

02-06-08 Citizens Coordinating Council Meeting

Spokesman Review Building, 6:30 PM to 9:00 PM, Coeur d'Alene, Idaho

Attendees (who signed in and/or announced themselves)

Jerry Boyd
Roland Craft
Julie Dalsaso
Bonnie Douglas
Jeri DeLange
Terry Harwood
Kristy Reed Johnson

Ed Moreen
Andy Mork
Rusty Sheppard
Rebecca Stevens
Mark Stromberg

Meeting Overview

The February 6, 2008 meeting of the Citizens Coordinating Council (CCC) of the Basin Environmental Improvement Project Commission (BEIPC) covered the following topics:

1. BEIPC Updates (including: 2008 one-year plan revisions, Clean Water Act Project updates, drainage analysis and infrastructure, flood work funding with Senator Craig's Office, Recreation PFT)
2. East Mission Flats Repository Update
3. Yard Cleanup: Report on 2007 and plans for 2008
4. Draft 2008-2012 five-year BEIPC plan overview

CCC Vice-chair Jerry Boyd chaired the meeting.

BEIPC Updates

BEIPC Executive Director Terry Harwood provided updates on several Basin activities, including: (1) revisions to the 2008 one-year work plan, (2) Clean Water Act financing and close out of projects, (3) drainage analysis and infrastructure project, and (4) flood work with Senator Craig's Office. In addition, Rebecca Stevens, Coeur d'Alene Tribe and TLG Co-lead, gave an update on the Recreations Area PFT.

2008 One Year BEIPC Work Plan Revisions—Communications and Financing

The 2008 work plan would normally have been completed by the November BEIPC meeting. Terry said that the process has been drawn out, however, because of the November BEIPC workshop, and any changes to the circulated draft work plan will now have to be made at the February BEIPC meeting. The primary point of discussion will likely be around the role of the BEIPC in natural resource damage restoration (Section 3). Rebecca Stevens, Coeur d'Alene Tribe, added that the natural resource trustees want to have their attorneys review any text for the work plan before agreeing to it. Terry said that the work plan will be finalized following the February BEIPC meeting.

Clean Water Act Update: Finances and Closing Projects

Terry said that the Clean Water Act first grant year ran out January 31, 2008, and no more project work will take place under this grant year. The remaining balance for that grant year is only \$179, and Terry is in the process of closing out these projects with EPA. The second grant year has approximately \$70,000 left, though this grant year doesn't end until June 30, 2009. Terry also highlighted that there could be a surplus of funds in the third grant year (up to \$30-50K) and that a couple of proposed projects will likely be presented to the TLG once the funding status becomes clear.

CCC Member Bonnie Douglas noted that the work plan is cumbersome to read and asked why they include project descriptions. Terry answered that the Clean Water Act grant is not complete until all the projects are finished and must be tracked in the annual work plans and accomplishment reports.

Drainage Analysis and Infrastructure

Terry noted that an infrastructure revitalization plan will be drafted based on the drainage analysis and existing infrastructure needs. The drainage assessments are for Upper Basin communities and relate to snowmelt, storm water runoff, and other drainage issues. The report for Mullen is complete, and the reports for Silverton, Wallace, and Osburn are in the editing process. Terry added that each of these reports will be combined, and a plan will be developed in 2008 to address these issues and secure funding to address them. The broader purpose of this work is to protect the Superfund remedy for Basin communities.

Rebecca and Jerry commended Terry for this important work.

Flood work with Senator Craig's Office

As a result of Senator Craig's office's offer to assist the BEIPC with funding, a process is underway to analyze the flooding potential in the Upper Basin. Terry noted that he is working with the Senator's office to earmark funds for this work, which could help protect the remedy in instances of extensive flooding. Terry indicated that this effort needs bipartisan support and that he will work with the office of the Senate Environment and Public Works Committee to garner support prior to the appropriations process.

Bonnie suggested that it would be useful to have the support of Washington Senators Murray and Cantwell, as Washington residents are downstream from potential remedy failures. Also, the Coeur d'Alene Area Chambers are going on their annual trip to Washington DC, and Bonnie suggested that this could be an issue to bring forward. Terry confirmed that any suggestions for contact and outreach related to this issue should be forwarded to either Terry or Jeri DeLange.

Terry mentioned that the FEMA flood maps are in the process of being updated, which will inform who needs to purchase flood insurance in the valley. Home owners with a federally backed home loan would be the ones most affected.

CCC Member Rusty Sheppard asked who would be responsible for cleaning up the remedy if it doesn't hold in a flood. Terry answered that if property owners have followed the required Superfund and ICP protocols, the EPA indicated that they shouldn't be held responsible unless they caused the damage. Ed Moreen added that there is no contingency plan for re-remediating commercial and government owned property.

Rebecca requested that the *Upper Coeur d'Alene River Basin Framework for a Flood Control Program* document spell out who is part of the Basin Commission.

Recreation Area PFT Update

Rebecca provided an update on the Recreation Area PFT. She noted that at the last meeting the PFT divided into several subgroups, which focused on (1) inventorying developed sites and dispersed sites, (2) doing a population trends analysis and (3) communication and testing. The subgroups will present a summary to the full PFT and the TLG. Rebecca mentioned that the PFT membership is open to members of the TLG, CCC, and any other interested parties.

CCC Member Christy Reed Johnson announced that she was working with the Aquifer Protection Council (APC), which is having a preliminary meeting on Wednesday, February 13 at 1:30 PM to discuss what to include in its online forum to address Basin issues. She added that poor communication is an ongoing problem in the Basin, as agencies don't communicate with each other. She noted that one of the goals of this fledgling effort is to get politicians to talk to each other. She said that Washington is currently the lead on this effort. Terry announced that he would be the point person from the BEIPC on this effort. Rebecca added that that TLG may start a Communications PFT to address some of these issues.

[The CCC discussed the February 2, 2008 Spokesman Review article, *DEQ director calls lake plan 'difficult issue,'* by Betsy Z. Russell. The overview of this discussion is included in the "open discussion" section below.]

Repository Update

Ed Moreen, EPA, introduced Andy Mork, Idaho DEQ, as the new DEQ staff working on repository issues, including the East Mission Flats (EMF) repository. Andy distributed an EMF update memo and noted that since the last CCC meeting, DEQ and EPA have submitted a response to comments (dated September 10) on the draft 30 percent design. Andy noted that approximately 150 comments were submitted, which focused on about twelve issues. EPA and DEQ have also drafted a question and answer response letter to address questions raised at the October 16 CCC meeting. The letter of response addresses repository issues around the need, location, height, wetlands, flooding, and

ongoing management. Both the Q&A document and the response to comments are posted on the BEIPC website (<http://www.basincommission.com/>). Andy also noted that either he or Ed can be contacted to receive hard copies of these documents.

Andy also noted that the archeological mapping report is complete. The report found no cultural artifacts based on observed subsurface samples (from drill holes, etc). However, due to the proximity of the Mission Settlement and the rich native cultural legacy, a recommendation was agreed upon to have an archeologist on site for all drilling and excavation activities. As part of EMF repository Phase I (opening April 2008), a small portion of the site will receive yard waste in 2008.

Andy also noted that based on the questions raised during the 30 percent design, DEQ and EPA will conduct a 60 percent design review, which will be released in March 2008 and will address the entire site. Andy further noted that the first quarterly groundwater report for the perimeter of the EMF footprint was released, and the findings suggest that none of the metals present were above drinking water standards.

Bonnie asked whether an archeologist was present during the drilling for the wells; and, if so, suggested that Andy add this to future updates. Andy answered that an archeologist was present and will be present for any future excavation or drilling, and he will add this information to future reports. Kristy asked if a map of the wells around the EMF site was available. Andy answered that a map is available, which he will distribute through the CCC email distribution.

Bonnie asked whether there is a map of where the I-90 culverts are in relation to EMF. Mark Stromberg, DEQ said that there are a couple culverts, which are managed by Idaho Transportation Department. Ed said that the culverts are included in the map for the 30 percent design. Andy suggested that to facilitate communication and transparency, he will create a line diagram of the culverts and distribute this to the CCC. Bonnie said that intuitively there seems to be a difference between the sediment currently at the site and that which will be deposited from the yard clean-up efforts. This may affect how the metals leach. Andy responded by noting that DEQ is conducting a leachability study to simulate leaching and address this issue. This study will be released in March.

Rusty asked whether the repository PFT has convened to look for new sites. Terry answered that approximately ten people signed up to join the PFT and that the group will likely be established mid-Spring.

Yard Cleanup

Mark Stromberg, Idaho DEQ, provided an update on the yard cleanup and noted that in 2007 the DEQ disposed of over 76,000 cubic yards of waste, most of which came from high risk areas. The total cost was approximately \$13 million. Mark walked the CCC membership through the handout, *2007 IDEQ Basin Property Remediation Program*, which shows the remediated areas. Mark noted that the black shaded area is state-run work. Bonnie asked if any properties have had to be re-remediated and noted that this question arose at the last CCC meeting in October. Mark answered that no properties

have been re-remediated under the state run project, but this may have occurred prior (when the mining companies were responsible for the remediation efforts). Bonnie suggested any re-remediated work be noted in updates to clarify this confusion. Terry said that in areas where remediation was damaged (e.g., in Mullen) it has been repaired.

Moving forward, Mark provided an overview of the Basin property remediation for 2008 and noted that DEQ may have its budget reduced. Mark posited that this could decrease the number of properties remediated and suggested that approximately 400 properties will be cleaned up. He closed by noting that DEQ is working on getting contract extensions with new contractors and that North Wind and Terragraphics will be the new engineers. (Note: The budget for next year now appears to be close to last year's budget.)

Draft 2008-2012 Five-Year Plan

Terry introduced the latest draft 5-year plan and added that all agencies have had the opportunity for comment. Terry said that draft plan development was an iterative process during which he drafted and redrafted the plan based on comments received. The BEIPC Commissioners may want to add provisions (e.g., related to the natural resource damage restoration). In response to a question related to who the natural resource trustees are, Terry said that the Trustees are the State of Idaho, U.S. Fish & Wildlife Service, the Bureau of Land Management, Forest Service, and Tribe, all of which have jurisdiction under CERCLA for natural resource damage restoration.

Terry noted that the five-year plan is an overview and thus is fairly generic. The annual plans are more specific.

Open Discussion

Jerry Boyd opened the floor to discuss any topics that the citizens want the CCC Chair or Vice-chair to present during the next BEIPC meeting.

The CCC discussed the February 2, 2008 Spokesman Review article entitled, *DEQ director calls lake plan 'difficult issue.'* A number of CCC members noted the inaccuracies of the article and discussed how these could be addressed. Rebecca pointed out that the lake *is* a Superfund site. In addition, she noted that the Lake Management Plan will be completed in 2008 and is being currently reviewed and edited by the Tribe and the State of Idaho. The LMP will likely be available for broader review in March. She also noted that the quoted estimate of \$500,000 needed from the State of Idaho is an underestimate. Jerry asked whether there will be a response to correct the inaccuracies. In response, Ed asked whether addressing these inaccuracies would change the negative views held by the businesses and the community. Kristy suggested that what needs to be stressed is that the LMP is a solution (and remedy) for the lake. CCC members suggested that the article author is a respected journalist based out of Boise. Terry volunteered to give the journalist an informal call, and the CCC agreed with this path forward.

Rusty Sheppard noted that there is already an LMP in existence, which the BEIPC accepted in 2006. Terry noted that an updated LMP is a requirement of the Superfund

Record of Decision (ROD). Rusty stated that the lakeshore owners support the local governments that believe that DEQ has violated the MOA between the state and counties concerning updating of the LMP.

Julie opened a discussion on the county comprehensive planning efforts underway and noted that the plan for Coeur d'Alene is complete and the Post Falls plan is just getting underway. Julie suggested that there is a chance to address the misconceptions put forward in the newspaper article during the planning process and voiced disappointment that the quoted DEQ Director made no new provisions for the LMP in her budget request for 2009. Julie also noted that Terry has made numerous presentations and that there is an opportunity to better include the counties in Basin-wide clean-up activities and management. Rusty added that there is a missed opportunity around including the counties in the Lake Management Plan discussions. Rusty added that the lake property owners are working with the planning director and commissioners to address these issues. Kristy suggested that the spring elections for the county commissioners correspond to the timing of the public comment process, and this timing could be used to influence the county commissioners' decisions and involvement with the Basin planning. Jerry said that this issue will be brought forth to the BEIPC as a topic discussed by the CCC.

Julie introduced the topic of how agencies and groups are coordinating and working together. She suggested that there is a void of representatives from the DEQ and the Department of Lands on the TLG. In particular, she noted that this is an issue with regards to dock permitting and how dock construction may affect contaminated lake sediment. On a related note, Julie said that she has been involved with the Kootenai County Comprehensive Planning process and noted that there has been a resistance to using Basin experts to link Kootenai County jurisdiction that lies within the Superfund Site to new Hazardous Materials Chapters, even after supplying overlay maps showing sampling results in the lower Basin from DEQ, National Academies Summary, and other science papers and data. Julie suggested that Kootenai County could provide some general interim guidelines for areas outside the "ROD" until the LMP is implemented and enforced within the new comprehensive plan.

Terry noted one has to keep in mind that the TLG and PFTs address issues related to the remedy and that there is no remedy on the lake. Kristy asked whether Blackwell Island is included in the remedy, and Terry answered that it is not because there are no CERCLA remedies established in the ROD for the Spokane River in Idaho. Terry highlighted that any interested citizen can contact him to get a copy of the Contaminant Management paper which explains much of this work.

Next Meeting/Upcoming Events

The next BEIPC Board meeting will be held on February 27, 2008 in Spokane Valley.

Presentation of Citizen Comments to the Basin Commission Board

February 6, 2008

Written Comments

Two sets of written comments were submitted by CCC members. One set was submitted by Jim Hollingsworth on February 8 related to the BEIPC work plans, the lake management plan and the counties' role in its development and enforcement. The other was a clarification to the draft February 6 meeting notes, submitted by Julie Delsaso on March 7, regarding the Kootenai County Comprehensive Planning process.

Verbal Comments

Verbal comments provided at the February 6, 2008 CCC meeting are reflected in the CCC meeting summary and are paraphrased below.

Comments

Commenter

The work plans are cumbersome to read. To make the work plans more readable, it would be helpful to only list the active Clean Water Act projects.	<i>Bonnie Douglas, CCC member</i>
I will continue to ask if an archeologist was present during the drilling and excavation at the East Mission Flats (EMF) repository site. Please include this information in any future EMF updates.	<i>Bonnie Douglas, CCC member</i>
Intuitively, there seems to be a difference between the sediment currently at the EMF site and that which will be added from the yard clean-up efforts. This seems like it will affect how the metals leach.	<i>Bonnie Douglas, CCC member</i>
If any re-remediation work has been done, this should be public knowledge.	<i>Bonnie Douglas, CCC member</i>
What needs to be stressed is that the Lake Management Plan is a solution (and remedy) for the lake.	<i>Kristy Reed Johnson, CCC member</i>
It should be noted that there already is a Lake Management Plan in existence, which the BEIPC accepted in 2006. The lakeshore owners support the local government position that states that DEQ has violated the MOA.	<i>Rusty Sheppard, CCC member</i>
There is an opportunity to address the misconceptions put forward by the Spokesman Review newspaper article during the county comprehensive planning processes that are currently underway. There is an opportunity to better include the counties in Basin-wide clean-up activities and management.	<i>Julie Dalsaso, CCC member</i>

<p>There is a missed opportunity around including the counties in the Lake Management Plan discussions.</p>	<p><i>Rusty Sheppard, CCC member</i></p>
<p>The spring county commissioner elections correspond to the public comment process for the comprehensive county plans, and this timing could be used to influence the county commissioners' decisions and involvement with broader Basin planning.</p>	<p><i>Kristy Reed Johnson, CCC member</i></p>
<p>There is a representative void from the DEQ and the Department of Lands on the TLG. Overall, I think cross-agency communication needs to improve.</p>	<p><i>Julie Dalsaso, CCC member</i></p>
<p>I have spoken to Terry Harwood and Jon Cantamessa regarding references to the LMP in the MOA that everyone signed. On the second page it said that all parties would cooperate and coordinate their activities to get the LMP up and running. I encourage everyone to read it. The language is simple and direct. The point is that up until now, none of the governments involved, most especially Kootenai County, has provided any indication of interest in fulfilling this written obligation. It is distressing that Kootenai County is anxious to complete their comprehensive plan when in fact there is not any mention of the LMP and Kootenai Counties responsibility to participate. I am looking for cooperation and coordination between the comp plan and LMP. This may cause fear in some, but it doesn't have to if it is done with the idea that a better lake means a better future for all. Economics and the environment are not at odds. We should all be working for two win/win plans.</p> <p>So far, the county and tribe have argued about the shape of the table, but it is time that the BEIPC used their mandate to bring all the parties together and get things moving. This issue is certainly important enough to merit a high priority in the work plans.</p>	<p><i>Jim Hollingsworth, CCC member (written comments)</i></p>
<p>Kootenai County Comprehensive Planning process – I have been involved in citizen's planning meetings with K.C. planners and staff. There has been a resistance to utilize facts from Basin experts to link Kootenai County jurisdiction that lies within the Superfund Site to new Hazardous Materials Chapters, even after supplying overlay maps showing sampling results in the lower Basin from DEQ, National Academies Summary, Contaminant Management for Lake Coeur d'Alene and Spokane River – issues review, and other detailed reports. It is unclear if materials were misplaced or withheld, but Kootenai County could provide some general interim guidelines for areas outside the "ROD," until a LMP is implemented and enforced within the new comprehensive plan.</p>	<p><i>Julie Dalsaso, CCC member (written comments)</i></p>