

June 17, 2003

*The Commission has not yet approved these meeting notes.*

## Basin Environmental Improvement Project Commission

### Meeting Summary: June 18, 2003

Meeting Location: Idaho Department of Environmental Quality  
Kellogg, Idaho and via Conference Call

Commissioners present: Steve Allred, DEQ – via telephone  
Jack Buell, Benewah County – in Kellogg  
Sherry Krulitz, Shoshone County – in Kellogg  
Chuck Matheson, CDA Tribe – via telephone  
Dick Panabaker, Kootenai County – via telephone  
James McCurdy, Washington – via telephone  
John Iani, Federal Government – via telephone

Commissioners absent: None

Staff present: Luke Russell, IDEQ  
Phil Cerner, CDA Tribe – via telephone  
John Roland, State of Washington – via telephone  
Sheila Eckman, EPA – via telephone

Note taker: Luke Russell

### Summary:

Chairman Krulitz opened the meeting at 11:00 AM. The meeting was being held via telephone with the Chairman and Commissioner Buell in attendance in Kellogg.

### New Business:

#### Bank Stabilization:

Chairman Krulitz called on Mr. Zilka of the Idaho Department of Environmental Quality, (IDEQ). Mr. Zilka stated at the May 28 meeting the Board approved the bank stabilization work plan (dated May 22, 2003) that called for implementation of one pilot project this year and a second to be constructed in 2004. The Board requested at that time to receive a report during this meeting on the location and size of the first project to be conducted this year. He advised that the core work team conducted a tour on June 3 and visited five of the six top candidate sites for the first demonstration project. A site controlled by the United States Forest Service (USFS), opposite the Mike Schlepp ranch was the recommended site. However, the USFS denied access to its property. Mr. Zilka

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then advised that the next best site was considered to be a 3000-foot stretch along private lands controlled by Mr. Frank Frutchey who was willing to grant access for this project.

Two design concepts were proposed in the technical memorandum presented to the board (dated June 13, 2003) with a cost range of \$138,000 - \$162,000. In addition to this cost, he indicated approximately \$68,000 was budgeted for design, engineering, permitting and construction oversight, and \$38,000 for monitoring. The balance of the Clean Water Act funds (approximately \$180,000) would be available for the second project to be constructed next year.

Commissioner Panabaker questioned why the Forest Service denied access to their lands. Mr. Zilka replied they had expressed concern that stabilization of the banks had not been proven to address sediment and metal loading into the river. Commissioner McCurdy asked for clarification on the length proposed as the technical memorandum text stated 3000 feet and the project matrix stated 2500 feet. Mr. Zilka confirmed the proposed length was 3000 feet and he would amend the matrix to be consistent with the text.

Phil Cernera with the Tribe asked for clarification on the technical innovation envisioned in this proposal. Tom Bourque with Terragraphics responded. He indicated boat wakes and contaminated banks were key problems to be addressed in the pilot demonstration. The study would attempt to address both impacts by using a minimal rock size to address the boat wake concern, and enhancement of the riparian corridor with more aggressive vegetative plantings. In addition, the project monitoring would attempt to answer questions about the impact to the riverbed from this type of bank stabilization effort. Commissioner Krulitz asked if all of the \$38,000 budgeted for monitoring would be done in the first year and for clarification on the proposed costs for engineering. Mr. Bourque responded that the monitoring plan included pre-project, during project construction, post-project, and a first year post-project assessment. The engineering and permitting cost estimate was considered higher than past projects due to the need to conduct a biological assessment for the US Fish and Wildlife Service, which would then do a biological opinion on the potential impact of the project to threatened or endangered species. He commented that the Idaho Department of Transportation was now budgeting \$50,000 for such assessments for their projects and the National Resource Conservation Service was estimating 6-8 weeks to do such an assessment on a stretch of river they are planning to work on along the lower Coeur d'Alene River. He stated the engineering budget also included construction oversight activities.

Brenda Schlepp (landowner) provided Chairman Krulitz with photographs of the status of work done on their ranch two years ago showing how vegetation was filling in over the rock material tested on their property.

Phil Cernera asked if the construction work would go out for bid. Mr. Bourque said the earthwork aspects would, but due to the need to get plants growing in the greenhouse soon, the revegetation aspects may not.

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Commissioner Krulitz asked what would happen to excess materials from the project. Mr. Bourque replied that the pilot goal was to have no excess materials; all would be kept on site, which was another component that would be tested and evaluated in this pilot project.

Sheila Eckman with EPA asked for clarification on the scope of proposed monitoring. Mr. Bourque replied that monitoring would be conducted upstream, within the project area, and downstream to assess impacts to the riverbed surface from bank stabilization. Mr. Neil Beaver with the Lands Council asked if monitoring at the Dudley reach project was included in this proposal. Mr. Bourque replied that he had talked with the state of Washington about their desire for such monitoring and thought this could be added into the pilot project.

Phil Cerner then commented that the USFWS in the past had expressed concern with bank stabilization projects that did not remove surface contamination. Mr. Bourque replied he had talked to the Service and understood their concern of potentially creating an attractive nuisance by improving habitat in these locations.

Commissioner Allred questions why were permits required for this pilot project? He felt there were exemptions from permitting under both state statutes and Superfund for this type of work. He asked staff to further review the need for such permits and report back to the Board. He also commented that state and federal agencies that were not cooperating with the bank stabilization effort could be considered potentially responsible parties if they knowingly do not address release of contaminants from their property. Mr. Jim Hollingsworth of the Lands Council commented that this was a demonstration to see if stabilization was effective and it was not appropriate to harangue agencies that were raising legitimate questions about the effectiveness of bank stabilization projects. Mr. Allred commented that a lot of study had gone into the lower river system over the years, there was a Record of Decision that called for this type of work and yet we have spent a whole year continuing to argue about this subject without getting anything done on the ground.

Commissioner McCurdy expressed concern about potential project cost overruns. He also noted that under option 2 the 10% contingency budgeted should be \$14,000 rather than \$12,000, which would increase this project total to \$164,000. Mr. Zilka replied that it was likely that components of both design options would be used in one river stretch and that he was confident with the overall budget estimate and that adequate funds would remain for the second project next year.

Commissioner Buell expressed frustration that only 3000 feet was being proposed for this year and with the agency departments that were not cooperating in the effort. Commissioner Panabaker agreed and felt their reasons were a bit weak. While not everybody will be happy we need to get work done and not being granted access for the pilot was not being helpful. Jim Hollingsworth commented the government entities pushing bank stabilization also had authority to address boat wakes and were not doing so. In addition, he disagreed that one would become a potentially responsible party by

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simply owning property along the river. He stated it was clear the contamination was originating upstream from the mining companies.

Mr. Allred commented that boat wakes are a component of the problem, as he had stated in previous board meetings, and requested the board to ask staff to report on the boat wake issue and suggested measures the board could take to address it. He stated the Board could adopt institutional controls, even if it required the counties to implement them, but the Board should deal with this issue. While there are many components affecting water quality in the river, the Board needed to begin by dealing with some of them, such as bank stabilization. Chairman Krulitz added that flooding in Shoshone County also caused significant erosion impacts.

Commissioner Panabaker commented his county had discussed the boat wake issue, and raised it for consideration and when there was a clear action to be taken they would do so. Mr. Hollingsworth was critical of Mr. Panabaker's statements, noting that boat wakes are clearly a problem yet the County has taken no action.

Chairman Krulitz then asked for additional questions from the Board on the project update presented by Mr. Zilka. Being none, **the board then unanimously approved the location and footage with the condition that monitoring of the Dudley reach, as presented in the June 16 memorandum from the State of Washington and Coeur d'Alene Tribe TLG representatives, be included in the pilot project-monitoring program.**

Commissioner Allred asked staff to get back to them on the requirement for permitting the demonstration project, and for a report on options available to the Board to address the boat wake concern.

The meeting adjourned at 11:45 AM