

APPROVED

BEIPC MEETING MINUTES

Basin Environmental Improvement Project Commission

November 20, 2013, 9:15 – 4:05

Best Western Coeur d'Alene Inn (Garnet Room)

406 Appleyway Ave., Coeur d'Alene, Idaho

Attendees:

Terry Harwood (Executive Director)

Commissioners Present:

Rick Albright

Jack Buell (Chair)

Phillip Cernera

Curt Fransen (Secretary/Treasurer)

Dan Green (Vice-Chair)

Grant Pfeifer

Larry Yergler

Alternates present:

Jim Best

Rob Hanson

Caj Matheson

Staff present:

Glory Carlile (BEIPC Assistant to Executive Director, note taker)

Ed Moreen (EPA)

Bruce Schuld (IDEQ)

Rebecca Stevens (CDA Tribe)

Sandra Treccani (State of WA)

(Please note that these minutes are a summary of reports and presentations and are intended to provide the salient issues, capture key topics, conclusions, and next steps and not every detail of the discussions.)

Call to order: Commissioner Jack Buell (Benewah County) called the meeting to order at 9:15 a.m., followed by the flag salute.

Introductions: Terry Harwood, BEIPC Executive Director, introduced his new assistant Glory Carlile. He also introduced Jon Harwood who is working with Bruce Schuld and Craig Cameron on the paved roads board.

Review and Approval of August 14, 2013 Meeting Minutes:

Harwood announced that some minor corrections had been made that are reflected in the "Amended Draft" hand-outs provided before this meeting.

Commissioner Phillip Cernera pointed out that he had noticed when reviewing the tapes of the meeting that some comments made by various Commissioners throughout the day may not have been captured. He requested that all the important salient questions that are raised by the Commissioners should be captured in the minutes. He then brought up a change needed on Page 2 of 8 in the 2nd paragraph.

Laura Laumatia had announced that they had hired a new Natural Resource Specialist but the position title should be changed to Water Resource Specialist.

Cernera also commented on the EPA update on page 3 of 8 regarding repositories. Bill Adams had reported on the existing Canyon Creek Repository that was built by the Silver Valley Natural Resource Trustees (SVNRT) and he had mentioned we know that there have been some problems with it in that it has drained and leaked in the past. Adams had spoken about the need for additional repository space and some of the various options they are looking at. But Cernera expressed his concerns about the potential for moving the old repository on the east side of Canyon Creek and the added costs. He asked Adams to clarify the situation and explain it further.

Adams responded that one of the things they had talked about was as they are developing the Lower Burke Canyon Repository is they are looking at what to do to increase capacity there and also looking at other issues in the immediate proximity. They are also looking into a plan to create a new repository adjacent to that old SVNRT Canyon Creek Repository and then fold the material into it.

There was another inquiry asking how to keep this proposed repository near the old SVNRT repository from doing the same sort of leakage as the old SVNRT. Adams answered that with the geotechnical work in the area done and development of the site with a liner underneath and a cap on top that it would not leak. Creating an engineered repository that would not leak is the objective of any new repository.

Another change was requested by Commissioner Albright regarding the \$65 million operating funds and using the remainder of funds. It should be clear to take the obligation only to the extent that funds are available and define the State's obligation. He wishes to make sure the understanding is correctly stated with a suggested change to the last sentence on Page 6.

A motion was requested for approval of the amended draft of the August BEIPC quarterly meeting minutes with the additional suggestion to change the last sentence on Page 6, 1st paragraph, to: "When that money is gone, (\$15 million) then operation would transfer to the State of Idaho using the remainder of the funds (\$50 million)".

Commissioner Phillip Cernera moved that the August 14, 2013 BEIPC meeting minutes be approved as corrected. The motion was seconded by Commissioner Jack Buell and was unanimously approved.
M/S/C

Update on Coeur d'Alene Lake Management Plan (LMP) implementation:

Laura Laumatia (CDA Tribe) and Jamie Brunner (IDEQ) reported on what they are working on and will work on in 2014. The IDEQ will continue with their projects and move into the Wolf Lodge Creek work with their advisory group. Update on the 2010 riverbank work on the St. Joe River included that it was reassessed and in 2014 will initiate a similar survey on the St. Maries River. They will continue water monitoring on the CDA Lake. Next month they plan to finalize the 2014 plan.

Activities included looking at social modeling and differences around the Basin. They are working on the Avista Shadowy St. Joe Project and also working on stabilizing about 7000 linear feet there with willow bundles that average one willow every foot. Their presentation showed the dramatic contrast with those in place and not. They will wrap up that project in the next couple of weeks.

The idea regarding nutrient reduction and implementation is to work with groups to identify projects and get implementation ideas. This year they will initiate an audit of the management plan. Other activities

included a meeting with the city of Coeur d'Alene and LMP partners talking about ways to look at and to identify storm water control projects. Demonstration projects are currently in the discussion stage.

One project is doing a great deal of work on creeks with the benefit that there is decreased sediment in the water shed and a very beneficial impact on those creeks. Harwood asked what is happening in the Lake Creek Drainage and Laumatia answered that they are continuing to do a lot of upstream work there.

They also reported that they have been very busy over the last few years with K12 education and have convened with University of Idaho to coordinate efforts. There are schools doing things that we wish to collaborate on with them.

Their plans are to continue doing work with local camps and "Back to Earth" project and with the Spokane Tribe and also planning in 2014 to update "Our Gem" map and continuing the development of the website "Our Gem". Their focus is providing useful information to be stewards of the lake. The web site features not only LMP projects but what others are doing to make the community aware. They want to add recreational resources on the site as well.

Commission Yergler commented that whenever any ecological project is considered of any nature, that strong consideration of the economic effects to the counties must also be a consideration.

EPA End of Year Project Summary & Trust and Special Account budgets:

Bill Adams provided an overview of the work completed by EPA and IDEQ team this year. A lot of completed work was identified with an ambitious program planned for 2014. They completed everything they set out to do with great examples of the coordination of projects and also the cost savings. The cost of work is coming under budget with funds available to be carried over and applied to work for next year.

Adam provided an end of year summary of 2013 work that included property remediation (130 properties), completion of Paved Roads projects in Box and Basin of about 8 miles; and commercial property remediation by the Trust. He included examples of the Paved Roads Program done in Pinehurst, Smelterville, and Mullan and as well as Remedy Protection Construction Projects.

Adams continued his report on the repositories announcing the Waste Consolidation Area (WCA) in East Fork Ninemile canyon will be opening up for receipt of Interstate Callahan (I-C) waste next year.

The Lower Burke Canyon Repository (LBCR):

A conceptual view showed the possibility to expand LBCR to the west and east. They are also looking at a potential expansion near Big Creek repository and showed a potential Big Creek Expansion as a good location and the plan to construct a bridge across Big Creek to access the additional area. (Harwood commented that we are generating a lot of road waste and wondered if we will have enough repository space to accommodate it.)

East Fork of Ninemile:

One of the most impacted tributaries in the Upper Basin is the East Fork Ninemile (EFNM). They are moving forward with that particular site from Interstate mine as a phase development. Buttresses were built at the site of the WCA and they now have plenty of material for improvement of the roads, capping of the site and restoration of the area.

BEMP Update:

BEMP is ongoing with U.S. Fish and Wildlife Service collecting pre- Remedial Action (RA) data in EFNM and Canyon Creek.

Lower Basin Pilot Projects:

Although EPA has selected 2 pilot projects they are looking at others submitted. One project site has been located. They received lots of input and great ideas but the location of the 2nd site has not been identified as yet. One Pilot project will be along the river bank at the Kahnderosa campground. Commissioner Cernera then asked when the last time the river went out of the channel and flooded and the answer was last year. Commissioner Yergler asked about the possibility of raising a higher barrier along the river bank and that answer to that was no.

Water Level Management for potential wetlands:

The objectives include obtaining clean tributary flows to maintain higher water levels. They are getting close to having the information needed to run the models to help move forward with decisions to move this process forward.

Treatment of Bunker Mine water and contaminated ground water collection and treatment in the Box.

The main goal is to maximize collection of the contaminated waters and data collection to figure out the best approach - going toward extraction wells. All the modeling and data continues to support original plans with what we hoped to achieve.

Commissioner Cernera asked how much water is coming in from the Bunker Hill mine and the concentration of metals. Ed Moreen responded that the Bunker Hill mine pumps to keep water level down to level 9 (Cernera also asked how deep the water level is at Level 9 and Moreen answered that it is several stories down below the entrance) as a way to prevent the leakage and control the water in the mine as it will be an ongoing flow forever. The water contains metals that are treated at the Central Treatment Plant (CTP). Commissioner Yergler shared that with the right owner there can be a solution if the mine was in operation and Moreen agreed. He reiterated that whatever project can be done to enhance the tax base in the future would help and that whenever we do a project we should consider the impact to our small counties.

Scope of Work

Commissioner Pfeifer opened up a discussion about if what we are doing is over the top and/or we are doing too much. It was agreed by Adams that the challenges stress people a bit and there is a need to look at whether what we are doing is the right level of work and to do a check with everybody to see if it is also the right amount. Harwood also explained that there were legal documents that needed to be developed for getting easements and rights of way that was not done before which added to the work load, but will not have to be done again as they are now in place. Pfeifer also expressed that he was very impressed with the amount of work that was done and all that was accomplished and Adams announced that there will be an upcoming paved roads “lessons learned” meeting to carefully look at these concerns regarding the amount and level of work and issues in respect to the community.

EPA Budget Update:

Current Special Account (SA) balance is about \$52 million and the Trust balance is about \$504 million at the end of the last quarter and that they received \$2 million in 2013 from headquarters. Commissioner Dan Green asked about the total amount of money that has been spent and what the annualized return is. Adams answered that the Trust budget spent about 20-21 Million this year but does not know about the return.

Planned Budget for 2014:

The types of projects include Remedy Protection in the Basin, WCA and Interstate Mine Cleanup, Pre-design data collection, Paved Roads remediation in the Basin, Lower Basin Pilots construction,

Repository operations, and LBCR construction, and stream work at the Kahnderosa campground. EPA needs to look at total package with completed budget approval in January 2014.

Planned Special Account (SA) Project Work for 2014: (Budget TBD)

The SA includes ongoing Property Remediation in the Basin, Remedy Protection in the Box, Paved Roads Program in the Box, and Lower Basin data collection.

Summary of Hecla Settlement Funds (from August 2012 presentation):

Reported on the payments collected over the years and showed the distribution. Some were less than were identified on the chart, so the end result is that there is a catch up by August 2014 to get to the total of payments.

The amount of \$138 million received to date of the \$180 million amount of the settlement. Amount in SA is \$43 million with a balance of up to \$42 million due in 2014. Adams added that the SA funding challenges is that we still have funds to manage carefully so they continue to have discussions to manage the funds for the long term funding. It was asked if this deals with upgrades to the CTP that would take care of all the water in the upper Basin and Adams responded that there will be additional needs that will be paid by the Trust because it is dealing with Operable Unit 3 (OU-3) waters.

Commissioner Albright asked if the funding includes the costs to build the cutoff walls, put in the extraction pumps etc., and Adams answered that it will be enough to put in the extraction system, pipes etc. with a variety of other things to be done to meet discharge criteria.

Miscellaneous Updates:

Community Fill Plan is very close to being wrapped up and the Annual Update to the Implementation Plan Draft is being worked on to reflect the discussions about the things included in the plan with minor adjustments. There will be a 30 day information review/comment period. They are continually making adjustments using adaptive management.

Rebecca Stevens (CDA Tribe) commented that it seems that the CDA Work Trust fund is taking on more and more work every year and is wondering what the fate of IDEQ involvement will be? Bill Adams answered that although the Trust is doing more and more, they cannot do the work in the Box. Therefore the IDEQ is implementing projects that cannot be completed in the Box by the Trust.

Jerry Boyd (CCC Chair) asked about the location of the Kahnderosa Campground and the Water Level pilot project schedule. Ed Moreen responded that the campground location is across the bridge at Cataldo and provided more information about the project objectives. He also shared that the Water Level control pilot project is moving forward but at a slower pace than the Kahnderosa given that there are multiple landowners at the desired sites. The current schedule calls for selection of a site for this project and design in 2014.

BREAK

Bunker Hill Superfund Site 2013 Blood Lead Levels Program Report – Jerry Cobb, PHD

Jerry Cobb reported that this is the first time in 10 years that they have gone door to door. This year they were able to go back and look at the lead issue in greater detail. This has been going on since 1974 but the Basin started doing it in 1996. There was an increase to \$30 as an incentive this year for children 6 months to 5 years to be tested. The blood is tested with a finger stick.

His charts showed the health effects and decreasing “elevated” blood lead levels. Neurotoxic Effects included a greater effect on children than adults and noted other Cardio effects, and other Organ and System effects and noting that the top at risk populations are children, and pregnant women. He reported that the Centers for Disease Control are basically saying there is no safe level.

He also reviewed the average blood levels in the Box showing the Bunker Hill Box Average Blood Lead: 1974-2002 and Summary Statistics 1996 – 2013 age 0 – 9 and with statistics by various ages throughout different years including year 2013.

Testing in the Basin was done similar to what was done in the past and the good news is that the blood levels have gone down and the education and activities have really helped with that. However, it may have also helped that the incentive went from 20 to 30 dollars for the testing.

They track to report how many are consenting by areas and he is pleasantly surprised to see where blood levels are at. The numbers are very low which is good showing that the blood levels are down which was the goal. He also believes that in the 10 year period the Institutional Controls Program (ICP) has very aggressively issued over 1000 permits in 2013. In the 10 year period, ICP very aggressively operated with the managed contamination goals to 1.) Protect children and 2.) Encourage commerce.

A Question arose by an attendee who asked if they track how long children have been in the valley and the answer was yes. They also do follow up and confirm information and they did a couple of home visits. They also have a follow up letter recommending that they meet for those with a level over 5. And, everyone with results greater than 10 received a letter recommending a home visit.

ICP Lower Basin component for recreation activities: Different types of individuals use the area in various ways. They are seeing a lot of development along the river on private property and use as campsites. Cobb reported that they do track those folks and most are longer than 6 month residents. This year effort was good and he noted that it is a challenge and not a simple solution.

He was also asked if they retest after the yard is remediated and what is the normal length of time to see a change? His answered that they tend to go down as quick as went up because different types of exposure will react differently. For example, with a screening in August, they will come back with a follow up letter about November. There is a need to identify exposure pathways and he explained that it is easy to bring down the level if we can identify the exposure and cut those pathways.

Stevens asked an ICP related question wondering about the number of permits issued in the Basin. Cobb answered that they are issuing about a 1000 permits a year with about 600 in the Box and 400 in the Basin.

He added that getting out in the rural area is much different than getting out in the city. A lot of Basin remediation is right of way and the roads and not actually in the yards. He also noted that a lot of people still do not respond and people forget.

He then was asked of the 276 of children surveyed, what percent of the population was in the Box and he answered that he is sure it is over 50%. When asked if after finger stick testing is there a venial blood draw, he answered yes, if it is their choice.

2013 Project and Executive Director Update:

Terry Harwood, Executive Director of BEIPC, gave his report on the activities of the Basin Commission. He already talked about all the legal documents process that took about a year to complete. He shared

that because he wanted to have more competition in the construction bidding process, he rewrote specifications to address this approach. He also worked with EPA for the bidding process on paved roads and expressed how important it is to continue with public works type process because it saved a tremendous amount of money. He is working with Terra Graphics to sample all the unpaved roads in the Basin and to map and remediate gravel roads. The current status is that he finished the first contract this year and he reported that all the roads are done in Kootenai County and that in Shoshone County we still have some roads to do.

There has been the issue of building a remedy protection drainage facility across private property which is a tough situation. He is trying to get landowners to sign off on Environment Covenants that states they will allow the government to come in from time to time to evaluate on how the project is working. He related how it is really difficult to work in someone's backyard and that private property rights are really important and sometimes it is a struggle.

He reported that we finished the project in Smelterville – Grouse creek with 11 property owners in this area and that he has been doing his regular job and helping EPA and IDEQ with documents and providing engineering consulting. He receives various questions and inquiries and issues on a daily basis. For example, "Is it safe to recreate and is it safe to fish?"

Commissioner Green asked if we are limited by infrastructure in place. We seem to have money and plans so can we make it go faster? Harwood answered that we need to work out impacts to infrastructure. He likes to strike while the iron is hot but we also must be careful not to tear up the whole town. Some communities may have projects planned.

Bruce Schuld responded to the question relative to the yards program by explaining that one of the things that we have stated is that we are hitting the bottom of the barrel for those for the yards program. There were about 600 and getting down on the number able to do each year. He explained that part of it is that folks don't know that they can come in and ask to have their yards done. He is starting a new outreach program to get the word out and is asking community leaders to help get the word out. Need to get the correct information out there for people to become candidates in the remediation program and be willing to participate.

CCC Issues:

Jerry Boyd, CCC Chair, reported that they had a meeting on October 17 that was planned but unfortunately he was ill and unable to attend. There was a low turnout at that meeting. He said that even though we do a lot of advertising about meetings we seem to have a high turnout when there is a high specific topic and noted that there is a low turnout in Coeur d'Alene but we often have a good turnout in Wallace. He shared that at the end of the meeting in October there was a written letter submitted and now he asked to open up a comment period about the letter.

The author of the letter, Julie Dalsaso, expressed that she appreciated that Commissioner Yergler brought up economic concerns. She has seen a lot of economic activity and feels the same way. She also stated that she would like to request that the Technical Leadership Group (TLG) provide input regarding the language for the Kootenai County consistent with the goals and process.

Bonnie Douglas, member of CCC, commented on Dalsaso's request that there is a need for technical information from TLG such as what the risks are. She also thinks there is science that is on this to be addressed and that there is a gap in the knowledge base such as what the setbacks are. She added that as a member of CCC she would like to see more emphasis on getting this kind of information and that the

Basin Commission has an obligation to get the comments and provide the information in order to protect “Our Gem”, the CDA Lake.

Commissioner Fransen moved to go into Executive Session per Idaho Code 67-2345 to discuss personnel issues during the lunch break. Commissioner Pfeifer 2nd M/S/C

Break for lunch - 11:45

Commissioner Fransen moved to end the Executive Session and return to regular session and Commissioner Pfeifer seconded. M/S/C

Commissioner Buell then called the meeting back to order and Harwood asked to change the order of the agenda: to begin with the 5 year plan and then move the BEMP Presentation to before the Presentation of 2014 Annual Work Plan to BEIPC for discussion and then comment and approval. Hearing no objections, a motion was made to adjust the agenda and Commissioner Pfeifer 2nd. M/S/C

Presentation of 2014-2018 Five Year Work Plan:

Harwood provided background information about the Work Plans process: When the Basin Commission was formed it was determined one of the key elements was to have a 5 year work plan and an annual work plan. He pulls all the input together. He explained that the 5 year work plan is an overview and the EPA Superfund Cleanup Implementation Plan (SKIP) also goes with this plan.

These documents presented today are the Executive Director and TLG recommendations to the Board for approval for the next 5 years and 2014 Annual Work Plan. Both plans have 2 parts. Environmental cleanup work includes implementation of the RODs and the Upper Basin ROD Amendment and other responsibilities that the BEIPC has assumed.

Lower Basin remedies:

Harwood stated that we have been trying to figure out how to deal with the situations in the Lower Basin and there are 2 pilot projects that Ed Moreen was speaking about earlier.

Commissioner Cernera asked if the pilot projects were listed in the plans and if there is an objective to use these plans in the remedies? Harwood answered that it was on page 12 under scope regarding pilot projects. Cernera then asked how did the selection process go down for the pilot projects. Is that an innovative approach? Why was it selected? He added that when he asked about the flooding in the Kahnderosa Campground, it was because he is still concerned about the approach regarding flooding and recontamination. He feels that it is something that the BEIPC should really be addressing.

Ed Moreen responded to his questions that some of these issues are like mixing apples and oranges. One of the challenging situations is that this campground does get flooded. It was not necessarily a pilot project selected as a Lower Basin remedy but as a human health problem since people recreate there. To harden the surface is one technique that seems to work. As an example, he mentioned the Rose Lake Boat Launch project, explaining that exposure had a play in it. That surface was hardened and now can be cleaned off. He further explained that the pilot project design plan is to stabilize the river banks with vegetation addressing banks that are failing where people are recreating. The question is can we be effective and demonstrate it in these areas in consideration of the significant increase in recreational use in the lower basin. Monitoring the site and see how these play out. We can learn many things at these sites and apply throughout the basin and looking for methods that we can employ that are different than what we currently see. The plan is to implement this in 2014 and monitor in the following years to see how it performs.

Harwood then continued his presentation of the Work Plan. The real question for the Lower Basin is the 2002 OU-3 ROD adequate? Do we need an updated document to determine the remedies for the Lower Basin?

Commissioner Green asked about the timeline and particularly in the next 5 years? Harwood responded that all the information that is being collected will be used to create a new ROD Amendment (RODA) if we need one rather than more studies and that we do need to update at some point.

Adams added that we do not want to come out with a new RODA but identify and implement actions which could be a series of mini actions. The goal is to be able to move as quickly as possible on action in the Lower Basin rather than waiting for a grand decision through making a new document.

Harwood continued reviewing Section 2 of the Work Plan listing other responsibilities and Lake Management activities. He brought up the question pertaining to why must we do all this monitoring and in his response, Harwood emphasized that we need to make sure we are doing the right things.

CDA Lake is in the Superfund site but was not included in the selected remedy. He explained about the model that was used under the Clean Water Act Grant in CDA Lake.

Some activities that have been completed:

- Natural Restoration Trustees that have formed a partnership
- Lower Basin project focus team.
- Flood control in the Upper Basin: EPA has been dealing with the remedy protection with flooding minor drainages, but Pine Creek and the CDA River are not under their purview so we have been trying to figure out how to deal with them.

Harwood noted that flooding is a major issue in the United States since Katrina such as flood insurance going sky high. Since we do not have a certified levy, if we have 100 year flood then it could be torn apart. His comments included that Communications and public involvement is a constant process for the Basin Commission, the Restoration Partnership replaced the Natural Resource Trustees and that they will continue to coordinate partnership with us and they will be coordinating work with EPA and IDEQ. They are working on their EIS on this to implement their Natural Resource Restoration Projects in the Basin.

Comments on the 5 year plan:

Rusty Sheppard, citizen of Kootenai County, brought up the Spokane River in Kootenai County not being in the plan because he had not seen that section in there in many years and it seems they put it in limbo. He asked about the plans for the Spokane River with regards to Superfund or whether it will be a clean water action. Commissioner Fransen addressed the question regarding monitoring related to the Clean Water Act and explained that the Spokane River was kept off the Superfund Plan but the Lake Management Plan does apply. Issues regarding the nutrients and potentially metals in the CDA Lake also apply to the Spokane River.

Sheppard then asked again if the Spokane River will still be kept in limbo or actually written in the plan because they have not said anything in the last 10 or 12 years. He stated that here was a problem about how much metal was coming in and he asked if it was resolved.

Dan Redline (IDEQ, CDA) responded that the Spokane River is listed for metals just like Lake CDA and in integrated reports, it identified water sheds to be used. Administration issues and then the work occurring now include completing them and the Superfund action covers everything affected.

Sheppard asked which law will take precedent action because it is under both the Superfund and Clean Water Act. He stated that it seems to him to be a conflict the way he understood it. Redline replied it will be a coordinated effort between the activity and how it affects the water quality in minimizing the metals. It is not going to be easy process because of the overlapping issues. It will be a challenging process and they will probably incorporate a Watershed advisory group to assess it. Currently they are developing a monitoring plan to collect data over that stretch of the river so we have updated information.

Julie Dalsaso, CCC member, asked how do you monitor and what do you do with steep slopes and anything that is not covered or exempt from County oversight? Redline answered that they are working on a metals TMDL not working on a nutrient TMDL. They do their analysis and then other actions.

Commissioner Fransen added that the LMP is a nutrient plan. The sources of nutrients are addressed in the tables and show that they will affect the Spokane River as well with the kind of sources that are in the tables.

Rebecca Stevens commented for the record that the Spokane River was included in the draft LMP and then they wanted it cut. However, it does not mean that the LMP is not still looking at it. She added that the Lake management staff has met with Spokane River Association.

After the comment session, Harwood asked the commissioners if we can make a motion to accept the 5 Year Plan. However, Commissioner Albright asked for clarification about Part 2 in the 5 Year Plan regarding how it addresses other activities when you adopt the 5 year plan. Is it adopting or acknowledging the other document actions? Harwood answered that it is just acknowledging the plan and how it has been done for the last 10 years. After discussion and to make it clearer, Albright suggested then to change the wording to reflect the overall intent. In the scope of the 5 Year Plan change “includes” to “recognize” those things.

Commissioner Cernera also suggested a change on Page 11 in the last paragraph: Add at the end of that paragraph “and once completed the programmatic EIS.”

Motion to adopt the 5 Year Plan:

Commissioner Green made the motion to adopt the 5 Year Plan as amended and Commissioner Pfeifer seconded the motion. M/S/C

Basin Environmental Monitoring Program (BEMP)

Bill Adams shared that BEMP has been in place for some time and that they continue to evaluate the number and location of the sampling sites. The 2014 Budget for BEMP has not gone up. He is looking for ways to summarize all data that has been collected and glean the lessons learned. He also acknowledged team members and then introduced Greg Clark with United States Geological Survey (USGS) to make the presentation adding that EPA provides funds for USGS, and Fish and Wildlife Service to do monitoring. He expressed appreciation for all the work they do to collect the data and their unique perspective and that stated that they also do an independent review and peer review.

BEMP Presentation by Greg Clark:

Clark presented overview of the data and what some of the information is telling us. His report concentrated on data from 2009 – 2013 with Objectives that are 3 fold: 1.) Determine site specific concentrations and loads of selected trace metals in the CDA and Spokane River Basins. 2.) Evaluate presence of or absence of trends in concentrations and/or loads at selected sites with long term data. 3.)

Discuss inferences about metal transport and storage processes indicated by concentration and load results.

He reported that it is very important to know that trace metals are highly affected by flow. He discussed metals transport and stated how important it is to know that we are covering a wide range of stream flow conditions.

He showed that they plotted the mean annual discharge at the Pinehurst and Cataldo stations covering the range of conditions. He also showed charts of BEMP Surface Water Monitoring locations where there are currently 18 stations in the basin sampled between 2 and 6 times per year. 13 have continuous stream gauges. Most sites are sampled 11 times a year, some 4 times a year and one 2 times a year. They try to target specific flow events and series of flow events.

Dissolved Zinc Concentrations, 1990-2013 chart started with Mullan and the report showed the increase from Elizabeth Park to Kellogg. The Total Lead Concentrations, 1990-2013 graph showed that it is a little different and reveals an increase between Cataldo and Harrison. Although he does not know exactly what the water quality standard is, he thinks it is between 2 and 5. The story for lead is not quite as good as lead travels with sediment and most of the lead is moving.

Commissioner Yergler asked if they sample all times of the year or high flow water. He answered that they sample 4 times a year. Clark further explained ambient water criteria ratio less than or equal to 1 means that the water quality at a given sample station meets ambient water quality standards and that only 5 stations were 1 or less. When Yergler asked if they take readings at normal or low flows, he answered absolutely and that there is a mixture of high and low flows. Clark also was asked to point out which things have a human health risk and which ones affect humans more? He answered that different metals behave very differently and have different affects regarding their human health risks.

His report showed that they have been collecting data at the Harrison site and that in the Basin the concentration was much higher at their peak after snow melt. He said that the problem with lead is that it is variable and depends on the kind of event. For example, the big events are early season snowmelt runoff events are really transporting the higher concentration of lead. He presented a chart that showed the annual loads into CDA Lake from the CDA River 2009 – 2013 noting that there was about twice the load in 2011 and showing big volume events pushing into the lake.

Commissioner Cernera had previously made the point about the temperature affecting the levels and when CCC member Julie Dalsaso asked about climate change and what would be predicted for these graphs in the future, the answer was that as long as there is lead in the lower basin that can be picked up it will be transported and flow into the lake.

Commissioner Buell asked if lead is all coming from mining or is some considered natural? Harwood answered there is no way that natural background levels could generate that kind of contamination.

Cernera commented that early on EPA did a study to try to find the hot spots and added that although things are getting better, there is still a ways to go to be considered healthy.

Commissioner Buell commented that the question was especially concerning the rain and snow events. In 1996 flood rain on snow event was from the water not the land. Harwood added that the contaminated sediment on the bottom of the river was not frozen though, so it was from the river. Another attendee commented that the lake was substantially frozen over and you could see a brown streak smudge going down the river into the middle of the lake. Cernera also commented that it was a result of a lot of

washing of the tailings and Buell added that that was a lot of years ago. It was explained that it can sit on the bottom for years then a flushing event takes it out.

Harwood reviewed the 1 year plan:

It is also divided into the 2 parts. The 1 year plan is far more focused than the 5 year plan. Went to each of the involved agencies and asked specifically what they plan to do in 2014. Paved Roads was put into the plan as a separate program. Remediated 130 properties as Schuld reported earlier and that there are about 600 properties left to do.

Schuld commented that there is a mixture in the 600 that qualify for remediation sampling or remediation under the program and that some are contaminated or near other areas that are contaminated. Harwood added that they have not had the opportunity to sample all of them. Commissioner Cernera requested to incorporate and add “the tribe” to point number 5.

Harwood continued that they have finished Grouse Creek Remedy Protection drainage work. The Shields Gulch project is a remedy protection project that includes rechanneling the creek to protect the Osburn School. Design work in Mullan, Osburn, and Silverton are also to be Trust projects. They are going to try to take care of over 21 miles of paved roads in 2014 which is more than twice what was done in 2013.

He already talked about repositories and emphasized that Big Creek is getting pretty full with the need to get the Lower Burke Canyon Repository up and running and that IDEQ is working on expansion of Page Repository; objectives are to operate the existing repositories and to make sure there is adequate space to continue repository operations noting that without repositories, you cannot continue with the cleanup.

The Osburn tailings pond site is sitting in abeyance now while we are working on Lower Burke Canyon and the potential expansion of Big Creek. Managing the waste in the valley is really important and we will need to finally close Big Creek and still need a design on how to cap it.

Upper Basin remedies:

Will be the majority of the work for the Trust for the next 5 years.

Flooding Potential:

Harwood noted that there is a need for an evaluation of the existing levies because you cannot really plan on what to do until that is done. Commissioner Yergler added a comment that there is someone in the valley who wants to build a laundry facility and bring in 28 new jobs, but because of the flood way issue in the Smeltonville area, he cannot do it.

Outreach and Education:

Working together on communication and public outreach and education in partnership with BEIPC staff and IDEQ, and EPA public relations for getting the word out.

Natural Resource Restoration:

Commissioner Cernera commented that to be consistent it should say “Restoration Plan/EIS” and make the correction but get rid of “draft” in the 5 year plan.

General Comments:

Commissioner Yergler commented that he knows we are going in the right direction but in general some people just don't trust the government so whatever we can do as an incentive to participate that maybe

that would make a difference. Suggests a BBQ as a suggestion to get people together and invite comments.

Schuld stated that we routinely fail to mention that in our programs and remedies we are employing local labor, buying a lot of supplies, enhancing private property, and used local labor to facilitate the process. All of this is a good reason for people to join in the process.

Commissioner Yergler would like to get together to discuss this. Schuld agreed as we are trying to broaden our outreach program. Schuld also commented that in the last month or so, Harwood said "Always avoid misinformation because you can end up spending a lot of time correcting things." Because of this good advice, he wants to offer the Commissioners and anyone else to ask him or his staff if you have questions about the Basin Property Remediation Program and/or ask any of them to provide information. He advised that it would be better to address these questions to the Project Manager rather than rely on perception as you drive past a project.

Commissioner Pfeifer moved and Commissioner Green seconded to accept the Work Plans as amended. **M/S/C**

Harwood announced that the next big thing is to get the accomplishments report finished with input due 1st week of January. There will be a draft of the Annual Accomplishment Report to present in the middle of January 2014

Denna Grangaard (IDEO) presented the audio clip of the Public Service Announcement (PSA)

She reported that in the last year brought a development of a children's coloring book. She took that information and what she learned into a PSA. Most of the suggestions were to make a presentation in a positive way and present what to do rather what not to do. The two radio spots aired through August and September.

Commissioner Fransen gave the feedback that when he first heard the PSA that he was confused a bit but now he realizes what it had been referring to.

Comment Period open to the public.

Julie Dalsaso, CCC member and Kootenai County citizen, expressed that she learned when amending the ROD was done about the process and she also learned about the term adaptive management. In the Basin Bulletin in March she noted that article that had quite an emphasis about riparian and shoreline factors. Today she also learned about Resource Partnership. She stated that it seems to her that in moving forward with Basin decisions that there is also a need to incorporate the correct information. She stated that it is good to get an answer and suggested that TLG could be an advisor. (Or another group)

Harwood thanked all for attending the meeting and reaffirmed that the bottom line is we got a lot of stuff done this year and will be very proud to produce the 2013 Accomplishments Report in January. He also thanked the EPA.

Commissioner Pfeifer moved and Commissioner Green seconded to adjourn the meeting at 3:25. **M/S/C**