Coeur d'Alene Basin Environmental Improvement Project Commission

May 31, 2002 Conference Call Meeting Notes

A commission conference call began at 2:00 PM May 31, 2002. Participants included: Commissioners Allred, Buell, Krulitz, Panabaker, (with Phil Cernera representing Chuck Matheson). Also participating were Sheila Eckman, Bill Ross, Curt Fransen, Luke Russell, and Tony Grover. Mike McLean with the press was also on the call.

The purpose of the call was to discuss the background to the statute that created the basin commission and to receive an update on the MOA process that is in progress to bring the Federal and State of Washington representatives to the commission.

Curt Fransen presented an overview of the goals of the state in addressing remediation in the basin. The states 5-point plan was reviewed which includes: state remedial plan, settlement of the litigation, establishment of a trust to fund remediation, creation of an implementing organization, and consideration for economic development. The legislation would address two of these objectives by creating a separate financing authority and the basin commission for implementation.

Creating the local implementing organization was an alternative to the traditional EPA lead Superfund clean up approach.

During legislative debate on the legislation there were three main amendments that address veto authority of the county commissioners, applicability of the open meeting law to the commission, and retaining the old basin commission until this commission was established. The old commission had a planning focus while the new commission was to have an implementation focus.

The commission is to develop a work plan based on the EPA record of decision(s). Steve Allred mentioned that the original intent was for the commissions work plan to include the ROD but be potentially broader in scope, but that may not be as clear in the final wording of the statute. Other areas of potential work such as the north fork, box, and lake management were mentioned as being subject to future discussion by the commission.

The financing authority, does not yet exist, and is a separate entity and includes representation from the state of Idaho, state of Washington, EPA, and Tribe as it was envisioned that these entities may be bringing funds to the commission. The finance authority members were to have demonstrated experience in investing and financial management.

Finally, the commission is its own entity, with its own authorities, and not just a conglomeration of its member's authorities. The commission is not dependent on the authorities of its members. The commission may require others to exercise their authorities to fully implement some of its work plan (e.g. land use plans or zoning, etc).

Bill Ross then updated the commission on the process of developing an MOA to bring the state of Washington and federal representative to the commission table. There have been two meetings and one conference call of the federal agencies, tribe(s), states of Idaho and Washington, and county representative Sheryl Craig of Kootenai County.

The schedule is to have a draft MOA by the end of July. The current topic areas under discussion for the MOA include: purpose of the MOA, use of existing party authorities, objectives of the commission, geographic scope of commission activities, short and long-term work plans development, establishment of a high level technical advisory group, fiscal policies to match funding source requirements, public involvement and dispute resolution.

There was discussion that the high level advisory should be populated by a broader membership than just the commission so federal, state and other agencies not represented with a commissioner would have a voice and input to the commission through this work group. Steve Allred indicated that discussions were being held at high levels to get the federal representative to the commission appointed and this may come from the white house.

There was discussion that the Record of Decision was not yet out and what if the commission did not agree with the ROD. Steve Allred indicated that for the state of Idaho to sign off the ROD must address its formal comments to EPA. He indicated that as the ROD is being drafted he felt that progress was being made to address the states comments. A question was raised about the commission moving forward in advance of the ROD with work projects. Steve Allred advised the commission, on behalf of the state of Idaho, they would withdraw its recommended project list.

EPA representative Sheila Eckman indicated that EPA could make a facilitator available to the commission to help with operational issues. Discussion on this topic was deferred for the next commission meeting.

The conference call ended at 3:20 PM