

TLG CONFERENCE CALL SUMMARY
May 4, 2006

Participants:

Brian Spears (Chair)
Nick Zilka
Bill Adams
Anne Dailey
Lloyd Brewer
Rusty Sheppard
Terry Harwood
Rog Hardy
John Snider
Randy Connolly
Mark Masarik
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: Upcoming TLG Meeting, Draft ICP Discussion

Brian Spears reminded everyone about the upcoming TLG meeting next Monday, May 8 at the Coeur d'Alene Inn.

Rusty Sheppard asked about a press release regarding the Schlepp property and whether there were a lot of TLG members involved in the conservation project. Anne Dailey answered that the funding for the project came from a Natural Resource Damage Assessment (NRDA) settlement. She said that the conservation easement agreement was developed by the EPA, USFWS, Ducks Unlimited and the property owner.

Sheppard mentioned that the description of some of the work for the project is relevant to the overall goal of the TLG for the Lower Basin. He feels that it is important to get the information in front of everyone. Spears indicated that the NRDA settlement is outside the realm of the Basin Commission, but that public comment is very important to the process. Rog Hardy suggested that the project could be used as a model for the future. He asked if there could be maps and information presented at the TLG meeting. Spears mentioned that there was already a full agenda for the meeting and that there would not be enough time.

John Snider inquired about the NRDA process. Spears answered that the Coeur d'Alene Basin NRDA falls under the authority of CERCLA. In order to compensate the public for damages to natural resources, funds recovered from the damage assessment can be used for restoration projects in which the damaged area is made whole again or for a substitute acquisition to replace what was lost. Dailey suggested that Spears talk to Mike Beckwith first about doing a presentation.

Terry Harwood reported that there was an ICP PFT meeting yesterday. He mentioned that handouts were presented with endorsements from the cities in the Silver Valley and a report from TerraGraphics about how well the ICP was working in the Box. The latest version of the draft ICP and map were also presented. Harwood indicated that he tried to include all of the properties affected by contamination in revising the map boundaries. However, he pointed out that there may need to be a little adjustment at Black Lake. He said that he would present this information at the TLG meeting on May 8, but there was not enough time to get new maps.

Harwood also mentioned that the PFT had additional comments on the ICP and that he would edit the language for draft #3. He indicated that after he makes the changes, there would probably not be enough time to email it before the meeting on Monday. Harwood said that the changes would be made in italics and underlined. He feels that the PFT had a good meeting and that there are only a few issues left to resolve. These include:

1. Language in regards to agricultural areas whereby a farmer may create dust while plowing in a contaminated area. Is it considered hazardous waste?
2. Removal action for the Trail of the Coeur d'Alenes was not incorporated into OU-3. How should it be dealt with?

After the TLG meeting on May 8, Harwood indicated that he would incorporate the TLG's comments on the ICP into the final draft for the CCC meeting on May 17. He believes the biggest issue will be how to dovetail the management of the ICP and the Trail of the Coeur d'Alenes.

Hardy brought up that Jerry Cobb of the Panhandle Health District (PHD) said that there should be one set of rules and plans for the ICP; and that the attorney wrote the Trail of the Coeur d'Alenes into the ICP and included the tribal reservation because of the contamination up to Plummer. However, Hardy indicated that when he talked with Curt Fransen (Idaho AG's Office) regarding the TLOP (Trail Long-Term Operating Plan), Fransen said that the ICP could not cover the railroad ROW. Hardy asked Harwood to try and find out what changes could be made for the Trail. Harwood replied that he would try, but that the legal language may require further wordsmithing. Hardy suggested that the attorneys be invited to the TLG meeting to help answer questions. Spears said that he would talk to Rob Hanson to see what may be coordinated for the meeting as the questions are legally driven and he feels it is important to address them.

Harwood reiterated that he needs comments from the TLG and that the issues may be able to be worked out at the TLG meeting. Hardy asked if Kootenai County would have someone at the meeting and Harwood replied that it would be Sandy Young. Hardy also asked if she was aware of the problems with the boundaries as the PHD's draft ICP excluded the reservation because the line goes through Black Lake. He suggested that language be added to the draft ICP on who manages the land in that area. Harwood said that he would make those changes.

Hardy then inquired about the LMP (Lake Management Plan) negotiation process. Mark Masarik indicated that he was not sure of the current status. Snider mentioned that the negotiator was still interviewing people and had not completed a report yet. Hardy pointed out that the interview process includes all of the stakeholders, not just the Tribe and State.

Round Table:

Zilka: Nothing to report.

Adams: Mentioned that he would be giving an update on mine/mill work at the TLG meeting on May 8.

Dailey: Nothing to report.

Sheppard: Nothing to report.

Brewer: Nothing to report.

Snider: Nothing to report.

Connolly: Nothing to report.

Masarik: Nothing to report.

Spears: Indicated that he is writing a report on benthic monitoring.

Harwood: Reported that according to newspaper articles, property owners in Mica Bay have settled claims with the company causing damages during the road construction. He mentioned that at one time, the Mica Bay Homeowners Association anticipated a settlement and that he would like to check into remaining CWA funding that the BEIPC may have along with possible NRDA funding in order to come up with a viable project for Mica Bay. Spears indicated that he would get an update on the NRDA soon. Harwood reiterated that the location of the TLG meeting on May 8 had been changed to the Coeur d'Alene Inn.

Schedule: The next TLG conference call will be scheduled 5/18/06.

Thank you for your participation.