

TLG CONFERENCE CALL/MEETING MINUTES

(Note: Conference Call Held in Lieu of Face-to-Face Meeting)

February 3, 2011

8:00 a.m. - 9:15 a.m.

Rebecca Stevens, CDA Tribe (TLG Chair)
Anne Dailey, EPA
Bill Adams, EPA
Terry Harwood, BEIPC
Dave George, WA Dept. of Ecology
Randy Connolly, Spokane Tribe
Andy Mork, IDEQ

Glen Rothrock, IDEQ
Sandra Raskell, CDA Tribe
Brian Spears, USFWS
Dave Fortier, CCC Member
Kate Healy, USFWS
Jeri DeLange, BEIPC (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

Call to Order: The Chair, Rebecca Stevens called the TLG meeting/conference call to order. As there were no agenda items, she suggested that the TLG go into a round table discussion. She noted that an Upper Basin PFT meeting would immediately follow the call at the U.S. Forest Service CDA River Ranger District office in Smeltonville.

Round Table:

Glen Rothrock - Nothing to report.

Anne Dailey - Said that she has been working on the response to comments for the proposed plan (ROD Amendment). EPA received more than 6,000 comments from about 1,000 commenters. Although there were some comments not related to the plan, the majority of the comments were about the plan being too big, too long, too costly, etc. Some comments were also supportive. They are trying to figure out how to address the comments.

Bill Adams - Suggested a short preview of some possible changes to the proposed plan with management's approval. They need to find balance for the plan that reflects the scope of all the work required, but recognizes the comments received and agreement with actions such as the liner along the South Fork of the CDA River. If that action is taken out of the ROD Amendment, it reduces the cost of the plan by \$300 million. How they deal with other sites that are high priority will be contingent upon actions. Some high priority areas include Ninemile and Canyon Creek. They want to make sure that the list for high priority items reflects what needs to occur.

Anne Dailey - Added that they are still looking at some of these items and they will be discussed at the Upper Basin PFT meeting today.

Sandra Raskell - Provided information on Kootenai County's site disturbance permit.

Rebecca Stevens - Brought up for informational purposes that Kootenai County is amending the language for its site disturbance ordinance. For anyone interested, there will be a public hearing on

February 24. She suggested that people go to Kootenai County's website (i.e. Planning and Zoning tab) for additional info.

Sandra Raskell - Mentioned that the developer of the CDA River Estates subdivision in Medimont has been working on getting approval to build a road that the County and Corps of Engineers (COE) originally denied. Some changes were made to the permit; and now it's being approved.

Dave George - Asked if the developer of the lots will qualify for the obligation to clean up those sites, or if it will be the responsibility of the property owner.

Sandra Raskell - Replied that she is not sure if the builder of the lot is responsible, or the property owner who is listed on the title notice. She suggested that if yard cleanup is required, then it will fall under the Institutional Controls Program (ICP).

Terry Harwood - Explained that it's an IDAPA (Idaho Administrative Procedures Act) rule. For property zoned residential and accessed by a developed road system prior to March 28, 2007, the government will be responsible for remediation. After that date, then the property owner has 100% responsibility for the sampling and cleanup. Raskell added that the only requirement by Kootenai County would be a site disturbance permit; and a COE permit would be required if there was an amount of fill into a wetland. Harwood noted that the property owner would be required to do the remediation since there is not an existing road to the subdivision. Stevens commented that there is another road, but the property owner has not allowed access to use it.

Brian Spears - Nothing to report. A TLG member asked him about the monitoring at the Schlepp wetland project during the flood event. Spears responded that the levee in the left field failed, but the water is not free flowing now. It was blocked by the dirt that eroded and the levee will have to be repaired later. Dailey then asked him about the status of the design for the kiosk. He replied that the Natural Resource Trustees paid for the design and that it turned out pretty well. He is working with the Trail of the Coeur d'Alenes' people to find a suitable location for the most visibility. Stevens commented that she is looking forward to seeing the sign.

Denna Grangaard - Nothing to report.

Randy Connolly - Nothing to report.

Dave George - Nothing to report.

Jeri DeLange - Gave a brief update about the Communications PFT meeting scheduled next week on February 10 at the Idaho Fish & Game office in Coeur d'Alene.

Terry Harwood - Commented that he is working with Curt Fransen (IDEQ) on rewriting a proposed amendment for the existing MOA with the Basin Commission. This will allow the Executive Director position to provide additional duties as the State (IDEQ) is not going to fill Dan Meyer's job. The amended MOA will identify specific work that may be done by Harwood on behalf of IDEQ. The Basin Commissioners will review the proposed amendment in the Executive Session (during lunch) at the February 16 BEIPC meeting. Then the whole document will be presented to the public for discussion; and the BEIPC will vote on the amendment. The language in the amendment is generic so that the BEIPC will be able to approve additional work in the future.

Some of the proposed work under the amended MOA includes how to deal with closing out the cleanup and delisting property as there is currently no process to do that. Other work includes working with Anne McCauley on remedy protection and a group of projects in the ROD Amendment. Another project is to deal with roads and road surfaces. In 2002, the original ROD contained language on a plan to protect road surfaces. The Panhandle Health District (PHD) conducted testing on some of the road surfaces and found high levels of contamination. Harwood is working with the local communities on O&M of remedy protection for infrastructure as well.

Rob Hanson will manage the property remediation program from Boise, but will travel to the Kellogg office a few times a month. Harwood will be helping Jan Olsen finish the oversight of the railroad work (i.e. Wallace Yard and spur lines up Ninemile and Canyon Creeks); and manage the EMF and Big Creek repositories including the construction of the north end expansion on Big Creek. In 2012, he thinks that the Trustee will take over managing the repositories and the property remediation program.

Andy Mork - Still working on new repositories preliminary design drawings.

Terry Harwood - Brought up that he has been hearing a lot of community animosity over the ROD Amendment. He also received some emails from people about challenging CERCLA law. He suggested that the commenters wait the next few weeks to see what EPA says.

Rebecca Stevens - Provided an update on the State and Tribe's Lake Management Plan (LMP) needs assessment. They received the final results this week and are putting together an outreach program for 2011. On May 4, there will be a scientific workshop in CDA with a limnologist from the Tribe and IDEQ. This workshop will be designed to be interactive for the public. This Saturday, February 5, the annual Regional Lakes Conference will be held at Spokane Falls Community College. She and Glen Rothrock will provide an update on the LMP, and they will also make a presentation at the February 16 Basin Commission meeting. The CDA Watershed Advisory Group (WAG) meeting will be February 11 where they will provide an update on the 'state of the Lake'.

Glen Rothrock - Encouraged participation at the scientific workshop.

Rebecca Stevens - Reminded the TLG about the Lower Basin PFT meeting scheduled for February 23 at the Post Falls Library. Agenda items include an update about the Rainy Hill recreation site, Lower Basin citizen's collaborative, and the afternoon will consist of a Lower Basin modeling workshop.

Dave Fortier - Mentioned that the Kootenai-Shoshone Soil and Water Conservation District (KSSWCD) will be having a public board meeting and will reassign people to serve as TLG representatives.

Kate Healy - Nothing to report.

Adjourn: As there was no further discussion, Stevens adjourned the meeting/call.

Schedule: The next TLG conference call is scheduled for 3/3/11.