

**TLG CONFERENCE CALL SUMMARY**  
**March 9, 2006**

**Participants:**

Brian Spears (Vice Chair)	Rebecca Stevens
Mark Masarik	Mark Stromberg
Nick Zilka	Lloyd Brewer
Rusty Sheppard	Anne Dailey
Paul Woods	Terry Harwood
Rog Hardy	Bill Ryan
Mike Beckwith	Jeri DeLange (Note Taker)

This summary provides the salient issues. These notes are intended to capture key topics, conclusions, and next steps and not the nuances of the discussion.

**Agenda Items:** None

Brian Spears started the call by asking the TLG what direction they wish to take since Phillip Cernera resigned after being appointed to the BEIPC as the Tribal Commissioner. Spears indicated that he had no problem with taking over the position of TLG Chair in the interim. He mentioned that he was not opposed to an election if the TLG chose to do this, or that he could fill the position until the term expires. Spears said that he would discuss the duties with Terry Harwood.

Rusty Sheppard inquired if there was any residual from the \$30,000 seed money that the EPA gave to the Tribe for the TLG Chair. Spears indicated that Cernera planned to discuss this with the EPA. Bill Adams answered that the EPA will look at what was put in and what has been spent. Mike Beckwith mentioned that Angela Chung has met with the Tribe to discuss this issue and figure out what to do.

Nick Zilka announced that he supported Brian Spears as the TLG Chair. Lloyd Brewer and Mark Masarik indicated their support also. Rog Hardy believes that Spears will do a good job if the USFWS supports him and pointed out that Harwood's office can provide assistance. Hardy brought up the legality of Cernera's appointment as the Tribe's representative because the Idaho Statute specifies a Tribal Council member. Beckwith answered that the Tribe's position in regards to legislative intent is that they can appoint a designee.

Sheppard responded that the State of Idaho's position is up to the Attorney General's office. Beckwith indicated that this was not a TLG issue and suggested moving forward. Hardy said that Cernera had recommended strict adherence to the TLG protocols in the past; and while Hardy appreciates the Tribe's position, he believes it is unethical to accept the Tribe's designation unless the Statute is changed.

Beckwith pointed out that Cernera is an employee of the Tribe following their directions. Sheppard believes that the Tribe needs to clarify this issue with the State of Idaho and then move on. Beckwith agreed. Harwood mentioned that the appropriate way to deal with this issue is for the Attorney General's office to work on changing the Statute. He indicated that he was not sure

how long the Legislature would be in session, but that it could be changed if someone sponsors an amendment.

Spears asked if anyone had received information on a new TLG representative for Shoshone County. Sheppard indicated that John Snider would be back on Sunday and that they would get together with the county commissioners to discuss this issue.

Hardy pointed out that he did not see any Kootenai County Commissioners at the recent repository meeting, only two from Shoshone. However, he believes that the counties are all working together. Harwood discussed funding for the TLG county representatives and that he was not sure if this had been approved by the State Legislature in JFAC (Joint Finance and Appropriations Committee).

Before proceeding to the round table discussion, Spears said that he would coordinate with Harwood's office to work out the relationship as the TLG Chair for the next year.

### **Round Table:**

**Zilka:** Nothing to report.

**Masarik:** Mentioned that a possible concept for recreational work in the Cataldo area was being considered as well as a connecting road between Dudley and the Cataldo repository. Spears mentioned that the area was now inundated with water and made a suggestion that this should be taken into consideration in the design. Harwood commented that he is involved and that the EPA and IDEQ are taking care in developing a good design. Harwood suggested that people can contact John Lawson or Ed Moreen for further information.

**Adams:** Reported that there was a mine/mill conference call yesterday. He said they hope to wrap up design issues on grading so that the ACOE can implement the work. Adams also said that they have identified the locations for 8 wells and 14 piezometers in Canyon Creek; and are working on obtaining the permission of the property owners. He indicated that most of the property belongs to Hecla.

**Spears:** Asked if there were any new updates on the Asarco land sale. Harwood answered that it was discussed yesterday, but the best location for the repository is actually the other side of the dike road. Harwood informed everyone that once a federal agency turns over an issue to the Justice Department, it no longer has any control over the litigation. He mentioned that Asarco is in bankruptcy and that an effort would be made if those lands become available.

**Sheppard:** Nothing to report.

**Beckwith:** Mentioned that he attended the repository meeting and he wanted to point out that the figure reported for the amount of water at maximum peak during the flood of 1974 was incorrect. He indicated that the correct figure for 1974 was 74,000 cfs; and that in 1996, it was 70,000 cfs based on 71 years on record at the Cataldo gage.

**Stevens:** Reported that the lake map was printed and on its way. She will give flat copies to Harwood to send to the BEIPC and TLG. For the 450 folded copies, she will work with Harwood on the distribution areas. Stevens also mentioned that she will no longer be representing the Kootenai Shoshone Soil Conservation District on the TLG. Beckwith indicated that Stevens would be coming to work next week at the Tribe's office in CDA. Spears congratulated Stevens on her new position.

**Brewer:** Nothing to report.

**Woods:** Mentioned that he is continuing work on the lake report and training people in the office to take over upon his retirement. He is also planning to do a lake trip next week depending on the lake flow.

**Dailey:** Indicated that 2 new wells were going to be installed under the OU-2 monitoring plan. She said that the work should start soon by the ACOE.

**Ryan:** Remarked that the Human Health PFT is in the process of setting up a meeting the first week in April to deal with ICP issues. The proposed dates are April 4, 5, or 6. He also mentioned that there will be a separate Human Health PFT meeting to discuss the yard remediation program, but a date has not been set yet. An email will be sent out to everyone as soon as it is scheduled.

**Stromberg:** Reported that he is busy with the yard program and that this year's goal of 500 properties is very aggressive. He still has contractors working until the end of June, however, he will be putting out new proposals soon.

**Spears:** Said that he has been doing field work surveying waterfowl. He indicated that he found more dead swans.

**Harwood:** Mentioned that at the recent repository meeting, it was brought up that there is some consideration of expansion at the Big Creek site and that it would involve raising the power lines. There is also consideration of expanding the Page repository as well. He indicated that he is working on the infrastructure project to find some funding to inventory the existing infrastructure in the Basin and add it to the previous survey in the Box. However, he has had no luck on funding for blood lead testing.

Harwood brought up the draft five-year plan that he developed and sent out to everyone for review. He prepared the document by looking at the 2005-2009 plan that was approved last August and then by looking at the 2006 one-year plan. He said that there were some considerable changes and that he took the two documents and combined them together for the life of the plan. In addition, he added a Section 3 and put in the infrastructure proposal along with Phase II of OU-2 and the LMP. Harwood reminded everyone that the language had already been approved and suggested that they use the other two documents when reviewing the draft. He commented that he put the draft plan together to try to reduce the workload especially with Spears becoming the new Chair.

Spears indicated that he would put the five-year work plan on the agenda to discuss on next week's call.

**Schedule:** The next TLG conference call will be scheduled 3/16/06.

Thank you for your participation.