

**TLG CONFERENCE CALL SUMMARY**  
**July 14, 2005**

**Participants:**

|                         |                           |
|-------------------------|---------------------------|
| Phillip Cernera (Chair) | Rob Lindsay               |
| Terry Harwood           | Rogers Hardy              |
| Brian Spears            | Paul Woods                |
| Nick Zilka              | Rebecca Stevens           |
| Dan Audet               | Mark Addy                 |
| Mark Stromberg          | Mike Beckwith             |
| Anne Dailey             | Rob Spafford              |
| John Perfect            | Jeri DeLange (Note Taker) |
| Ron Roizen              |                           |
| Lloyd Brewer            |                           |

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:** Five-Year Work Plan

Phillip Cernera mentioned that he had received comments on the five-year work plan from approximately ten people. He is working on incorporating the comments and will be making a presentation at next week's CCC meeting on Monday, July 18. On Wednesday, July 20, he will be meeting with the BEIPC Executive Director, Terry Harwood, and the CCC Chair, John Snider to work on incorporating the CCC's comments into the plan. The revised draft plan will be emailed to the TLG for discussion at next week's conference call on July 21. Final revisions will then be made. Cernera will give Harwood the final draft on Friday, July 22 for inclusion in the BEIPC's board packets.

Cernera mentioned that there has not been much change in comments regarding the Lake Management Plan (LMP). He said that Rusty Shepherd had submitted comments on Kootenai County's position that provided background information, the State's perspective, and a description of the process; but no minority position was made. Cernera believes that most of this information is not essential to include in the work plan. Ron Roizen inquired about the process. Cernera replied that the background information could be added if needed. Roizen mentioned that the five-year work plan should include two or three paragraphs from the emailed comments of the Kootenai County representative. Harwood remarked that the five-year work plan is the Basin Commission's work plan and is implemented by a vote of the BEIPC board.

In regards to the LMP, Cernera discussed that language could be added to the plan that the State and Tribe will maintain their authority to write sections pertaining to their portion of the lake if a joint LMP is not agreed upon at this time. Additional language could explain that the Basin Commission will continue to do LMP type work regardless of the outcome of the State and Tribal plan. Harwood suggested that the language could say that work on the LMP is ongoing, that the State and Tribe are in negotiations, and the date the LMP will be completed. He also mentioned that because the five-year plan may be used to support funding requests to Congress,

it needs to be written with the appropriate language. Cernera agreed, but asked for feedback from the other members of the TLG.

Lloyd Brewer said that he agreed.

Anne Dailey remarked that the five-year work plan is a guidance tool.

Cernera added that a minority position could still be presented.

Roizen mentioned that the lake is Kootenai County's main interest and that local input be allowed into the work plan. He believes that Shepherd's intent was to allow for the expression of two plans if a stalemate exists.

Rob Spafford suggested adding a few sentences in the work plan to address this issue. Cernera suggested that language could say that when the LMP is final, the Tribe and State will implement this process.

Roizen believes that Kootenai County is desirous of deleting the lake, but he does not believe the Tribe has much interest. Cernera answered that the main focus of the LMP is to be protective of the lake. Roizen agrees that the focus should be protective of the lake, but deletion should not be dismissed. Cernera mentioned that a few sentences could be written into the plan to address the issue that if the concept does not work, the entities have the ability to maintain separate plans. Dailey remarked that the LMP involves one lake and the water moves throughout the whole lake, so it makes scientific sense to have one plan. Cernera replied that it will be up to the Basin Commissioners to approve the language in the BEIPC five-year work plan. Dailey inquired if mediation efforts had been made and believes a LMP can be worked out. Cernera answered that it has not started yet.

Cernera then suggested that the language could say that if a joint LMP could not be agreed upon, that each entity may choose to implement LMP's for their separate jurisdictions. He mentioned that while this is not a good recommendation, some people believe this is a viable approach. Nick Zilka suggested another option was to not put in any contingencies; only what the plan was going to do. Brian Spears agreed and said that he understands the State's position after reading Shepherd's comments. He believes the State and Tribe should develop one joint plan. However, if that should fail, then the language needs to maintain the legality of the rights for the entities involved. Upon further discussion, it was suggested that Kootenai County representatives be contacted in regards to their position.

Rog Hardy referenced his July 6 email in which he agreed that two separate plans would not be effective from a scientific and technical basis. In addition to what has been previously said, he believes this is especially true because the boundary between the State and Federal ownership is right at the mouth of the CDA River. Hardy feels the situation may require mediation and that it should be an open process wherein the State and Federal governments are pragmatic and reasonable. Until proper authorization is granted to the Tribe, he believes the State (IDEQ) should work with the EPA on this issue.

Mike Beckwith mentioned that he had not seen the email. Spafford said that he would forward a copy.

Another issue that was brought up for the five-year plan included a comment from one of the Kootenai County representatives about the possibility of deletion of the Spokane River from the mouth of the lake to the stateline. Cernera reported that Ed Moreen will present information on what is required for partial deletion at the upcoming CCC meeting on Monday, July 18.

Harwood reiterated that the purpose of the five-year work plan is to: 1) provide a process for the cleanup work to move forward; and 2) provide a public document for funding. He also asked if anyone had questions about the upcoming BEIPC meeting, or if they would like any presentations for the CWA projects on the agenda.

Dailey mentioned that she, Nick Zilka, and Rob Hanson worked on clarifying the information to include in the five-year work plan for the motion passed at the BEIPC meeting in May to become involved in Phase II of OU2. She said that the information has been sent to the TLG for review and also forwarded to the CCC by Tom Beierle (Ross & Associates). Zilka asked everyone to get their comments back to him, Dailey, or Hanson as soon as possible.

### **Other Discussion**

**Lake Map:** Hardy asked if a date had been sent for review of the lake map revisions. Cernera replied that Rebecca Stevens is waiting for the proofs which should be back by the end of next week.

**NAS Briefing:** Cernera mentioned that the NAS (National Academy of Science) would be having a briefing on the pre-publication report for the Basin at 10:00 a.m. at North Idaho College (Lake CDA Room) on Friday, July 15. He encouraged the TLG to attend. Dailey reported that copies of the pre-publication report may be downloaded from the National Academy of Science's website at: <http://www.nas.edu>.

**Round Table:** No time for roundtable.

**Schedule:** The next TLG conference call will be scheduled 7/21/05

Thank you for your participation.