

TLG CONFERENCE CALL SUMMARY

September 6, 2007

Participants:

Kenny Hicks (Chair)
Terry Harwood
Mark Masarik
Brian Spears
Bill Adams

Rebecca Stevens (Vice Chair)
Rog Hardy
Randy Connolly
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

The TLG Chair, Kenny Hicks, asked if anyone had specific items to discuss, or if members wanted to go directly into a round table discussion.

Rebecca Stevens mentioned that she had been asked by the Tribe to volunteer for the TLG Vice Chair position as Mike Beckwith left for a new job in Oregon and Hicks moved into the TLG Chair position. She asked if there were any other members interested in volunteering for the position and whether a formal vote was required. Harwood indicated that he had checked the TLG protocols and said that an election was not required as long as someone was willing to volunteer and everyone agreed. He noted that the new officers would serve the remaining one-year term until the next election.

Hicks commented that he believed Stevens would be an excellent choice. He asked the other TLG members for comment. Masarik stated that he appreciated Stevens coming forward. As there was no opposition, and no other people volunteering for the position, Hicks congratulated Stevens and announced that she was the new TLG Vice Chair. Hardy suggested that Harwood send an email to all of the TLG members to notify them that there was consensus for Stevens becoming the Vice Chair until the next election and who participated on the conference call. Harwood said that Jeri DeLange would send an email to the TLG members.

Round Table:

Harwood: Mentioned that he sent out a list of 2007 work plan items that needed to be reviewed to see if they were going to be accomplished. These included items that EPA is dealing with such as evaluation of pre-ROD removal actions, repositories, contaminant management, recreational use areas, and mine/mill sites. He said that Anne Dailey was getting back to him with information as well as Mark Masarik who was working on recreational use issues and Bill Adams on mine/mill sites. He pointed out that Adams was in the process of setting up a mine/mill PFT meeting to discuss developing an inventory of mine/mill sites which would be prioritized for human health issues. Harwood indicated that most of the 2007 work plan items are being accomplished. He emphasized that the work plans are our commitment to the

community and that he wants to ensure we meet those commitments. He also asked people for ideas on what they would like to be working on for the 2008 work plan and into the future for the five-year work plan.

Regarding the next BEIPC meeting on November 14, Harwood informed everyone that a workshop will be held in the morning and the afternoon will be a regular meeting. The morning session will include a period of time for open discussion by stakeholders and other people in the community to give their ideas and comments for the BEIPC. Then the open discussion will end, so that the BEIPC may discuss its direction for the future. Harwood planned to schedule presentations in the afternoon for some of the CWA projects along with updates of mine/mill work and Phase I of OU-2. He said that he normally has the draft one-year work plan available for the Commissioners at the November meeting, but that he will develop the 2008 work plan between November and February based on what is discussed at the workshop and working with the TLG. It will be presented to the BEIPC for approval at the February meeting by Harwood and the TLG Chair. He also mentioned that the BEIPC will need to approve the 2007 annual accomplishment report at the February meeting.

Harwood indicated that after talking with the BEIPC Chair, Jon Cantamessa, as well as a few other Commissioners, it was decided to hold the workshop in CDA in a more centralized location rather than Spokane because of the 1-2 hours of public discussion at the start of the meeting. He said that the February meeting will be held in Spokane and that DeLange is working on trying to make arrangements at the Gonzaga Law School.

Hicks: Asked Harwood about the infrastructure and funding source evaluation (#1.a) as he noticed that it had been moved forward to December. He also inquired if there could be a partial update before the November BEIPC meeting. Harwood responded that a TLG meeting would be needed before the BEIPC meeting and that he would be prepared to make a presentation to the TLG as well as to the CCC for their meeting.

Harwood: Mentioned that he was working on infrastructure and stormwater runoff impacts to the remedy. He indicated that the draft report for Mullan had been completed and that the draft reports for Wallace and Silvertown would be coming out soon after the field work is finished by the contractor (TerraGraphics). Then between now and the end of the year, he will be pulling together the information for infrastructure and drainage problems, so that a final report may be prepared next spring. This will be an infrastructure revitalization plan for the Basin, similar to the one for the Box. He said that he talked with Jerry Cobb about having two separate plans for the Box and Basin; or whether they should be combined as some of the communities in the Box are connected to the same water systems in the Basin. He indicated that he will also be talking with the cities about this. Hardy asked if there would be recommendations for the future in regards to the revitalization. Harwood replied that he plans to hold another meeting with the communities to develop a strategic plan that everyone can agree to and prioritize the most important items. Hardy inquired if this would be contingent upon projected growth. Harwood agreed that this was true as otherwise growth would get ahead of us.

Hardy: Brought up that at the last BEIPC meeting in Wallace, he talked with Bill Rust who had heard rumors of a new zinc smelter in the valley. He asked if anyone else had heard anything.

Hicks responded that he was not aware of it. Hardy commented that it was probably very conceptual, but doubted metal prices would support it now. He suggested that larger mining companies may be interested (who are thinking in the long-term) if some of the projections were to support deeper mining or a significant amount of ore mining. He feels that this would mean more transportation and maybe some smelters in the valley and the likelihood of huge environmental issues. Hardy commented that it may be done cleanly, but questioned if it is the right place from an air quality standpoint with the restricted circulation, water issues, etc. He reiterated that this is just conceptual now, but suggested that it is bringing back talk for how to get ore concentrate in and out of the valley and that it may come back to occupying the right-of-way (ROW) with the railroad.

Harwood remarked that he had not heard anything. He did know that there was talk of trucking partially manufactured concentrates from the Blackbird mine down at Salmon all the way to a smelting operation at the old Sunshine mine, but they were going to do it by semi-truck. Hardy commented that he believed that it gets to a point (volume-wise) where it makes more economic sense to re-occupy the railroad.

Hardy then mentioned that the law was set up for rail banking that any qualified (financial) organization could petition the surface transportation board in Washington that they would like to put a rail line on that ROW. He indicated that this is what it was being held for (in reserve for anyone who wants to come and occupy it legally). Hardy said that the BEIPC may believe that the EPA will not allow this to happen because of the remedy and all the contamination, but that the law also says if the ROW is deemed unsuitable to be re-occupied, then the ROW reverts. So then, you have the State, Tribe and the railroad all owning part of that and also about 800 private property owners. He emphasized that it is hanging there by a legal and an economic thread in its present state. Harwood agreed. Hardy also commented that he had seen fairly short-term thinking (during his history of the agencies the TLG members represent) such as EMF (East Mission Flats) versus all of Mission Flats because of legal issues. He suggested that there are big issues out there that people are not typically thinking of day-to-day and recommended that there should be long-term thinking on the infrastructure and other issues.

Harwood: Reported that for informational purposes, Azteca Gold Corp had paid \$4M for an option to purchase the Bunker Hill mine and that they were paying \$100K per month for maintenance. By March 2008, they will make a decision on whether they are going to buy the mine. He also mentioned that he would be spending part of a day next week with the Washington Dept. of Ecology to look at the work that is going on in the Spokane River and that he appreciated their invitation. In addition, he had been invited to speak at a safety conference in Boise next month by Washington Group on the BEIPC and regulatory issues. Hardy asked if the BEIPC would be paying the expenses for Boise. Harwood answered that the Washington Group was covering his expenses.

Harwood then brought up that at the last BEIPC meeting, Toni Hardesty (IDEQ) indicated that other stakeholders (such as county, etc.) would be given an opportunity to talk about the LMP (lake management plan) at the next meeting on September 11 and that letters had been sent out to notify everyone. Rog Hardy voiced a concern that he lives in Kootenai County and was interviewed as a private citizen as well as his wife, but that they did not receive a letter to the

LMP meeting. Rebecca Stevens commented to Hardy that he had been very involved for several years and that it would be helpful to have him at the table. She said that she would talk to Phillip Cerner and get back to him.

Hardy: Suggested that there should be a press release publicizing the LMP meeting for stakeholder information. Stevens replied that she believed it was up to the State, Tribe and EPA to decide which stakeholders would be invited to the first debriefing. Hardy commented that this perpetuates the issue of “*exclusionary*” that the counties have been complaining about. Stevens clarified that the counties were invited. Harwood added that it was left up to the people who were invited as to who they would bring with them. Hardy stated that he wanted to recommend that they put out a press release about the meeting. Harwood responded that he did not believe they were planning an open public meeting and that there were issues with who the signatories are on the MOA’s. Hardy commented that he believed this was not the verbal statement made at the BEIPC meeting. Harwood said that the minutes were not drafted yet, but that he would check into it. He also emphasized that the people on the TLG conference call were not the ones running the LMP meeting. Hardy responded that there was a lot that happens in the Basin that does not fall under the authority of the people on the call, but that he reserved the right to bring it up. Harwood replied that there was nothing wrong with bringing it up, but that he could not give him an answer right now. Hardy reiterated his recommendation that he believed there should be a press release for the meeting.

Harwood: Reported on another item of interest regarding the Burns Yak area in Osburn. He said that it had been looked at as a repository for a long time along with the ponds and some other areas. However, he believed that the community and Forest Service may also be considering that site as a possibility for a Job Corps campus or center in the Silver Valley. If so, he suggested that we may have to figure out other areas.

Harwood mentioned to Hardy that he had talked to the Kootenai County Planning Commission about the Basin ICP (institutional controls program) and that they had been in contact with Jerry Cobb of the Panhandle Health District (PHD). He indicated that Cobb had sent letters and information on the ICP to everyone within the Basin. The PHD is going to give the planning commission all of the information for the Basin ICP including: regulations; legal descriptions; and maps of the administrative area. In addition, there will be training sessions for the contractors and utility people who have not had training in the past.

Hicks: Asked Harwood if he could elaborate on the Burns Yak area. Harwood answered that he could not as it had to do with the Silver Valley Economic Development Corp. He noted that some of the problems with repository locations occur because the land becomes more valuable as the community is developed. Hicks added that there are other issues in the Silver Valley besides storing contaminated soil such as workforce and affordable housing. Harwood agreed and said it was important for people to have places to live. Hicks also commented that he did not want to open a closed issue, but that he did not understand why the central impoundment area (CIA) was capped when we were not done with repositories in the valley as there is only so much flat ground available. Harwood replied that when people are asked for ideas about repositories in flat areas, they do not talk about a high mountain anymore. He suggested that it may be a good idea to fill some of the areas here (if it was possible), then cap it with clean material and develop that

property. Hicks responded that there is talk and different ideas about using the top of the CIA. However, he sees those happening in the future with other repository locations. He emphasized that those are a long way off and do not address our issues and the challenges we face today.

Harwood: Announced that the latest list of final reports for the CWA projects had been posted to the BEIPC website under “projects”. He indicated that he has copies in the office if anyone is interested.

Connolly: Discussed the design of the Bureau of Mines repository briefly with Harwood. Harwood pointed out that it had not been capped yet and that they still need to do some more work.

Adams: Indicated that the main problem for the Bureau of Mines repository area is that people have used the area and disturbed what limited covering there was. He suggested that a better cover needs to be provided for protection as this has exposed tailings that were close to the surface.

Harwood: Suggested that if people wanted to see some development going on, they should see all of the new roads being built across the face of OU-2 for golf courses and sub-divisions.

Stevens: Asked Masarik about the recreational PFT and the date for the next meeting.

Masarik: Replied that he was trying to schedule a meeting in September, but that he needed to move it to October so that it would not conflict with the Lake model training. He will notify everyone after the arrangements are made.

Hardy: Said that he wanted to bring up another issue that was related to recreation and infrastructure. First, he asked if anyone knew whether the RAMP for the Trail had been approved. Harwood replied that he did not, but that he would check with Nick Zilka. Hardy commented that it would be a major document and that the consent decree was already a major document. He also pointed out that there was a lot of data in the statement of work about contamination in the ROW remaining. He said that the way he understands it, the new plan coming would be the milestone of it being completed as it should trigger the actual deeding of the rights and responsibilities of the railroad over to the Trail management agencies. He asked if anyone knew if that had happened yet. Harwood answered that he had not heard. Hardy then suggested that people need to keep their eyes on these two items as it may affect recreational areas and infrastructure. Harwood mentioned that in the recent past the only thing (in regards to this issue) that he spent a lot of time on was coordinating the ICP requirements with the Trail and the RAMP, so that the language would dovetail for the ICP and Trail maintenance.

Stevens: Nothing to report for the Tribe.

Spears: Nothing to report.

Hardy: Reported that Jack Gunderman (who was long-term employee of the Tribe) was just hired by Kootenai County; and that Gunderman was helping the planning commission with the

comprehensive plan. Hardy also informed everyone that there was a comp plan meeting open to the public (if anyone was interested), as it dealt with property use on the Prairie. He suggested that it may be helpful information for Shoshone County as they are also going through their comp plan process. Hicks thanked Hardy for the information.

Stevens: Made a suggestion that it would be good to schedule a TLG meeting as soon as possible, so that people could get it on their calendars.

Hardy: Asked if anyone knew about the status of the water adjudication process. He stated that he knew this issue did not involve heavy metals, but pointed out that some contamination from heavy metals does go into the aquifer.

Harwood: Gave a brief update of what he knew so far about the water adjudication process. He emphasized that he was more involved in this issue as the water master for his subdivision, rather than as the Executive Director of the BEIPC.

Other Discussion: The TLG discussed various issues associated with the water adjudication process as well as other concerns such as water quality and contamination.

Harwood: Encouraged everyone to contact him with ideas on where the BEIPC should be headed in the future.

Schedule: The next TLG conference call will be scheduled 9/20/07.

Thank you for your participation.