

Basin Environmental Improvement Project Commission (BEIPC)

Meeting Minutes

February 25, 2016

Wallace Inn Gold Room, Wallace Idaho

Attendees:

Terry Harwood (BEIPC Executive Director)

Commissioners and Alternates present:

Jack Buell, Phillip Cerna, Marc Eberlein, Rob Hanson, Caj Matheson, Grant Pfeifer, Beth Sheldrake, Leslee Stanley and John Tippetts.

Staff present:

Glory Carlile (BEIPC Assistant to E.D., note taker), Bruce Schuld (IDEQ), Rebecca Stevens (CDA Tribe), and Sandra Treccani (State of WA).

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

Call to order and Pledge of Allegiance: Commissioner Jack Buell (Benewah County) called the meeting to order at 9:30 a.m. followed by the flag salute.

Review and Approval of November 12, 2015 Meeting Minutes:

Harwood announced that there were a few minor changes made in the minutes that were sent to the Board by e-mail for review. Phillip Cerna and Grant Pfeifer 2nd to accept the minor edits that were made in the minutes. **M/S/C**

John Tippetts moved to approve the November 12, 2015 minutes with the submitted changes and Marc Eberlein 2nd **M/S/C**

Election of Secretary/Treasurer:

Harwood announced that John Tippetts has volunteered to fill this role. Marc Eberlein moved to elect John Tippetts as Secretary/Treasurer of the BEIPC Commissioners. Grant Pfeifer 2nd **M/S/C**

Update on the lake Management Plan (LMP) Implementation:

Jaimie Brunner (IDEQ) and Laura Laumatia (CDA Tribe) reported on the LMP Trends Report. They are working on the tables in the LMP Action Plan. They have a list of stakeholders and have interviewed some of them. They are auditing the management action table categories. Brunner reviewed some highlights in the 2015 Accomplishment report Laumatia presented a summary of the report with a review of major accomplishments including Nutrient Reduction Activities 2009-2015.

Laumatia was excited to share that the Proposal to NRCS for a research opportunity has been submitted and they were successful in being funded. It will allow all the partners to get involved and work with land owners. She announced the upcoming Resource Conservation Partnership Program and the Our Gem Symposium to be held on March 22 at the CDA Resort.

Comments/Questions:

Phillip Cerna asked that they explain this report, how it came to be, and what is to follow. Brunner said that the Trends Report received feedback from what was presented to the Basin Commission. This updated report increased data in the report and is showing what is behind the trends and the triggers. Laumatia added that there is a table report that was added. As a report card it tells where we are in relation to the triggers in the LMP at and there will be a series of reports that will tell us where we are at.

2015 Annual Report

Harwood reviewed the 2015 Annual Report. He explained that it is a report that is prepared every year that is basically like a report card also. It listed the accomplishment report activities that were done. It is divided into the same sections as the annual work plan and also shows a compilation of all the public outreach and citizen involvement and also what the CCC and TLG do in support of the Basin Commission. The process also includes EPA, IDEQ, and PHD. He noted that they are also trying to deal with development of recreation areas and dispersed sites.

John Tippetts commented that the data chart on the Blood Level Report does not show the downward trend. Craig Cameron (EPA) said that they have leveled off partly because the biggest change happened when the smelters stopped running. Some of the higher exposure is related to parent's occupation exposure and recreation exposure.

Basin Property Remediation Program: The Trust will be doing the sampling and remediation this year. Remedy Protection Projects are in urban areas and also includes some side drainages.

Paved Roads Program: They have completed 259 road segments since the beginning of the program and are working with the 9 jurisdictions to coordinate utilities projects with the roads projects.

Shoshone County Commissioner Leslee Stanley commented on the Woodland Park repository regarding issues with water leakage and voiced her concern that EPA is not being held to the same standards that are being put on the community. Harwood said that they will talk about this Lower Burke Canyon Repository (in Woodland Park) during Bill Adam's presentation.

Regarding the cleanup in the Lower Basin, as part of the biological resources and water quality exchange network, Rebecca Stevens noted that the swans and migratory songbirds data was uploaded to the WQX.

Harwood reported that the LMP includes updates of activities since 2009 with a compilation of all the things being done dealing with nutrient loading into CDA Lake. Marc Eberlein commented on item #10 in the LMP report wondering how well the bank stabilization on the St. Joe is holding up. Brunner said it is working with the combination of riprap and willows. Cernera pointed out that after looking at everything that is being done there is still the caution to look at what is still affecting the quality of the water in the Lake. Eberlein noted that the graphs depicting the trends have spikes and in other years is below. Craig Cooper, IDEQ Limnologist on the project, explained that the graph does show the ups and downs because they specifically developed a trend method using the best science practices and the reported trends are real using this process.

Questions/Comments:

Stanley commented that referring to the sediment, she wondered about the contributions from the high water and from fire. Harwood said no and Cernera added that the CWA report listed a study that was done that addresses this concern. Stanley asked about the additional 10 road segments that were added to the Paved Road Program stated on page 15 of the Annual Report. Schuld answered that the 10 segments were cross streets between sections so it did not make sense to exclude them. They are not actually adding anything more than what is currently on the list. Harwood clarified that anything added has to meet the original criteria of the program. He also noted that the original list needs to be done before doing things added to the list later.

Cernera asked if the challenges ahead included additional funding. Harwood read over the section but he did not say anything about the interest in getting more money. Eberlein commented about the stock market and where it is going in the future and he agrees it is being wise to be less aggressive in the future on investments in the Trust.

Marc Eberlein moved and John Tippetts to accept the Annual Report as submitted. **M/S/C**

Tippets asked Craig Cooper about the crux of the data concerning the Lake quality. Cooper answered that the Lake is changing in multiple ways. In some places lead and zinc levels are going down, and visibility appears better. There are also emerging challenges. Tippets also asked about the low levels of the lake – timeframe that we are looking for that process to start? Cooper answered that it will be difficult but we could look at the history and perhaps the future will look like it.

Cernera asked about the conditions of the Lake. He is concerned about the Central Treatment Plant (CTP) coming on line and the radical reduction of zinc. He wondered if it might create an accelerated rate of plant growth in CDA Lake. Cooper is hesitant to postulate as there are a lot of unknowns. He agrees that as zinc levels go there can be other issues that may come up with changes. How it happens and the rates are unknown.

CCC Update

Jerry Boyd, CCC Chair, reported on the meeting held in CDA on January 13. 21 attended but only 7 were citizens. Last year only had 2 meetings and there was still very low turnout. One of the principal communications has been e-mails distributed by Carlile and everyone at the meeting said they learned about it by e-mail.

Boyd shared that he received a communication from Kootenai County Alliance concerning the jet boat races which he will forward to Terry Harwood. This is an example of the communication process. He asked if the Basin Commissioners want to continue CCC quarterly meetings. Harwood noted that CCC members are invited on the tour in August. Cernera suggested that the CCC Chair determine when the meetings should take place. Harwood suggested a meeting in the Upper Basin and a meeting in the Lower Basin every year at least. Eberlein noted the great comment from Cernera in the CCC minutes about looking positively and enthusiastically forward.

Boyd announced that there will be a meeting then in April and the time will be 3:30 - to 5:30 p.m. and Stevens announced that a revised TLG roster will be on the website after it is updated.

Questions/Comments;

Bill Rust commented on Lake Management issues regarding trends and water quality. He shared that a student at University of Idaho did a research paper that found that the blue and green algae in Fernan Lake was being driven by internal recycling with the implication is that if you completely shut out the sediment from Fernan Creek it will not solve the problem. Another paper looked at erosion. The study found that erosion in Fernan Creek has not changed that much in 1000 years. He suggested that the limnologist people read these studies.

Cernera said they are concerned about the southern end of CDA Lake and the amount of nutrients being recycled. St. Joe River is pushing that also into the northern end of the Lake.

Cooper, Limnologist, pointed out they have and are reviewing thesis papers. He said we must keep in mind that different lakes have different cycles and environments that shift the natural balance. We must take in consideration the many complex changes and different dynamics. Stevens added that the Fernan Lake project was called the Myles Project. Laumatia added that the Myles Project will be discussed at the Our Gem Symposium and will share what we have done and how to compare it to CDA Lake.

Update on Floodplain Sedimentation Rates and Riverbank Characteristics, Erosion Rates, and Lead Contribution in the Lower Basin – Ed Moreen, EPA

Ed Moreen (EPA) gave an update starting with discussion about the Tech Memo Summary Overview and organization of Conceptual Site Model (CSM) dates focused on hydrologic activities and sediment transport and Riverbank stabilization including Riverbank Characteristics, Erosion Rates, and Lead Contribution.

Importance of understanding riverbank erosion:

- important for planning and prioritizing remedial actions
- Visible source of lead mobilization caused by natural (wind, flooding) and manmade (boat wake) mechanisms
- Bankline armoring is a common practice for landowners and other parties to reduce erosion rates

The overall estimate of Riverbank Erosion Rates and Findings report an average of about 3 inches per year. The Tech Memo compiles and interprets erosion rates reported in various studies from 1994 to 2012. Marc Eberlein asked about the specific estimates but Moreen did not have them at this time.

Stratigraphic Model Development key finding: Observations showed predictable layering and concentration pattern in bank deposits and allowed development of Stratigraphic Model for Lower Basin. Concentration of bulk lead is based on these models. Basin-scale findings show that trends tapers as you move away from the channel and decrease in the downstream direction.

Questions/Comments:

Cernera wondered if there have been any studies looking at the subsequent riparian zones after the bank stabilization projects are done. Harwood answered that there was a study on riprap in regards to a fish impacts report. Cernera commented that we need to look at remedies to make sure that any potential restoration will result in a healthy ecosystem with future restoration opportunities.

Stevens commented on a Clean Water Act (CWA) project from 2004. Various bank stabilization approaches were assessed and documented as failing or working in the Clean Water Act projects Executive Summary list on the BEIPC Web Site. Harwood said the point is that they tried all kinds of methods for bank stabilization and Moreen shared that the Ponderosa pilot project is a good example of a successful demonstration project.

After lunch, Ed Moreen made a presentation of the Simplistic Floodplain Sedimentation Estimates and the Floodplain Sedimentation Rates Developed from 1-D Model Results. He noted the importance of understanding floodplain deposition is for planning and prioritizing remedial actions, understanding the system, understanding the effects on receptors, and the Transport Model.

Leslee Stanley wondered why we wouldn't design a model on a 100 year event basis and Moreen said that it would not be as trustworthy. Harwood added that we use 50 year rain on snow event in Remedy Protection Projects.

Moreen reported on the Pilot Project in Lane Marsh that is using incremental thin layer capping. The concept is to use application of clean fill or sand in multiple layers. It also avoids the cost of re-vegetation. Lane Marsh is in publicly owned land.

Update on Central Treatment Plant (CTP) Upgrade – Ed Moreen, EPA

Ed Moreen (EPA) reported that the Corps of Engineers is the contracted administrator. Initial proposals were received in December. They are currently in discussion with the proposals toward awarding the contract award with a target date in middle to late spring.

Comments/Questions:

Bill Rust asked if the contract is for both CTP and ground water collection system. Moreen confirmed that it is one package. Rebecca Stevens announced that Fish and Game will have public scoping meetings in March. On March 17 there will be a Basin forum to discuss other issues outside of the cleanup. The meeting will be at Centennial Distributing in Hayden.

Program and Project Update and Budget Report – Bill Adams, EPA

Bill Adams (EPA) reported on where we are at with budget and activities noting that the Special Account (SA) current balance is \$90M, the CDA Work Trust current balance is \$464M, and the estimated budget for 2016 is \$23M. He shared that the Trust funds are managed by Trustee Dan Silver and Blackrock Investments using a diversified conservative investment plan (portfolio).

Cernera inquired about the 5% figure of the Trust Admin Costs on the CDA Trust Expenditures 2009 – 2015 chart and Adams confirmed it includes all administrative overhead project expenses. Cernera asked for listing of the administrative component of the account. Harwood asked if survey costs come from the other side of the ledger and Adams confirmed that it is and also includes contract oversight as part of the Admin costs. Harwood added that part of the overhead costs are then on the right side for construction oversight.

2016 Planned Work:

Adams reported that great progress was made in 2015 to protect people in community areas and improve water quality and there will be continued progress in 2016. He noted that cost savings included coming in under estimates and that it created about 400 jobs with work using a lot of local contractors. He said that cooperation and coordination has been the key to good success and cost savings and that they will continue to work with property owners affected by projects. There is a broad range of outreach activities to keep communities and stakeholders informed.

He reported that the 2016 Remedy Protection Projects are aimed at getting water through the areas by replacing drainage structures in the communities with the goal to prevent flooding, sedimentation, and erosion. Eberlein asked where the funding comes from for the Robinson Creek Wetlands project with construction to be completed by IDFG in 2016. Adams said it comes from EPA SA and Schuld clarified that it is split 50/50 between the settlement money that the State holds and the SA. Adams also noted that the Basin Property Remediation Program has transitioned to the CDA Trust with continued oversight/support by IDEQ. All contracts not yet in place and over 70 residential and commercial properties planned.

Adams also reported on the 2016 planned disposal locations of Repositories and LUR's. In addition, he shared that there was an issue regarding truckloads of waste being deposited in the Lower Burke Canyon Repository from downstream sources when it was announced that it would not go there. It was later discovered that there was a lack of communication between the EPA and the Trust. He assured that in the future there will be a change in policy to do public outreach efforts about any concerns.

Questions/Comments:

Tippets inquired if the Trust has an established policy for the Trust for spending and growth and about spending the principal over time. Adams confirmed that they are confident that they will be able to complete all the work in the Upper Basin and still have funds in the Trust.

Matt Beehner asked about the deviation of truckloads of ICP waste wondering about the cost and amount of deviation. Adams reassured him that there will be opportunity for public input in the community first and it is an important point. Beehner commented that we must look ahead for hauling both in and out and to more concerned about the increased capacity.

Eberlein shared that some constituents have asked about severe discharge leakage but Adams said there is no evidence indicating that there is any leakage.

Bill Rust asked if the cleanup will continue even if the Trust fund runs out and Adams said yes but we would have to look to other resources and seek other federal appropriations for funding.

Beehner commented on the water coming in underground Lower Burke Canyon Repository and Adams agreed that it will need to be addressed.

Adams reported that they are working on the Strategic Plan and outreach, facilitation, and coordination in the Lower Basin, as well as soil amendment evaluation – ORD funding support for thin layer capping pilot project, and beach augmentation evaluation. There is ongoing work on Sediment Transport Model, limited data collection to support CSA and ORD funding for environmental Atlas and Decision Analysis tool called DASES with input sought from the community.

Adams announced that the Trust Diesel Implementation Strategy will be implemented by the Trust to encourage reduction of emissions from cleanup equipment. EPA is concerned with the impact of truck trips in the Silver Valley with a plan to provide an incentive starting in 2016 to the selected contractors. Jack Buell commented that newer trucks are not so much more efficient than older trucks if they are maintained and tuned up.

Eberlein asked what the value of the Diesel Implementation Strategy is to the Trust. Adams said they are helping to achieve EPA goals. Grant Pfeifer added that the State of Washington has been doing this regarding diesel trucks by investing funds every year starting with the school busses.

Additional activities include Implementation Plan Update, Basin Environmental Monitoring Plan (BEMP) refinement and optimization, and ongoing outreach. Adams announced that EPA has hired a consultant with the re-establishment of a contract to support CCC and Lower Basin meetings with situation assessment/facilitation. He introduced Wendy Green Lowe, consultant from the Participation Company. He stated that she will be providing facilitation in the Lower Basin and looking at the CCC by interviewing people to determine if CCC is serving the organization in the best way to make sure there is maximum community participation.

Questions/Comments:

John McFaddin who lives on the CDA River commented about the CDA jet boat races. He said that he wants a thorough and objective look at the event regarding contamination of the Lake and health concerns. Beth Sheldrake (EPA) answered that she is not aware of any Federal rules to handle any of this but said that EPA has written a letter.

Leslee Stanley said that Shoshone County had an evaluation of concerns about the boat races in the St. Joe River and that in the beginning Shoshone County had several concerns about the boat races (i.e.; wakes-bank erosion, eagles, traffic, litter) and they were taken care of so they proved to be non-issues. Jack Buell commented that they have professionals running these races and they have not had any problems. Cernera added that the CDA Tribe had asked for a contingency regarding spill. Terry Harwood suggested that concerned people get together to talk about their concerns and get provided with this information. He is also concerned for the private property owners and trespassing and litter. Sandra Lockwood is concerned with the contaminated river banks and kids getting exposed to it. Andy Helkey said that PHD has written a letter about this issue.

2016 Paved Road Program – Bruce Schuld, IDEQ

Bruce Schuld (IDEQ) covered the key points in his presentation. The 2015 – 2016 Roadway Surface Remediation and Repository Programs Update addressed the two things brought up earlier in the meeting. He noted that they have disposed of nearly 20,000 cy of road waste saving space and costs by use of LUR's.

Paved Roadways Surface Remediation Program:

Schuld reported that they have spent about 60% of funding in the Box and about 49% in the Basin. He said that we see a shift from crack seals and sealcoats towards total rebuilds for most road segments. All of the roads projects have had to closely coordinate with local infrastructure improvement work.

Questions/Comments:

Stanley commented on the savings as a result of coordination with the County and Cities and the competitive bids. Schuld agreed also that they must stick to the list to be done first and he clarified that savings to an area does not mean the dollars saved are to be spent.

Eberlein asked if there is an estimate of how much waste will still be generated. Schuld gave a guess of about 20,000 cy for the roads waste. Bill Rust asked if this was just the roads waste or all of it. Adams added that there is an estimate made from the CERCLA remedies so that they will not need new construction of repositories for at least 10 years.

Matt Beehner asked for clarification about decision making process. Adams answered that some decisions need to be made in advance so there will be public input. However, Schuld said that they would be able to make some daily decisions that need to be made at the time.

Cernera requested the BEIPC Commission make the next meeting in the Plummer area.

Adjourn:

Leslee Stanley moved and Phillip Cernera 2nd to adjourn the meeting at 2:58.