

2002 Repository Identification Activities

In 2002, the DEQ commissioned TerraGraphics Environmental Engineering Inc. (a State of Idaho, Department of Environmental Quality Superfund contractor) to identify potential repository locations in the Coeur d' Alene River Basin. As outlined in the objective of the study, the effort focused on the upper basin where the primary human health effort would be concentrated during the early stages of the clean up. The concept of initiating an investigation for repository sites was developed after reviewing past work completed by a variety of individuals and groups. As described above, the 1998 Tribal study built an electronic framework that provided the boundaries for the TerraGraphics study. The attached diagram outlines the process for identification and selection of a repository (see attached: Repository Procurement Schematic). While the outline follows the process developed in the ROD for repository siting, the diagram reveals the different issues uncovered in the process of siting these repositories.

Site Identification Study

The 2002 investigation and report used the GIS boundaries provided in the 1998, Tribal study. However, in order to keep all possibilities for repository sites open, the qualifying layers applied by the Tribal team (e.g. ESA boundaries) were not applied and the process essentially was started over. The efforts of the study produced 83 different sites located from the Mullan area west to Pine Creek. A technical field crew performed the reconnaissance and all sites were qualitatively evaluated and then ranked based on six primary criteria ¹. The sites were photographed, described and a GPS reading was taken so the site could be mapped. The results of that work were presented to the Technical Leadership Group in November of 2002. A hard copy notebook was sent to the EPA, Panhandle Health Dept., USFS and DEQ. CD copies of the study are available upon request. Due to the amount of color printing involved in reproducing the report and the related expense, hard copies were limited.

Results of 2003 Site Identification Activities

Of the 83 sites evaluated in the 2002 study, roughly a third (28) were preliminarily ranked as "good" according to the initial screening evaluation. Following, 54% were ranked as "average" and 14 sites were ranked as "poor" (see attached: Consumer Reports style table with the evaluations and ranking for each site). Utilizing the ranking system, the DEQ began to investigate ownership of the parcels. Each site that ranked as "good" was further evaluated for ownership as determined by the Shoshone County Assessor's office located in Wallace, Idaho. Establishment of ownership was critical to allow legal access for the next phase of the evaluation process – environmental baseline assessment and engineering evaluation; when combined these evaluations lead to the repository design.

While all sites were preliminarily ranked based on qualitative field parameters, it was necessary to obtain more detailed site data before a location could be selected

¹ The six criteria were: Volume (repository capacity), Proximity to the primary removal sites per the ROD, Proximity to residences, Access to the repository location, Proximity to surface water, Extent of prior contamination.

for further review. Ultimately, access and an accurate determination of land ownership were the most complicated steps in the evaluation processes. Shoshone County land ownership maps are a compilation of city and county plat maps meshed with historic mining claim maps. Determination of land ownership was an extremely complex exercise that often did not produce accurate results. Consequently, the DEQ contracted the retired Shoshone County Assessor to investigate and report on the ownership of the 28 potential repository locations in Shoshone County. That report produced land ownership information for each location that includes ownership detail on parcels within the primary location. In some cases there were six different ownership parcels included in a specific tract of land. Therefore, before any additional siting criteria could be applied, identification of ownership information and contact of the landowners became a significant problem that was critical to overcome. Through the summer of 2003, contact of owners has yielded only a few positive responses regarding land access, use or acquisition.

Many of the owners of the sites investigated were found to be mining companies. In fact, Hecla Mining Company owns all or part of 11 of the 28 tracts of land; Coeur d'Alene Mines (Coeur Silver Valley) owns all or part of 4 tracts; US Government (BLM) owns all or part of 2 tracts, the remaining tracts are owned by various other small mining companies, individuals, and the state of Idaho Department of Transportation.

During 2003, the DEQ is continuing to contact private landowners and numerous land management agencies. As described above, the largest set of landowners that hold potential repository locations are the local mining companies. Negotiations with the mining companies are complicated by the CERCLA/Natural Resource Damage lawsuit currently under litigation in the Federal District Court in Idaho. Specifically, Hecla Mining Company has informed the DEQ that while they were willing to participate in a repository siting process, they were advised by their attorneys not to enter into any negotiations with the governments outside of the NRD lawsuit. This posture temporarily affects 40% of the potential repository sites in the "good" preliminary evaluation category.

Other complications involved in acquiring repository locations include a lack of funds/protocol designated for purchase of private lands; the complexities of acquiring land from other federal and state land management agencies (time delays and bureaucratic red tape); a lack of procedure drawn out by the governments allowing release of liability for past and present and future management obligations. Ultimately much of the repository identification and utilization process will be modified by the inclusion of state law requiring an Institutional Controls Program or ICP in the Basin. Such a program is however, still the planning stages.