

TLG Meeting Minutes
Technical Leadership Group Meeting
January 28, 2009
Spokesman Review Building (1st Floor Conference Room)
608 Northwest Blvd., Coeur d'Alene, Idaho

Call to Order: The TLG Chair, Mr. Kenny Hicks (Shoshone County TLG rep), called the meeting to order at 8:00 a.m. He indicated the TLG business meeting would be followed by a technical workshop on the EPA's ROD amendment.

Approval of Draft TLG 10/14/08 Meeting Minutes: The TLG Chair asked if there were any corrections or additions to the draft TLG meeting minutes for October 14, 2008. However, he wanted to first make a few clarifications regarding the draft minutes as follows: 1) He specifically requested the draft minutes be transcribed to include the interruption that occurred; 2) he wanted to get the TLG's feedback on this issue; and 3) he had received a few email requests for changes.

Mr. Jerry Boyd (CCC Vice Chair) brought up a request for alternative language by Mr. Rog Hardy (Benewah County TLG rep) as he was unable to attend the TLG meeting. Mr. Boyd then suggested some alternative language he prepared on his own for the TLG's consideration. TLG members discussed the proposed language changes, as well as the TLG and CCC process and membership requirements. This included the following points: TLG meetings are for TLG members appointed by the various governments and agencies they represent in order to provide technical assistance to the Basin Commission, or BEIPC. Although other interested parties may attend the TLG meetings, they must be recognized by the TLG Chair if they wish to speak. The CCC (Citizens Coordinating Council) is specifically a citizen's advisory group to the BEIPC and the public is encouraged to attend and provide input in the BEIPC process. (It was also noted that anyone who previously filled out a membership form for the CCC was still a member even if they were no longer attending the CCC meetings).

TLG discussion continued on the proposed language changes for the draft minutes. Subsequently, Mr. Hicks asked if there was a motion to amend the language. Ms. Rebecca Stevens (CDA Tribe) made a motion to keep the language the same, but exclude the fourth line. She also suggested that nuances not be included in moving forward. Ms. Carrie Holtan (CDA Tribe) seconded the motion. The TLG Chair called for the question and the motion failed. Ms. Anne Dailey (EPA) asked if the main discussion points could be discussed further. After additional discussion, Ms. Stevens amended her motion to approve the revised language changes proposed by Mr. Boyd to read as follows: "*Mr. Sheppard questioned Mr. Harwood if CCC input had been eliminated on the draft work plan. Mr. Harwood clarified that it had not been eliminated. Mr. Sheppard then asked if anyone in the community had seen the draft work plan. Mr. Harwood replied yes. Mr. Harwood explained the draft work plan had been sent to Mr. Tom Beierle (CCC staff) for distribution to CCC members. Mr. Sheppard and Mr. Harwood agreed to a time schedule....*" The motion was seconded by Mr. Bill Adams (EPA); and the minutes were approved as amended.

Communications PFT Update: Ms. Jeri DeLange (BEIPC) reported on the Communications PFT. She informed everyone that EPA will be providing a second session on "Building Trust and Resolving Differences," and the BEIPC and Communications PFT will help to sponsor it again.

Ms. DeLange expressed thanks to the EPA for providing the free training opportunity and encouraged people to register early since last year's class filled up quickly. Next month, the Communications PFT will be scheduling its first meeting of the year to continue working on: public education and outreach; increasing CCC participation; dealing with miscommunications; additional training opportunities; and forming a subcommittee to conduct an audience analysis to target the best methods of getting information out to the public. Ms. DeLange also mentioned that EPA requested assistance from the Communications PFT to come up with ideas and suggestions to increase participation for the ROD amendment meetings. This topic will be discussed at the upcoming PFT meeting.

Lower Basin PFT Update: Ms. Rebecca Stevens (CDA Tribe) provided an update on the Lower Basin PFT as follows: 1) For the ECSM (enhanced conceptual site model), EPA's consultant will be working on preparing a series of technical memos over the next year to identify data needs and gaps. Ms. Stevens will provide the information to the PFTs for feedback to the EPA; 2) the KSSWCD (Kootenai-Shoshone Soil & Water Conservation District) has been conducting work on estimating bank erosion along the CDA River and identifying bank types where erosion is occurring for prioritization of streambank stabilization projects; and 3) the Lower Basin PFT refined its mission statement. Ms. Stevens will send out the Lower Basin PFT notes after they are finalized.

CDA Lake Management Plan (LMP) Update: Ms. Rebecca Stevens (CDA Tribe) reported the LMP Response to Comments matrix was mailed to citizens, agencies, and other parties along with a letter from the IDEQ Director, Ms. Toni Hardesty, and the CDA Tribe's Lake Management Director, Mr. Phillip Cernera. Overall, 33 comment letters were submitted. The actual letters have been posted to both the IDEQ and Tribe's websites.

CWA Financial Report Update: Mr. Terry Harwood (BEIPC) made a presentation on the updated CWA financial report. He also pointed out the next two final CWA reports (to be presented at the February BEIPC meeting) will be on the Silver Crescent habitat restoration project in Moon Gulch and the Mica Creek nutrient reduction project. Remaining CWA projects include: Little Pine Creek and Pinehurst channelization; Plummer Creek watershed project; South Fork Sewer District study; CDA Lake management plan implementation; and the revegetation project on Pine Creek.

Other CWA Project Discussion: Mr. Rusty Sheppard (Kootenai County TLG rep) inquired about the LMP audit. Mr. Harwood explained that CWA project #B412 on Lake Management Plan Implementation was the CDA Lake audit (or LMP audit). Mr. Sheppard commented he had a meeting with IDEQ in December about the statement of work for this project. He thought the work was just for auditing the Lake, but discovered the contractor was also auditing septic systems around the Lake. Mr. Sheppard asked for clarification. Mr. Harwood confirmed this was correct; and mentioned that Ms. Stevens (CDA Tribe) and Mr. Glen Rothrock (IDEQ) are working on finalizing the LMP audit.

Mr. Sheppard asked if they were using data from that study. Mr. Harwood replied the data will be folded together in the final CWA report which is estimated to be completed in August 2009. Mr. Sheppard asked if he could get a preliminary copy of the report, but Ms. Stevens indicated there is no preliminary copy. Mr. Sheppard then asked if the county data will match their data. Mr. Harwood responded there is only one final report requested in the contract; and that once the contract is made, no matter what the results are, that's the way it is. For example, he suggested

there may be a problem if a subgrantee is required to make a presentation which is beyond the requirements of the contract.

Mr. Hicks brought up the Mica Creek CWA project, and questioned whether we should probably not get it out as it had not been vetted through the process. Mr. Harwood replied that if someone does a project, it's ok if they share technical information. However, he does not want people to think that the TLG can make changes to a final subgrantee's product as you cannot change the final report or results. He added that if the TLG wants a final report presented to them, they may ask, but he is reticent to make the subgrantee do it twice when the contract only requires that it be done once before the BEIPC.

Drainage Control and Infrastructure Revitalization Plan (DCIRP) Update: Mr. Terry Harwood gave an update about the DCIRP which is a comprehensive report for infrastructure reconstruction, protection of remedies, preservation of public and private property, and revitalization of local economies within the Upper Basin. The plan includes project identification, planning, and possible funding sources; and focuses on the highest priority work for sanitary sewer and drinking water systems, local drainage and stormwater control, and local streets and bridges. Last year, U.S. Senator Crapo asked him to speed up the funding analysis, and there will be a chapter in the plan on funding opportunities such as grants, etc. (He also shared this information with the Funding PFT). Mr. Harwood indicated that it has taken almost four years to do all the reports, complete the inventory, etc., but it's all done. The final report will contain the results of the work from the Box IRP along with the work from Cataldo to the headwaters of the South Fork in OU-3.

Mr. Harwood mentioned that IDEQ headquarter's office asked him to prepare a funding request for the economic stimulus package to be presented to the Governor. He sent a request to them and the Governor for about \$30 million, but he is not sure if the funding will be approved; and if so, whether it will be given to the communities or the Basin Commission (BEIPC). Ms. Anne Dailey (EPA) asked about the two Wallace projects. Mr. Harwood indicated it was for two sewer projects and also for drainage control for remedy protection. He is working with Anne McCauley (EPA) on this for the ROD amendment. If funding is given to the BEIPC, he will make sure to coordinate the work with other agencies.

Mr. Bill Rust (Shoshone County TLG rep) commented that sewer lines are all over town and the yard remediation program has already done lots of work on cleanup of yards. If stimulus funding is approved, then we will need to go back and dig up the yards including paved roads and the sidewalks in Wallace. Mr. Hicks said he had brought this issue up previously (at other TLG meetings and conference calls) in regards to reworking areas that had already been done. Mr. Rust feels the sewer lines should have been done when the streets were done.

Mr. Harwood noted there is a complete matrix in the back of the DCIRP report that explains every infrastructure project – roads, water, sewer, drainage, etc. He talked to Senator Crapo's staff about the stimulus request and that if we get funding, then we will have 90 days to get started. Mr. Harwood said survey and design work will need to be done, and that we will also have to do sidewalks, etc. as Mr. Rust brought up. Mr. Harwood commented that he has worked hard for the community because he has seen parts of the remedy get washed away, and there was no coordination for the work to get funding. Ms. Stevens expressed appreciation and thanks to Mr.

Harwood for doing a great job with this work. She suggested that he schedule a Funding PFT meeting and let members help with these efforts. Mr. Harwood responded the idea is for the BEIPC to peruse the package for stimulus funding as those requests happen in a few days. Ms. Stevens said she understands a quick turnaround is necessary.

Other TLG Discussion: TLG members briefly discussed other issues regarding reductions in metals loading and nutrient loading to the South Fork of the CDA River, the NAS report and protection of the remedy, Superfund and the ROD amendment. Mr. Harwood mentioned that he was doing a levee analysis to help the community know what needs to be done to deal with any problems, and modeling to get levee certification for FEMA. He noted that Ms. Toni Hardesty (IDEQ Director) gave some funding for the levee analysis work and \$20,000 for the LIDAR project. The LIDAR flight will be flown over the CDA Basin to run a flood risk and vulnerability assessment for the CDA River. The LIDAR cannot be flown over a flooded area. Mr. Harwood is concerned about getting it done this spring as there may be possible flooding and his funding ends on June 30. Ms. Stevens suggested the Tribe may be interested. He also mentioned the County Hazard Mitigation plan should be done by May. The cities will each need to approve the completed plan as part of their ordinances, otherwise FEMA will not help. He emphasized it's important to get this done, including the St. Joe River portion of Shoshone County. He is not sure about funding for other projects next year.

Kootenai County Minority Report: Mr. Rusty Sheppard said he had not seen a draft of the LMP section, so he cannot say anything about a minority report. He indicated the BEIPC took that section out, and that IDEQ will come up with a draft. Since he has not seen anything, he does not expect to until the LMP is released. (Mr. Hicks clarified the BEIPC took out Section 3.2 in both work plans). Mr. Sheppard suggested that officially the BEIPC will not be doing anything until that section is put in the working document and when the Commissioners come up with something for the work plans.

Mr. Brian Spears (USFWS) inquired why there was a minority report listed as an agenda item if there was not going to be one. Ms. DeLange clarified that she was asked to put together the draft agenda and was not sure whether to include an item for a possible minority report. Mr. Hicks indicated if it was going to get resolved, it needed to have a slot on the agenda. TLG members then discussed various aspects required for a minority report to be presented. Mr. Harwood explained the only time there may be a minority report is if the TLG cannot resolve an issue. For example, if the TLG does not agree on the Lake management discussion, then a minority report may be presented. However, it must be requested through one of the following 3 ways: 1) TLG Chair; 2) BEIPC Executive Director; or one of the BEIPC Commissioners. Mr. Harwood pointed out that he read all of the BEIPC notes from previous minority reports and they changed the way the BEIPC dealt with the issue on numerous occasions, so minority reports have had a great influence. He talked with the State and Tribe, and they do not want to propose a draft section on the LMP until some issues have been resolved. Mr. Harwood anticipates this may happen at the May meeting. He said that Mr. Sheppard's point is well taken since there is no working document regarding the BEIPC being involved in the LMP process, there can be nothing in the work plan. However, if that change is documented, then the BEIPC will need to get busy and get it done.

Discussion and Vote on TLG Roster: Mr. Hicks brought up the TLG roster (i.e. which is posted on the BEIPC website), and asked if any TLG members had issues with their email addresses being

made public as it may expose them to possible “spam” mail. Mr. Harwood added that some private citizens may not want their home email address posted to the web because of this reason. TLG discussion followed and the general consensus was that no one had objections on this issue. A motion was made by Mr. Bill Adams (EPA) to continue posting the TLG roster to the BEIPC website, and if there is anyone who objects to their email address being posted in the future, all they need to do is to contact the BEIPC and their contact information will be deleted. Mr. Dave George (DOE) seconded the motion; and the motion passed.

TLG Wrap-Up Discussion:

Mr. Harwood commented on the need for everyone to work together, particularly on the ROD amendment, PFT’s, and potential for special funding (i.e. possible stimulus package). He posed a question to everyone about the BEIPC and whether they feel it’s worth the effort. He also brought up some recent news articles that resulted in miscommunications and said he would like the Communications PFT to work on how deal with misinformation. He is not trying to stop people from expressing their opinion, but suggested that if people say things about the BEIPC being worthless, then members of the public may not understand. If people want the BEIPC to succeed, they need to be careful about what is said.

Mr. Hicks remarked about the BEIPC process and recalls that the Silver Valley wanted to be involved in the process. Ms. Dailey pointed out that the BEIPC process is unique, as other than the State and EPA, this gave the communities another arm. It was especially noted that it provided model opportunities for participation by the TLG, CCC, and PFTs. Other comments made by various TLG members on the BEIPC process included:

- Although some people originally opposed it, they would hate to lose this opportunity now;
- It’s a unique opportunity and important for North Idaho;
- It allows opportunities for the communities to be involved in the Superfund process and may have implications for the U.S.; and
- The BEIPC process and how it works should be presented at a conference.

Ms. Dailey indicated the implications with the ROD amendment will also make a difference. If the EPA does not get settlement funding, then it’s even more important to prioritize for health and the environment. Mr. Rust commented there have been some negative problems, but the BEIPC provides a forum. Ms. Dailey noted that people are part of the process. Mr. George added that from the State of Washington’s viewpoint, the BEIPC’s level of access to the EPA, IDEQ, and CDA Tribe is unbelievable. He pointed out there is usually an opportunity to comment, but if the BEIPC forum goes away (with the level of access he has seen here), then he believes that people may be surprised at how much is lost. He also feels it’s very fortunate that EPA provides this opportunity. Mr. Harwood said he appreciated the discussion. Schedule for the 2009 BEIPC meeting dates are: February 25, May 20, August 19, and November 18.

Before adjourning the meeting, Mr. Hicks informed TLG members that at the next TLG meeting, elections for TLG officers would take place. Mr. Harwood noted that only the TLG reps. for the seven governments on the BEIPC will have a vote; and there is only one vote for each of the seven governmental entities. The TLG meeting was adjourned; followed by the technical workshop on the ROD amendment.