

## **BEIPC MEETING MINUTES**

Basin Environmental Improvement Project Commission

February 16, 2011, 10:00 a.m. - 3:30 p.m.

Wallace Inn (Gold Room)

100 Front St., Wallace, ID

### Attendees:

Mr. Terry Harwood (Executive Director)

### Commissioners Present:

Mr. Jack Buell

Mr. Phillip Cerna (Arrived later in morning)

Mr. Curt Fransen (Arrived later in morning)

Mr. Dan Green

Mr. Dennis McLerran (Arrived later in morning)

Mr. Grant Pfeifer

### Staff Present:

Ms. Jeri DeLange

Mr. Dave George

Mr. Rob Hanson

Mr. Ed Moreen

Ms. Rebecca Stevens

1) Call to Order/Changes to the Agenda: The BEIPC Executive Director, Mr. Terry Harwood, announced that he would be running the meeting today as the BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County) was unavailable. He noted that the Vice Chair position was vacant due to some changes in the County officials elected to office; and the BEIPC Secretary, Commissioner Toni Hardesty (State of Idaho) was also unavailable.

2) Changes to the Agenda: Mr. Harwood suggested a few changes to the agenda as three of the Basin Commissioners would be absent for the first part of the morning; and some of the EPA staff had plane connection difficulties in Seattle and would be arriving later as well. He explained that once all the Commissioners arrived, there would only be six of the governments that would be able to vote as the commissioner and alternate from Shoshone County were out of town.

3) Introductions: Mr. Harwood expressed appreciation to everyone for coming and showing interest in the Basin Commission process. Then he asked everyone to introduce themselves. Commissioner Dan Green (Kootenai County) said that he was newly elected and will serve as the County's new Basin Commissioner. (The other new County Commissioner, Ms. Jai Nelson, will be the alternate). Commissioner Larry Yergler (Shoshone County) said that he was newly elected and was representing the County in Commissioner Cantamessa's absence. He gave Commissioner Cantamessa's apologies for not being able to be here today.

4) Repository Update: Mr. Andy Mork (IDEQ) provided an update on Upper Basin repositories. The proposed Osburn repository will be on land that was an old tailings impoundment currently under the ownership of U.S. Silver. IDEQ is in the preliminary stages of planning and collecting site characterization data to evaluate site conditions. This information will be incorporated into the design. He anticipates that the 30% design for the Osburn repository will be completed in early fall. They will have an open house and take public comments for consideration into the final design.

At the Big Creek repository, IDEQ and EPA are moving forward with the expansion on the north side. The waste will be placed on ground that the State already owns. The final design is in review and copies have been provided to the EPA, CDA Tribe, and Corps of Engineers (COE). The report should be out at the end of the month.

5) Upper Basin Record of Decision (ROD) Amendment Update: Ms. Anne Dailey (EPA) provided an update on the ROD Amendment. She noted that the public comment period closed on November 23, 2010. During the public comment process, there were a number of public meetings as well as meetings with various community groups. The comments are currently being entered into an electronic database and organized, so that all comments on a certain topic are together. Overall, the general themes of the comments include the following:

- *The proposed plan is too big, too costly, and too long;*
- *Some people think EPA has done enough on the Superfund cleanup and it's time to leave;*
- *EPA included sites that are not needed;*
- *The cleanup plan is not consistent with the NCP (National Contingency Plan) rules and regulations for Superfund;*
- *The ROD will limit development (i.e. mining and other);*
- *Superfund stigma complicates active mining operations;*
- *They don't like adaptive management;*
- *The modeling done for the feasibility study and ROD Amendment was flawed; and*
- *EPA will not prevent flooding or protect the roads in the Valley.*

EPA is working on the response to comments. They are listening to what they heard and taking the comments very seriously as well as the transcripts of the meetings that were held in the community from EPA's meetings. The transcripts from U.S. Senator Crapo's meeting and Wallace's town hall meeting are also being entered as public comment.

They are having numerous meetings with the Upper Basin PFT, and subcommittee meetings from that PFT, to discuss proposed actions at mine and mill sites and review the list of sites. They are working with community members and PFT members. A lot of concerns about flooding issues have been raised and EPA is well aware of those. The State of Idaho and key federal agencies will meet to discuss these issues in a meeting requested by Governor Otter. Road surfaces in the Basin serve as a barrier to contaminated road base material. Condition and maintenance of these surfaces is an issue of concern. Under the existing OU-3 ROD, there are provisions to address the road surfaces. EPA, IDEQ and Terry Harwood are working with the

communities to develop a program. These are a few examples of how EPA is trying to address the comments. They are listening to comments and suggestions and anticipate making some adjustments to the proposed ROD amendment in response, but have not finalized a final position on various issues yet.

Ms. Dailey noted that the response to comments document will be available at the same time the final cleanup plan is available. Copies will be available to anyone interested and the document will be posted to EPA's website. EPA has been working with the Upper Basin PFT to develop potential changes to the cleanup plan, so when it's released it should not be a surprise to anyone who has been engaged and understands the dialogue and discussion that has gone on. EPA will continue to provide updates to the Basin Commission. They anticipate issuing the ROD Amendment in late 2011.

6) ROD Amendment Update (continued): Mr. Bill Adams (EPA) provided some further information on the ROD Amendment process and emphasized (as Ms. Dailey pointed out) that there are a lot of comments to respond to. He thinks that the real issue in their ability to respond is: What are they going to do? They need to figure this out first before they come out with the response to comments. EPA is working very hard on this. They truly heard everyone in the community and want to be responsive. They also want to balance the overall need to develop a plan that expresses the true scope that they think is necessary for cleanup in the Upper Basin. Two comments that EPA heard for the cleanup plan were a shorter timeframe and less money, but it's clearly more than a ten-year period of time to do the work in the Upper Basin. EPA is trying to balance all of these things.

Mr. Adams reviewed some of the things that they have talked about to the PFT and others. The first item concerned the liner along the South Fork of the CDA River from Wallace to Kellogg. They are looking at doing a groundwater collection system within the Osburn area using a drain that would provide a similar reduction in loading (50-75%) without all the liner along the South Fork. If they take this out of the ROD, it reduces the cost by \$300 million dollars. However, because it's a change in terms of the effectiveness they were expecting to achieve, it pushes the cleanup plan more towards an interim remedy. They would still leave some sediment removals along the South Fork which would have two benefits: 1) address the potential human health impacts that are along the stream areas for people recreating along those areas; and 2) reduce the contaminated sediment loading moving down the river to the Lower Basin. This would allow work to start sooner in the Lower Basin. Mr. Adams informed everyone that the next Upper Basin PFT meeting is tentatively scheduled for March 9.

In response to a question about changing some of the criteria related to active mining Mr. Adams replied that there will be no additional restrictions in terms of mining operations or activities.

Commissioner Green commented about the complexity and the scope of the plan. When he hears that EPA is looking at taking some things off the table, but they are not really willing to make the hard decisions to remove them; it sounds self-perpetuating to him. He asked if EPA would generate some more credibility by actually taking those things off the table that really don't need to be there. Mr. Adams responded that he thinks they would. Certainly, it's still open

to discussion as to whether or not more things are taken off beyond the liner. He thinks that working through the PFT is providing EPA with further insight in terms of what makes sense. They are still looking at a variety of options.

Mr. Robin Stanley (Citizen and Mullan School Supt.) inquired what EPA meant about the possibility of taking additional action on active mine sites. He stressed what a concern this is to the community as it would be decimating if anything jeopardizes the current and future solvency of the primary industry (i.e. mining) that supports this entire community. Mr. Adams answered that the main example is if a company goes bankrupt and leaves behind contaminated materials that are not maintained and not closed in any type of proper manner. Then additional work may need to be done to those areas. He thinks that there are plenty of other examples throughout the West of mining sites that have been abandoned one way or another. Mr. Harwood said that it's no different from an industrial site somewhere that goes bankrupt and walks away from a mess. Then the government would have to deal with it and that's why they set up CERCLA in the first place.

Mr. Jerry Boyd (CCC Chair) brought up the remark about the possibility of an interim ROD again. Mr. Adams said that's correct. EPA cannot say they are going to take \$300 million off the table and call it the same thing. The technical analysis would not support it as they cannot achieve the same goal.

7) CDA Work Trust Update: Mr. Adams (EPA) mentioned that the BEIPC 2011 work plan was approved at the last Basin Commission meeting. It includes work for the Trust that will be done during this year. However, because there is no ROD amendment at this time, the Trust cannot do any of the work that is identified in the amendment. The work that may be done pertains strictly to those things that are already in the existing decision document such as the Interstate Callahan mine site in the East Fork of Ninemile and the U.S. Bureau of Mines (USBM) site in Osburn. They will be in a property remediation program transition phase with the State of Idaho, so the goal for this year is to begin that process to transition. They will do the same with the repositories. If there is a ROD Amendment in the interim period of time and there are some additional things that can be identified to do, they would pick those up. Right now they want to stay away from anything that may delay work on the decision document. Mr. Adams indicated that the Trust has established an office in the Silver Valley and hired Mr. Dan Meyer as the Project Manager. They look forward to working with him. He'll be working with the other consultants and with the Trustee.

8) Special Announcement: Commissioner Dennis McLerran (EPA) announced some staffing changes for the EPA. Mr. Shawn Blocker is the temporary CDA Team leader who will be taking Ms. Angela Chung's place for the next four months. Then they will be doing a permanent fill as she has moved on to a new job. He read the following letter from her into the record:

*Dear Commissioners and BEIPC participants,*

*On February 14, I started a new job in Region 10 as the Regional Enforcement Coordinator. I regret that I was not able to see many of you and say goodbye before moving*

*onto my new position. I am very thankful I had the opportunity to work on the Bunker Hill project over the last nine years. I appreciate the time you spent with me finding ways to work together on this important cleanup. We've made a lot of progress and improved the quality of life in the CDA Basin and I believe that the relationships we've built will enable the cleanup to continue moving in a positive direction.*

*Best wishes to you all,  
Angela Chung.*

9) Lower Basin Update: Mr. Ed Moreen (EPA) made a presentation on the Lower Basin. They continue to look at the Lower Basin and work towards putting together tools that will help them make decisions on how to carry out the cleanup. The CDA River continues to carry high levels of contaminated sediment, especially during high water events. He provided a brief overview of the modeling process and how it will be used to make decisions about remedial action in the Lower Basin. On February 23, there will be a Lower Basin PFT meeting that will include a workshop.

Mr. Bret Bowers (CDA Lakeshore Property Owners Association) asked Mr. Moreen if EPA staff, IDEQ, or the CDA Tribe have been conducting any meetings with any sort of groups as it relates to the potential for the Lower Basin ROD Amendment. Mr. Moreen said that they have not done extensive outreach with respect to the Lower Basin. However, they have been requested by a citizen's group called the Lower Basin Collaborative to start a process as they are in the infancy of work for the Lower Basin. He thinks that there will be more mentioned about this later in the day. As agencies, EPA and IDEQ have been requested to sit down with the group and they have been doing that. He thinks the group will try to figure out what it's going to be, and what its real mission and function will be. Mr. Bowers asked if there were minutes of those meetings. Mr. Moreen responded that EPA has not collected any meeting minutes, but that he thinks there have been notes that have been taken by the citizens themselves.

Mr. Moreen mentioned that as part of the monitoring in the Lower Basin, they are conducting side scanning with LIDAR on the riverbanks. They will also be performing monitoring at key sampling locations. Ms. Rebecca Stevens (CDA Tribe) said that the State and Tribe (mostly the State) have conducted an extensive bank erosion inventory. The Tribe has done work on this on the St. Joe River. Regarding contaminated sediment deposition (during high water) at some of the recreational sites, Idaho Fish & Game (IDFG) is taking the lead on cleaning up those sites for EPA. For boat ramps where there may be deposition, she hopes that people read the signs and do their best not to track it off. She also noted that there has been a change in staff at IDFG and the new TLG representative is Mr. Dave Leptich. Mr. Moreen indicated that reports of sampling results are available on the Basin Commission website.

Commissioner Phil Cerner (CDA Tribe) asked if there was a protocol for conducting a sample analysis as they have been doing this for many years and wanted to keep a trend to understand recontamination concentrations that are going down with time. Mr. Harwood said that the way he and the Panhandle Health District (PHD) are approaching activities along the River and sediment deposition is that they assume everything is contaminated above action levels as far as

the Institutional Controls Program (ICP) requirements. He pointed out that if you don't pave the recreational sites, then they may be recontaminated when there is high water, and that all the recreational sites in the Lower Basin should be paved.

Commissioner Cernera said that he would recommend, and he wondered if it could be part of the Basin Environmental Monitoring Plan (BEMP), to have 4-6 sites to sample for each high flow event. When restoration work is started in the Lower Basin, it would be nice to know if things are on the decline as far as concentrations. Mr. Moreen said that he thinks Commissioner Cernera is right and they do have sampling as part of the BEMP. The points on the map show depositional areas in the Lower Basin where they will continue to sample, and they will do it after high water events with accessibility being an issue.

10) Motion for Executive Session: Mr. Harwood asked for a motion to go into Executive Session under Idaho Code 67-2345 to discuss personnel issues. Commissioner McLerran made the motion, and it was seconded by Commissioner Jack Buell (Benewah County). The motion was approved unanimously.

Lunch

11) Motion for Regular Session: Commissioner Buell made a motion to come out of executive session and go back into regular session. Commissioner Cernera seconded the motion, and it was approved unanimously.

12) Approval of BEIPC Meeting Minutes from November 17, 2010: Mr. Harwood asked if there were any corrections to the November 17, 2010 meeting minutes. Hearing none, Commissioner Fransen (State of Idaho) made a motion to approve the minutes as written, seconded by Commissioner Green. The motion was approved unanimously.

13) Lake Management Plan (LMP) Presentation: Mr. Glen Rothrock (IDEQ) provided a quarterly update on the LMP. The goal of the LMP is a nutrient management plan (phosphorus and nitrogen management) to minimize nutrient impact. CDA Lake is unique from most in this country as it has the condition of some fairly high concentrations of metals sitting at the bottom of the Lake. He then introduced Ms. Becki Witherow, the lead scientist for IDEQ to work on lake monitoring and science. Mr. Rothrock noted that today's presentation is about the public education and outreach program for the LMP. Last year, a needs assessment or polling survey was conducted by their consultant, Robinson Research of Spokane. They received the final deliverables report a few weeks ago. After review, they will make some of the reports available through the Tribe and IDEQ; and the information will be used to help them design an education and outreach program.

Mr. Rothrock reported that most people (who took the survey) were not really aware of the degree of the Superfund cleanup as you might think given that it's been going on since 1983. A lot of people thought heavy metals no longer entered the Lake, but they still do in fairly high concentrations. In regards to bank erosion in relation to river flows and boat wakes, there is a high awareness that bank erosion can be caused by heavy boat traffic up the two rivers.

However, there is very limited knowledge of what federal and state agencies have as far as jurisdiction over Lake related activities. They did hear that agencies need to coordinate better as the public gets a lot of mixed messages.

Ms. Rebecca Stevens (CDA Tribe) continued with the presentation of LMP survey results and said that when people were cold-called about the current status of the Superfund cleanup - 47% did not know about it or refused to answer, and 17% did not think anything was happening at all. She indicated that they are looking into possibly creating a website to house the LMP and give quarterly updates as well as starting an email list. The Tribe and State are looking at developing a Lake-A-Syst program which is a voluntary program aimed at mutual property owners generally within 500 feet of the water level. They are also planning to conduct some public workshops. The first one will be a scientific workshop sometime in May; and they will have water quality equipment and microscopes set up for hands-on use. They will continue to send out the “*Our Gem*” Lake maps, and provide information in the newspaper, radio interviews, etc.

14) 2010 Blood Lead Testing Results: Mr. Jerry Cobb (PHD) made a presentation on the 2010 blood lead testing results. The \$20 incentive is still being paid in the CDA Basin to increase participation for testing of children through six years of age. Last year, 108 children were tested in the Basin. The level of concern is 10 ug/dl, and two children had high blood lead levels (i.e. one had a level of 15 ug/dl and the other 20 ug/dl). Mr. Cobb provided information on testing from past years and indicated that the results are posted on the BEIPC website. Although the blood lead levels are much less now, it still remains an issue due to contaminated recreational site exposure. He is working on getting information out to people that it’s safe to recreate in the Basin, but they need to pay attention to precautions.

15) Five-Year Review Update: Ms. Anne Dailey (EPA) gave an update on the Five-Year Review and provided informational handouts. The agency is required to do five-year reviews when contaminants remain on site to evaluate the implementation and performance of remedies that have been completed and see how they are working out. The first review was done in 2000, the second in 2005, and this is the third review that was completed in 2010. Copies of the report are available on the EPA and BEIPC websites.

16) Communications PFT Update: Ms. Jeri DeLange (BEIPC) provided an update on the activities of the Communications PFT. Last year, the PFT produced a FAQ sheet on public commenting and held a mini-workshop during a CCC meeting in October. The PFT also participated in a joint North Idaho Fair booth which they will be doing again this year. Recently, the PFT completed the CCC survey which will be posted on the BEIPC’s website. The survey results will be evaluated to help figure out the best way to get information out to the citizens and how they would like to be involved. Regarding the PFT’s subcommittee on Recreation Education, Ms. DeLange expressed appreciation for the great job that Ms. Tina Elayer (IDEQ, Boise) did in chairing the subcommittee for the last few years. The Communications PFT will continue this work during the summer.

17) BEIPC Executive Director Update: Mr. Terry Harwood presented the annual BEIPC accomplishment report for 2010. He pointed out that it’s a good process to show people what

has been accomplished during the past year. The report is posted on the Basin Commission's website at: [www.basincommission.com](http://www.basincommission.com). It is also distributed to government and community leaders, the administration in Washington D.C., the Idaho Congressional delegation and other congressional delegations from other states as well.

Mr. Harwood then brought up flooding issues in the CDA Basin. In the Upper Basin, hundreds of millions of dollars have been spent on the remedy and property remediation. He emphasized that we need to figure out a way to deal with flooding issues, or we may lose a lot of that investment. Last year, he organized a field trip with various federal and state agencies and the public to look at the condition of the levees in the Upper Basin. He indicated that it's important to coordinate all of the work being proposed by EPA on cleanup activities such as dredging, natural resource damage restoration, contaminated groundwater capture, etc., as this could possibly affect the hydraulic capacity and the flow in the CDA River. Local officials are concerned that we may lose much of the remedy if there is a major flood. There is a meeting on March 11 in Seattle with federal and state agency officials to discuss these issues.

Mr. Bret Bowers (CDA Lakeshore Property Owners Association) asked about a pending flood issue concerning a gate and valve in Rose Lake. If there is flooding, there are some private parties that may have some interest in helping with that situation or the possibility of pursuing some short-term mitigation efforts, rather than allowing it to become a huge contaminant issue. Maybe a \$50,000 cost versus millions of dollars later. He inquired what was being done.

Mr. Harwood responded that on New Years Day, he was called by the Idaho Dept. of Transportation (ITD) indicating that the culvert pipe on Highway 3 (Rose Lake Creek) had collapsed and they asked if he could help. The levee that Highway 3 is constructed on contains contaminated mine sediments. Under the Institutional Controls Program (ICP), material excavated from the site must be disposed of at a repository. Mr. Harwood opened the East Mission Flats Repository to accommodate ITD disposing of 2,400-2,500 cubic yards of contaminated material. The old culvert was installed in the 1930s and later a flood control gate was installed on the outlet of the pipe to prevent flood waters from the CDA River back-flowing up the culvert into the community. The new culvert installation would not accommodate the old gate. Since installation of the new culvert, he has had a design prepared for a new gate to fit the culvert, received a cost estimate from a contractor, worked with ITD and the Forest Service to gain access for installation of the gate and pursued funding for the work. The community will need to assume responsibility for operation and maintenance of the gate. He is working with the local water supply association concerning that issue. It will be fall before the work can be done. (After the meeting, the Director of IDEQ made arrangements for funding the work)

County Commissioner Larry Yergler (Shoshone County) asked if Terry Harwood would be going to the meeting in Seattle on March 11, or if someone from the County could attend for representation. Mr. Harwood said that he did not know and asked the State. Mr. Hanson said that he talked to IDEQ Director, Toni Hardesty, and that she said the Governor has asked department heads to go. That's all he knows. Commissioner Fransen mentioned that the Dept. of Water Resources is going and Colonel Shawver from the Bureau of Homeland Security. Mr.

Yergler said that he will tell the other Commissioners that Colonel Shawver will be going as they have met with him and have great respect for him.

18) Memorandum of Understanding (MOU) between the Basin Commission and State of Idaho: Commissioner Fransen said that there is currently an interagency cooperative agreement between IDEQ and the CDA Basin Commission. Basically, it allows for the two state sponsored agencies to share staffing, facilities, pay for administrative support, etc., so that they can cooperate with each other under State law. He explained the details of the agreement, and noted that Mr. Harwood has the capacity and time to do some additional work beyond the Basin Commission work. They want to make sure that it's clear when he does work for IDEQ, that he's assisting IDEQ on a number of issues and it's their responsibility; and not the Basin Commission. The agreement being proposed today is an exception to the arrangement that IDEQ currently has with the Basin Commission. If the agreement is approved, either party has the right to terminate it at any time with 90 days notice.

After review and discussion of the revised agreement, a motion was made by Commissioner Buell to approve the MOA. Commissioner McLerran seconded the motion, and it was approved unanimously.

19) Citizen's Coordinating Council (CCC) Presentation: Mr. Jerry Boyd (CCC Chair) announced that the CCC is looking for a new Vice Chair; and that the next CCC meeting will be April 20 in the Silver Valley. A summary of the January 19 CCC meeting was included in the board packet information. Mr. Boyd brought up that in some of the questions from the public, it seems that there may be a misunderstanding between the relationship of the Basin Commission and the work it does, and the counties and what they do. There was a discussion on Kootenai County excavation regulations and their site disturbance ordinance. CCC member, Ms. Julie Dalsaso raised some issues (i.e. written comments) that are included as a separate attachment. Also discussed was the ICP and how it is administered. The Rose Lake culvert issue was discussed and how important it is to have repositories available when there is a disturbance of contaminated soil in an ICP area. There was also a LMP update. Mr. Boyd expressed appreciation to the agency representatives for providing information. He encouraged the public to attend CCC meetings as they are open to everyone and it's a good way to know what's going on.

20) Public Comment Period: Ms. Susan Mitchell (Citizen) said that she lives next to the EMF repository. The idea of a Lower Basin Collaborative was planted in the summer of 2009, and followed her experience with the siting and opening of the East Mission Flats (EMF) repository. At the end of the process, she was disheartened and unsatisfied. While she has come to understand that EPA fulfilled the letter of the law, she does not want to see that same process repeated with the Lower Basin cleanup. In talking with Mr. Andy Mork and Mr. Ed Moreen, they were supportive of the idea of bringing citizens from the Cataldo area as well as some from CDA together with IDEQ and EPA to look back at the difficulties that they experienced. The goal of the meeting was to look back at the difficulties and see if it was possible to work together in moving forward. Since then, they have had 4 meetings and 1 phone meeting, and what has evolved (which was not her original idea) was the Lower Basin Collaborative. She wants to

make it clear (while not calling themselves a steering group, you could speak of it that way), that the values and objectives they have come up with will be reworked by the actual members of the collaborative once it forms. So this is their effort to be able to talk to people about this vision and invite people to participate.

They have support from U.S. Senator Crapo's office around this idea, and they are going to ask for their help to identify the stakeholders. Then she gave a short PowerPoint presentation about the values, issues, and purposes that the group has identified as well as the objectives. These objectives lead to a way of working that is a collaborative development of consensus-based solutions by the community and stakeholders, not independent from, but in cooperation with EPA and IDEQ. She also meant to say at the beginning, that she realizes there has been some talk and concern from the Basin Commission and maybe some citizens that they might be wanting to undermine the Basin Commission. So she wants to be clear that they see themselves as part of the Basin Commission, and that IDEQ and EPA have also been very clear about saying they need to be part of the Basin Commission.

Their hope is that they can be a positive addition to the Commission in terms of being able to engage people in the Lower Basin, so that they don't have a repeat of EMF. Her personal hope having been to the meetings this past summer in the Basin is that they will not come to a Lower Basin ROD amendment in 2015 where they have the kind of process that they went through which she thinks is so painful for everyone (whether you have been in the community, or you work for one of the agencies). This is her personal opinion as she does not want to see people relate and work together in that kind of way. She believes that all of us are capable of finding solutions in another way, but it involves engaging early on, not after the fact, and that is a responsibility that falls on us as citizens, if democracy is important to us. It requires that people are also given information that they can understand, so they can engage.

Commissioner McLerran commented that we have a lot of work ahead of us in the Lower Basin, a lot of planning and a lot of physical work as well. So he thinks that anything they can do to enhance public participation and engagement with the agencies is a positive thing. He thinks that what they need to do though is to figure out how this may fit within the structure of the Basin Commission, and how it may fit with the CCC. The fact is that there are different issues in the Lower Basin than in the Upper Basin, and different folks concerned and willing to be engaged, and so on. The challenge is how we capture the positive intent and energy and frame it in a way that fits within some of the structures that we have with the Basin Commission that is really intended to do many of those things in terms of engagement and collaboration.

Commissioner Cernera said that the Basin Commission has gone to great lengths to develop a TLG and CCC. He would ask Ms. Mitchell where does the collaborative see itself fitting in because in the past, there have been ideas that have come up that may not have been vetted through the kind of process that the Basin Commission has established. He would like to see the collaborative plug in, but he's wondering how the group would move forward in this process.

Ms. Mitchell replied that she would start by saying that what they would like to have is direct access to subgroups within the Basin Commission. That's an important piece.

Mr. Rob Hanson (IDEQ) said that one model they have looked at in the Basin Commission structure pertains to the counterparts of the PFTs for citizen's groups which were called SIGs (Small Integration Groups). That's one idea, and in the current Lower Basin PFT, it could be the technical group to provide a resource to the citizen's SIG. He thinks the bottom line for the citizens he has heard is that they want to make sure they have access to the Commission. When they look at the flow chart and see the TLG, CCC, etc., the SIGs are down at the bottom and the Commission is up there and they don't want to have to trail up that process to be able to have access to the Commission. His thoughts on how the Commission works is that on paper it operates fairly hierarchical, but the way it actually operates is a flat structure that people can have access to. He thinks that one thing that Ms. Mitchell is looking for is some ideas from the Commission.

Commissioner Green said that they welcome people's participation. He heard Mr. Boyd speak that the CCC is looking for a Vice Chair and that seems like a natural setting instead of another group forming. The CCC is looking for participation and input. Regarding authority, he doesn't know which group would have more access, but the CCC is a group that's formed, that works, and that's engaged, and has a lot of expertise. He suggested that Ms. Mitchell talk to Mr. Boyd before proceeding.

Mr. Bill Rust (Citizen and Shoshone County TLG Rep.) said that like a lot of people, he's been in this process forever. He was actually involved in the original Citizens Advisory Council (CAC) as it used to be called in Rose Lake years ago. When the Basin Commission formed a Citizen's Coordinating Council (CCC), they were told it was going to be the conduit to work in this process. So people in the CAC quit and joined the CCC. Over the years, there has been less involvement in the CCC and some people have dropped out, but he would strongly encourage people to get involved in it.

He mentioned that he looked at the agenda for the Lower Basin PFT meeting and saw that the Lower Basin Collaborative will be going to that meeting. He suggested that if they really want to be involved and know what goes on, that's where to do it. That's where all of the technical work is happening. They are welcome to come, and if they do want to affect the process, that's where to do it.

Ms. Anne Dailey (EPA) said that she has been involved for a long time as well. Certainly, anyone is welcome to join the PFTs, or any of the groups that we have working on some of the technical issues. She knows that there have been CCC folks engaged in that. She knows that CCC attendance has been up and down for a number of different reasons. She reiterated that anyone is welcome to come to the PFT meetings that they do have.

Mr. Rob Hanson said that he thinks one reason the Lower Basin Collaborative is called a collaborative is because we're proposing a different process. That's why we are trying to tap into Senator Crapo's office. Senator Crapo has taken the lead on some very controversial environmental issues. For example, in Southwestern Idaho in the Owyhee wilderness, he brings people together from across all the stakeholders. And they, the environmental interests,

ranchers, all those come together in a much more formal process than what we have in the CCC. The key part about this is that the people who become part of the collaborative are part of the group formally. They sign on and agree on how they're going to function, how they're going to make decisions, and what they're going to weigh in on. They make a commitment to participate, and typically you want people who have a fair amount of influence in the group for whoever they are representing. So you are getting that broader representation and it becomes a functioning body that's working under rules. So it's a different model than what we use for the CCC. The idea is to try something different in the Lower Basin than what we've done in the Upper Basin to see if we can deal with it better.

Ms. Marti Calabretta (Citizen) said that she goes back to the early days of the CAC with Bill Rust, but that she has taken the last decade off. She feels the energy from this group like a dam breaking. For people who have worked on this for a long time, first as citizens joining the CAC; and then going through the transition where they felt they had a lot less to say that was accepted. She really welcomes the new idea that is being considered. EPA has to work with communities from Mullan to Plummer and somehow you need information that works for everybody, but of course it doesn't. She suggested that maybe what the CCC should be is to provide input and new energy to rethink how they approach the entire Basin with what she calls neighborhood cells (for lack of a better term) or collaboratives, so that something is happening in your community. People can go to those meetings a lot sooner, so they can organize to a greater or lesser degree. She is in support of this energy and thinks that the pain they went through to get an organizational structure shouldn't be dismissed and laid by the wayside because the CCC or other groups are struggling. There have been some difficult issues for the community related to the repositories and other needs. She thinks that it's great this message was brought forward to the Commission.

Commissioner Cernera said that he is very intrigued by what is being presented here. He sees that Marti Calabretta and a lot of people have been around for a long time and involved in the creation of this commission. He knows that Senator Crapo was also instrumental in moving the Commission forward, and that as we move forward, maybe we're at a point for a little change in how we go about business. We seem to be set in stone on the PFTs, CCC, etc. Maybe there is a moment in time that we step back and look at the things that have worked or not worked. There is a lot going on that he thinks they have all felt on the outside even though there was this process. He welcomes how this may benefit the Commission, but does think that we need to somehow work together to incorporate this idea into how we function formally in the future. We have this conceptual remedial model that's going on in the Lower Basin and there's going to be all this information coming out in the next 4 to 5 years. So there's going to be the need for groups, cells, whatever you want to call them, to be involved in some serious work with a large landscape. He welcomes the notion and commented that maybe it's time we move and evolve with how people perceive the process going.

Ms. Karen Roetter (Senator Crapo's Office) said that she wants to make it clear to the Commissioners that Senator Crapo is not trying to undermine the Basin Commission or the CCC. It's a conversation between Rob Hanson and her, they chatted about sharing the collaborative information because there are many collaborative models. It's her experience that there are a lot

of folks who may have a lot in common, but they sometimes do not focus on that; they focus on their differences. She suggested that it's a model that may be useful to the CCC, or maybe the Lower Basin working group, she doesn't know. She reiterated that Senator Crapo and his office have no designs on separating the Basin Commission or the CCC. She wants to make that clear.

Mr. Jerry Boyd said that he and Susan Mitchell had a long conversation about this yesterday. He thinks that there may have been a misconception of how the CCC works. In 2007, she was at the CCC meeting at the Canyon School. He noted that the CCC and meetings of the CCC have been very effective in getting things done if enough people come out and want to work through the CCC. At that meeting in 2007, he's not sure if it was what you would call working together, because of the way some of the participants were organized, but nonetheless, the CCC is always open for people to come and participate. For example, when they were looking for locations for repositories, the CCC facilitated some of the Upper Basin repository siting meetings. The community participated and their comments were taken into consideration and acted on. The same thing happened at Canyon School. The comments were taken into consideration and acted on because there are always representatives of the agencies there who recognize that something needs to be done. He would urge people, (he's not suggesting that you don't form your own group because whatever gets things done is good by him), that they would be happy to work with their group. The next CCC meeting is April 20 at the Wallace Inn. He hopes that they will attend as well as other people. They are looking for participation; that's the CCC's job.

Mr. Bret Bowers thanked Susan Mitchell and said that he thought she did a good job setting up and letting everyone know that there's a local person that wants to engage in this issue. However, for the collaborative point that goes to Commissioner Cernera's remarks, it's tough that so many of us who have been involved a long time, and everyone is an expert in some way who has been involved for a decade or longer. It seems difficult that when we are talking about ROD amendments of billions of dollars that we're fracturing and splintering. We need to come together and maybe this is a new way to come together. We may be sitting here a year from now and maybe it will be a good thing, we don't know. However, the one question that comes to mind and goes to new Commissioner Green's point, is that we've established this structure. There's no problem with new groups forming, unless there is an issue of seeking money. He asked if she had thought about it, or whether she had asked EPA, IDEQ or the Tribe for funding in anyway outside of what the CCC and TLG are somewhat getting through this process. Ms. Mitchell answered no.

Mr. Bowers brought up for the Basin Commission that they are about to get the results back from the survey, there are new groups trying to form, and there are new members on the Commission itself. Yet, we are looking at the possibility of getting into billions of dollars for this first ROD amendment, and maybe another billion down the road. Who knows? He's just hopeful that your enthusiasm and commitment to the idea of local control and local involvement in this process with the assistance of the feds who have the resources, and the State who is trying to do what it can from Boise and have staff up here, is mindful of everybody in this room. The people that are going to grow up behind us are going to live with it. It's good to see that we're trying to get along and he hopes that everyone agrees with that.

Ms. Jann Higdem (Citizen and President, National Women in Mining) commented that she sees no real reason right now that we should be listed as a CERCLA site which is for emergency remediation. She has not seen anything on the hazardous ranking system as far as what number we are that would classify us for CERCLA. She would like to see congressional investigation on possibly removing it from CERCLA status which does not mean to stop cleaning things up, but it would take it off CERCLA which trumps NEPA and they would like to be able to see the Environmental Protection Act adhered to. She would also like to express dissatisfaction with the EPA being a member in multiple United Nations environmental groups of which our taxpayer dollars go to each year in dues and she does not appreciate that.

Ms. Jeri DeLange (BEIPC) said that she wanted to bring up a change about the CCC. In the past, citizens would come to a CCC meeting and agency staff would provide informational updates first on the agenda, and public comment was last. Since the meetings run from 6:30-9:00 p.m., it was a late evening for citizens wishing to provide comments. Last year, the CCC made some changes and now the first half hour of every meeting is devoted to public comment for any issues citizens want to bring up. She encourages everyone to attend the next meeting on April 20.

21) Adjourn: There being no further business; Commissioner Green made a motion to adjourn. The motion was seconded by Commissioner Fransen, and approved unanimously.