

Basin Environmental Improvement Project Commission
5/11/05 Meeting

Idaho Department of Health & Welfare
35 Wildcat Way, Kellogg, Idaho

Attendees:

Commissioners Present:

Ms. Sherry Krulitz (Chair)
Mr. Jack Buell
Mr. Rick Currie (Vice Chair)
Ms. Toni Hardesty
Mr. Ron Kreizenbeck
Mr. Chief Allan
Mr. James McCurdy (Secretary/Treasurer)
Mr. Terry Harwood (Executive Director)

Alternates:

Mr. Curt Fransen

Staff Present:

Mr. Philip Cerner
Mr. Ed Moreen
Mr. Rob Hanson
Mr. Dave George
Ms. Jeri DeLange

1) Call to Order and Introductions: The BEIPC Chair, Commissioner Sherry Krulitz called the meeting to order at 9:30 a.m. She welcomed everyone and introduced the Basin Commissioners, Executive Director, Alternates, and Staff. Commissioner Krulitz also recognized Congressional staffers: Ms. Stefany Bales (U.S. Senator Mike Crapo); Mr. John Martin (U.S. Senator Larry Craig); and Mr. Mark Compton (U.S. Congressman Butch Otter).

2) Approval of Minutes: Commissioner Krulitz asked if there were any corrections or changes to the draft minutes. After discussion, it was decided to first approve the summary from the Basin workshop on January 19. Commissioner Toni Hardesty made a motion to approve the summary as written; seconded by Commissioner Rick Currie. Commissioner Chief Allan called for the question and the motion passed with unanimous approval. Commissioner Jack Buell then made a motion to approve the February 16 regular meeting minutes as written. The motion was seconded by Commissioner Currie and also passed with unanimous approval.

3) 2004 BEIPC Annual Report: The Executive Director, Mr. Terry Harwood gave a presentation on the Basin Commission's accomplishment report for 2004 and the amount of funding spent last

year on the CWA (Clean Water Act) projects. He informed everyone that color copies of the report may be downloaded from the BEIPC web site. Commissioner Jim McCurdy expressed appreciation for the exceptional job done on the report. Commissioner Krulitz thanked Mr. Harwood and his assistant, Ms. Jeri DeLange on behalf of the BEIPC for their work on the document.

4) CCC (Citizen's Coordinating Council): The Chair, Mr. John Snider thanked the BEIPC for their time and reported on the results of the CCC's recent election of officers. He said that he was re-elected as Chair and Ms. Kathy Zanetti was elected as the new Vice Chair. Both positions are for a two-year term. Mr. Snider pointed out that he included a copy of an editorial written by Vinetta Spencer in the CCC's board packet information. The article pertains to the perception of the basin in response to citizen's concerns and the EPA's new community involvement plan. He also mentioned that CCC members wished to express their appreciation to Mr. Tom Beierle (Ross & Associates) for doing an excellent job in providing administrative support and services to the CCC.

Mr. Snider then presented the CCC's comments for the 2005 BEIPC work plan and mentioned that it was difficult to review the plan adequately in the timeframe that it was received. He reported that the CCC is concerned about budgeting and incomplete cost estimates for the CERCLA projects. Other issues raised on the work plan include:

- How are the projects prioritized and which ones will be cut if there is insufficient funding?
- What trade-offs were made among the projects?
- How should project accountability be maintained?
- Why has the number of properties in the yard remediation program increased?

In addition, Mr. Snider related comments on Blackwell Island and that some CCC members believe the BEIPC should take a closer look at it because of the possible impacts from dredging activities. Another issue of concern was the Mission Flats repository site due to its historical significance, aesthetics, and wetlands. Mr. Snider stated that he wished there were a better location. In regards to the draft five-year work plan, Mr. Snider asked if the CCC could be given more time in order to evaluate it and make comments than it received on the one-year plan. Mr. Harwood replied that work on the five-year plan would be ongoing during the summer so there would be plenty of time to review it before the August 10 BEIPC meeting.

Ms. Kathy Zanetti gave a presentation on the CCC's concerns of the purpose and role of the BEIPC. She indicated that many CCC members originally believed the BEIPC was set up with the authority and funds to direct the Basin cleanup. However, because the funding did not come through, the question was raised whether the BEIPC is only involved in setting the priorities for the cleanup work. While the CCC understands the commission is a fledgling program, it also questions if it is being allowed to be as effective as it can be. Basin citizens question the value of their input on various issues. Ms. Zanetti stated that although the CCC and TLG members have the right to express an opinion, it is only in an advisory role. She expressed frustration that good qualified people have left the CCC and TLG because they believe that their concerns do not matter. The CCC hopes that these concerns can be addressed before more people leave and the BEIPC may be negatively affected.

To help mitigate the concerns, Ms. Zanetti said that the CCC would like to suggest that the BEIPC produce a brief pamphlet explaining who all of the participating parties are, what the relationships are between them, how much money has been spent on the various cleanup projects, and how the projects relate to the accomplishments of the BEIPC to date. She also mentioned the need to keep working on a prioritizing system, especially since funding will continue to be an issue. In closing, Ms. Zanetti expressed the CCC's appreciation of the Basin Commission and the CCC's goal to continue to work towards its success.

Mr. Harwood thanked the CCC Chair, John Snider and the CCC Vice Chair, Kathy Zanetti for their efforts and expressed his appreciation for their concerns and ideas for problem solving. He discussed funding for the pamphlet, what information should be included, and how often the information should be updated. Upon discussion, it was decided that the BEIPC would provide quarterly reports to the CCC and TLG with updates on the CWA (Clean Water Act) projects and the amount of funding spent to date.

Mr. Harwood then called on Mr. Mark Stromberg (IDEQ) to answer Mr. Snider's question about why the number of yards requiring remediation has increased. Mr. Stromberg replied that sampling results have indicated a higher number of properties requiring remediation (as specified in the ROD for the level of contamination) than originally estimated. Also, the ROD contained estimates for an unspecified number of properties that include ROW's (right-of-ways), common areas, driveways, commercial areas, etc. There are approximately 900-1000 properties that require remediation. Mr. Stromberg reported that 400 properties will be completed this year, rather than the 300 listed in the previous plan.

Commissioner Krulitz inquired about the availability of funding for yard removal with the 70% increase in properties requiring cleanup. Mr. Harwood answered that if Mr. Stromberg finds additional sites that meet cleanup specifications in the ROD, then he will be required to do them. He mentioned that funding for the additional work may be an issue. Ms. Angela Chung (EPA) stated that there should be adequate funding for property remediation in the Basin for the next few years. However, funding for Superfund is declining and other sites are being added. She mentioned that sampling will continue into the Lower Basin and we can see if the trends continue on the number of properties requiring remediation, or if the percentages decrease as we move further along. Ms. Chung reported that next year's plans involve remediation work on 500 properties.

Commissioner Krulitz expressed frustration that at the end of five years, no cleanup areas have been delisted. She believes that it would help if they could finish Kellogg, or just delist one city so that citizens could see that the process is moving forward.

In regards to the five-year plan, Commissioner Krulitz commented on her concerns with the design engineering work currently being developed in preparation for cleanup at the Golconda, Sisters, and Constitution mine site areas. She asked for assurance that there will be funding for this cleanup work with all of the funding being spent on yard remediation.

Mr. Bill Rust commented on the large increase in the property remediation work and the confusion in the number of residential properties and unspecified properties such as ROW's being rolled together because they are not the same categories. He suggested a project tracking report in order to differentiate between the two. Commissioner Kreizenbeck agreed that there is a difference in terms between the properties and that human health issues should be off the table before the funding runs out. Commissioner Hardesty asked if this information could be provided as part of the quarterly update.

5) Public Comment: Mr. Jim Hollingsworth, Lands Council, commented on two items. He mentioned that the first item was a suggestion made at the last CCC meeting that every 7th BEIPC meeting be held in Washington since one of the Commissioners is a representative of the state and also to hear the resident's concerns. His second comment was in regards to the lead cleanup/yard program. Mr. Hollingsworth reiterated that the yard program is about human health and making sure that children are not exposed to lead. He mentioned that we can discuss economic development, the Superfund stigma, pamphlets, or other things, but we have a moral obligation to save children's health. Mr. Hollingsworth expressed his concern over the safety of young children because they are at an age when they are extremely susceptible to lead poisoning.

The Chair, Commissioner Krulitz, explained to Mr. Hollingsworth that yard remediation work was prioritized and completed in homes with young children first. Mr. Hollingsworth reiterated that it is very important to make sure that no children are overlooked and that it should be an emphasis of the BEIPC to ensure this does not happen. Commissioner Krulitz replied that it has been very difficult to have people with young children get their children tested. Mr. Stromberg reported that they have been working on remediating yards with the highest risk first (children under 7 years of age and pregnant women). Mr. Hollingsworth remarked that his understanding of the program is that there is a one-time interior cleanup for the high risk, but those interiors are re-contaminated very rapidly during the cleanup process and that we should be aware of that.

Mr. Matt Beehner, Silver Valley resident, mentioned that his yard was sampled three years ago and he was concerned about the amount of sampling performed for such a large yard. No remediation was done. Mr. Beehner stated that he used to believe in the cleanup process. However, he has changed his mind since then because his neighbor's yard (which he claimed was an old city landfill) was remediated last year. He also remarked that while his neighbor's yard was being remediated, they stockpiled the excavated spoils within 150 feet of his home for four days, crossed his property line, dug down by his retaining wall which started to fall apart, and buried his survey point. He expressed his frustration with IDEQ and EPA, and does not feel that he was taken care of. Mr. Beehner thanked the BEIPC for their time.

Commissioner Krulitz mentioned that she had recently received a call about property survey markers being buried and that this issue should be looked into. Mr. Beehner stated that when he checked with the entities involved to find his survey point, he was told it could not be found. However, a few months later he found the survey point buried under about four inches of material on his property.

Ms. Toni Hardy, citizen below Harrison, mentioned that Lower Basin children are being exposed to contamination in recreational areas. She appreciates the questions and concerns about the

yard program and thanked Ms. Zanetti for her statement that the CCC will work on getting answers for people who feel they are not being heard. In addition, Ms. Hardy believes that issues with Blackwell Island, Union Pacific and Carney Pole should be brought to the Basin Commission. She inquired about the funding for the TLG Chair and questioned why there is no funding for county TLG representatives who actually lose income by volunteering their time. She believes that the counties should receive support from the county commissioners in order to retain their TLG representatives. Otherwise, they will lose the quality of representatives they have had in the past.

Break

6) TLG (Technical Leadership Group) Update: Mr. Phillip Cernera announced that he was re-elected as the TLG Chair and that Mr. Brian Spears accepted the position of Vice Chair. It was clarified that John Snider was elected Vice Chair, but declined and thus the position was offered to the next highest vote recipient, Brian. He mentioned that the TLG has been very busy the last few months working on the one-year plan. Mr. Cernera also mentioned that the TLG has been working on a rough draft for the five-year plan and there will be plenty of time over the next few months to present it to the CCC.

Mr. Cernera reported that several of the TLG calls have raised the issue of the proposed Blackwell Island dredging project. He believes that it would be appropriate if there were public discussions on it and questions if the TLG should become involved. He would like to ask the engineering firm who did the work on the permit to make a presentation at an upcoming BIF (Basin Information Forum) meeting, or to the TLG. There will be a 30 day public comment period soon which will provide an opportunity for everyone to get involved. Mr. Cernera then asked the BEIPC if they would be interested in getting involved, or if they would first like a presentation for more information.

Mr. Cernera also discussed the Carney Pole issue on the St. Joe River. He said that he has received concerns from people about why this problem has not been addressed and why it is not a part of the Basin process. Mr. Cernera mentioned that this is an important issue because of the need to keep contamination away from the St. Joe River and the potential for it to migrate downstream. He said that the EPA is currently in the process of looking at cleanup work. One option being suggested is to install a barrier (sheet pile) down into the ground about 20 feet deep and then grouting it. Another option calls for capping the contaminants. Commissioner Buell remarked that this is a huge issue for St. Maries and the city has spent \$300,000 so far trying to deal with this problem. The city does not own the ground and has not been able to initiate action against anyone responsible for the contamination. Commissioner Buell believes the barrier proposal is a good one.

Mr. Harwood asked the Basin Commission for direction in regards to this issue and other issues such as Blackwell Island. He indicated that the BEIPC needs to determine if they want to become involved. He also mentioned that some people have expressed frustration to him that the BEIPC is not involved, while other people definitely do not want the commission to be involved. Upon discussion, it was decided that this matter would be brought up later in the meeting.

7) CWA Project Update: Mr. Cernera reported that the 2002 CWA project work is ongoing, or has been completed. Field work on the bank stabilization project is finished and he has asked Nick Zilka to give a presentation. Draft reports on the deliverables for the Mullan I&I and Woodland Park projects are being reviewed by the TLG. In regards to the lake education project, the revised draft of the lake map is being reviewed with a final revised copy in the next three weeks, and the “*Our Gem*” CD presentation has been presented to various civic groups and schools.

Mr. Cernera indicated that there may not be enough land for the Mica Bay Nutrient Reduction project, so it may not be possible to proceed with the wetland treatment. This would mean that \$121,000 could be applied to other projects and will be discussed at the next TLG meeting. Commissioner Currie inquired if there was not enough physical land, or if it was due to ownership. Mr. Cernera answered that land ownership is the problem and there is no access to do work. He is researching this with Terragraphics and will find out if additional land may be purchased.

Mr. Harwood reported that he has been working on the CWA contracts for the 2004 work with the projects starting as soon as the funding becomes available in July. He also indicated that he has taken over the contract management for all of the CWA projects and that everything must now go through him.

8) TLG Voting Procedures: Mr. Harwood mentioned that there was confusion in the language of the TLG voting protocols for the recent election of officers. The TLG procedures stated that each of the agencies may have two representatives, but only one vote. He reported that the voting procedures have always been followed in the past and were again followed for the election of officers. Mr. Cernera also confirmed that the TLG has been using this same method for voting since the inception of the TLG.

Commissioner Krulitz expressed her concerns (which she also shared at the Basin workshop on January 19) that the county commissioners interpreted the protocols to mean that it would be either 7 or 14 votes because it states that TLG representatives are appointed by the 7 basin commissioners, and that each commissioner may appoint two members. Commissioner Currie mentioned that he discussed this with his predecessor, Commissioner Panabaker, who also interpreted the protocols in the same way. Commissioner Currie mentioned that he believes the voting for the TLG should be more representative of the Basin Commission and it gets overwhelming with each entity having a vote.

Commissioner Kreizenbeck responded that he believes this interpretation of TLG protocols is not correct. Technical people should be able to discuss technical issues and not have to get down to the vote count. He stated that he is here representing several other agencies who are also members of the TLG and natural resource trustees in the Basin. As a trustee, they have a right and vested interest and he wants to protect this. He believes that he would be remiss if he did not protect this right. Commissioner Krulitz inquired who the trustees are. Mr. Harwood responded to Commissioner Krulitz’s inquiry as to who the trustees are and answered that they are the land managers, Forest Service, BLM, Fish & Wildlife, State, and Tribe. He explained that under CERCLA, the EPA and State have responsibilities to implement the cleanup, but a lot of federal

agencies, the Tribes and the States, also have trusteeships over the natural resources. Mr. Harwood reiterated that they are part of this whole process and you cannot disenfranchise them. In addition, they cannot bring you a recommendation without having a vote.

Commissioner Krulitz commented that the three county commissioners believed that they represented all of the municipalities within their counties at the time the Basin Commission was formed. Commissioner Buell pointed out that there are two separate issues being discussed, and that he believes the governmental entities should have a vote on technical issues. If the counties want to have additional representatives on the TLG from cities or entities that are not currently members, they can do so. He stated that we all put TLG people on and they are supposed to represent us.

Commissioner Hardesty mentioned that she had three different people review the TLG voting protocols and received three different interpretations. She believes the process should be clarified. Mr. Harwood commented that he was one of the persons who counted the votes and that they were spread out all across the board within the state and federal agencies. Commissioner McCurdy expressed that he feels the voting is fine for technical issues, but the language for voting on the TLG Chair should be looked at. He would also be in favor of bringing in other representatives with technical knowledge from other cities with land management responsibilities in the Basin.

Mr. Dave George reported that Lloyd Brewer asked him to relay that the State of Washington has only one vote on the Basin Commission. Therefore, the state, counties and cities (i.e. Spokane, Spokane Valley, etc.) lose their voice because they all have different opinions. Commissioner Kreizenbeck mentioned that he appreciates Mr. George bringing this information forward as the cities and counties do not agree on many issues. Commissioner Allan inquired when the protocols were adopted and why this is an issue now, as there were no issues with voting in the past. Mr. Harwood answered that the protocols were adopted in 2003.

Commissioner McCurdy reported that he also appreciates the comments relayed by Mr. George from Lloyd Brewer. In addition, he wanted to point out and state for the record: "The State of Washington's position tends to keep up with all constituent's concerns (i.e. environmental, business, city, county, etc.) We have, I think, that responsibility to all of the parties, not just to the official state position in Olympia."

Mr. Rogers Hardy, TLG member, offered two comments: The first was that there was no county representation at the staff table; and secondly, the issue of funding for members of the TLG. He said that large cities like Spokane have the funding to support their TLG representatives, but smaller cities in the Silver Valley do not. The county's representatives are citizen volunteers. In the larger TLG body, the volunteers are not equal to the TLG representatives who receive financial support.

Mr. Harwood asked Commissioner Krulitz for direction on what the BEIPC would like him to do on this issue. Commissioner Krulitz stated that she believes it should be open to everyone, but that the voting protocols need clarification. She suggested that the Executive Director come back with a few options. Commissioner Kreizenbeck mentioned that rather than impose new

protocols for the TLG, he would like to hear from the TLG on how it can work better and what attributes contribute to the process. The TLG Chair, Mr. Cernera responded that he feels some people are trying to squelch the voice of the TLG. He indicated that the process has been working and suggests that the protocols be clarified to reflect that each entity has one vote.

Commissioner Krulitz inquired about funding for the TLG Chair. Mr. Ed Moreen of the EPA reported that the position was funded last year by the EPA, and that they contributed \$30,000 in seed money for this year, which was available to any party willing to chair the TLG. Commissioner Krulitz then mentioned how the TLG membership has increased from the original seven (7) to twenty-four (24) governmental entities being represented. She believes the Basin Commission is not following the voting protocols as they were written and that the different opinions need to be clarified.

Commissioner McCurdy remarked that in listening to everyone's comments, that there does not seem to be a problem with the interpretation of the TLG's voting protocols in which every entity has one vote; except in regards to the vote for the TLG Chair. Upon further discussion, it was determined that because the TLG Chair is elected to a two-year term, there would be plenty of time to address this.

9) TLG Staff Support: Mr. Harwood indicated that in reviewing the TLG protocols, he found that the Executive Director's office and staff are required to help provide administrative support. So now, Ms. DeLange is also providing technical support and assistance to the TLG for their meetings and weekly conference calls. In addition, Mr. Harwood said that he is working very closely with the TLG to: administer the CWA contracts; evaluate the work and product being produced; and making sure that the work is acceptable.

Before breaking for lunch, Commissioner Kreizenbeck made a motion to go into Executive Session under Idaho Code 67-2345 to discuss personnel matters. The motion was seconded by Commissioner McCurdy and unanimously passed.

Lunch

The meeting reconvened after lunch when a motion was made to go out of Executive Session by Commissioner Currie. The motion was seconded by Commissioner Buell and was unanimously approved. The Chair, Commissioner Krulitz then called the meeting back to order.

10) 2005 Work Plan: Mr. Harwood explained the process of the TLG's recommended one-year work plan and said that normally it would be approved by the end of November of the previous year. However, work on this year's plan did not start last year because of the time the BEIPC spent in the search for the Executive Director. After Mr. Harwood was hired in December, he has been working hard to get everything caught up. After the five-year plan is approved in August, the schedule for next year's work plan for 2006 will be back on track and should be approved by the end of November 2005.

Mr. Cernera then presented the TLG's recommended one-year work plan for 2005. He pointed out that the work in Section 1 pertained to Superfund and that Section 2 referred to the CWA

projects which the BEIPC previously approved. Mr. Cernera asked if anyone had questions or comments before the plan was approved. Commissioner Currie inquired about treatment systems for active vs. passive technology in order to achieve remediation goals and what the cost standpoint would be for each. He expressed concerns that with an active system there would be ongoing costs that would need to be funded. Commissioner Currie mentioned that if the EPA built an active facility, then it would be up to the counties and state to take it over and he questioned where the costs would be recouped. Mr. Harwood replied that both types of systems have maintenance costs and that someone will need to provide funding.

Commissioner Krulitz inquired about what the ROD (Record of Decision) had to say. Mr. Cernera answered that the ROD indicates that we need to do a treatment system at the bottom of Canyon Creek, but it is not specific. He said that various systems have been discussed with the concepts of active vs. passive, or possibly a combination of both. Ms. Anne Dailey (EPA) mentioned that the EPA is evaluating treatment options for zinc loading. Mr. Rob Hanson (IDEQ) reported that the state is working on creating an O & M (operations and maintenance) fund, but that it will take time for it to accumulate.

Commissioner Krulitz then asked about funding of the TBD (to be determined) costs in Section 1 of the work plan. Mr. Harwood answered that EPA will implement the requirements of the ROD for Section 1 and how much they spend is their prerogative. Mr. Cernera replied that the TBD costs all fall into the Superfund category. Only the costs of the CWA projects fall under the purview of the Basin Commission and those allocations will be spent as approved by the BEIPC. He also explained that there are no TBD costs in any of the CWA projects; all of the funding has been set. Commissioner Krulitz questioned why one of the CWA projects had been given all of their funding when only 10% of the work had been done. Mr. Harwood answered that all federal agencies (i.e. Forest Service, BLM, etc.) are required by law to have their entire project funding in hand before they advertise a contract for the work.

11) Public Comment on 2005 Work Plan: Mr. Bill Rust commented on the Canyon Creek treatability work. He said that approximately \$700,000 has been budgeted for this year which includes \$400,000 to \$500,000 from the EPA for the Phase 2 treatability study and \$200,000 from the EPA's office of Research and Development (R&D) to study passive treatment. Mr. Rust mentioned that he recalled in a letter from Steve Allred (IDEQ) to John Iani (EPA) that the ROD calls for passive treatment; and that if the EPA chose active treatment, a change in the ROD would be required. Mr. Rust believes that the EPA and the State need to resolve this issue and should not continue to spend money to develop an active treatment system that the State will not fund their share.

Mr. Rusty Shepherd, TLG member, commented that he heard Mr. Harwood describe that the 2005 work plan, NAS (National Academy of Science) report, and the EPA's five-year review may have significant input on both the BEIPC's 2006 work plan and five-year plan. As Mr. Shepherd understands it, the final five-year EPA review is scheduled in September, the final NAS report in October, and approval of the Basin Commission's five-year plan will be in August. He suggested that the board needs to consider when it will do the five-year plan because the other two reports may affect the input greatly.

Secondly, Mr. Shepherd indicated that in the MOA (Memorandum of Agreement) it states the board may participate with the EPA in the development of Phase 2 work in operable unit #2 (OU2). He would like to also suggest to the board that they make the decision to participate on the Phase 2 work because it has a direct impact on the metal loading in the South Fork, CDA River, and the lake. Commissioner Krulitz responded that this issue will be discussed later.

Commissioner Currie asked Mr. Cerna to respond in reference to Mr. Shepherd's comments about the five-year plan. Mr. Cerna answered that in order to provide the board with a plan for approval in August, the TLG could:

- Note that information from the NAS report and EPA five-year review will be forthcoming;
- Outline the recommendations generically in the sections that apply; and
- Update the sections later as the data evolves.

Mr. Harwood mentioned that the five-year plan will be updated each year, but he wants to be able to give an approved plan to the EPA so they can take it to D.C. to request funding for 2006. Then in the interim (depending upon whether the BEIPC chooses to become involved in Phase 2, or the final results of the NAS and EPA reports), any modifications that need to be made can be incorporated into the generic five-year plan. Mr. Harwood reiterated that the BEIPC does need to come to a decision on Phase 2 of OU2.

Ms. Kathy Zanetti, CCC Vice Chair, inquired about the TBD costs and her concerns that the funding will run out before the cleanup work is completed. She suggested that maybe the TBD costs could be listed as not to exceed a certain amount, if that was possible. Ms. Zanetti believes that listing it this way may set some parameters and be a comfort zone for some of them. Mr. Harwood answered that in a ROD, the estimated costs are not the budget for the EPA. They receive an appropriation each year which they have to request. Also, the inflation rate is not figured in and that has to be adjusted. Mr. Harwood hopes this information helps to clear up the misunderstanding of the TBD costs.

Ms. Zanetti also inquired about the ICP (Institutional Control Program) program. In particular, ICP Section 1.2 in the work plan which states that the development of the ICP is necessary to keep remedial areas from recontamination, protect public health, and then goes on to say issues left to resolve include, but are not limited to the geographic extent in which the ICP will be implemented. Ms. Zanetti asked if there is an actual boundary where this 1500 square mile additional Superfund site exists because this may involve the St. Maries pole plant and Blackwell Island under the direction of Superfund in OU3. She mentioned that if the boundaries could be established, maybe the OU3 ICP could be plugged in better. Ms. Angela Chung responded that it was a very good question and the EPA has been discussing this with some of the parties who will be involved in running the OU3 ICP. One of the methods they are looking at as a way to develop the boundaries is through sampling. This has yet to be defined. There are no boundaries now, but they will be established at the time the ICP is adopted.

Ms. Toni Hardy, Lower Basin citizen, inquired how the 72 mile Union Pacific Superfund remedy (which will have an ICP) fits into this when it is excluded from the ROD for OU3. She stated that no one will talk about it and none of the rules are enforced. Ms. Hardy expressed her

concerns that there are 72 miles with much of it highly contaminated, with dust flying, and no enforcement. She reiterated how this issue fits in when it is not in the ROD or the Basin Commission's responsibilities.

Mr. Jim Hollingsworth, Lands Council and Spokane resident, mentioned that there was no public comment for the TLG rules discussion and asked if he could comment now. He believes that the rule change is a non-issue and that the only reason some people object is because they disagree with the voting results. Mr. Hollingsworth also believes that the TLG is working fine and that the rules do not need to be changed. He pointed out that if the rules are changed, it may put the State of Washington's participation in jeopardy and the State would like more participation, not less. He also pointed out that in the lack of funding for the issue of active vs. passive treatment, Washington could be another source of funding for the project if they were more involved. Mr. Hollingsworth remarked that they would like people to see the state line as erased and to start thinking of everyone as living in the same watershed sharing the same responsibilities and liabilities. He also commented that the State of Washington and Spokane have financially benefited much more than the Silver Valley as far as wealth is concerned, and they believe they have an obligation to not leave Idaho holding the bag. He made a suggestion to the Commission to start thinking in terms of letting Washington having equal representation, perhaps a veto in the voting process, and there may be additional sources of funding to get more projects done on a watershed basis.

Commissioner Krulitz closed the public comment period and asked if there were any further questions or comments from the Commissioners. Commissioner Ron Kreizenbeck made a motion to approve the 2005 one-year work plan, seconded by Commissioner Allan. The motion passed with unanimous approval.

12) Lake Map Presentation: Ms. Rebecca Stevens, Kootenai Shoshone Soil & Water Conservation District (KSSWCD) made a presentation on the second draft of the map for the lake education project. She reported that they have been receiving good comments on it. Ms. Stevens asked the Commissioners to review it and send their comments to her or Mr. Cernera as soon as possible. They would like to finish the revisions and produce the final copy in two weeks in order to get the map printed for the summer recreational season.

Mr. Harwood reported that the lake education project was a 2002 CWA project. He said that \$80,000 was allocated, but only \$50,000 has been spent so far. The KSSWCD and Tribe have requested the rest of the allocation and he wanted to check with the Basin Commission first before giving them the final allocation. The Commission approved the allocation.

Commissioner Krulitz thanked Ms. Stevens for her work on the lake education project and making presentations at all of the schools.

13) Public Comment on Lake Map: Mr. Bret Bowers, CDA Lakeshore Property Owners Association, commented on the good job with the lake map revisions and that he looks forward to using it. He inquired about the status of the lake management plan implementation between the State and the Tribe. Commissioner Hardesty responded that they had a conversation earlier in the day and they are putting together agenda items for the next meeting. She suggested that it

be a topic at the next meeting. He then asked about the status of the state application and was informed that they were working on it. Mr. Bowers final comment dealt with listening to the discussion and TLG recommendations in reviewing the Blackwell Island project. He questioned the need for the TLG to review it if the lake is not in the ROD prescribed for active remediation and private enterprise is completing all of the necessary permit requirements and going through the proper channels to complete the process. Mr. Bowers believes that private development should be allowed if they are producing results which will not affect the water quality in a negative way.

Commissioner Krulitz suggested that public comment be kept only to the lake map.

Ms. Toni Hardy commented that private land would be designated and added to the lake map.

Mr. Cernera discussed the schedule for completing the lake map and then asked for direction on approving the final revision. Commissioner Kreizenbeck made a motion for the Basin Commission to empower Mr. Cernera, Mr. Harwood, and the lake education group jointly to make the final decision on printing the map. The motion was seconded by Commissioner Allan followed by discussion. Commissioner Currie added his comment that it would be fine as long as the final decision would not be made for at least two weeks in order to give everyone time to make final comments. The motion was passed with unanimous approval.

Before proceeding on the five-year plan, Mr. Harwood mentioned that he wanted to clarify an issue for Mr. Bowers in that Mr. Cernera was reviewing the Blackwell Island permit application for the Tribe. Mr. Cernera remarked that although he was reviewing it for the Tribe, it also came up in several of the weekly TLG conference calls. There were questions raised because the technical group is concerned about technical issues in the lake.

Mr. Rusty Shepherd wanted to clarify another issue about Blackwell Island. The dredging is not associated with the lake as he understands it. It is associated with a branch of the Spokane River because the marina is located in a specific canal. He stated that this makes a big difference and asked for clarification on this issue. Commissioner Krulitz responded that at this time, the Basin Commission has not decided to do anything official in regards to Blackwell Island.

14) Other Comment: Ms. Anne Dailey reported on two recreational project sites in the Lower Basin. There will be a community public meeting at the old Rose Lake School on May 16 to discuss possible development of these sites.

Commissioner Hardesty reported on three pending land transfers that will be made to the City of Kellogg, Shoshone County, and the South Fork CDA River Sewer District. These properties have been subject to the Superfund cleanup and came into the ownership of the EPA when Gulf Resources went bankrupt. Under Superfund law, EPA cannot keep the property and must turn it over to the State. Idaho Code then authorizes the disposition of the land. Open public comment will be provided for the citizens before any transfers are made.

Break

15) BEIPC Five-Year Work Plan: Upon discussion of the five-year work plan, the issue was raised on whether the Basin Commission should become involved with work on Phase II of OU2 pertaining to groundwater. Commissioner Jack Buell made a motion for the BEIPC to get involved with Phase II. Commissioner Kreizenbeck seconded it and the motion passed unanimously. This will be incorporated into the five-year plan.

16) East Mission Flats Repository: Mr. John Lawson, IDEQ, made a presentation on the Mission Flats repository site.

17) EPA Five-Year Bunker Hill Review: Ms. Tamara Langton, EPA, gave a presentation on the five-year review of the Bunker Hill site implementation. The EPA is legally required to do a review every five years to evaluate the remedy performance. The deadline for public comment is June 30. It may be viewed on the web at: <http://yosemite.epa.gov/r10/cleanup.nsf/sites/bh> Ms. Langton also mentioned that EPA will be holding open houses during June in Kellogg, Coeur d'Alene, Rose Lake, Wallace, and Spokane.

18) Announcements: Mr. Cernera mentioned that a BIF (Basin Information Forum) meeting is being planned for June 2.

There being no further business, Commissioner Krulitz thanked everyone for coming and adjourned the meeting.