

BEIPC MEETING MINUTES
Basin Environmental Improvement Project Commission
August 15, 2007

Wallace Inn, Gold Room
100 Front Street, Wallace, ID

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners:

Mr. Jon Cantamessa (Chair)

Mr. Rick Currie (Vice Chair)

Ms. Toni Hardesty (Secretary/Treasurer)

Ms. Elin Miller

Mr. Jack Buell

Mr. Phillip Cernera

Mr. Grant Pfeifer

Alternates Present:

Ms. Sherry Krulitz

Staff Present:

Ms. Jeri DeLange

Mr. Rob Hanson

Mr. Dave George

Mr. Ed Moreen

1) Call to Order and Introductions: The BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County), called the meeting to order at 9:30 a.m. He welcomed everyone and introduced the Basin Commissioners and alternates. He also acknowledged staff members from the Congressional delegation and Governor's office - Ms. Tina Jacobson (U.S. Congressman Bill Sali) and Mr. Mark Compton (Governor Otter's North Idaho Office).

2) Approval of BEIPC Meeting Minutes from May 23, 2007: Commissioner Cantamessa asked if there were any changes or corrections to the minutes. The following were noted: 1) Page 3, paragraph #5, Commissioner Cantamessa indicated that he may have incorrectly stated his comment about monitoring data. He explained that he did not feel the need to gather more information for the lake model. However, he believed that monitoring was very important for the LMP, but that we do not need to gather more data except through that process; 2) Page 13, paragraph #3 at the bottom, Mr. Cernera clarified that the vote was not unanimous as he had abstained on the vote. Commissioner Rick Currie made a motion to approve the minutes as corrected. Commissioner Toni Hardesty seconded the motion and it was approved unanimously.

3) CWA Project Final Report – Lower Lakes Aquatic Vegetation Survey Project: Mr. Dave Lamb (CDA Tribe) thanked the BEIPC for funding the project and gave a presentation on the final report. He explained that the purpose of the project was to:

- Develop baseline data on submersed aquatic plant species distribution and biomass in Benewah, Chatcolet and Round Lakes;
- Estimate nutrient (phosphorus and nitrogen) release from the existing plant beds into the water column of these lakes and subsequently into CDA Lake; and
- Inspect these lakes for the presence of invasive, noxious aquatic species.

Mr. Lamb stated that the results provided beneficial information on aquatic vegetation and nutrient releases into the Lake; and that this would be an important issue for Lake Management Planning (LMP) efforts as nutrient releases may help to support algae growth in the Lake. He also emphasized the importance for controlling noxious weeds (especially Eurasian milfoil) and recommended that management guidelines and an integrated management plan need to be established. He indicated that he was working on one for the Tribe's southern portion of the Lake and that it would be good to have an overall aquatic management plan for the State.

4) CWA Project Update – Silver Crescent Habitat Improvement: Mr. Jeff Johnson (Forest Service) gave an update on the Silver Crescent mine/mill habitat restoration improvement project in Moon Gulch. He mentioned that the site previously posed human health hazards to the residential area downstream from releases of lead, zinc, cadmium, copper, mercury and arsenic. In addition, people were using the site as a recreational area. He said that the site was successfully remediated and an on-site repository was created for the contaminated material that was removed. Mr. Johnson then reported on the construction and restoration efforts for returning the site to fish and wildlife habitat and the re-establishment of riparian and wetland areas. The construction should be completed next year and five years of monitoring will follow. He pointed out how well the project was going and the number of wildlife and fish returning to the site. He also offered to give people a tour after the construction is at the 50% phase.

Break

5) CWA Project Update - Canyon Creek Treatability Study: Mr. Dave Griffis (Pioneer Technical) made a presentation on the Canyon Creek Treatability study. He indicated that the purpose of the project was to provide a conceptual design for a cost effective water treatment system that utilizes lime addition and open lagoons to meet the requirements of the OU3 ROD by reducing the amount of zinc loading to the Canyon Creek drainage. Mr. Griffis reported on the treatment options that were studied and suggested that the primary treatment would probably be for surface water. He also presented cost estimates of the final design needs for the various treatment options as well as for operation and maintenance. The BEIPC Executive Director, Mr. Harwood, mentioned that the final report will be available at the BEIPC office and that the results will be discussed by the water treatment PFT.

6) Update on Golconda, USBM and Rex Mine/Mill Site Remediation: Ms. Anne Dailey, EPA gave a brief update on the mine/mill remediation. She said that: 1) work had been completed at the Golconda site, the area hydro-seeded, and the temporary bridge removed; 2) work on the Rex site was on-going and should be completed in September; and 3) they were continuing design

work on the Bureau of Mines site near Osburn to reduce the potential for human health effects associated from the heavy use of ATVs at the site.

7) LMP (Lake Management Plan) Update: Commissioner Toni Hardesty gave an update on the status for the negotiated LMP process. She informed everyone that the previously scheduled meetings for July 26 and 27 were cancelled due to family emergencies. She stated that no meetings regarding the LMP had taken place, but had been rescheduled for September 10-11; and that she wanted to lay out the timeframe and process for the next few months.

Commissioner Hardesty indicated that the meeting on September 10 will be a working session between the State and Tribe. The second day meeting will be a working session between all of the other stakeholders with the State and Tribe. She mentioned that more information will be provided, but that this meeting will be for the counties and all of the key stakeholders involved in the process.

She then stated that the next sessions will be October 9-11 and will be three days of working sessions with key stakeholder involvement coming in and working with the Tribe and State. There will be material produced prior to those meetings, so that everyone will have an opportunity to review and come prepared to discuss that information. Then out of each of those meetings (after the stakeholders meet), there will be key documents delivered to everyone and another opportunity for additional review and comment based on the written work products produced after those sessions. At the same time, the consultant that is working on the mediating process will be going through all of the key documents and identifying all (for lack of a better term) boiler plate language and those things that already existed in the former LMP plans and drafts that do not seem to be controversial or issues of concern. In this way, she explained that the information can be compiled and sent out to everyone. Then we can say we believe this may be in the plan; and to please give us comments unless you see otherwise.

Commissioner Hardesty also commented that work has proceeded on lake monitoring and the LMP audit project. The lake monitoring plan is finalized and the third round of monitoring is scheduled in August. The interviews for the LMP audit project to collect information to update the lake management action tables are 80% complete. She indicated that this is a brief update and plan of how the LMP process is going to work for the next few months.

Commissioner Currie asked where the LMP meetings will be held. Mr. Phillip Cernera (CDA Tribe) answered that they do not have a location yet, but that they will be held in Coeur d'Alene. He mentioned that key stakeholder involvement has been an issue within this group; and that the State, Tribe, and EPA have focused on how to bring all of the stakeholders into the process. Mr. Cernera recapped that they have a draft outline of a plan and that the mediator will review the State and Tribe plans to identify those sections that are not controversial to add to the draft outline. He emphasized that even though they do not have much of a plan, they want to share it with the stakeholders, State, Tribe, and EPA to develop the outline as best as possible. Then they will bring in specific key stakeholders to come prepared in October to provide comments on key components. Mr. Cernera added that everyone has seen both plans and hopefully it will satisfy people's concerns. He also mentioned that Mike Beckwith had recently resigned his post with the Tribe and that he had been a key component in the Tribe's planning process.

Commissioner Cantamessa commented that the process for the LMP sounded a lot more encouraging as the counties and other stakeholders wanted to be involved. Mr. Grant Pfeifer (WA Dept. of Ecology) offered assistance if there was anything that the State of Washington could do to help. Commissioner Elin Miller (EPA) added that the EPA was also interested in providing input in the process.

Mr. Rusty Sheppard (Kootenai County TLG rep.) asked how the current LMP audit related to the writing of the LMP. Mr. Cerner responded that by using the new information collected on the lake management action tables to revise the old tables, it would then become a component in a chapter of the new plan. Mr. Sheppard expressed concern that this was not part of the audit process and that he believed the lake management action tables should be revised separately. After additional questions and discussion on this issue, Ms. Rebecca Stevens (CDA Tribe) provided information on the process that she and Mr. Glen Rothrock (IDEQ) used to conduct the audit. She also emphasized that the information would be available to everyone.

Mr. Rog Hardy (Benewah County TLG rep.) commented on the LMP process. He said that it sounded like it had reached a milestone and he applauded it, but that a lot of citizens do not even know about this issue. In addition, he brought up that some citizens have been participating in the process for revising Kootenai County's comprehensive plan and suggested that it was vital to coordinate the two processes, or at least have the two processes aware of each other. Mr. Hardy added that it applies to Benewah County as well, but that they are further along in their process.

7) Update on Basin Infrastructure and Flood Revitalization Plan: Mr. Terry Harwood gave an update on the status of the Basin infrastructure and flood revitalization plan. He reported that he first met with the communities and utilities to discuss infrastructure (i.e. drinking water, wastewater, gas, etc.) to develop an inventory and maps. Then he worked on flood control for stormwater runoff impacts to the remedy which included maps of drainage and historical mining activities. Mr. Harwood suggested that it would be good to combine activities for infrastructure and flood control as it does not make sense to dig up a street for improvements if you are not going to take care of everything. He asked his contractor, TerraGraphics, to meet with everyone to prioritize the various projects and get an overall understanding of the condition of the infrastructure. Funding sources such as grants, etc. will need to be identified to make the improvements after the final plan is completed.

Lunch

8) CWA Project Final Report – North Fork CDA River Hydrologic and Sediment Study: Ms. Karen Kuzis (Watershed Professionals Network, LLC) made a presentation on the hydrologic and sediment study for the North Fork of the CDA River. She mentioned that the largest current sediment sources in the sub-basin are roads encroaching on channels; and the second highest are from culvert failures and washouts. However, she indicated that most of the sediment in the river is from legacy inputs such as mining and timber harvest. Ms. Kuzis also reported on the results of data collected for key watershed issues such as peak flows, sediment inputs, channel conditions, and fish. This information will be provided to the North Fork Technical Advisory Team and other agencies along with general recommendations for improvements. It may also be used for the focus of a TMDL implementation plan.

9) CWA Project Final Report – Lower River Sediment Model: Mr. Steve Lipscomb (USGS) made a presentation on the lower river sediment model on behalf of Mr. Charles Berenbrock who was unable to attend. The purpose of the project was to develop a model that could provide resource managers with a means for evaluating proposed projects designed to minimize the transport of metal contaminated sediments from over 100 years of mining in the CDA Basin. The model will also be used to better understand how the river system works (for both current and future conditions) and to avoid unanticipated and costly mistakes. Mr. Lipscomb mentioned that Mr. Berenbrock will have the final report completed by the end of the year.

10) Update on Contaminant Management PFT Activities and Presentation of Issues Analysis Paper: Mr. Harwood indicated that he was directed last year by the BEIPC to form a PFT to investigate contaminant management issues around CDA Lake and the slack water portion of the Spokane River (behind the Post Falls dam). The PFT found that there are currently no rules or regulations for excavating or dredging activities within this area as well as no jurisdictional authority. Mr. Harwood mentioned that if contaminated material were removed, then whoever hauls it may be potentially liable under CERCLA. He indicated that the PFT was in agreement that something needed to be done.

At the BEIPC March meeting, he said that the BEIPC requested that the Executive Director and the PFT develop some conclusions and recommendations to bring back to them. Mr. Harwood said that he gathered data and wrote a report, but that the PFT requested that he note the recommendations in the white paper were his own and not the opinion of the PFT as some of the PFT members could not agree on the issues. Some of the issues include:

- The Lake and River sediments are acting as a repository for mining related contaminants;
- There is an increased level of dredging or excavation activities around and in the lake that may not have been anticipated by the interim ROD;
- If material is removed, it needs to be tested to see if it contains any metals contamination and then properly disposed of;
- Management of contaminated material needs to be dealt with in an enforceable manner (although this was one issue that not everyone on the PFT agreed with);
- The intent of the interim ROD for OU-3 appeared to deal with contaminant management through the LMP process, but that the LMP does not deal with dredging;
- What are the responsibilities for the various agencies?
- How do we deal with funding a contaminant management plan for the Lake and River?

In conclusion, Mr. Harwood indicated that by going through the whole process it became apparent that if we are going to take a CERCLA or Superfund remedial action on the Lake, then the ROD will probably need to be amended (because of the way the interim ROD is written for OU-3); or we will need to use another process because the EPA cannot use Superfund funding unless they have a CERCLA remedy of some kind required. He also suggested that if we used some additional type of CERCLA activity, that it may result in less work in the Upper Basin because there is only so much funding from the EPA and State unless we could get additional appropriations from Congress. Mr. Harwood also brought up other contaminant management issues such as the possibility of nutrient loading into the Lake releasing metals contamination from the bottom sediments; and the fact that the Spokane River is the greatest recharge inflow

into the Rathdrum aquifer. He then discussed some of his recommendations in his white paper which include:

- The Lake and the River should be managed to control the disturbance and migration of mine waste contamination as well as natural resources;
- The sediments in the Lake and River are (in fact) repositories for heavy metals;
- The counties (as managers of the uplands) need to work with the State and Tribe to develop management controls for upland activities;
- Contaminant management controls for managing flood plain excavation and dredging activities should be developed and coordinated with the COE (Army Corps of Engineers) and the IDL (Idaho Department of Lands);
- Testing should be done along the Lake and River before any excavated or dredged material is removed;
- A repository site is needed for contaminated material that is removed; and
- There needs to be a negotiated agreement for enforcement.

In addition, he believed that the BEIPC along with the TLG and PFT was the route to work through to develop a solution for contaminant management. He asked the BEIPC to review this discussion to give the PFT some direction on whether they would like to continue with this process and what they would like the PFT to continue with. Mr. Harwood pointed out that a vote on this issue was required later in the meeting after the CCC presentation and public comment period.

Commissioner Cantamessa stated that this was a very complex issue and that he wanted to suggest that it could be part of a greater project at the November BEIPC meeting with a strategy forward from the BEIPC. He suggested that it may be appropriate to hold a half-day workshop for the BEIPC that is open to the public to discuss this issue in November. Mr. Harwood said that he agreed, but that it was important for the BEIPC to provide direction.

11) CCC Comment and Presentation: Mr. John Snider (CCC Chair) reported on the CCC meeting that was held on August 1. On contaminant management, he said that there seems to be a lot of polarization on this issue and whether to move forward or wait for the LMP. He indicated that there is a lot of controversy when the term ICP is brought up for the Lake, but suggested that there may be a lot of misunderstanding about what ICPs do. Mr. Snider also mentioned that there seems to be a great deal of fear about government control. He suggested that the BEIPC needs to seriously think about this in terms of the Lake and the process to get to a partial deletion. He asked if there is an ICP, then what happens to the partial deletion. He indicated that there was a lot to think about in the terms that Mr. Harwood had proposed; and that there are both positive and negative things to say about it. Mr. Snider feels that the PFT and other people need to step back and see where the LMP process goes and then maybe take a look at this again.

Other issues the CCC discussed included blood lead testing and Mr. Snider mentioned that a motion was approved to continue support of the Human Health PFT's intervention program. He said that the CCC believed it was valuable thing to keep addressing and also recommended that the BEIPC should continue to support the PFT's effort. Also presented at the CCC meeting was an update of the LMP audit by Ms. Rebecca Stevens (CDA Tribe) and Mr. Glen Rothrock

(IDEQ). Mr. Snider indicated that they had done a lot of work on the audit and that the information would be useful in the future. However, in regards to revisions for the lake management action tables, he suggested that recommendations be made first to the proper authority through the LMP process and that the proper authority make the revisions. On the repository issue for the EMF (East Mission Flats) site, Mr. Snider pointed out that the timeframe for the repository was driven by the Basin ICP that was approved by the State Legislature and became effective July 1, 2007. He said that this made it a quick turn-around for IDEQ to put everything together. Some of the CCC public comments included opposition against the EMF location. However, Mr. Snider believed that there was some misunderstanding about the selection for the site location. He explained that according to Mr. John Lawson (IDEQ) the EMF location had already gone through an extensive public process and that public comment was only being taken on the design itself. In addition, Mr. Lawson had offered to look into mitigating problems immediately and to further encourage continued dialogue and to voluntarily continue the discussion and additional forums. He suggested that people contact Mr. Lawson if they have concerns.

12) Public Comment on Contaminant Management Issues: Ms. Julie Dalsaso (CCC member) mentioned that she had participated in a discussion on some of the institutional control issues last night at a meeting in Spokane. In addition, there was also discussion about a large development in Harrison, three waterfront golf courses, overlapping shoreline development, and TMDL loading. She suggested that there may be some sediment disturbance or dredging issues there too. Ms. Dalsaso indicated that she was involved with dredging issues at the IDL recently and that it was interesting to hear their role with dredging and that they are now changing some of their rules. She believed that there is an opportunity with timing for the “gray area” of the interdependent zone of OU-3 for the high pace of development that is going on. Ms. Dalsaso also heard that a home development has been proposed at Black Lake which is in an area that is heavily contaminated. She emphasized that this was another interdependent “gray area” that highlights the need to her that institutional controls are needed. Ms. Dalsaso brought up other various issues such as dredging at Blackwell Island and stressed the need for rules now. She urged the BEIPC to vote upon institutional controls at today’s meeting.

Commissioner Currie advised the public that the county commissioners sitting on the BEIPC may not hear testimony in reference to developments that will come before them for a vote and suggested that people be careful in how they address those comments.

Mr. Jim Hollingsworth (Lands Council and CCC member) said that he wanted to follow up on some of Mr. Snider’s CCC comments. He wondered if anyone else had made the connection that there had been a breakthrough with public participation in the discussions about the LMP; and that it made a lot of people feel better. He said that it also gets the process going because up to now some of the things discussed were not things that the public really cared about. He reiterated that instead of talking about the “process” and going around in circles that we need to get the people in and find out what their concerns are. He indicated that some people may be afraid of what will happen to their private property. Mr. Hollingsworth suggested that the CCC open their meeting up so that people can talk to each other about what their concerns and fears are and reach middle ground. He commended the State and Tribe for opening the LMP process to hear what people have to say.

Mr. Rogers Hardy (Benewah County TLG rep.) mentioned that it was good to hear the announcement about the LMP process being opened up and that it will be interesting to see where it goes. He hopes that the contaminant management process proceeds in the same way. Mr. Hardy then brought up some other issues related to the UP railroad corridor (Trail of the Coeur d'Alenes) because he said that he and some other citizens have no other place to discuss them. He said some landowners who own land under the ROW (right-of-way) are giving access to neighbors verbally or in writing. He indicated that this is creating "defacto" trail heads. Mr. Hardy said that if you read through the structure of the Trail, this is something that is supposed to be more closely regulated. He feels that this is getting into some backyard development issues. He also feels that it may be easily managed if we go to a specific comment, or response to comments, written in 1999 which states that the Trail Advisory Group including trail users, adjacent landowners, and/or local, county or government agencies will be created to advise the Tribe and State Parks relative to management of the Trail corridor. Mr. Hardy emphasized that he had seen no evidence or no announcement that this group has been formed or is meeting. He reiterated that this was from 1999.

He also brought up another comment made in 1999, that the CDA Tribe and Idaho Department of Parks & Recreation were developing an agreement which will set forth the general framework for management of the Trail. He indicated that he saw two drafts of the agreement; and that he has asked the Deputy Attorney General and TLG members several times the status of the finalization. Mr. Hardy said that he was told that it is coming, but he stressed that it has been coming for 8 years. He discussed some serious issues related to the Trail including three arson incidences set directly on the Trail. These were responded to by the Volunteer Fire Department out of Harrison. Mr. Hardy said that one fire was set on his family property and that the IDL is investigating. He emphasized that he did not hear anything at all about Trail management being involved in these incidences and that this is why the Advisory Group is drastically needed. He added that he found another item in the Response to Comments that says Trail managers could be potentially liable for such damages by private citizens if it is caused by their negligence or omissions in managing the Trail. Mr. Hardy suggested that this may be where it is headed unless this advisory group is set up in the way we seem to be headed with contaminant management and lake management.

Commissioner Cantamessa assured Mr. Hardy that this issue would be discussed as the BEIPC discusses future plans. He also suggested that if there are contaminants adjacent to the Trail they should be addressed.

Ms. Toni Hardy (Kootenai County citizen) mentioned that everyone is aware of the issues that they have brought up over the years, but stressed that it is not only the contaminants that were left in place on the Trail. It is also the fact that fireworks are set off, their dock sabotaged while they were away, and that it happens repeatedly. She mentioned that the sheriff no longer comes down to protect them and suggested that it may be caused by the sheriff's department being understaffed. Ms. Hardy said that they have photographs of the damage, private property violations, etc. She feels that no one will listen and they are tired of the past ten years of abuse.

Break

13) BEIPC Board Discussion and Vote on Contaminant Management Issues Request for Direction: Before calling for discussion, Commissioner Cantamessa asked the BEIPC to keep in mind his previous suggestion about a half-day workshop. He also noted that Commissioner Buell was no longer in attendance as he had to leave the meeting early, but that he would be contacted by phone if a vote was needed.

Mr. Cernera brought up the LMP and suggestions that were made about oversight for dredging or ICP related actions and said that it has not been contemplated to date. He mentioned that the Tribe has put a moratorium on dredging for the southern portion of the lake. Mr. Cernera emphasized that the ICP is very complex (as the BEIPC Chair previously mentioned). He feels that it will be on-going and may have sprung up from the Blackwell Island dredging issue. After bringing up some other contaminant management issues, Mr. Cernera suggested to the BEIPC that they not make any hard and fast vote. He indicated that he does not know what a motion might be, but that if he were going to make one; the BEIPC needs to keep engaging in these dialogues and get a better understanding of the problems and maybe wait to see what happens with the LMP. If this were to fail, then he suggested that the ROD and deferral of what is going to happen to the Lake would change as well. He does not feel that the BEIPC is ready for a vote on an ICP.

Commissioner Cantamessa pointed out that Mr. Harwood is looking for direction on contaminant management and not on a vote for an ICP.

Commissioner Currie commented that he agreed with Mr. Cernera about putting the issue on hold as there would be lots happening in the near future with the LMP meetings. He also clarified that the aquifer was known as the Rathdrum Prairie Aquifer.

Commissioner Miller agreed that the BEIPC was not ready for a vote on an ICP today, but that she wanted people to know that the EPA definitely supports an “ICP like” program and suggested that’s where we need to be at the end of the day for people’s consideration. She applauded the progress on the LMP, but indicated that the LMP will probably not have everything needed and that the PFT has been doing some good work and that they need to continue working and looking at options such as:

- What are the ramifications if nothing is done?
- What are those impacts, if any?
- What are those things that might need to be done like sampling?

She feels that it would be worthwhile to address these questions first and that more needs to be considered for the future before dealing with the overall protection of the lake.

Mr. Pfeifer indicated that the State of Washington also supports the contaminant management process need. They see this as part of the future for a Basin-wide plan and are interested in something that works for the community at large that is the right balance with the regulatory perspective and framework. He said that he used the term “contaminant management process” on purpose so that the BEIPC does not pursue a path of institutional controls under various definitions. Mr. Pfeifer suggested that this area may need something more creative than what has been done before; something that is effective to make sure we are not stirring up the past

problems; and keeping it where it is safe for protection of natural resources, the environment and human health. He brought up that in some of today's earlier presentations, we learned how easy it is for the river bottom to change and contaminated sediments to move downstream. That is one of the particular things the State of Washington will be watching for. He applauded Mr. Cernera's perspective and whether the LMP should look at dredging and shoreline stabilization procedures that may provide contaminant management protection. He said that he was not sure if he had a motion to move forward to a specific point at this stage.

Commissioner Hardesty said that she also believed the BEIPC was not ready to vote upon anything today. She reiterated that this was a very complex issue and that it may take more creativity to break it down into smaller parts to really determine what the issues are that we need to deal with. She said that the timing of the LMP may be appropriate to allow everyone to move forward to see what we are left with at the end of the day. Commissioner Hardesty suggested that maybe more data is needed to determine whether we really have an issue. For example, the ROD on the Spokane River said that the original sampling showed there were no issues. She questioned how comfortable we are with that sampling. If so, then maybe we carve that out and not do anything with it. Or maybe we do need to do more sampling. She recommended that the BEIPC needs to see some logical steps before they decide what to do next.

Commissioner Cantamessa indicated that it was not likely there would be a motion on this issue today.

Mr. John Snider commented that he wanted to remind everyone that the PFT came about through the interest of Commissioner Hardesty's motion from a previous BEIPC meeting which stated that this issue would be explored from a site-specific position. However, in order to be site specific, sampling is required. He questioned who would be paying for it as no one wants to fund it.

Mr. Bill Rust said that he read in the newspaper that the State of Washington was doing a lot of cleanup work on the Spokane River. He asked how it was going over there and what was being done with the contaminated material? Mr. Grant Pfeifer answered that the State of Washington had several actions planned for remediation and improvement on the Spokane River on the Washington side including recreational sites for human health. He indicated that the contaminated material which is removed is dealt with by a site-basis as they deal with other contaminants such as PCBs. Mr. Rog Hardy asked Mr. Pfeifer if they had to deal with contaminated material on private property. Mr. Pfeifer answered that most of the beach cleanup had been on public property although they are working with Kaiser on their property for contaminant management issues because it affects the Spokane River as well. He said that he would provide more details later to everyone on each of the specific actions.

Mr. Dan Opalski (Director of the EPA Cleanup Office, Region 10), mentioned that the State of Washington has a lot of cleanup work going on as Mr. Pfeifer described, but that a lot of it deals with PCBs and does not have anything to do with EPA's engagement in the CDA Basin (including that portion of the Spokane River in Washington). He pointed out that metals contaminated material is being removed and taken upland for landfill disposal.

Mr. Harwood commented that he did not feel that having any more PFT meetings would have any consequence from what had transpired today. He was not sure if the BEIPC would have voted to continue where he would have gone with it, but at the last meeting he was asked to come up with this information. However, when the PFT tried to make recommendations for the BEIPC, the group could not agree. He indicated that if he is asked to continue with the work on the PFT, that he is not sure what to continue with as he does not know what direction to go with it. For example, when he gets a call from someone building a seawall on the Spokane River, he does not know what to tell them when they ask for information. He said that if you are going to deal with this through the LMP process, then you need to add to it. What he does know is that it was not being dealt with in the current process. Unless the BEIPC has some other suggestions, his recommendation now is that the PFT not do any more work on the issue until the BEIPC decides what to do.

Mr. Don Martin (EPA) remarked that he heard Commissioner Cantamessa bring up a workshop in order to discuss this issue and others. He suggested that it would be good to hear the pros and cons and ramifications of not having the ICP in place.

Commissioner Cantamessa commented that the BEIPC cannot leave this issue lie and remarked that he is not suggesting that, but that it needs to be looked at better.

After additional discussion on this topic by the BEIPC, there was agreement among the Commissioners that they would like to discuss this issue further at a workshop for the November meeting and break it down into smaller segments.

14) CWA Project Final Report on Peer Review of Lake Model: Mr. Harwood provided an update on the lake model and peer review. He said that there were some adjustments made to the model after review of the draft report to correct some of the data. Then after additional review and comments, the final report was completed. Mr. Harwood noted that copies are available at the BEIPC office in Kellogg and that training on the model will be provided to the State and Tribe in September.

15) Update on Blood Lead Issues: Mr. Rob Hanson (IDEQ) gave an update on blood lead issues and mentioned that the Human Health PFT has been working on trying to increase the number of children tested. However, they have not found anything and it was proposed that it may help if a higher incentive was offered if funding was available. Mr. Hanson indicated that the PFT will continue to work with the BEIPC to encourage participation and seek opportunities.

16) Update on East Mission Flats (EMF) Repository: Mr. John Lawson (IDEQ) gave an update on the status of the EMF repository. He indicated that there had been a lot of misunderstanding in regards to the 30% design report that he put out on May 16, 2007 to ask for public comments. Some people were confused that construction had started on June 25 at the site when comments were being taken until July 6.

In addition, he mentioned that some people were unaware that the location had already been selected through a lengthy public process that occurred previously. Mr. Lawson then provided background and history about the process and pointed out that a repository was needed in the

Lower Basin as the State Legislature approved the Basin ICP to become effective on July 1, 2007. He indicated that he was not required to take public comment on the design report, but that he wanted to give citizens an opportunity to comment on the design as well as any concerns. Mr. Lawson reported that construction to-date has been minimal and that he does not anticipate that there will be a lot of material placed in the repository during the first few years.

Various other issues were discussed by the BEIPC and general public such as dust, erosion, cultural resources, location, height, maintenance and operation, decontamination, etc. Mr. Lawson also brought up that he had received a petition with over 500 signatures in opposition from St. Pius X Church in Coeur d'Alene. He indicated that he spoke with Father Roger and offered to provide additional information to the parishioners if they wanted it. He will also be providing a response to comments as soon as possible. Mr. Lawson outlined the next steps and mentioned that a web site will be available for more information on September 10.

After a final wrap up of the meeting and discussion of ideas for the workshop in November, the meeting was adjourned.