

BEIPC MEETING MINUTES
Basin Environmental Improvement Project Commission
February 27, 2008
CenterPlace
Spokane Valley, Washington

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners:

Mr. Jack Buell

Mr. Jon Cantamessa (Chair)

Mr. Rick Currie (Vice Chair)

Alternates Present:

Mr. Phillip Cernera

Mr. Curt Fransen

Mr. Dan Opalski

Mr. Grant Pfeifer

Staff Present:

Ms. Jeri DeLange

Mr. Rob Hanson

Mr. Dave George

Mr. Ed Moreen

Ms. Rebecca Stevens

1) Call to Order: The BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County), called the meeting to order at 9:35 a.m.

2) Approval of Minutes from November 14, 2007 Meeting: Commissioner Cantamessa asked if there were any additions or corrections to the minutes. Mr. Curt Fransen (IDEQ) indicated that he was not listed as present on the BEIPC attendance list. Ms. Jeri DeLange (BEIPC) noted that Ms. Rebecca Stevens (CDA Tribe) was also not listed and Commissioner Cantamessa asked that both their names be added to the attendance list. Mr. Phillip Cernera (CDA Tribe) pointed out that he wanted to make a comment and ask a question of procedure in regards to page 5 of 15, second to the last paragraph, about what he said on the BEIPC's adoption of the old Lake Management Plan (LMP). His comment was that he was not sure that the BEIPC had made the motion or passed the motion as was stated. He explained that Mr. Terry Harwood (BEIPC Executive Director) provided him a copy of the actual minutes of the February 11, 2004 meeting in which the motion was made. Mr. Cernera asked if he should read the motion or just clarify what the BEIPC voted on versus what was stated in the minutes.

Commissioner Cantamessa answered that he would like Mr. Cernera to read the motion later, but suggested that the BEIPC first approve the November 14, 2007 minutes as stated. Then the correction would be made in the February 27, 2008 minutes. Commissioner Rick Currie (Kootenai County) made a motion to approve the minutes as stated, seconded by Mr. Curt Fransen (IDEQ). The minutes were unanimously approved.

Commissioner Cantamessa then called on Mr. Cernera for clarification of his point. Mr. Cernera said that in the November 14, 2007 minutes, it stated, "... *that the Basin Commission voted to coordinate and be involved in the LMP and any future modifications of the plan in 2004.*" Mr. Cernera's comment was that he was not exactly sure the BEIPC had voted on what their future involvement would be and that he wanted to clarify it. He read the language from the actual 2004 motion: "*It was moved by Commissioner Panabaker and seconded by Commissioner Buell that the Commission oversee and coordinate the 1995 LMP including monitoring and look at future modifications to the plan.*" Mr. Cernera remarked that this language differs from "*coordinate and be involved*" in any future modifications and suggested that it was a subtlety, but that he wanted to have it in the record exactly what the motion was.

3) Citizen's Coordinating Council (CCC) Comment and Presentation: Mr. Jerry Boyd (CCC Vice Chair) made the CCC's presentation as Mr. John Snider (CCC Chair) was unavailable. He reported that the CCC meeting minutes from February 6, 2008 were included in the BEIPC board packet information and were representative of the meeting. In addition, he said that Mr. Harwood provided updates on: 1) revisions to the draft 2008 one-year work plan; 2) CWA funding and status of projects; 3) stormwater drainage reports; 4) infrastructure project; and 4) potential funding to protect the remedy from flood damage in the future. Mr. Boyd said that Ms. Rebecca Stevens gave a Recreation PFT update regarding ongoing work with several of the Recreation PFT subgroups.

A Repository PFT update was also provided at the CCC meeting by Mr. Ed Moreen (EPA) and Mr. Andy Mork (IDEQ). Mr. Boyd noted that there still may be some questions regarding repositories and the East Mission Flats (EMF) site that is being developed. However, it appeared to him that most of the questions that came up at a previous meeting in October 2007 had been responded to by the EPA and IDEQ. He said that one issue brought up last year concerned groundwater quality. Preliminary data provided to the CCC on February 6 indicated that some groundwater monitoring wells were installed to look at the potential for contamination when the repository is constructed and for establishing a baseline. Mr. Boyd reported that it does not appear the groundwater is contaminated even though the site of the proposed EMF is covered by a lot of contaminated sediments that were dredged from the South Fork of the CDA River. He suggested that people contact Mr. Andy Mork at IDEQ if they wanted additional information.

Other issues discussed at the CCC meeting included: 1) yard cleanup; 2) draft BEIPC five-year work plan; 3) status of the LMP; and 4) cooperation and coordination between the three LMP entities (State of Idaho, EPA and the CDA Tribe) and involvement of the local governments. He mentioned that the last item was a significant issue that was discussed. Mr. Boyd indicated that he forwarded some of the draft CCC minutes to some of the interested parties who were not at the CCC meeting. He then pointed out that the CCC's comments were presented at the end of

the summary and included written comments related to the BEIPC work plans and the LMP made by Mr. Jim Hollingsworth; and verbal comments by Ms. Bonnie Douglas, Ms. Kristy Reed Johnson, Ms. Julie Dalsaso, and Mr. Rusty Sheppard.

4) Open Public Comment Period on BEIPC Issues: Mr. Harwood suggested to Commissioner Cantamessa that people be allowed five minutes to speak, rather than the normal three minutes. Commissioner Cantamessa informed everyone that the BEIPC would also make time for brief comments later if people wanted the opportunity to make public comment before a vote.

Mr. Jim Hollingsworth (Lands Council and CCC member) thanked the BEIPC for coming to Spokane for the meeting. He mentioned that he had talked previously with Commissioner Cantamessa and Mr. Harwood about speaking. However, he was surprised that he would be limited in time for comments as he believed it would be a larger part of the agenda and more of an active discussion by the BEIPC. He hoped that something would be done at today's meeting and that he would like the BEIPC to make a motion to be more proactive even though there was no action item on the agenda. Commissioner Cantamessa suggested to Mr. Hollingsworth that he make his presentation now and then later the BEIPC would be having an open discussion concerning the BEIPC work plans.

Mr. Hollingsworth brought up the document that created the BEIPC and noted that it was a Memorandum of Agreement (MOA) dated August 13, 2002. He pointed out that it affirmed the dual purpose of the Basin Commission to exercise certain state authorities to address heavy metal contamination in the CDA Basin as set forth by enabling legislation and to coordinate the Commission's activities and authorities with those of other entities operating in the Basin. He emphasized that according to the MOA: *"The BEIPC is supposed to coordinate the activities of all the governments in the Basin that have anything to do with remediation. In addition, the Basin Commission may address the adoption and implementation and coordination of the LMP."* Mr. Hollingsworth recognized that the language "may address" was not explicit, but that it does allow the BEIPC to address it. He feels that the BEIPC is already involved as they voted to involve themselves in the coordination of the LMP.

He also noted that the BEIPC will *"closely coordinate"* with the authorities of the State of Idaho, State of Washington, Counties (Kootenai, Shoshone and Benewah), the CDA Tribe and agencies in the executive branch of the U.S. on activities funded by these authorities which also support the remediation and restoration goals of the BEIPC. Mr. Hollingsworth reiterated that what the parties are supposed to do is closely coordinate. He emphasized that the BEIPC is not a passive body; and that it is supposed to be proactive in bringing its diverse parts together and working toward the cleanup and the LMP. Mr. Hollingsworth said that some people feel that the BEIPC cannot do anything now because the State and Tribe are negotiating. He stressed that he wanted to make a very important point as he feels that the State and Tribe negotiation process has nothing to do with coordinating the other parts of the LMP. He suggested that there are other parts of the process that may be coordinated simultaneously and parallel with the State and Tribe's efforts to get on the same page.

Mr. Hollingsworth then brought up the Funding PFT and said this is the third time he has suggested the Funding PFT come up with some funding opportunities. He would like to see a motion made today that the Funding PFT becomes proactive and that it would make recommendations to the BEIPC at the next meeting. He would also like to see the BEIPC make some kind of motion that the BEIPC Commissioners have a place on the agenda at each meeting to tell people what they are doing to coordinate their activities to move a LMP forward. He knows this is a difficult issue for Commissioner Currie, but pointed out that the Lake is in Kootenai County and the County comprehensive plan does very little to recognize that a LMP exists. He suggested that the two efforts be closely coordinated as stated in the MOA that created the BEIPC.

Lastly, Mr. Hollingsworth mentioned the problems regarding some of the misconceptions involved in the LMP process and the games being played. He believed there are some misconceptions about the Lake property owner's association and what some of the people really think about a LMP who live around the Lake. He feels that there has been some special interest feedback at some of the meetings, but said that nobody has done a survey or asked questions. Mr. Hollingsworth made a special request to the BEIPC to do something today about these issues in order to move forward.

Mr. Rusty Sheppard (Kootenai County TLG rep.) indicated that he wanted to pass on his opportunity to speak at this time, but would like to speak later.

Ms. Bev Twilman (Harrison citizen) said that she represents Neighbors for Responsible Growth which is a large group of citizens on the east side of the Lake who are actively involved in trying to keep things connected for responsible growth in Kootenai County and the future of CDA Lake. She also works with citizens around the other side of the Lake and has attended many other meetings, but keeps hearing the same things that Mr. Jim Hollingsworth mentioned. She brought with her a copy of Kootenai County's draft comprehensive plan revisions on the hazardous areas section and read a paragraph that stated: *"Areas of the County that have Superfund designations such as the 100-year flood plain of the CDA River require a special attention plan. In August 2002, under Idaho Code Title 39, Chapter 81, the Basin Environmental Improvement Project Commission (BEIPC) was formed with a Memorandum of Agreement (MOA) between Kootenai, Shoshone and Benewah counties. The MOA commits the County to cooperate and coordinate efforts with EPA, IDEQ and the CDA Tribe.... As a result, grading and evacuation of these contaminated soils require permits from the Panhandle Health District (PHD) Kellogg office."*

She added that what she sees from going to many of the meetings is that the citizens give testimony to the dangers of messing with the bottom of the Lake, but people still get their permits and then another dock goes in. Or another subdivision asks for a variance, or special permit, and instead of 25 ft. back or 300 ft. back (which is what the law says), she feels they are given special considerations time and time again. She suggested that people can see all of the infractions if they take a boat ride along the Lake. In addition, many citizens complain to the EPA, Idaho Dept. of Lands (IDL), County Commissioners, and every department they know to go to, but nothing seems to change.

Ms. Twilman commented that she used to have a boat, but sold it because she saw about 15 or more infractions every time she went out. She talked to the IDL and asked why they were not doing anything about this issue; and was informed they do not have the budget, or the staff, and would spend hundreds of hours writing up all the infractions. Because of this, she noted that some citizens have said we have a lawless society. She indicated that she is really concerned about the Lake because it belongs to all of us; and that she feels the people in Washington also need to be worried. By appearing today, Ms. Twilman hoped to validate what Mr. Hollingsworth had been saying at all of the meetings. She said that she knows Commissioner Currie had been trying and that the citizens are trying, but suggested that everyone needs to work together. Ms. Twilman emphasized that we need to follow through with the rules that are out there instead of saying there is not enough people, not enough budget, or not enough time; and that she feels some of the agencies charged with protecting the Lake are not doing it. She thanked the BEIPC for their time.

Mr. Jim Hollingsworth asked Commissioner Cantamessa whether the BEIPC was going to take any action at this time on the issues discussed during the open public comment period. Commissioner Cantamessa answered that the BEIPC was going to move on to the 2008 work plan and would be discussing this as part of it.

5) Discussion and Approval of 2008 Work Plan: The TLG Chair, Mr. Kenny Hicks, presented the final draft 2008 work plan. Before he began, he thanked Ms. Rebecca Stevens for chairing the TLG meeting in his absence on February 11 and for providing a set of notes. He indicated that he would be commenting from those notes. Regarding the TLG meeting, he noted that the TLG members discussed various aspects of the final drafts for both the 2008 one-year and the 2008 - 2012 five-year work plans. He also mentioned that the TLG took time to discuss all of the PFTs and look at their performance to see whether they were still needed, or if they needed to be combined or tweaked.

Mr. Terry Harwood suggested going through the one-year work plan first and then going back for the full TLG report on PFTs. He pointed out that normally the one-year work plan would be approved at the November meeting, but that the BEIPC had a workshop in November to discuss ideas, issues and concerns. Mr. Harwood said that he came up with the revised draft work plan working with the TLG based on the suggestions made by the BEIPC during the workshop. The final draft was then presented to the TLG for their approval on February 11. He indicated that parts of the work plan address some of the concerns that Mr. Jim Hollingsworth brought up previously such as funding. Other issues include:

- Need to look at work done in the Lower Basin before OU-3 was designated to see if any of the actions may be coordinated into the process;
- Need additional repository sites in the future to dispose of contaminated soils within the ICP (institutional controls program) and to protect remediated areas from recontamination;
- East Mission Flats repository and 60% design process;

- Repository sites in OU-3 may only be located where there is already contamination as its unique designation refers to anywhere the mine/mill contamination has come to be present, rather than a geographical area;
- Yard remediation program and mine/mill cleanup;
- Blood lead testing;
- Ecological remedies for the environment;
- Fisheries habitat improvement;
- Water quality monitoring (surface, groundwater, storm water);
- LMP activities (including the process that the State of Idaho and CDA Tribe are going through);
- Drainage/infrastructure problems in the Upper Basin;
- Communication PFT to work on ways for the BEIPC to better communicate; and
- Funding (Mr. Harwood noted that he works on funding all of the time to find sources for work, but that if the one-year work plan is approved, then the Funding PFT would be working on finding funding for the various funding issues).

Break

Commissioner Cantamessa reopened the BEIPC discussion of the work plan with Section 1.2 and the need for repositories. He indicated that there were a few areas in the Upper and Lower Basin that may be viable potential sites, but they have already been looked at and determined to be non-viable. However, he feels that this debate needs to be continued and expanded; and that this is exactly what the BEIPC was set up to do. He added that repositories are very difficult to locate and find a perfect location. He suggested that if there are areas the community may be willing to accept, then we need to look harder at those areas to see if they may work.

Commissioner Currie commented that you cannot blame people for feeling “not in my back yard,” and that you have to be receptive to that. However, he added that if the local community was comfortable with the potential site, then it should carry a tremendous amount of weight in the decision-making process.

Mr. Harwood said that he was looking for the Repository PFT to be working on many of these issues and suggested that people contact the new Repository PFT Chair, Mr. Andy Mork (IDEQ) if they would like to be involved. Mr. Mork informed everyone that the next PFT meeting would be held on March 19 at 9:00 a.m. and that he will email the information once the location has been determined.

Commissioner Cantamessa suggested to the BEIPC for the PFT process that it would be good for the BEIPC Commissioners to be involved early on (not by going to the meetings), but for the PFT’s to notify the Commissioners what is being discussed. He also feels the County Commissioners need to know early on in the process as he feels they may be helpful in steering some of the issues to what may be acceptable to the community. Mr. Cernera asked if the BEIPC Commissioners could be provided with a map at the next BEIPC meeting of potential repository locations from the evaluation that was done some time ago as the first step in this process. Mr. Harwood said that he would include some time on the BEIPC agenda and

mentioned that the BEIPC should also have some information back from the Repository PFT meeting on March 19.

Mr. Grant Pfeifer (WA Dept. of Ecology) said that he wanted to lend his support to Commissioner Cantamessa and Mr. Cernera's points. He agreed that earlier was better in thinking about potential locations and that he believed we should not be constrained to historical precedence if there was general community acceptance as long as the standards were met. Commissioner Cantamessa recommended that it's time for the BEIPC to provide some of the unique abilities that it has by involvement of the BEIPC Commissioners. He feels that this may be done if the BEIPC gets involved a little earlier and indicated this is not only for repositories. Mr. Dan Opalski (EPA) added that this is absolutely critical work and also a worthwhile investment of time by the BEIPC and the PFT structure. He indicated that the repository issue has been a difficult one, but necessary in order for the work to proceed across the Basin. Commissioner Cantamessa suggested that it would take concessions on all sides for it to come together.

Mr. Cernera brought up the EMF repository and commented that it had been a long struggle. He expressed his appreciation to the EPA and IDEQ for their refinement of the design from what it was supposed to be. He indicated that from the Tribe's perspective, he feels that the BEIPC has made inroads in the public process although there are still many people who disagree about the general location.

The BEIPC then discussed the Recreation PFT and cleanup of contaminated recreation sites for the protection of human health. One of the Recreation PFT subgroups is working on the development of a recreation site inventory for prioritization of work and identification of dispersed recreation sites all the way to Harrison. Funding issues were also discussed because there is no ecological funding available at the present time.

Under Upper Basin Ecological Remedies, Commissioner Cantamessa said that he was disappointed with the decision to further delay any actual decisions and work on Canyon Creek. At the last meeting, he believed that the BEIPC finally had a direction to go that looked like it may be affordable and provide a better result than anything that had been talked about so far. He indicated that if the studies continue, he would like some clarification for how long the project was going to take as it had been discussed for some time and that it appeared it was just being delayed. Mr. Harwood responded that everyone was frustrated with the problems because a lot of work had already been done on studies for alternatives. However, he noted that if an alternative was recommended, there is no funding to implement it now. Mr. Harwood said that he put this into the funding section so we can work on trying to find some ecological funding.

Mr. Cernera said that he had some concern about the language as written. He believed that even though there is no funding at this time, we should codify what needs to be done and then seek the funding later. He feels that it does not clearly state what the PFT wants to do and asked for clarification. Mr. Bill Adams (EPA) said that they have done a lot of studies in Canyon Creek and identified a number of different options, but that they have not actually selected alternatives there. He indicated that there was some additional work needed in order to do that. Mr. Adams

also mentioned that there may be some proposals for other entities to be doing some work up in those areas and that the EPA wants to make sure that anything they choose to do is consistent and compatible with the other types of cleanup work in the Upper Basin. The additional studies they plan to do will occur during the summer.

Mr. Curt Fransen commented that he agreed with Mr. Adams that there needs to be a balanced approach because if we go ahead and identify the kind of cleanup that we want to take in Canyon Creek, then it precludes opportunities for funding or work from other entities that maybe would do that work. He stressed that we need to be careful and suggested for an example, a giant water treatment system, and that if we could not fund it or fund it appropriately, then it would not be a good outcome. Commissioner Cantamessa said that he would agree wholeheartedly, but that he does not feel we are going to propose a huge water treatment system no matter how long it is studied.

After additional discussion, Mr. Adams pointed out that Canyon Creek is still one of the highest priorities and clearly will be part of the initial phase of ecological work once they do have funding. They also want to be able to identify the other areas (i.e. maybe the top 5) to go after when they do get some funding to get a better idea of what those are, what the heavy metals loading is, and how effective those types of actions will be. So that work along with Canyon Creek will go together. For groundwater, they have come to the conclusion that you can reach the goals of the ROD in Canyon Creek by going after groundwater which is a much smaller volume and higher concentrated water. The volume is approximately 1,500 to 2,000 gpm that would be extracted (from groundwater) and they would achieve that reduction at the mouth of Canyon Creek. Mr. Adams noted that one of the things they have looked at is running a pipeline from Canyon Creek to the CTP (central treatment plant) as there is some additional capacity there now and then the long term O & M (operation and maintenance) would be small. He indicated that this is one idea, but that it needs to be looked at further in the overall strategy for the Basin and what other entities may be doing as well.

Commissioner Currie asked Commissioner Cantamessa to comment on the plan put together by Mr. Bill Rust. Commissioner Cantamessa said that he may not be technically qualified to talk about it, but that it had a heavy basis on dealing with groundwater. He also pointed out that Mr. Rust had been talking to him about groundwater for the last ten years, so he feels the BEIPC is behind ten years on this issue. Commissioner Cantamessa remarked that he is pleased to see the discussion continuing. He heeds Mr. Fransen's remarks about how to proceed, but emphasized that we need to do something soon and hoped that the BEIPC could head in that direction.

Mr. Pfeifer commented that water quality is a high priority for the State of Washington and that it makes sense to deal with issues in the headwaters. He suggested to Mr. Harwood to sharpen the language and then bring it forward in November for a concentrated conversation about what we know so far and some certainty about timelines, so it does not seem so open ended. Mr. Harwood said that he had hopes for what Mr. Adams said he was doing in that if there are parties who may have some responsibilities for some of the problems in Canyon Creek (i.e. in some kind of settlement process willing to do some work), then we do not want to preclude that work by saying we only want to do this in Canyon Creek.

Mr. Cernera brought up that he wanted to make a point on Mr. Hollingsworth's discussion on the LMP. He said that one of the CWA projects was the LMP audit of the management action tables from the old LMP. He suggested that the work should be done in the next few months and then the BEIPC can see the audit which the State and Tribe worked on for two years. It identifies all of the parties who are doing anything related to nutrient management, wastewater treatment, sediment reduction, etc. as well as all of the entities who are responsible for various lake management activities.

Commissioner Cantamessa indicated that Mr. Hollingsworth's two primary concerns for the LMP were the lack of proactive activity from the BEIPC in that process and the need for funding. He mentioned that the LMP discussions have been ongoing and that the BEIPC Commissioners and County Commissioners have been involved in the fringes. He feels that it has been a frustrating process for them. However, he is hopeful that the process is coming to some kind of direction. He then asked Mr. Fransen to update the BEIPC on the LMP.

Mr. Fransen noted that the State and Tribe have been working for the last year and a half to come up with a new or revised LMP through a resolution process. Since the last BEIPC meeting, he said that there have been two work sessions between the State and Tribe (i.e. November 2007 and January 2008); and briefings were held with the County Commissioners after each of those sessions. He reported that a major portion of the drafting had been done by the individuals in this process and that the mediator attempted to make those things fit together as much as possible. The State and Tribe will be meeting again on March 10 and 11 to try and finalize the draft, so that it may be made available to the public in early April for the public review and comment process. Mr. Fransen said the parties intend to engage in follow-up meeting with the commentators and then revise the LMP accordingly. After this process, they will work on getting buy-in and funding. He indicated that there will be some significant funding needs, particularly for the State to move forward. Commissioner Cantamessa suggested a formal presentation at the next BEIPC meeting in May, if the LMP is available.

Mr. Cernera also provided an update on the LMP process. He brought up the impasses and funding issues; and said that he feels they took a frugal approach to managing nutrient and sediment loading in the Lake from a watershed approach. He stressed that it would be a massive endeavor into perpetuity because as long as there are hazardous substances on the bottom of CDA Lake, then you have to deal with nutrient management to keep those metals in place. Mr. Cernera said that he wanted to address some of Mr. Hollingsworth's other concerns. He pointed out that the BEIPC has been waiting for the LMP to come out, but that many of the entities and governments already have responsibilities on the books. He remarked that there are a lot things being done on the Lake (i.e. water quality monitoring, TMDLs, etc.) and that regardless of whether or not the LMP is done, both the State and Tribe are working on Lake management.

After further discussion on the LMP process, Commissioner Cantamessa said that the BEIPC did not need to get too far involved, particularly at this time in the specific details of the LMP. He suggested that the BEIPC may help in the coordination of all the activities that come out of the

LMP. He commented to Mr. Hollingsworth that he feels the BEIPC will not be voting on anything now, but that they are moving forward in the process.

Mr. Cernera then brought up Section 3.2, page 21, second paragraph, last sentence, where it says February 2004, the Commission voted to coordinate and be involved in implementing the LMP and any future modification to the plan. He recommended to the BEIPC that that the language be changed for the last five words with the correct motion as laid out in 2004. Commissioner Cantamessa asked if there was anything about the statement that was offensive to the BEIPC; and indicated that Mr. Cernera was making a valid point about the wording. Mr. Cernera suggested that if the wording was incorrect, to strike it and discuss what the language should be. Mr. Harwood said that the sentence had been in the work plan for the last three to four years and that it was a translation of what some people thought the motion said. Commissioner Cantamessa said that Mr. Cernera was questioning that, but that his question to the rest of the BEIPC was whether they find anything in that sentence to be offensive as he did not find anything offensive. Commissioner Cantamessa suggested that *“to help coordinate and be involved in”* does not put the BEIPC in a divisive position and that he supported the position. Mr. Cernera asked for clarification of the language if the sentence read *“...help coordinate.”* Commissioner Cantamessa said that he did not think a motion was needed to add help if none of the other BEIPC Commissioners had concerns. Mr. Cernera asked if he could have time (until after lunch) to consider this and Commissioner Cantamessa agreed.

Regarding the Funding PFT and funding issues, Mr. Harwood brought up that if the BEIPC wants him to find funding to implement a number of things in the work plan, then the BEIPC should be given the opportunity to be involved in the process.

For Section 3.3, Commissioner Cantamessa mentioned that Shoshone County still has funding from an earmark received many years ago for work in Burke. At that time, they did not have enough for the required match and could not proceed. However, the earmark is still there and he asked the Congressional delegation if it could be used in a more appropriate manner. They said to go ahead and approach it. Commissioner Cantamessa said that Shoshone County’s preference would be to spend the money for infiltration and inflow (I/I) repair wherever it is most needed. The earmark is for \$1,650,000 and is a 55/45 match. He said that they have already talked to the cities of Kellogg and Wallace as they have the biggest problems with I/I along with the sewer district. Commissioner Cantamessa emphasized that it is a huge problem for the water quality of the CDA River; not just for metals, but in the total quantity of wastewater for processing. So he wanted to throw this idea out and suggested that some people may think this is not a problem for the BEIPC; and that you could make an argument that it is the responsibility of Kellogg and Wallace, or the sewer district, etc. However, the fact is whether we want to try and cooperate to make some of these things happen. Commissioner Cantamessa is not sure the funding discussion is a venue for that, but wanted to spark some conversation.

Commissioner Currie said that he applauds Commissioner Cantamessa and the people in Shoshone County. He pointed out that the I/I problems start up there, but end up in the River and Lake. He completely supports it as it’s in the best interest of all. Mr. Pfeifer also agreed and

said that it's a project that is indicative of a broader leadership perspective and regional interest. So, he would be supportive of working together to try and make the projects work.

Regarding the Communication PFT and public involvement, Mr. Harwood said this was one of the workshop items from the November meeting that was discussed by the BEIPC. If the work plan is approved, then the BEIPC will put together a Communications PFT which will report back to the BEIPC at the May meeting.

Commissioner Cantamessa indicated that he wanted to suggest one thing that was not addressed in the work plan. He feels that it needs to be in there in the same vein with coordination of the LMP as it deals with natural resource damage restoration. Commissioner Cantamessa noted that it was previously in the work plan, but that the language was removed. Although the Trustees have the responsibility for that effort, he feels that the BEIPC should be coordinated in that process; and that there should be a statement in the work plan that draws back attention to this.

Mr. Cerneria suggested that this was a good point, but wanted to provide some history on this issue. He said that draft language was written and sent to the NRDA Trustees for review, but there was not adequate time to get all of the attorneys on this lawsuit to make decisions on the exact language. Mr. Harwood pointed out that he wanted to get the work plan approved today. However, he indicated that he could sit down with the Trustees later to develop some language and then the plan could be amended at a future date.

Lunch

Commissioner Cantamessa called the meeting back to order and re-opened the BEIPC discussion of work plan changes. He brought up the question that was raised during the morning session relating to wording in Section 3.2, Lake Management Activities, page 21, second paragraph, last sentence. Mr. Fransen suggested that the language be changed to: "*The BEIPC intends to participate in coordination and implementation of the LMP and any future modifications to the plan.*" Before the BEIPC voted on approval of the work plan, Commissioner Cantamessa called another public comment period.

6) Public Comment: Ms. Bonnie Douglas (CCC member), said that she had some concerns on the repository section. She indicated that during a public comment period for an EMF meeting, there were a lot of questions about issues with the Page repository and that people were told it was the PHD's problem. She asked whether the Page repository was still available to be used as a repository because it was not mentioned anywhere in that section. Another issue that she was concerned about was in regards to blood lead testing. Ms. Douglas said that statistics showed participation in the program was down. She suggested that we should be moving through universal screening as mentioned in the NAS report. She also provided additional information and ideas related to increasing participation for blood lead testing, particularly for children ages 1-6.

Mr. Jerry Cobb (PHD) said that he would respond to some of the questions asked by Ms. Douglas. He indicated that the PHD does not own or manage the repository sites, but they do

assist IDEQ to direct property owners and contractors where the State wants them to dispose of contaminated material. He mentioned that when the Page repository site was set up, it was developed for an ICP having a centrally located site for 7000 people in the Box. He suggested that if the Page repository were to be used for Basin ICP waste, then it would eliminate space for the Box ICP waste. Mr. Fransen mentioned that the EPA and State are working on the Asarco bankruptcy to ensure that property is secured adjacent to the Page repository for expansion in the future. He noted that mining companies have the obligation to provide repository space for the long term ICP for residential sites.

Mr. Jim Hollingsworth said that he wanted to respond to Mr. Fransen's comment about the funding for Canyon Creek. He agreed that we do not want to put something in Canyon Creek that we are not going to be able to fund. However, he cautioned that the flip side is true as well; the idea is not to be cheap, but to be effective with the remediation as price is always a concern. For blood lead testing, Section 1.3.4, Mr. Hollingsworth said that he did not see any mention of the fact that the BEIPC voted to pursue universal testing of children. He feels that the wording should be stated.

Regarding Section 3.2, Lake Management activities, he reiterated that he would like to see some action taken at every meeting by the BEIPC Commissioners to make a report of what they have done to coordinate the advancement of the LMP. He does not feel that the BEIPC needs to wait until the State and Tribe resolve all of their issues as there is more to the LMP than just the two components. For Section 3.4, Communications and Public Involvement, Mr. Hollingsworth feels that it would be appropriate to start the PFT immediately and that he would like to serve on the committee as well. He would also like to see some additional language for the Funding section.

Commissioner Cantamessa acknowledged that the LMP is important and will stay a focal point, but that the BEIPC is not prepared for each Commissioner to make a report at every meeting.

Mr. Kenny Hicks (TLG Chair) said that one point he wanted to make was in regards to changes to the PFTs. He indicated that Education and Outreach was moved to the Communication PFT; and that he heard comments from TLG members that this is an important component and we may have been lacking in some previous efforts. Within the Communication PFT, Mr. Hicks emphasized the need for education and outreach as this is how to keep the public informed without using worst case scenarios.

For the Lower Basin PFT, he commented that he liked the idea of combining the former three different PFTs, particularly from an efficiency standpoint. However, he suggested that it may be a good idea to have an Upper Basin PFT because the Upper and Lower Basin are two different communities with different goals. Mr. Hicks would like to propose and recommend that an Upper Basin PFT be created in order to get Upper Basin participation and to bring focus to I/I, infrastructure and other associated issues. He thanked the BEIPC and mentioned that he did not think this issue was getting enough attention at the November meeting, but that there were a lot of comments today. He expressed his appreciation and added that whatever affects the Upper and Lower Basin will have an affect on what is going to happen in the LMP.

8) Approval of BEIPC 2008 One-Year Work Plan: Commissioner Jack Buell (Benewah County) made a motion to approve the one-year work plan as amended. The motion was seconded by Mr. Pfeifer and unanimously approved.

9) 2008-2012 Five-Year Work Plan Discussion: Mr. Harwood presented the five-year work plan and Commissioner Cantamessa opened the meeting up for public comment.

10) Public Comment on Five-Year Work Plan: Ms. Bonnie Douglas suggested that for Section 1.2, the PFTs should be listed in the tables and sections where the write-ups are, especially for repositories as they help to drive the work with the agencies. She pointed out that PFTs are mentioned in some of the sections. However, there were none listed in the repository section and that it seemed inconsistent.

Mr. Opalski said that from EPA's perspective the assumption is that the BEIPC includes coordination with the PFT process, but that he did not think it would harm anything to add language to be more specific. Mr. Harwood indicated that he would include the relevant PFTs.

11) Approval of BEIPC 2008-2012 Five-Year Work Plan: Commissioner Currie made a motion to approve the five-year work plan, seconded by Mr. Fransen. The motion was approved unanimously.

Commissioner Currie indicated that he wanted to ask a question now that the work plans were approved. Regarding the 2008 one year plan, page 21, under 3.2 LMP, last paragraph, he read that, *"The second phase is attempting to mediate the impasses and develop a joint Tribe and State LMP that includes stakeholder involvement consistent with agreements between the State and Tribe and the State and Counties."* Commissioner Currie asked that now that the work plans are unanimously approved, that the County can be involved in the LMP in accordance with the noted agreements.

Mr. Fransen replied that his sense is that the State intends to proceed as outlined which means there is one more meeting between the State and Tribe to finish the draft plan; and present it to other interested parties, specifically the Counties. Then they will take public comment and input to start working on changes and moving towards the adoption of a final plan. Mr. Fransen said that he understands there is a disconnect between the State and the Counties, or at least Kootenai County's participation and the State to date, but their view is that they have outlined how they are going to include the Counties and keep moving down the path. He noted that they have met with the Counties after each negotiation session and intend to present the draft plan to the Counties for discussion.

12) CWA Project Final Report Presentation on Plummer Waste Water Treatment Plant (WWTP): Mr. Kennet Bertelsen (USKH) presented the final report as Mr. Alan Gay was not available.

13) Update on CWA Program and Financial Report: Mr. Harwood provided an update on the status of the CWA projects.

14) Blood Lead Report: Mr. Rob Hanson (IDEQ) said that the purpose of the presentation was to provide the blood lead data from the testing done last summer in the Box and Basin. He mentioned that when the testing began, they were going door-to-door and they tested a high volume of children (i.e. half of the children participated in the Box communities). Later, the Box program was changed to be on a voluntary basis, no door-to-door, and the \$20 incentive was not provided. However, they are still trying to get as many children tested in the Basin so they are offering the \$20 incentive, but not going door-to-door. The Human Health PFT has been looking at different ways to increase participation. Mr. Ian Von Lindern (TerraGraphics) then made a presentation on the Lead Health Intervention Program (LHIP).

Break

15) Discussion of Additional Lake Map Printing: Mr. Harwood pointed out that one of the first grant year CWA projects was to produce a map of CDA Lake. He said that it had been distributed to many organizations and very well received. He indicated that the CDA Chamber of Commerce had expressed interest in getting additional copies and offered to help with another printing. Mr. Harwood said that he is checking into dealing with this. He also commented that it was a perfect example of something produced that got good attention of the community.

16) Update on Flood Control Initiative and Infrastructure Revitalization Upper Basin: Mr. Harwood mentioned that about a year and a half ago the BEIPC voted to get involved in the infrastructure and drainage issues in the Upper Basin. Mr. Harwood funded a project from BEIPC funding to do a complete inventory of the infrastructure along with maps. Last year, he said that EPA funded \$50,000 for drainage studies in Mullan, Wallace, Ninemile, Canyon Creek, Woodland Park, Osburn, Silverton, and Burke. The next phase will be to take the infrastructure and drainage analysis reports data and have the contractor complete an assessment of what the needs are in the Upper Basin. Then, Mr. Harwood will meet with the communities and utilities to prioritize the needs and come up with a final revitalization plan. The plan will also include a list of potential funding sources for the entire Upper Basin.

17) Upper CDA River Basin Framework for a Flood Control Program: Mr. Harwood reported that U.S. Senator Craig's office called him with an offer to help the BEIPC, so he worked quickly to put together a proposal for a 2009 appropriation "earmark" in the Corps of Engineers (COE) budget. He said that he worked with the COE in Seattle along with Congressman Simpson's office and Senator Craig's office and talked to the Shoshone County Commissioners who were very happy to be sponsors of the process. Mr. Harwood indicated that the request is for \$360,000 (seed money) for a flood control analysis. The report will look at existing levees, where we need new levees, dredging, etc. and what all the needs are. (Note: A copy of the request is included in the BEIPC board packet information).

Mr. Cernera asked Mr. Harwood if the request was specific to flood control or much broader; and Mr. Harwood responded that it was much broader. Mr. Cernera then inquired whether the entire BEIPC had the opportunity to discuss what the proposal would be; and Mr. Harwood answered there was only eleven days to get something together.

18) Public Comment: Commissioner Cantamessa allowed additional public comment as one of the CCC members, Ms. Julie Dalsaso could not attend until the afternoon session. Ms. Dalsaso said that she went to the Kootenai County Flood preparation meeting and will give information to Mr. Harwood. She also mentioned that she had been attending the citizens planning workshops for Kootenai County's comprehensive plan revisions and that she reviewed the hazardous section. Previously, she had presented various documents (i.e. ICP, NAS, IDEQ map overlap of sampled Lake areas) to the County as resources for their planning. Ms. Dalsaso said that she was focused on the areas that were not in the remedy which is Lake CDA and the Spokane River. She said that she heard the proposed LMP was not going to touch the slack water portion below CDA Lake and that it seemed even more important as the hazardous waste section reflects this void. She plans to follow up with the County as she was not sure if the information was misplaced. Ms. Dalsaso suggested that maybe the Communications PFT may be able to develop some strategies to improve the problems at the County level.

19) Adjourn: Before adjourning the meeting, Commissioner Cantamessa reminded Mr. Harwood of his previous comment about the earmark that Shoshone County has (\$1,650,000) and suggested that he keep it in mind if there is a need for match money for the cities, sewer districts, etc. to get involved. He feels that if the BEIPC can be involved, it may be helpful. Commissioner Cantamessa adjourned the meeting at 3:10 p.m.