

Meeting notes

10/23/2002

Basin Environmental Improvement Project Commission

Meeting Notes: October 23, 2002

Meeting Location: US Forest Service Office, Coeur d'Alene, Idaho

Commissioners present: Steve Allred, DEQ
 Jack Buell, Benewah County
 Sherry Krulitz, Shoshone County
 Chuck Matheson, CDA Tribe
 Dick Panabaker, Kootenai County
 James McCurdy, Washington
 John Iani, Federal Government

Commissioners absent: None

Staff present: Luke Russell, IDEQ
 Phil Cernera, CDA Tribe
 John Roland, State of Washington
 Sheila Eckman, EPA

Note taker: Luke Russell

Notes:

Chairman Krulitz opened the meeting at 1:12 PM.

Old Business

The notes from the September 27, 2002 meeting were reviewed. Commissioner Krulitz identified a typographic error on page 7. **The notes were then approved following a motion from Commissioner Panabaker, seconded by Commissioner Allred.**

New Business

1. Formational Issues. Sheila Eckman with EPA reviewed proposed contractor roles to assist the Commission in developing operating protocols and for the establishment of the Technical and Citizens advisory groups. Ross and Associates have been tasked to assist with the formation of both the Technical Leadership Group (TLG) and Citizen Coordinating Council (CCC) and the development of their operating protocols. They will serve as initial meeting facilitators for the CCC. In addition they have been tasked with preparing draft and final Commission Board operating protocols. Ms. Eckman indicated that the schedule goal is to have these available for the Commission's January meeting.

Kathy Johnson has been contracted to facilitate the TLG in the development of the one and five-year work plans for consideration by the Commission. In addition, she will provide review and recommendations of the proposed Commission fiscal policies under development by Commission staff.

These positions will be paid by EPA or through Cooperative Agreements with EPA and the State of Idaho.

Commissioner Matheson asked how these contractors were selected. Commissioner Allred responded that these contractors were already engaged by EPA or the State and have been loaned to the Commission, as the Commission does not yet have resources to directly hire contractors. Commissioner Matheson didn't feel the consensus process sponsored by Idaho during the EPA remedy selection process was truly consensus and questioned why Ms. Johnson, contractor to Idaho, was asked to lead the TLG work plan effort. He noted that the State of Idaho has money, and so the work is going to or being controlled by the State, which is not fair.

Commissioner Buell commented that the Board would be making the decisions, not the contractors. Commissioner Allred commented that both the TLG and CCC are to be advisory to the Board and it was important that both groups understood their role. Commissioner Panabaker

added that the Board is not a full time position and so it is important that they have confidence in the staff and advisors to the Commission. The counties are looking at hiring a position, under an EPA grant, to assist them in this regard. While the application is from Kootenai County, Benewah and Shoshone Counties are supporting it as well.

Commissioner Krulitz indicated the need for diverse views to be represented on both the CCC and TLG. She commented that it will take some time to develop trust within these advisory groups, within the Board and with the public.

1. Proxies. Commissioner Krulitz requested the Board discuss the role of proxies at Commission meetings. Commissioner Iani supported the use of proxies, as it will be difficult for him to attend every meeting if they are held on a monthly basis. Commissioner Matheson also supported proxies and indicated that the Tribal Council had even selected an alternate for him (Richard Mullans).

Commissioner Buell said proxies might work for EPA as they had staff to support the Commissioner, but the counties were not that fortunate. He felt it important that the Commissioners appointed attend and if they could not, so be it. Commissioner Allred commented the Governor appointed the Idaho positions on the Commission and he was not sure if the statute provided for proxies. He added that the Commission would work only if it has top-level commitment.

Commissioner McCurdy suggested that Curt Franson review the legal considerations of proxy use. Commissioner Krulitz suggested that the role of a proxy should be defined. Perhaps a representative could attend in the absence of an appointed Commissioner but not have voting level participation.

No action was taken following this discussion on the use of proxies.

Commissioner Krulitz then commented that the Counties are at a disadvantage to the other participants that have staff and legal assistance to support their commissioners. While the current staff is working on the behalf of the Commission; it is a tough sell to the public as they are paid by their respective agencies. She felt it important that the Commission retain its own staff as soon as possible.

2. Technical Leadership Group. Luke Russell advised the staff had received a list of nominations from agencies with regulatory or land management responsibility in the basin for membership on the TLG. A conference call had been held to begin the communication and organization of this group and weekly calls were now being held. An initial meeting of the TLG is planned for November 19-20 in Coeur d'Alene to update a matrix of on-going projects and pilot studies, and begin work on the one and five year plans.

He presented the list of names to the Commission for their consideration as the TLG. **It was moved by Commissioner Allred, seconded by Commissioner Panabaker to accept the following as the TLG for the Commission:**

Shoshone County	Bill Rust
	Bob Launhardt
Benewah County	Frank Frutchy
	Roger Hardy
Kootenai County	Clyde Sheppard
	Tom Mullen
USEPA	Anne Dailey
	Angela Chung
State of Washington	John Roland
CDA Tribe	Phil Cerner
	Jack Gunderman
Idaho Dep. Env. Quality	Rob Hanson
	Nick Zilka
Idaho Dep. of Lands	Carl Washburn
Idaho Dep. of Water Resources	David Lepard
Idaho Dep. of Transportation	Scott Stokes
Idaho Dep. of Fish and Game	Bryan Helmich
Bureau of Land Management	David Fortier
	Mike Stevenson
Fish and Wildlife Service	Dan Audet
	Jim Hansen
United States Forest Service	Jeff Johnson
	Bob Kirkpatrick
United States Geological Survey	Paul Woods
Spokane Tribe	Randy Connolly
	Fred Kirschner
National Resource Cons. Dist.	David Brown
K-S Soil Conservn. District	Shallan Dawson

Commissioner Iani indicated that while he could not vote, he supported this list of individuals. **The motion then passed with 6 in favor and 1 abstention (Iani).**

Commissioner Krulitz felt the county representatives to the TLG should be compensated for mileage and phone charges.

3. Citizens Coordinating Council – John Roland with the Washington Department of Ecology, then updated the Board on efforts to populate the CCC and develop and operating structure for this advisory group. He outlined the outreach activities to boost citizen interest in the CCC, including development of a newspaper advertisement, EPA news brief announcement, direct contacts, and plans to hold an “informational’ invitational” meeting. This meeting is scheduled for November 13 at 6:30 PM at a place to be announced.

He discussed the functions of the CCC which are to support the Board in implementing the Record of Decision, provide comment on the work plans and project specific projects, provide a direct voice to the Board to convey the range of citizen concerns and perspectives, and to do community outreach.

Mr. Roland then outlined the key organizational aspects of the CCC to include an open and diverse membership, the election of a chairperson, and possibly and vice-chair, establishment of a small integration group to assist the Chairperson to synthesize different citizen perspectives, and establishment of subcommittees to address specific projects and issues of interest. He indicated the early CCC meetings should be facilitated to help the group get started and that the group will need some resource support from the Board to do their function.

He suggested that the Board periodically review the make-up and organizational structure of the CCC and make suggestions for improving its functionality.

Commissioner Allred indicated that both the CCC and TLG should be extensions of the Commission and not considered entities onto themselves. He said this will require frequent reporting directly to the Board by both advisory groups. He requested the staff return at the next Commission meeting with a list of names for the CCC to be considered by the Board. In addition, he recommended the Commission staff closely track the work of both advisory groups.

Commissioner McCurdy supported the general approach being taken to establish the CCC. Commissioner Allred, then spoke to John Snider in the audience and indicated the Citizens Advisory Group that he chairs needs to participate in the Commission’s CCC to be effective.

Luke Russell then advised the Board that a Commission web page has been established and while still in construction, could be viewed at www.basincommission.com.

4. Current Basin Projects- Phil Cernera reported that staff was working with the TLG to establish a matrix of on-going projects and pilot programs in the Basin. A preliminary draft had been prepared and will be the subject of more detailed discussions by the TLG at its meeting on November 19-20. He indicated, that in addition to these projects, the matrix should include efforts to implement the Lake Management Plan.

There was then some discussion on the nature of projects being identified for this matrix. Commissioner Allred suggested a broad list that should include efforts by other parties (e.g. NRCS, USFS) to address bank stabilization or other waste load reduction efforts.

5. EPA Grant Application- Luke Russell presented an update on the funding request to EPA for the \$2 million dollars appropriated by Congress for the Basin Commission under the Clean Water Act (CWA). He indicated that based on guidance provided by EPA, the grant needed to be submitted under Section 104 (b)(3) of the CWA which was for research, investigations, studies, training or demonstration projects to address water pollution. The money would be used for these types of projects that would not qualify for Superfund funding.

He reviewed a matrix of proposed work that included \$675,000 for three years of lake monitoring, \$440,000 for implementation of bank stabilization pilot projects, and \$80,000 for two years of a lake stewardship/education program. In addition, the list of proposed work included \$800,000 for a pilot/demonstration project to address metal loading from infiltration and inflow in the Mullan wastewater system.

Commissioner Allred asked if the staff had an estimate of the potential metal load reduction from this demonstration. Mr. Russell replied that the intent of the study was to make this determination and to see if this type of work, if applied to the larger Page wastewater treatment system, could have a significant impact on metal loading to the river.

Commissioner Buell asked why the money could not simply be used to fix known problem areas. Mr. Russell replied that the way that this grant needed to be structured, it needed to be a study or demonstration project. Commissioner Allred hoped that in doing a study or demonstration that the work would actually help fix a problem.

It was moved by Commissioner Panabaker, seconded by Commissioner Matheson to accept this list of projects, and direct the staff to prepare an application for submittal by the Chairperson for this initial funding from EPA. The motion passed with six in favor, and one abstention (Iani).

7. Watershed Initiative Grant –Luke Russell presented an overview of a Watershed Initiative Grant being applied for by the Idaho Department of Environmental Quality for work to address sediment loading in Denver Creek. The grant is part of a national competition for watershed based approaches to water quality improvement. Mr. Russell indicated that Denver Creek, a tributary to Pine Creek is a major sediment producer and that Pine Creek is about 35% of the flow and 25% of the sediment load in the South Fork Coeur d’Alene River at Pinehurst. This project would stabilize two stretches of Denver Creek to help reduce sediment loading in Pine Creek. The project approach, proposed by Mr. Russell, would be to work through the Commission’s TLG and CCC structure for technical guidance and community outreach. The project would also begin to address concerns of the City of Pinehurst and would be considered a component of efforts to reduce sediment loading to Lake Coeur d’Alene.

Commissioner Krulitz indicated that Shoshone County was supportive of this project and provided a letter to Mr. Russell on behalf of the county. Commissioner Iani then indicated that the BLM had some concerns with the proposal as currently structured. On behalf of Commissioner Iani, Nancy Mitchell with the BLM commented that they supported the watershed approach but did have concerns with some of the detail, but were meeting with DEQ staff on Friday and felt they could work through these concerns. **It was moved by Commissioner Buell and seconded by Commissioner Panabaker that the Basin**

Commission also support this application. Commissioner's Allred, Iani and Matheson indicated they could not vote on this motion, as they would be reviewing other applications for this grant through their respective organizations. Commissioner McCurdy indicated that he supported the watershed approach to addressing water quality improvement. **The motion carried with four in favor and three abstentions.**

7. Public Comment – Mike Peterson of the Lands Council commented that the TLG did not have adequate representation by the State of Washington. He felt that both citizens and technical experts from Spokane should be on the TLG. He offered qualified support for the Denver Creek watershed project but felt the use of material from this project to provide downstream riprap should be reviewed by the TLG. Commissioner Allred responded that the roles of the TLG should not be confused with the role of the CCC. The TLG would do design work and input to the Basin Commission. The CCC would also provide comment on proposed work to the Commission.

Kathy Zanetti asked, in response to the vote on the Watershed Initiative Grant, if the Commissioners would often have to excuse themselves on voting for this type of funding. Commissioner Iani suggested that while he supported the staff's effort to find other potential funding he felt that Superfund would be the major source of funding for the commission and this may not come up that often.

Bret Bowers asked why the proposed list of projects for initial funding no longer included the Rex site. Mr. Russell responded that the Rex could be funded with Superfund dollars. Sheila Eckman added that money for the Rex had been included in EPA's 2003 request for Superfund funding for the Basin. Commissioner Panabaker added that there might still be some issues with regard to private ownership at this site. Mr. Iani added that Superfund could be used at sites with a known owner or possible responsible party, but cost recovery concerns would need to be addressed.

The Commission's next meeting will be December 4 beginning at 11:00 AM at the Health and Welfare building in Kellogg.

There being no other business, the meeting adjourned at 3:45 PM