

## TLG CONFERENCE CALL SUMMARY

### September 20, 2007

#### **Participants:**

Kenny Hicks (Chair)  
Lloyd Brewer  
Brian Spears  
Rog Hardy  
Terry Harwood

Bill Adams  
Rebecca Stevens (Vice Chair)  
Nick Zilka  
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:** None

As there were no agenda items, the TLG Chair, Kenny Hicks, suggested a round table discussion.

#### **Round Table:**

**Harwood:** Inquired about the schedule for next week's training on the Lake model and also brought up last week's LMP meeting. He mentioned that an outline was provided to everyone with a request for comments to the State and Tribe. Harwood commented that he was fine with the section on nutrient loading, but that he thought contaminant management was missing for dredging or excavation. He said that he was concerned if the LMP only addresses certain issues as he believes it should be all encompassing. Harwood stated that these were his own personal comments. Rog Hardy remarked that the philosophy and degree of the scope for the LMP was an interesting issue. Harwood reiterated that the LMP was not dealing with contaminant management at all.

**Hardy:** Asked about the mandate in the ROD for this issue and whether it should be addressed in this effort or a parallel effort. He pointed out that the draft outline for the LMP was only a first draft. Harwood answered that the LMP was intended to manage nutrients in the Lake to keep the metals contamination insoluble. Harwood indicated that his recommendation for the slack water behind the Post Falls dam is that it should be treated the same and not left out of the LMP because it acts more like a reservoir (behind the dam) than a free running river.

**Harwood:** Asked the TLG for comments and ideas for the upcoming BEIPC workshop. Anne Dailey said that she had already conveyed her ideas about repositories. Harwood replied that he had received them and that he would be building a skeleton strawman. He mentioned that the 2008 work plan would also include monitoring and yard remediation. Harwood added that he is trying to get everyone more involved than in the past; and pointed out that it is not just the BEIPC's work plan. He informed everyone that he would be sending it out next week.

**Hicks:** Inquired about the infrastructure report and whether it was on track for December. Harwood answered that he had been busy working on stormwater drainage to prevent damage to

the remedy, especially for steep areas. He said that he would be meeting with TerraGraphics later today to discuss these issues.

**Harwood:** Brought up the BEIPC workshop/meeting in November and said that there would be public comment at the beginning so that people could bring their issues to the attention of the Commissioners. Afterwards, the BEIPC will discuss everything in a separate session with no public discussion. He explained that it is important for everyone to see the Commissioners engage. Dailey commented that it would be good to get the local officials to participate to see what they want. Harwood replied that he was talking with people to encourage them.

**Dailey:** Suggested that it would be good for Hicks to also talk to people. Hicks responded that he had been working on expanding his role on the TLG; and that there would be comments from the counties. However, he explained that it would take input from the cities for there to be a report from the county. He remarked that it was difficult to get people involved unless there is an issue of concern, or if you asked the right questions. Dailey expressed appreciation for his efforts.

**Harwood:** Provided an update on upcoming events. He mentioned that: 1) Mark Masarik is working on scheduling a recreational PFT meeting in October; 2) the CCC meeting is scheduled for October 16 at the Canyon School followed by a presentation on the EMF 30% design report by John Lawson (Harwood noted that the EPA, IDEQ, and BEIPC wanted to let everyone know about the lengthy public process that had been gone through for the EMF repository site as there were some complaints because not everyone was aware of it); 3) a water PFT meeting will be held on October 30; 4) the deadline for the BEIPC board packet information is October 26; and 5) the BEIPC workshop/meeting will be November 14. Harwood recommended that it may be a good idea to hold a TLG meeting before the BEIPC meeting. Dailey suggested that the TLG select a date for the TLG meeting on today's call. Harwood also informed everyone that he would be out of the office from October 22-24 to speak at a conference in Boise.

For informational purposes, Harwood brought up legislation that is being proposed in the U.S. House of Representatives (Washington D.C.) for reform of the Hardrock Mining Reclamation Act. He noted that the bill was written like regulations and sets up all kinds of environmental regs. Harwood commented that he had been working on it. He said that the language in the bill would eliminate patents and the mining companies would be required to pay a percentage of their profits for royalties on minerals just as coal and gas companies do. Harwood indicated that industry has a problem with it and that it could have an impact on the State of Idaho. He also mentioned that Congressman Bill Sali was a member of the House Natural Resources committee that is introducing the bill in Congress, but that he was not sure what Sali is doing with it. He pointed out that the legislation will be introduced in the Senate by a senator from California.

**Hicks:** Asked the TLG if they would like to discuss a date for a TLG meeting as he feels that the TLG should be involved in the work plan process. Harwood suggested that some of the agenda topics could be CWA updates along with the strawman for the work plan.

**Dailey:** Suggested that it may be better to have a long call on October 18, rather than an all day meeting. Hicks indicated that he would have no problem with it.

**Stevens:** Mentioned that training on the Lake model would be held at the Tribe's computer lab. She asked if anyone was interested in attending, but pointed out that she needed to find out how many slots were available. Harwood asked for directions on how to get there as he planned to stop by. Stevens added that Bill Rust had expressed interest in attending; and Hardy said that he would let Rust know. Harwood indicated that Rust had stopped by the BEIPC office for copies of the ELCOM Lake model report. Hardy suggested that it would be good to send an email to the TLG to let them know about the training.

**Harwood:** Said that there was a SNRC (Shoshone Natural Resource Coalition) meeting next week. He pointed out that he would have the strawman for the work plan by September 28, so that the TLG could discuss it on the October 4 conference call.

**Hicks:** Inquired about the bill number for the mining reform that Harwood mentioned previously. Harwood replied that it was H.R. 2262 and that he brought it up because hardrock mining people should be aware of it. He also noted for informational purposes that the Chair of the House Committee on Natural Resources is Nick Rahall and Congressman Jim Costa is the Chair of the subcommittee on Energy and Mineral Resources. Harwood commented that he had talked with Luke Russell (Coeur) in reference to it and that Russell indicated some of the mining companies have position papers.

**Stevens:** Mentioned that she needed to leave the call early, but wanted people to know that letters would be going out to the stakeholders who were not involved in the September LMP meeting. She said that they will be invited for the LMP meeting in October to review the draft tables and that she will keep people informed.

**Adams:** Stated that there will be a water PFT meeting on October 30. He also provided an update on the Canyon Creek work and the OU-2 work; and said that sampling will be conducted to check the effectiveness of the remedial actions for the mine/mill work at Constitution, Golconda, Canyon Creek, Success, and the Rex. Adams reported that after the final inspection is made at the Rex, the area will be hydro-seeded which will complete the project.

**Harwood:** Suggested that Adams go to the Basin Commission web site and check out the links to EPA's website and their recent response to the EMF comments. He also mentioned that he had posted pictures for some of the mine/mill cleanup work under the BEIPC's latest news.

**Hardy:** Asked whether there were enough stream monitoring locations upriver and the St. Joe River to better understand nutrient loading for the LMP.

**Harwood:** Replied that Hardy made a good point and that he had talked with Jack Buell about this issue. After speaking to Buell, he took a drive from Red Ives downstream and found that some of the banks were sloughing into the river. Harwood mentioned that the Forest Service previously rip rapped the whole river road from Avery upstream in 1975. He pointed out that there is currently a large production of sediments from Avery downstream and that Buell suggested helping the landowners because there was a lot of concern. Harwood noted that this was good to think about and that he did this for Buell because he asked him to do it. He also

mentioned that most of the lake nutrient and sediment loading is coming out of the St. Joe according to the data that Glen Rothrock presented at a previous meeting.

**Hardy:** Said that his perception of St. Maries is that Hepton Lake is a major loader. He mentioned that a big pasture was flooded through a break in the levee. When the lake was dredged, the water flowed back and forth. He suggested that there should be a monitoring station on Hepton Lake for sampling. Hardy also asked about the ramifications regarding whether a dry pasture gets flooded or becomes a wetland. He questioned if creating wetlands out of pastures was good; and suggested that these issues should go into the Basin thought process. Hardy commented that he was reading through EPA and IDEQ's response to comments on the EMF repository site and pointed out that what is going on at the EMF will affect the wetlands. He stressed the need to protect the area. He also suggested that a repository should be placed on property that is already contaminated such as Asarco's. Harwood replied that there is some movement on the Asarco situation. Hardy suggested that if there is movement, it should be done in coordination with other work. However, he recognized that there are confidentiality issues. He added that the EMF repository would not need to be built so high if there were other areas to build repositories on. Hardy emphasized that these issues need to be studied and looked at and suggested a strawman.

Hardy then asked Nick Zilka about the status of the RAMP (Response Action Maintenance Plan). Zilka responded that the document had been finalized with the government, but that he did not know if it had been signed off by the railroads. Hardy emphasized that if the railroad is sitting on #1 and putting funding into a trust fund, it should be funded into perpetuity. He suggested that at least \$20 million should be funded by UP (Union Pacific) for operation and maintenance. Hardy also brought up commodity prices and the potential resurgence of mining companies in the Silver Valley. He commented that his perception of UP and the railroads is that they may be looking at occupying that line. He said that anyone can come in with the railroad line, but that there needs to be environmental review. If the RAMP is not approved, then the right-of-way dissolves under rail banking. He feels that this issue will be on hold the longer the RAMP sits in UP. Zilka answered that the big issue is that the land has not been transferred to the State and Tribe for RAMP management. Hardy reiterated that this is an unsettled issue and that the Trail seems permanent. He suggested that everyone stay tuned because it should be interesting and that maybe this should be another work plan issue.

**Dailey:** Mentioned that she and Zilka would be making a presentation on the OU-2 Phase 1 assessment at the water quality PFT meeting. She also reported that BEMP sampling for OU-3 would be conducted next week and OU-2 surface water sampling would be done in October. Dailey informed everyone that the Schlepp project was moving along for the first phase. Hicks asked when it was anticipated that the Schlepp property would be filled with water. Dailey replied that it would be next spring because the noxious weeds needed to be treated first. Hardy commented that one way it may be filled is if the flood gate overfills. Dailey responded that it is a water diversion structure. Hardy asked if it would overspill the levee if it was kept full. Dailey answered that it could if there was a large flood as the whole valley floods from side-to-side. However, she mentioned that the water control structures have been there for years and feels that it is not likely. Hardy suggested that it would be good to check into this later to see if there is any nutrient impact. Brian Spears remarked that this was a good point. He indicated that the

wetlands are very efficient at removing sediments and that he expects the situation to get better. Hardy suggested that it should be documented. Spears pointed out that he was not sure if there was any previous documentation. Hicks commented that he believed it would be low flow this season. Dailey agreed and said that they should be able to get some good data this year.

**Brewer:** Nothing to report.

**Zilka:** Nothing to report.

**Spears:** Mentioned that he would probably be making a presentation in the future on the Schlepp project in coordination with restoration with the Basin Commission. He said that if anyone had questions, to please contact him.

**Masarik:** Stated that he is planning a recreational PFT meeting on October 25 and that he will provide more information after the location is confirmed.

**Hicks:** Said that he is working on studying the information for the I/I treatment that was gathered in the Silver Valley for possibilities of I/I reduction. He will give Harwood the information so that the topic may be discussed in November.

**Schedule:** The next TLG conference call will be scheduled 10/4/07.

Thank you for your participation.