><i>Terry Harris, CCC Member</i></p>
<p>The idea [of collaboration] is to avoid the “minority report” and to get as many different stakeholders at the table as possible to accommodate different interests. Having a varied group of stakeholders discussing options will make the process richer and not just focused on comment/dissent. It would hopefully ensure that if a group was discussing something like land protections that may adversely impact jobs that the process would lead to ideas for creating new jobs.</p>	<p><i>Terry Harris, CCC Member</i></p>
<p>I was at the first CCC meeting and have been present at many since. A number of the people that are proposing the [Lower Basin] collaborative refused to participate in the process, particularly up in the Valley. This sends the message that you are better off not participating in the process, waiting until the plan is released, and then working to change the plan.</p>	<p><i>W.C. (Bill) Rust, CCC Member</i></p>
<p>I recently learned more about using a “collaborative” and the model is relatively new. Now that I understand how they function, I can see how the [Lower Basin Collaborative (LBC)] would be different from the CCC. The CCC process has been agency-driven, while the LBC will be citizen driven. For example, there are legal steps required to change the ROD. If citizens missed their opportunity to comment, then they don’t feel like their opinion was heard even if they finally make it to the CCC. A collaborative may not have the same issues of the process being driven by Superfund rules and regulations. It would be great to bring some specific training to this group on how collaboratives have functioned in other parts of the country to help people understand how they work.</p>	<p><i>Julie Dalsaso, CCC Member</i></p>
<p>The text noting that collaboratives are designed to be a group of non-alike people coming together to discuss an issue should be highlighted in the updated protocols document.</p>	<p><i>Bonnie Douglas, CCC Member</i></p>
<p>While you may find things that you never agree on, a collaborative can make progress by finding the common path and focusing on issues that members can agree on.</p>	<p><i>Bonnie Douglas, CCC Member</i></p>
<p><b>East Mission Flats Repository</b></p>	
<p>The picture [of the East Mission Flats flooding presented at the CCC meeting] leaves the question open because samples were not taken in the turbid water inside the silt fence. For some of my constituents, the sample locations may not be adequate to prove that East Mission Flats is not contributing to downstream contamination.</p>	<p><i>Terry Harris, CCC Member</i></p>
<p>Even if you have all the data points possible you may not convince everyone. It does not make sense to spend thousands of dollars sampling additional points if they won’t change the overall picture. Funds should be spent as efficiently as possible.</p>	<p><i>Troy Lambert, CCC Vice-chair</i></p>

**Written Comments Submitted 7/16/11 by Bonnie Douglas, CCC Member**

I am in favor of the proposal. I believe that this collaborative will represent a broad spectrum of interests and be working with the Lower Basin PFT, TLG, and CCC on recommendations. More involved public participation will result.

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**Written Comments Submitted 7/19/11 by Rusty Sheppard, CCC Member**

During the July 13 meeting of the CCC under the agenda item “Lower Basin Collaborative” Rusty Sheppard acting for the CDA Lakeshore and Spokane River Owners Association’s SIG registered their opposition to the proposed changes to the CCC operating protocols. During the extended discussion the proponents of the change could not adequately explain how the new concept would be successfully integrated into the current system used by the BEIPC commissioners to obtain diverse public input from the public. It is our understanding that the mechanics of the Lower Basin Collaborative would be to use the collaborative committee of the agencies and public stakeholders to arrive at a consensus of views and submit those views to the CCC for presentation to the BEIPC commissioners. In theory, a position on an issue where there is no consensus would not be presented to the BEIPC commissioners.

In reality consensus may be reached by the participants of the collaborative who may be a small part of the real stakeholders on the issue and that consensus position will be presented to the BEIPC as one arrived at by all the stakeholders. It will be important for the names of the collaborative participants as well as the consensus position be forwarded to the BEIPC so the commissioners can understand who supports the position. Using the current system in the CCC, all views of the CCC participants, who are identified by name or representation, are forwarded to the BEIPC and all the technical proposals are forwarded to the BEIPC commissioners through the TLG. In the Lower Basin Collaborative concept both the technical and public issues on which consensus had been obtained would be forwarded to the BEIPC commissioners, thereby obscuring the differences between technical and public views. It is our belief that the BEIPC commissioners should be shown all public views and not only the “consensus” view of the Lower Basin Collaborative.

Rusty Sheppard  
CDA Lakeshore Owners/Spokane River Assn  
CCC SIG Representative

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**Written Comments Submitted 7/23/11 by Troy Lambert, CCC Vice Chair**

**Comments in Support of Collaborative Discussions with Questions**

From Troy L. Lambert, CCC Vice Chair

**Terms Defined:**

**Collaboration:** From the Latin *collaborare* “work together”; the action of working with someone to produce or create something

**Interaction:** Reciprocal action or *influence* (Emphasis added)

*Definitions taken from the New Oxford American Dictionary*

The definition of collaboration and interaction is similar. A collaboration is more loosely defined by coming to a consensus and producing an end product. An interaction also is defined by mutual influence although it need not result in production. But I question the supposition that the CCC does not currently or cannot be a

collaborative effort. Opposition or at a minimum questioning of the Lower Basin Collaborative Proposal is not from the lack of understanding of the collaborative process but from the understanding that the collaborative process requires participation.

I have not been a member of the CCC as long as some others but feel that I can cite recent history as an example. At every CCC meeting a portion of the agenda is open for public discussion. The public, even those who are not members of the CCC are welcomed and encouraged to bring any topic forward for discussion. It is a rare occurrence when anything is brought up at this time let alone anything of significance. The agency people present at the CCC meetings are to be there to answer to the public and it is the job of both the chair and the vice chair to present those opinions in an unbiased manner to the Basin Commission.

My interpretation of this is that we do not have to reach a consensus for public comment to be heard and made part of the public record. If a citizen were to bring up a topic during this open discussion that perhaps had been reached at some outside meeting and he/she had documentation that a consensus had been met by a number of citizens the item would have to be discussed and the information forwarded to the Basin Commission for action.

It is true that the agenda is often filled with agency reports. However they are inevitably relevant to the citizens in some fashion. Also anyone is able to propose making a presentation to the CCC and have it approved by the Chair and put on the agenda. It is more lack of participation and understanding of the process that keeps citizens away. As long as I am involved I would welcome challenging opinions and different viewpoints presented at the CCC. In fact it is my hope that those are raised whether that needs to come from an outside collaborative or a simple rise in citizen interest and attendance.

For example at the most recent meeting Terry Harwood's comments on the roads program are relevant to every citizen in Shoshone County. Improvement of the dirt roads that serve as a contamination barrier is not only essential it provides a direct community benefit. The paved roads program requires that citizens be involved and oversee the stewardship of funds held in trust for road improvements. It is the citizens' job to monitor city councils and county officials and ensure funds are not needlessly wasted.

Secondly the presentation on the East Mission Flats repository was not only relevant but somewhat controversial in nature. Heated discussion ensued which will be communicated to the Basin Commission. If this had been presented elsewhere in a collaborative no consensus would have been reached although I would have had some suggestions. (Perhaps that those not satisfied with the water testing as it was done hire a private unbiased firm to do their own testing rather than insist that it be done with valuable taxpayer dollars. Then the testing would be at their locations and liking, and the results would be independently verified, a benefit to both parties) But regardless of whether a consensus was reached or not the material discussed will be presented to the basin commission.

This demonstration shows the difference in the collaborative design. I am highly in favor of collaboration. If the Lower Basin Collaborative is indeed formed and accepted into the CCC I will likely join its membership as well. My entire purpose for joining the CCC is to attempt to make a difference in the outcomes and implementation of the ROD and any other plans the EPA or other agencies might put forth in the remediation effort in this area. My greatest hope is that the Lower Basin Collaborative can truly at times come to a consensus and present an unbiased call to action that both makes sense, guards the stewardship of the taxpayers and trust monies, and results in the reduction of human health and ecological dangers in the lower basin.

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***Written Comments Submitted 7/21/11 by Julie Dalsaso, CCC Vice Chair [see attachment]***

Comments in support of the Lower Basin Citizens' Collaborative Process

from J.Dalsaso, CCC member.

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Definitions from, (<http://en.wikipedia.org/wiki/Collaboration>):

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**Collaboration** is a recursive process where two or more people work together toward an intersection of common goals — for example, an intellectual endeavor that is creative in nature by sharing knowledge, learning and building consensus.

**A collaboration results in something, an end product. An interaction is just that, between people with no end product.**

I reviewed a wider application of collaborations, as the meaning of this process was further explored. Please review the 'value statement' from one library collaborative experience. It is as an example of how the concept is being used in many arenas, and could be of benefit to us as well.

~In order for the university to meet its mission to educate students, conduct research and serve the local, state, national and world-wide communities the Libraries must collaborate "trans-institutionally". Collaboration makes it possible to pool and combine finite resources and diverse strengths to achieve unique outcomes that have impact beyond what each partner could do individually. Libraries are uniquely suited to facilitate collaborations because they have an integrated view of knowledge and service."~

At our last CCC meeting, there seemed to be a fair amount of positive support to pursue absorbing the Lower Basin Collaborative, into the CCC fold. The details and mechanisms, such as 'by laws', are in the works. Before I could comment on the drafted details, I needed to familiarize myself with the 'collaborative' process that has been successfully applied to diverse groups across the country. Though limited experience with these specified groups, I've only been aware of two regional collaboratives; the Colville Forest collaborative and the Owyhee Wilderness collaborative. This spring, I heard Senator M. Crapo (R. Id.) present about the Owyhee collaborative/ initiative, thus learning more about how individuals with often

opposing entrenched views get things done through the 'collaborative process'.

It seems from the 7/13 CCC meeting, that an individual opposing the Lower Basin Proposal, could be coming from a total unfamiliarity of the collaborative process, which may seem vague in a conceptual way, until one actually reaches out to learn or participate in such a process. In fact, by its nature, it is inclusive to the "good old Boy network" or any other wing nut out there for that matter. Read on about how local cattle ranchers, military test pilots, and bureaucrats hammer out solutions in the Owyhee canyon lands of Southwestern Idaho.

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Comments below are from [OwyheeInitiative.org](http://OwyheeInitiative.org):

Many efforts to protect the Owyhees over the last decade have been fueled by the impacts of livestock grazing on this arid and fragile landscape. These battles have drawn ever-greater attention, and various forms of public process, including the courts, have increased pressure and oversight, and in some cases, reductions in livestock grazing. These battles have kept many parties involved in the Owyhees at serious odds.

Today, for the first time in what has been years of fighting and debating, all the parties involved are sincerely working together to come up with real solutions. Dozens of group meetings have taken place to sort through wilderness issues, livestock grazing and recreational use. The group researched and distributed language from past wilderness legislation addressing fish and game management, military training, and other activities. Numerous aerial flights of the Owyhees have been organized for County Commissioners, ranchers, recreationalists, and congressional staff. Members of the Initiative have attended numerous field trips to look at grazing practices, prescribed burns, and candidate wilderness areas. While a final proposal has yet to be completed, significant progress has been made including an open and honest direct dialogue between diverse interests regarding wilderness, wild and scenic rivers, livestock grazing, landscape conservation, and off-road vehicle and recreational use.

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So how can this help the lowly attended CCC meetings and the polarization noted at local public meetings, like last summers' Canyon School meeting

where some Shoshone County residents wore miners' hats and had leaflets from HECLA propaganda in hand, about how the Feds would 'take away their way of life and maybe even jobs underground!'??? Sad to see, they hadn't realized their Grandparents pensions and way of life were lost some time ago, or that the focus of the meeting was specific to Upper Basin proposed work. However, that didn't matter to them. Like the three hour CCC agenda, some citizens don't see anything about their interests on the agenda. In frustration, they don't honestly understand what all the agency reports have to do with them, whereas the collaborative process will be different by design.

**I support the amended protocols, as another form of public involvement.**

From BEIPC 8/19/09 approved, CCC Organizational Practices and Procedures guidelines:

“It is the intent of the Basin Commission Board that working relationships will be developed and enhanced by the advisory process, which can contribute to ongoing dialogue and collaboration in support of remedial actions and environmental improvement projects to address heavy metal contamination in the Coeur d'Alene Basin.”