



BEIPC

Basin Environmental Improvement Project Commission

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Terry Harwood
Executive
Director

July 26, 2023

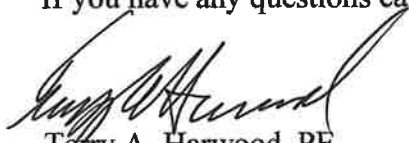
To: BEIPC Commissioners, Alternates, Staff, TLG and CCC Chairs

From: BEIPC Executive Director

Subject: BEIPC August 8, 2023, Quarterly Meeting and Tour

Enclosed is the meeting packet for the upcoming August 8, 2023, BEIPC Meeting and Tour of the Lower Basin Project Work Sites. The meeting held at the Panhandle Health District Office, 35 Wildcat Way, Kellogg, Idaho will begin at 9:30 AM with the Tour beginning about 11:15 and concluding about 3:50 PM in the PHD parking lot. A field lunch will be provided for Commissioners, Alternates, TLG and CCC Chairs and BEIPC Staff. Water will also be provided for Tour attendees.

If you have any questions call me at 208-783-2528 or e-mail at terry.harwood@deq.idaho.gov.



Terry A. Harwood, PE
Executive Director

Enclosure

August 8, 2023, BEIPC Meeting Packet Items

- Meeting Guidelines
- Draft May 17, 2023, Meeting Notes
- Abbreviations and Acronyms
- August 8, 2023, Meeting and Tour Agenda
- BEIPC Operational Policy and Procedure final draft by Ex. Director and Idaho AG's Office for discussion and approval.
- BEIPC Operational Policy and Procedure red line/blue work by ED and AG
- Final Draft TLG Operational Policy and Procedure for discussion and approval.
- Final Draft CCC Operational Policy and Procedure for discussion and approval.

BEIPC MEETING GUIDELINES

- The Executive Director is directed to manage these guidelines.
- The agendas for BEIPC meetings are draft agendas and may be modified by the Commissioners by motion and majority vote at the beginning of the meeting to accommodate unanticipated program and scheduling changes.
- Parties requesting a scheduled time slot on BEIPC meeting agendas to present technical or other information shall discuss the request with the Executive Director a minimum of four (4) weeks prior to the meeting date. If the draft agenda can accommodate the subject matter and time needed for its presentation and at the request of the Executive Director, the requesting party shall forward an electronic copy of the proposal for the item to the Executive Director a minimum of three (3) weeks prior to the meeting date. If the item is of a technical nature, the Executive Director will present the technical proposal and or presentation to the TLG for information and review prior to the BEIPC meeting. TLG consideration of the proposal shall not prevent its presentation to the BEIPC.
- Parties making presentations needing overhead equipment, utilizing Power Point or other projection presentations shall furnish their own equipment or make arrangements with the Executive Director. Projection screens shall be provided by the BEIPC at meeting locations.
- At each BEIPC meeting, an open public comment and presentation period shall be set aside for any member of the public to make comments and presentations concerning the Basin or issues being discussed by the BEIPC and presenters on the meeting agenda. The Executive Director is responsible for adjusting the public comment periods on the agenda to ensure that the public is afforded the opportunity to comment concerning an issue of discussion at BEIPC meetings. Each presenter shall have a maximum of three (3) minutes to comment or make a presentation. These presentation times will be monitored by the Executive Director. Presenters shall be recognized by the Chair of the BEIPC meeting prior to speaking. If a presenter needs more time, they shall make arrangements with the Executive Director for a scheduled time slot on the agenda.
- Issues requiring BEIPC discussion and voting such as programs of work, five year work plans, annual work plans, and budget and funding issues shall be presented prior to the final vote on each such issue. The public comment time slot will be managed as outlined above.

Basin Environmental Improvement Project Commission

Meeting and Tour Agenda

August 8, 2023, 9:30 AM – 3:50 PM

Panhandle Health District Office

35 Wildcat Way, Kellogg, ID

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|----------|---|
| 9:30 AM | Call to Order |
| 9:35 AM | Review and Approve Draft May 17, 2023, Meeting Notes – Terry Harwood (Action Item) |
| 9:50 AM | Review and Approve Updated BEIPC, TLG, and CCC Organizational Practices and Procedures Document – Terry Harwood (Action Item) |
| 10:25 AM | Announce Results of Executive Director Replacement Recruitment – BEIPC Board |
| 10:55 AM | Dismiss Meeting to board bus for Tour |
| 11:15 AM | Depart Kellogg |
| 11:35 AM | Arrive at Old Mission Landing (Cataldo Boat Launch), Project Highlights: <ul style="list-style-type: none">• Dudley Reach Scour Hole Pilot Project – Tyler Chatriand, EPA• Boat Launch Parking Lot Improvements – Bonnie Arthur, EPA• Discussion on river hydraulics and the differences between the Cataldo Reach and Dudley Reach – Tyler Chatriand, Ed Moreen, EPA• Cataldo Reach Riverbank Pilot Project – Jocelyn Carver, EPA |
| 12:20 PM | Depart Old Mission Landing |
| 12:50 PM | Arrive at Killarney Lake Boat Ramp – Lunch |
| 1:35 PM | Project Highlights: <ul style="list-style-type: none">• Killarney Lake Peninsula recreation site - Jennifer Crawford, EPA• Conservation easement near East Killarney Lake Road, ag-to-wetland conversion project – Eric Nicolai, EPA• Biological Monitoring – Jennifer Crawford, EPA |
| 2:05 PM | Depart Killarney Lake |
| 2:35 PM | Arrive at Gray's Meadow (Lamb Peak Wetland pump house/parking lot), Project Highlights: <ul style="list-style-type: none">• Gray's Meadow Remedial Action and Restoration Project – Eric Nicolai, EPA |

3:05 PM Depart Gray's Meadow

3:50 PM Arrive at Panhandle Health District in Kellogg. Adjourn.

Note: Times indicated for presentations and discussions are tentative and may be adjusted to accommodate over and under runs of time used to accommodate presenters and Board and public discussions.

ABBREVIATIONS AND ACRONYMS

AMD: Acid Mine Drainage
ARAR: Applicable or relevant and appropriate requirement
ARRA: American Recovery and Reinvestment Act
ATV: All Terrain Vehicle
AWQA: Ambient water quality criterion/criteria
BCR: Big Creek Repository
BCRA: Big Creek Repository Annex
BEIPC: Basin Environmental Improvement Project Commission
BEMP: Basin Environmental Monitoring Plan
BLM: Bureau of Land Management (US Department of the Interior)
BPRP: Basin Property Remediation Program
CCC: Citizen Coordinating Council
CCR: Canyon Complex Repository
CDA: Coeur d'Alene
CDC: Center for Disease Control
CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act
CIA: Central Impoundment Area
CICs: Community Involvement Coordinators
COC: Chemical of concern
CPT: Cone Penetrometer Testing
CSM: Conceptual Site Model
CTP: Central Treatment Plant
CWA: Clean Water Act
DCIRP: Drainage Control Infrastructure Revitalization Plan
ECSM: Enhanced Conceptual Site Model
EFN: East Fork Ninemile
EIS: Environmental Impact Statement
EMFR: East Mission Flats Repository
EMP: Environmental Monitoring Program
EPA: Environmental Protection Agency
ERA: Ecological Risk Assessment
ESD: Explanation of Significant Differences
FESL: Fabric Enclosed Soil Lift
FFS: Focused Feasibility Study
FS: Feasibility Study
GPM: Gallons per Minute
HH PFT: Human Health Project Focus Team
I-90: Interstate 90
I-C: Interstate-Callahan
I & I: Inflow and Infiltration
ICP: Institutional Controls Program
IDAPA: Idaho Administrative Procedures Act
IDEQ: Idaho Department of Environmental Quality
IDFG: Idaho Department of Fish and Game
IDPR: Idaho Department of Parks and Recreation
ITD: Idaho Transportation Department
LLC: Limited Liability Company
IP: Implementation Plan
LBC: Lower Basin (Citizen's) Collaborative
LBCR: Lower Burke Canyon Repository
LMP: Lake Management Plan
MAU: Multi-attribute utility

MOA: Memorandum of Agreement
NCP: National Contingency Plan
NPL: National Priorities List
NRDA: Natural Resource Damage Assessment
NRT: Natural Resource Trustees
ODBO: Operate Design Build Operate
OSWER: Office of Solid Waste and Emergency Response (EPA)
OTI: Osburn Tailings Impoundment
OU: Operable Unit
PFT: Project Focus Team
PHD: Panhandle Health District
PM: Project Managers
PRP: Potentially Responsible Parties
PRRACA: Paved Road Remedial Action Cooperative Agreement
QA/QC: Quality Assurance / Quality Control
RA: Remedial Action
RACA: Remedial Action Cooperative Agreement
RAO: Remedial Action Objectives
RD: Remedial Design
RFP: Request For Proposal
RI: Remedial Investigation
RI/FS: Remedial Investigation/Feasibility Study
RPM: Remedial Project Manager
RP: Remedy Protection
RP: Restoration Plan
ROD: Record of Decision
RODA: Record of Decision Amendment
ROW: Right-of-Way
SARA: Superfund Amendments and Reauthorization Act
SCIP: Superfund Cleanup Implementation Plan
SFCDR: South Fork Coeur d'Alene River
SJTI: Superfund Job Training Initiative
SOP: Standard Operating Procedure
SSC: State Superfund Contract
SST: Superfund Straight Talk
STI: Star Tailings Impoundment
SVNRT: Silver Valley Natural Resource Trust
TCD: Typical Conceptual Design
TLG: Technical Leadership Group
TMDL: Total Maximum Daily Load
Trust: Successor Coeur d'Alene Custodial and Work Trust
UMG: Upstream Mining Group
UPRR: United Pacific Railroad
USDA: United States Department of Agriculture
USFWS: United States Fish and Wildlife Service
USGS: United States Geological Survey
WAC: Waste Acceptance Criteria
WAG: Watershed Advisory Group
WCA: Waste Consolidation Area
WMS: Waste Management Strategy
WENI: West End Natural Infiltration Area
WCX: Waste Quality Exchange
WY: Water Year

(Updated January 2018)

DRAFT

BASIN COMMISSION (BEIPC)

May 17, 2023

MEETING MINUTES

Basin Environmental Improvement Project Commission

Draft Meeting Summary Minutes
May 17, 2023, 9:30 AM – 2:30 PM
Panhandle Health District Office
35 Wildcat Way, Kellogg, ID

These minutes are summary notes of the reports and presentations and are intended to capture key topics and issues, conclusions, and next steps and not every detail of discussion or individual quotes.

Attendees included the following:

Terry Harwood (BEIPC Executive Director)

Commissioners and Alternates present:

Jess Byrne (IDEQ), Michael McCurdy (IDEQ), Leslie Duncan (Kootenai County), Calvin Terada (EPA), Caj Matheson (CDA Tribe), Dave Dose (Shoshone County), Karl Rains (Washington State)

Staff present:

Gail Yost (BEIPC, Assistant to E.D., Note taker), Tamara Langton (EPA), Andy Helkey (IDEQ), Sandra Treccani (Washington State), Rebecca Stevens (CDA Tribe), Jerry Boyd (CCC), Jeri DeLange (Kootenai County)

Call to Order

Leslie Duncan called the meeting to order at 9:37 AM. Introductions were made by the Commissioners/Alternates present at today's meeting.

Review and Approve Draft March 15, 2023, Meeting Notes – Terry Harwood (Action Item)

There were changes submitted to the Commissioners from EPA regarding the language in the Recreation Sites section of the March 15th meeting notes. Tamara explained that the language presented will replace the Rec Sites section in its entirety – referenced page number 4 – and updates the East Smelterville Flats property, which is not a Rec Site, but part of another project they are working on. There were no other edits. Leslie asked for a motion to accept the March 15th meeting minutes with this correction – motion from Caj, Calvin seconded, all approved M/S/C

Update on process for replacement of the BEIPC Executive Director – Terry Harwood

Terry provided some background on the BEIPC history. In 2002, the Idaho Legislature passed the Basin Commission statute. After Terry retired from the Dept. of Agriculture, he moved back to the area and worked first as a consultant, then as the Executive Director of the BEIPC. Some items he wanted the public to know – the BEIPC has two employees, the ED, and Administrative Assistant, both State of Idaho employees as a stand-alone entity. To be able to recruit for the ED position, we needed to follow the HR requirements for the State of Idaho. The BEIPC utilizes an IDEQ vehicle, along with IDEQ contracting, funding and fiscal procedures, and HR procedures. We also receive legal advice and services from the Attorneys General's office. The office is in Kellogg, along with IDEQ and the City of Kellogg. Terry also maintains an office located at his home in Athol. The original ED job description was written by the CCC and TLG groups. A new description was developed by the ED, Idaho HR, and volunteer BEIPC staff for the purpose of recruiting a replacement. The staff consists of volunteers from EPA, CDA Tribe, Kootenai County, State of Washington, and the State of Idaho. Once the board picks applicants for interviews, each one of them will be asked the same exact questions. Terry has these and will hand them out to the Board

before their Executive Session today to see if they agree or have any changes. There will be a question or questions assigned to each Commissioner to ask in the interview. Several Executive Sessions may need to be held to get all the interviews conducted. Jess stated there have been 14 applications submitted that they will look at today. Idaho Open Meeting Laws will be followed to announce each meeting/Executive Session to be held. We are hoping the position is filled before the August BEIPC meeting so that they can be announced. Terry has been asked to stay long enough to train this person, and thanked EPA for helping to fund this process. He believes the Board has taken on a very important task, getting the right person for the job, and making sure they fulfil the needs of the BEIPC and represent all the governments equally.

Update on Status of Remedial Work in the Upper and Lower Basins and CDA Trust Financial Status and Update on Lower Basin WCA Selection Process –

Tamara kicked off today's presentation - she and her colleagues will cover various updates for EPA and the upcoming CDA Trust work. The Bunker Hill Superfund Site stretches from the Montana border through North Idaho and ends at the Upriver Dam on the Spokane River in Washington. She identified the Institutional Controls Program (ICP) boundary and locations of contaminated mine and mill sites. The site is also divided into the Box and Upper & Lower Basin. The Box is the original 21 square mile area contaminated from mining and smelting operations of Bunker Hill. Within the Box are Operable Units 1 and 2 (OU-1, OU-2) with OU-1 being the populated areas and OU-2 the unpopulated areas. The site was then expanded into the Upper & Lower Basin and OU-3 was created. Caj made a comment to recognize that no decision has been made for CDA Lake, essentially carving it out of the site. He wanted to make sure people are aware of that, and despite the contamination in the valley the lake is not part of the Record of Decision (ROD). Tamara agreed that they have not come up with a remedy for the lake. Rebecca made another clarification, the lake is in the center of the facility even though there is no remedy, it is part of the Superfund Site.

Tamara gave some historical information on the mining and milling operations in the Silver Valley. As successful as the silver industry was, some of their mining practices left a legacy of contamination. Jerry Boyd asked Tamara why she left out discussion on the Zinc Plant. It operated from 1927 until 1981 and produced not only zinc but cadmium. There was also a Fertilizer Plant that was one of the air polluters, and one of the first plants to have sulfur dioxide removal. He thought it started up in 1955.

Tamara continued explaining how contamination came to be – first showing pictures of the air emissions from the BH Smelter Stacks - one of these showing the baghouse fire. Mary clarified that the fire lasted a couple of days but took over a year to repair all the filters. The company at the time was Gulf Resources, and they continued to operate even though the emissions they were releasing were much greater than before the fire which then disbursed a lot of contamination. This year in September marks the 50th anniversary of the baghouse fire. This was pivotal time for agencies dealing with the health issues and environmental damage. A year after, in August 1974, the blood lead levels in children were 67.4 µg/dL – the country average at that time being around 40 µg/dL. Two years after, the levels measured a little above 40 µg/dL. Jerry mentioned that the Silver King school was located right below where the fire happened and doesn't understand why they let it catch fire like it did.

Another way that contamination came to be – common practices that were accepted were direct mine and mill waste discharged into the creeks and rivers, one being the South Fork CDA River

(SFCDAR). With all the high-water events and floods that happen here, all the waste went downstream for years. Tamara showed a slide indicating soil and sediment contamination levels in the CDA River Basin with most lead concentrations greater than 2,000 parts per million (ppm).

The Bunker Hill Superfund Site (BHSS) was placed on the National Priority List in 1983. At that time, this area still had the highest blood lead in the country. The first priority was the risk to people with the primary contaminant of concern (COC) to be lead, arsenic and cadmium in soils and sediment. Cleanup started in the Box and Upper Basin in 1986, followed by the Lower Basin in 1989. The Silver Valley Natural Resource Trustees started some work in the area to help with some of the environmental damage. Then EPA came out with their OU-3 Record of Decision in 2002 and an update in 2012. The second priority were risks to the environment and ecology with the COC being zinc and other heavy metals in the soil and sediment that impacted water quality.

The Box/Basin Property Remediation Program (BPRP) was established in 1989, first in the Box then the Basin. Over 7,000 properties have been cleaned up to date, and in 2023 the focus will be on eligible properties that have changed ownership – those whose previous owners refused sampling and/or cleanup. Beyond the BPRP program, remediation took place at the Industrial Smelter Complex, stabilized hillsides, cleaned up gulches and streams. Lined engineered waste disposal areas were created, Remedy Protection Projects were completed as well as the Paved Roads program. Terry commented on the Remedy Protection projects – to control the protection of the remedies, they designed drainage facilities throughout all the side drainages in the valley to pass the design flood stage. Terry added that 594 roads were paved throughout the valley, and gravel roads were resurfaced with clean material. Another element of the BPRP program is house dust sampling - dust mats are placed, and vacuum samples taken so that they can use this information in their models to evaluate risks. Barrier enhancements will also take place in 2023 on rights-of-ways in Pinehurst, Smelterville, and Kellogg.

A lot of work has been done in Smelterville Flats. Some of the remedial activities include source removals, capping, revegetation, along with surface water management and streambank stabilization. Work planned for 2023 include Phase 1 of the Theater Road (removal of several piles of lead-contaminated soil at east end – fence & jersey barriers along with additional signage). They will continue work on the Airport Riverwalk by enhancing barriers with 4” of compacted gravel. The parking lot was completed 3 years ago.

The Lead Health Intervention Program was started in 1985 and is managed by Panhandle Health District (PHD). Blood-lead screenings are free year-round at Shoshone Medical Center. The six-day annual screening event will take place August 7-12, with a \$50 incentive for kids 6 months to 6 years old. They use the target level of 3.5 µg/dL as identified by the CDC. In-home consultations are available to identify sources of lead contamination, along with house dust lead monitoring and HEPA vacuums to loan out. Education and outreach are also an important factor to get the messaging out there – schools, multi-family residences, local medical organizations, health fairs, blood drives, other events, social media, radio, signage, and mailings. Collaboration with Housing and Urban Development (HUD) also helps to reach the unsheltered population that is increasing. Jess asked why they do not test children under 6 months and Mary answered at 6 months kids are not usually crawling and getting down on the floor, no benefit from taking blood from babies. Rebecca wanted to know if pregnant women receive the incentive, and Mary said just the children.

The Recreational Sites Program was started in 1999. There is an interagency group that prioritizes areas based on risk and public access to reduce lead exposures. This includes signage, cleanup, continuous outreach, and education. In 2022, the Highway 3 beach augmentation was completed in the Basin, and in 2023 they will work on completing the Box Recreational Sites Strategy Plan.

The Institutional Controls Program (ICP) was first established in 1995 to ensure proper installation and maintenance of clean barriers throughout the site. It is an enforceable program developed to maintain properties that have been remediated. Permits are required for any excavation, remodeling, or new construction work. Contractor training and oversight are available. The Statute's rules and regulations now reside with the State of Idaho Department of Environmental Quality (IDEQ) and is maintained by PHD. Real estate disclosures are required at the sale and/or transfer of property within the site. Local realtors, lenders, and title companies are trained with this information. Through ICP one cubic yard of clean gravel or topsoil per year is available to maintain barriers, as well as the loan of HEPA vacuums to all residents.

All these programs have impacted the blood lead levels as Tamara provided a slide showing the decline and results from the Box and Basin through the years. Good news for the overall picture, and cases with elevated levels of concern were investigated as some years did have spikes. Jeri DeLange asked what the reason was for the spike in 2017 – Andy answered that was a hot and dry summer that year, and the Water District also had a transmission line by the Pinehurst trailhead that washed out leaving a usually grassy area with open tailings, people thought they could recreate here even though they tried to keep it roped off. There was also a family in Wardner where all three of the children had high levels due to lead based paint in the house.

Tyler Chatriand continued the presentation starting with an update on the Upper Basin. *Ninemile Creek Basin* – a lot of work has already been completed prior to 2023: Rex Mine and Mill No.2/Sixteen-to-One (2007-2010), Interstate-Callahan Rock Dumps (2014-2015), Success Complex (2016-2019) and the Interstate Millsite (2019-2020). In 2023, the second of three-year cleanups will continue at the Tamarack Complex, Dayrock Complex and Lower EFNW Creek. All waste will be hauled up to the EFWCA.

Canyon Creek Basin – Pre-design investigations are planned for the Gem Mine Complex, Standard Mammoth Sites, Frisco Reach Sites and Lower Canyon Riparian Area. The Hecla Star Complex will start its first year of a 4-year remediation project - 16 shallow extraction wells will be installed and removal of 6,600 cubic yards of mine waste. Jerry Boyd asked if they were going to take down any structures and the answer was no. Andy said there is one galvanized building that will come down.

Pine Creek Basin – Work already completed at the Douglas Mine was the time critical removal of tailing impoundment from Pine Creek (1996). In 2023, they are going to install access controls as the remedial design has already been approved. Construction is planned for start in 2025 with the excavation of 25,000 cu.yd. of mine waste and an existing onsite repository that will be lined and capped. The Constitution Mine and Mill were also cleaned up in 2005-2006.

Eric Nicolai continued with updates for the Lower Basin which stretches from the confluence of North Fork and South Fork of the CDA River to Harrison. The wetland projects have been such a key part because the Lower Basin is such a complex system including the riverbanks, riverbeds, wetlands, lateral lakes, and upland areas, all contaminated with mine waste.

Wetlands Remediation & Restoration – prior to 2023 in the Box, the West End Infiltration Area (WENI) wetland was restored. In the Basin, the Schlepp Agriculture-to-Wetland Conversion created 400 acres of clean viable habitat for waterfowl. Robinson Creek work was also completed. For this year, investigation will be conducted at the Gleason Property which will be a similar project to Schlepp converting about 250 acres into viable habitat.

Gray's Meadow Remediation & Restoration – construction will continue into 2023. This is approximately 700-acre field that was formerly used for hay production and cattle pastures, now owned by Idaho Fish & Game (IDFG). It encompasses two wetlands - Lambs Peak and Cave Lake. Tilling and excavation & stockpiling of material will continue so that they can start forming habitat features and other water control structures to form the final project, hopefully be complete by December 2024.

Waterfowl Biological Monitoring Research – develop and refine efficient, non-invasive tools to monitor cleanup effectiveness and waterfowl health over the long-term. This is a multi-agency collaboration – EPA, IDFG, CDA Tribe, USFWS & USGS. This work is based on previous studies: refining for ease and accuracy of implementation. Ongoing studies for the Tundra Swans (2021-2024) and Wood Ducks (2023-2026) will continue.

Streambed and Bank Pilot Projects – previous work included riverbed & bank monitoring since 2019, repeat bathymetric surveys, Dudley Reach Pilot Design investigations (riverbed and bank sampling), and Cataldo Reach Pre-design investigations (bank characterization and monitoring). The investigations will continue in the Cataldo and Dudley Reach areas.

Jocelyn Carver updated us on the Waste Disposal Areas – Repositories, LURs & Waste Consolidation Areas (WCA). The CDA Trust manages repositories and WCAs in the Upper and Lower Basin and IDEQ operates Box repositories and LURs. In 2023, Big Creek Repository will continue to receive ICP waste, East Mission Flats and Lower Burke Canyon will receive ICP and I-90 construction activity wastes. The WCA at Canyon Creek will accept waste from the Hecla/Star remedial action, and the EFNM WCA will be going through a small expansion to accommodate the waste from the ongoing projects at the Dayrock and Tamarack Complexes. For work starting in the Lower Basin, a new WCA will need to be constructed to support this work. A Lower Basin PFT (LBPFT) was formed in the fall to evaluate a potential location. Meetings have been held and discussions about technical, legal, and financial feasibility about what this would look like in the Lower Basin. Currently EPA is going through and evaluating these discussions before a final decision can be made. If a final decision can be made, construction could start as soon as 2026 along with the Lower Basin projects. If no decision can be made by this fall, it will impact the scheduling for at least a year or more. Tamara asked her to clarify what a PFT was – Jocelyn answered a Project Focus Team which is formed under the organizational structure of the TLG under the BEIPC to give input on what is important for this siting.

Tyler provided more updates on mine water, groundwater & surface water – prior to 2023, there were significant upgrades to the Central Treatment Plant (CTP) and installation and operation of a new Groundwater Collection System (GWCS) for collection of contaminated groundwater under the CIA for treatment at the CTP. They continue to optimize the CTP/GWCS and is operated by IDEQ. There is also pre-design investigation planning for the groundwater up in the Government Gulch watershed. Design is being completed to close the old Sludge Pond on the CIA and transition to a new Sludge Disposal Area that has already been constructed.

Eric provided updates on the Basin Environmental Monitoring Program (BEMP) – a lot of monitoring and sampling has happened in both the Box and Basin for both groundwater and surface water. Working with USGS on surface water sampling & monitoring, they range their frequency of monitoring to about 2 to 6 times per year and will now increase this frequency up to 12 times per year. Recommendations from NAS indicate a need to increase the monitoring stations and locations, so working with USGS to add additional locations. Groundwater monitoring & sampling with IDEQ/Alta at 73 different sites will be similar to that this year. Scoping and installation of NAS recommended sediment surrogate monitoring instrumentation for the CDA River by USGS, and suspended sediment surface water sampling in the CDA River by the Trust. Jerry asked what metals they were testing for – and Eric said there is quite a large array of metals, he can provide a list to him. Ed Moreen commented that the Trust did have a boat on the water two weeks ago during a high-water event and captured that high flow and suspended sediment monitoring. Eric said it is always nice to capture peak flows and that USGS was also doing similar work. Dave Fortier asked where he could get the information on the monitoring for both USGS and Alta – Eric replied they just recently approved the annual report for 2022 data and should be posted on the EPA website, maybe on the USGS site as well, he will check. Terry asked if he could get the information so that it can be posted on the BEIPC website. Dave said he hadn't checked in the last two months, but they weren't on EPA's website. Eric said he would make sure they get uploaded.

Tamara closed out the presentation with an update on the cleanup funding – EPA, IDEQ & CDA Trust. She provided a breakdown as follows:

EPA Special Settlement Accounts for the Box

- All work in Operable Units 1 & 2 (the Box)
- Funds cannot be used for Operable Unit 3 (the Basin)

State of Idaho

- Box ICP as RA; Box Long-term ICP and O&M; Box Discretionary Projects (e.g. Blood Lead Screenings); Box & Basin Remedial Action Cost-Share and O&M; O&M of CTP
- BEIPC Executive Director, Expenses & Clerical Support

EPA Appropriated Funds

- Pipeline (Planning, Investigations, Design, Monitoring)
- Remedial Action (Remediation/Construction/Cleanup)

CDA Trust – Can only fund Trust Work in the Basin

- Basin (Operable Unit 3) Environmental Actions
- Cannot be used to fund Grants, Cooperative or Interagency Agreements with State, Tribe, Local Governments or EPA's Oversight of Trust Work.

She provided some additional background and current status of the CDA Trust Funds. The 2008 Asarco Bankruptcy settlement in the amount of \$436.6 million was deposited into the Successor Coeur d'Alene Custodial and Work Trust (CDA Trust). Total expenditures through March 2023 are \$213.4 million, with a fund balance also through March 2023 in the amount of \$557.7 million, this is considering investments and expenditures. The Federal Trustee appointed to this fund is Dan Silver and the income primarily comes from investments in stocks and bonds. There is an annual budget of \$30 million per year. Dave asked on the annual limit amount – Tamara stated it was \$25 million yearly, now bumped up to \$30 million. She said there is also a limit on the number of contractors they can hire out. Terry added these Trust Funds at various sites across the US are set up in court orders and must follow the consent order from the judge. There were not enough funds from the Hecla or Asarco settlements to pay for this work. Dave asked Tamara why she didn't comment on

the Hecla settlement dollars, do they ever put out a summary of what the settlement was and how the money was disbursed. Tamara said she did have that information and could provide him with that. Terry stated these settlement dollars were put into a Superfund account and not a Trust. A lot of the money was spent on the Paved & Gravel Road Programs and BPRP in the Basin and is pretty much exhausted. Dave thought there was kind of a trust put together for the O&M of the CTP, Andy said that was invested in the State Endowment Fund. Around \$50 million went to the CTP upgrades.

Update on Natural Resource Restoration Partnership Work – Rebecca Stevens, CDA Tribe
Rebecca provided an update on the Restoration Partnership (RP) on where we are at today. The RP is made up of CDA Tribe, State of Idaho represented by the Department of Environmental Quality and Idaho Fish & Game, US Department of the Interior represented by Bureau of Land Management and Fish & Wildlife Service, and the US Department of Agriculture represented by US Forest Service. The RP is a natural resource damage assessment program under CERCLA and dovetails with the Superfund cleanup. In 1991, the Tribe initiated a lawsuit against the mining companies, with the Federal Trustees joining in 1993 and the State of Idaho in 2011. There is a lot of rich history - information can be found on their website. Restoration differs from remediation as it restores, replaces and/or acquires the equivalent of natural resources that were injured by the release of mine waste or any other hazardous substances. This Basin is one of a kind - final settlements were reached with the mining companies after years of proving injury to natural resources. When final settlement was reached with Hecla that is when the State of Idaho joined in their efforts, as they had settled all their claims against the mining companies. The National Environmental Policy Act (NEPA) was followed, and a Record of Decision (ROD) and Final Restoration plan was developed in 2018. Active restoration has been taking place since 2019, with the first public project solicitation from our own trustees as well as the public and received 44 entries with 22 selected that they have been implementing since then. Slides and updates have been shown with Gleason Marsh, Grays Meadow, and a number of projects - and they decided it was time to go out again for additional project ideas. Rebecca presented a slide showing the 5 hydrologic unit codes which is different from the Superfund facility as it includes the St Joe watershed. This is where they can do compensatory restoration or replacement restoration where we know cleanup is not going to occur. After going through the NEPA process, the public wanted to see the money spent here in our Basin and not up in Alaska or elsewhere.

For this Focus Project Idea Solicitation process, we are looking at these five focused components:

1. Critical habitat for bull trout – it is hanging on in the St. Joe watershed where there are bull trout redds, but they are declining. As a very specific and natural resource to the Tribe and other Trustees, they want to focus on restoring strong fisheries and hang on to the population. There is work underway with the Trustees - formation of a Bull Trout working group – and asking the public if they know of areas where enhancement of some of these strong-hold areas to submit a project idea.
2. Stream connectivity – stream restoration takes time, so they are looking at short-term and long-term stream restoration techniques like re-introducing large debris features.
3. Lake water quality improvement – with Governor Little's Leading Idaho initiative, the Coeur d'Alene Lake Advisory Committee (CLAC) has selected projects looking at nutrients, nitrogen, and phosphorus reduction specifically for CDA Lake, but we have projects adjacent to these projects that can compliment them which is a priority – with Cougar Bay being an example.

4. Wetland enhancement – there are some healthy wetlands that are just hanging on that need enhancements. In the Lower Basin, they have tiered the wetlands that are adjacent to contaminated areas and have the risk of recontamination which is their other focus criteria. Active restoration is taking place at Grays Meadow, Schlepp Ag to Wetland O&M - on the Canyon Marsh Complex and Gleason Marsh Complex, they will be working with EPA to do characterization and remediation, then we will go in and do restoration for clean waterfowl feeding habitat. There are also wetlands on the Reservation and adjacent to the North Fork CDA River that have clean and cold water refugia for fish that they would like to do some restoration.
5. Complementing other Natural Resource Restoration projects – adjacent to ongoing projects already implemented that others are implementing like Natural Resource Conservation Service, Forest Service, Fish & Wildlife – the RP can work with private landowners, conservation districts, and others.

Jerry Boyd asked if they had a reason for the decline of the bull trout in the St. Joe and Rebecca said there are a lot of impacts on landscape, forestry practices, but not mining in the St. Joe watershed.

The schedule for solicitations is as follows: Project solicitations began on April 17th out to everyone, ending on June 1st with RP proposal reviews, looking at eligibility criteria and see if they can move to full application. After this review, the approved project full applications will be due July 7th, then further review. Presentations to the RP on full applications due by August 25th and goal for funding decisions made by September 15th. There are no caps, time restrictions or funding limitations. Some of the eligibility criteria – the projects occurs within the planning area; the project does not expend funds on physical structures; no additional injury to natural resources or services; the project avoids or mitigates human health risks; the project is consistent with applicable laws; no infrastructure projects; services for human use, culturally significant, community support; will not replace cleanup and not cause negative effects to cleanup already completed or underway; and will not replace other obligated funds. For more information, you can go to their website www.restorationpartnership.org. This takes you to the two-page project idea form, our restoration plan, and to commonly asked questions. Once you fill out the project idea form – save it and email it to info@restorationpartnership.org where the Trustees will receive and review.

Tamara put in a plug for their website, its easy to find out what they are doing and what they are about. Rebecca said all their policies and procedures and everything they do are all on the website. She thanked Caj for helping with that. Jerry asked if a project is submitted do they need to be the one to do the work, and Rebecca replied if they can then yes, but they will be working with one of the Trustees. The funds they have are housed at the Department of Interior in Washington DC, and one of the Trustees will work with you to get the funds on the ground to do the work, help with permitting and things like that. Calvin asked if the eligible recipients of such funding do they need to be an IRS designated non-profit or some sort of entity because they are receiving federal funding. Rebecca stated that some of Trustees still see the settlement funds as federal dollars and need to follow some of those procurement guidelines. For the State of Idaho and the Tribe, once those funds are released, they lose their federal nexus because they went through the NEPA process. However, they do follow federal procurement guidelines on all projects, follow the federal fiscal year, and utilize their own individual accounting systems.

Lunch Executive Session Under Idaho Code 74 – 206 (1)(b) to Discuss Executive Director Replacement Progress and Review Applications (Commissioners and/or Alternates, and Executive Director, Separate Lunch for BEIPC Staff, TLG and CCC Chairs)

A motion for Executive session was made by Jess and seconded by Caj, all approved M/S/C

A motion was made by Jess to come out of Executive Session, seconded by Caj, all approved M/S/C

Leslie stated they agreed on the questions to ask the applicants for the ED position and agreed on two of those applicants. They are hoping to announce at the August BEIPC meeting.

Update on CCC Activities – Jerry Boyd, CCC Chair

Jerry had no updates or anything further to add – if anyone has information to be provided to the public, we can provide through our mailing list. If any issues come up, we can hold a CCC meeting.

BEIPC Executive Director Discussion on Retirement and Future of BEIPC

Leslie moved this item up on the agenda due to accommodating Director Byrne's travel time.

Terry stated things were up in the air as to when the Executive Sessions can happen for interviews. He wanted to thank folks in the Silver Valley for all the years of working together and everything that has been done. A lot of work has been accomplished and he is looking forward to the upcoming work still to come.

Update on CDA Lake Advisory Committee Project Selection for Nutrient Loading Concerns and NAS Report Recommendations – Jamie Brunner, IDEQ

Jamie started her presentation with an update on Leading Idaho for CDA Lake. As of today, \$33 million in funding has been allocated for projects that benefit CDA Lake. The Coeur d'Alene Lake Advisory Committee (CLAC) has been overseeing the ranking of projects that will receive that funding. The final CLAC ranking meeting took place on March 23rd, looking at three different categories of potential projects including previous applications, wastewater upgrades, and NAS recommendations. A few of the NAS recommendations with highest priority and projects that could be accomplished withing the ARPA funding timeline are a science coordination team; watershed monitoring (incoming rivers and streams); bays and shallower areas; human health risks; and wastewater treatment upgrades. Jamie went through a compiled list of all the projects that are receiving funding through Leading Idaho – starting with the projects that received funding from the first \$2 million, on the ground projects from previous applications from the CLAC, NAS recommendations, wastewater treatment upgrades, and personnel costs. They have been busy getting agreements in place with some of the projects breaking ground and moving forward. Their website is currently being updated and will provide project pages for each with information on how they are progressing. The webpage is www.deq.idaho.gov/leading-Idaho-and-the-Coeur-dalene-lake.

The science coordination team that came from a couple of the NAS recommendations pointed out that they needed a better mechanism to make data available for stakeholders, and a better structure for carrying out data synthesis coordinated among jurisdictions and interest groups. The first step was an agreement with Alta Science and Engineering to facilitate, and next a Builders Workshop with IDEQ, CDA Tribe, US EPA, USGS and the U of I to give shape to the team. They are hoping to accomplish these recommendations and most likely step through a lot of the other recommendations from the NAS report in a coordinated way to stakeholders.

The Lake-Focused Human Health Risk Assessment also came from the NAS stating there should be an assessment of human health risks specifically associated with occupational and recreational lead and arsenic exposure. We are working with Alta on this as well as a project manager from IDEQ out of Boise Technical Service Division named Norka Paden. This will be a screening level assessment with stakeholder involvement coming up soon to give us some input on locations to address. Field sampling is scheduled for next summer 2024 with a final report expected in 2025.

The St. Joe Watershed Nutrient Assessment is another place where we need more data to fill in the gaps for our basin-wide nutrient inventory. This was called out in the NAS report that we need an efficient sampling strategy for tributaries. The CDA Tribe will be doing a two-year study of the St. Joe River Watershed, the St. Maries, Plummer Creek, Benewah Creek, and Lake Creek. This will cover the southern areas where we don't have a lot of detail on and fill the gaps to help prioritize projects moving forward to reduce phosphorus. The final report is expected in 2025.

Public Comment and Input on Agenda Items or Requests for Information and Assistance

Dave Fortier made a comment on people making informal recreation sites for RVs along the rivers, are these people being watched and informed, especially along the South Fork and lower river area, and are they given warnings about parking out there on un-remediated areas? Mary answered if the property goes through a real estate transaction, they have a disclosure process in place. When transients or people occupy a space, Tamara has been working with HUD to address the unsheltered population. Mary is maintaining a map of these sites that are popping up, and she is going out and doing visits to provide information. Dave also spoke about three areas where roads are being built and areas cleared out for personal use. Mary answered if these are being identified as areas they are not aware of, she highly encourages people to come forward in confidentiality so they can initiate a conversation. They rely on the public's information as some of these areas are not out in open view and it's hard to know what's going on all the time. There have been instances where development occurs without notification to the owners. Terry added that it is an ICP issue especially if there are kids involved. Mary added permits are required for any change of use of property under the ICP. Most of the time if these are next to water bodies, there are also county flood plain issues that also require their permits. Tamara stated they do have eyes on some personal properties where they are turning it into recreational areas and adding concrete pads for RVs, or digging out wetlands, or are along the river. As they are identified, they are tracked, a couple have been turned over to comply with ICP and Clean Water Act violations. Mary emphasized to Dave if people are coming to him, to relay the message that there are significant fines and repercussions for doing this without permits, they are currently dealing with two of these instances in Shoshone County. Dave stated that a few of these have been identified in Kootenai County, and Mary replied that Kootenai County has an even more robust water compliance program in which they work closely with on identified properties.

Rebecca wanted to know on ICP related concerns within the boundary, can they be anonymous? Mary replied absolutely – Rebecca said her experience in Kootenai County you cannot be anonymous. Mary said that's why they have us because the anonymous person can come to them, we inspect and get a few pictures and then they go to Kootenai County. Rebecca asked if they could help in the North Fork because she knows wastewater and sewage is a big concern, and Mary said even though that's not her wheelhouse, that is part of PHD, and their inspector works with them to address these issues.

Mary also commented that they did a blanket public letter that went out to all waterfront property owners first in the Lower Basin, then a year later to owners on the South Fork. This packet explained all requirements and regulations, maybe we need to do another blanket mailing like this. Where we run into a lot of issues, when people own the property then lease it – the leasers’ cause the problems. Dave said one that was brought to his attention is on the South Fork, and the property exchanged hands probably in the last 6-9 months. Mary said if it was a private transaction with no realtor, they may not have reviewed their information that is required when done in this manner. Andy added there was one in Enaville that was sold through a real estate agent, the property owner bought it and has gone through ICP and obtained the proper permits for the things he has installed, but they get a lot of complaints as they see people recreating there – it is private property, and the property owner went through the proper channels. Mary restated there are cases where people see this happening and don’t realize they do have the proper permits. They can’t tell people they can’t recreate there or buy that property or swim there – there are limits to what PHD can do – a lot know it’s contaminated and don’t care, unfortunately. Terry said there is certain language in the ICP that stops people from coming in and subdividing large acreage or farmland with hopes to make it into a new housing development which protects the government as far as remediating all that. Dave remembers when he was working with BLM down in the Cave Lake area, early on before they started hitting the realtors, there were lots being made and sold to people unaware of the contamination. He told them they needed to tell these people about the contamination and the fact they were past the time for eligibility for cleanup. He felt bad for the people not realizing what they were buying. Mary said they are holding realtor Surf N’Turf classes and have had some of these in Kootenai County so everyone knows. Tamara said they have been talking about other ways to get the word out too, if anyone has any ideas they would love to hear it. As more and more people move up here and use the land for recreation, not anticipating this and how do we educate people the best way. Sandra’s suggestion was that there be some publicity around violations as people may think that it’s not a big deal if they don’t get a permit, only a fine then move on. If people are aware there are significant penalties and entities are doing enforcement that may be a little protection for people that don’t think it will be a problem. Tamara said they have talked about that but it’s a lot of work for everybody, trying to avoid it if they can.

Discussion and request for approval of a proposal for BEIPC to submit a request to the Restoration Partnership for consideration of a project to modify the mouth of Nine Mile Creek in Wallace where it enters the South Fork CDA River to accommodate fish passage – Terry Harwood (Action Item)

Terry added to what Tamara had presented about all the work going on in the Nine Mile drainage. The Central Treatment Plant (CTP) area, Nine Mile and Canyon Creek are the top three sources of pollution in the Upper Basin. The CTP is complete, working in Canyon Creek, and getting close to completing work in Nine Mile (2025-2026). When Terry was working on the Remedy Protection projects, one of those under consideration was dealing with this old culvert pipe in the mouth of Nine Mile Creek where it enters the South Fork and goes underneath the Trail of the CDA. This culvert will not pass the 100-year flood design. There was a determination made from all the remedy projects that the damage from this remedy wasn’t great enough to justify spending the money for this project. Subsequent to all this, the 6th Street Bridge that crosses the river is heavily damaged, enough that the City of Wallace installed a temporary bridge so that heavy equipment could go across and up Nine Mile. The city has applied and been granted funding from LTAC for a new bridge. The consulting engineering firm that has designed the bridge figures it will be a two-year project, either for 2023-2024 or 2024-2025. This culvert pipe would then have to wait until

2026. The CDA Trust estimates that \$93 million will be spent in the Nine Mile drainage. So, all this work will be done, and we won't be able to get the fish from the South Fork up Nine Mile creek. The old abutment will be left in place when the new bridge is installed, so that will still leave this 3-foot outfall that the fish cannot jump. Other RP projects have been successful in revitalizing fish in creeks that have been restored. This proposal fits the Natural Resource issues and follows the remedies. Terry has a number of potential approaches to eliminating the barrier and is asking for the Board's approval to submit the proposed natural resource restoration idea to the RP for consideration in their future project work. He also has a preliminary design with one proposal coming in at \$600,000 and another at \$1.2 million.

Caj likes the project and appreciates Terry for wanting to get the fish up Nine Mile, there has been a lot of work done up there so being able to complete this process would be great. As a representative from the CDA Tribe and being one of the Natural Resource Trustees, he is going to have to abstain from this vote. He understands it is simply a vote to submit an application, however he does not want his vote to come across as though he is saying yes, it meets all the criteria. It will have to go through the process, and he cannot endorse it. Beyond that, his biggest question not being sure who is going to take this project on, IDFG or F&WS, from his perspective the right entity should submit the project proposal and not the BEIPC. Terry was not proposing the BEIPC take it on he was just looking for permission to apply. Caj said from his view the BEIPC doesn't need this approval if someone like IDFG would take it on and submit the application themselves.

Calvin stated that he appreciated Caj's comment, he also cannot vote on this given the federal budget requirements. He does caution as we do not have an operational arm for doing any work to then endorse some sort of active project, then try to hand it off to another agency, do we have the authority to do that? What is our role and responsibility to take on and/or support some sort of judiciary project of this amount to be responsible for. Terry stated we would not be responsible for the funds; he just wants the opportunity to apply to the Natural Resource Trustees for their requests from the general public. As far as the BEIPC taking on this type of request, Terry believes we have the authority for projects as it is specific in the statute that we do.

Jess wondered if there were any reason Terry couldn't just work with the F&G to discuss the project and see if they wanted to submit an application. Terry said he tried in the past to get both IDEQ and the F&G interested – they supported the project, but he could never get either to take it on. Terry thought if the BEIPC was involved, it might get better impetus than in the past. He went on to say it doesn't make any sense to spend all that money on remedies and not have fish go up there. He did work with Kajsas from IDEQ before she left employment.

Leslie commented that the project will not go forward unless the BEIPC submits the application and there isn't time to partner with another agency. If he were to go ahead and submit and the application was approved, how would you look at stepping out. Terry said that would be up to the RP as one of the Trustees needs to be the sponsor. They could choose which organization would be involved. At least this puts the project in front of them to look at.

Sandra asked Terry if he couldn't just submit the application as a private citizen if the commission couldn't be supportive or didn't have a consensus on support and the answer was, he can but Terry doesn't think it would get the consideration.

Dave Fortier asked Terry if he talked to the highway district to try and get it incorporated with the bridge work, and Terry answered yes – he has contacted LTAC and the City of Wallace as the bridge is not a highway contract.

Jess wondered if he had a similar conflict with the States participation in the RP, its just a different role and request than anything he's considered before. Terry stated there have been other projects he's worked on that the State has been involved in. He does understand Calvin's recuse from being able to vote from a federal standpoint, so whatever the others want to or don't want to do up to them.

Leslie asked if Terry had reached out to Jamie Sturgess or the Natural Resource Advisory Board and Terry said he had briefed Jamie on this. Leslie wondered if he could submit the application and Terry replied that it wasn't in Kootenai County, and he didn't think Jamie wanted to submit any proposals as he was discouraged from previous submittals.

Dave Dose asked what exactly the motion Terry needed – and he answered just the okay to send in the proposal. Dave made the motion to allow Terry to submit the project for consideration, Karl seconded – the remaining three members, Dave, Karl, and Leslie approved.

Leslie suggested to run this through legal just to make sure there isn't something they are missing in submitting the application.

The meeting was adjourned at 1:43 PM

Amended BEIPC
Organizational Practices
and
Procedures

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Final Amended Draft by AG and Ex. Director Basin Environmental Improvement Project Commission Board Organizational Practices and Procedures

INTRODUCTION/OVERVIEW

The Basin Environmental Improvement Project Commission (BEIPC) is established by Idaho State law to implement, direct, and/or coordinate environmental remediation, natural resource restoration, and related measures to address water quality and heavy metal contamination in the Coeur d'Alene Basin of Idaho in a manner that is protective of human health and the environment, and consistent with local, state, federal, and tribal participation, resources, and authorities as stated in the Memorandum of Agreement for the Basin Environmental Improvement Project Commission (2002 MOA) (dated August 13, 2002). The BEIPC works through the direct exercise of certain authorities of the State of Idaho (as described in Idaho Code Section 39-8106) and through its coordination with other entities and governments and their exercise of independent authorities.

FUNCTIONS

The primary purpose and foundation of the BEIPC's work is to implement the Record of Decision (ROD) for Operable Unit 3 and the Upper Basin ROD Amendment (RODA) for Operable Units 2 and 3 approved pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), and implement/coordinate other plans to address heavy metal contamination in the Coeur d'Alene Basin. Future related RODs issued by the United States Environmental Protection Agency (US EPA), with concurrence from the Idaho Department of Environmental Quality and the Coeur d'Alene Tribe, as appropriate, may be incorporated into the BEIPC work along with other assignments agreed to in MOAs among cooperating parties and governments. The BEIPC conducts its work in the Coeur d'Alene Basin of Idaho, which includes the watershed of Coeur d'Alene Lake within the counties of Shoshone, Kootenai, and Benewah, as well as the Coeur d'Alene Tribe Reservation within the State of Idaho. Remedial actions, authorities, and duties to be exercised in Washington shall be undertaken independent of the BEIPC operational framework.

Key functions of the BEIPC Board are to:

1. Develop and approve its one and five-year work plans;
2. Develop and approve Annual Accomplishment Reports;

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3. Coordinate the implementation of its work plans;
4. Appoint an Executive Director (ED) to assist the Board in administering its work plans and Basin wide environmental activities. The ED is an employee of the State of Idaho requiring that the ED's performance be evaluated and documented each year in accordance with Idaho Human Resource (HR) policies and procedures. At the last scheduled meeting at the end of each calendar year the BEIPC Board will conduct a performance evaluation of the ED. The BEIPC Board performance review of the ED will be conducted in executive session in accordance with Idaho Code Section 74-206. The Director of the Idaho Department of Environmental Quality (IDEQ) will process the evaluation in accordance with HR requirements;
5. Establish the Technical Leadership Group (TLG) and Citizen Coordinating Council (CCC) to receive advice on technical, regulatory and public involvement issues before the Board;
6. Regularly review the membership and functionality of the TLG and CCC;
7. Consult with, and represent the interests and concerns of, organizations, entities, and constituencies it represents; and
8. Exercise other duties as described in the Idaho Code Section 39-8106.

MEMBERSHIP

Idaho Code Section 39-8106(3) provides that the Board will include one (1) representative of the State of Idaho and one (1) representative for each of the county Commissions of Shoshone, Kootenai, and Benewah Counties of the State of Idaho as appointed by the Governor of the State of Idaho. Through implementation of the 2002 MOA, the Board shall also include one (1) representative of the State of Washington appointed by the Governor of Washington, one (1) Tribal Council member of the Coeur d'Alene Tribe appointed by the Council of the Coeur d'Alene Tribe, and one (1) representative of the United States of America appointed by the President of the United States of America.

Alternates: The appointing authority of each Commissioner may designate a primary alternate to attend and represent the appointing authority at Board meetings in the event the authority's Commissioner cannot attend.

Proxies: Proxies shall not be used for any purpose.

Filling Vacancies: Board vacancies shall be filled using the same process and criteria used to establish the Board as described herein and in Idaho Code Section 39-8106(3).

ORGANIZATIONAL STRUCTURE

Chairperson: The Board shall elect from its own Commissioner members a chairperson whose

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term of office shall be two years and who can be re-elected. The chairperson shall be responsible for convening and managing Board meetings and shall work with the Basin Commission Executive Director (or staff) and the chairs of the TLG and CCC to set meeting agendas. If a vacancy occurs, the Board shall fill such a vacancy for the unexpired term at its next meeting.

Vice-Chairperson: The Board shall elect a vice-chairperson from its Commissioner members or appointed Alternates whose term of office shall be two years and who can be re-elected. The vice-chairperson shall serve as chairperson in that person's absence at meetings.

Secretary-Treasurer: The Board shall elect a secretary-treasurer in the same manner as the vice-chairperson. The secretary-treasurer shall serve as the chairperson in the absence of the vice-chair or chairperson at meetings.

Staff Support: To the extent resources allow, the BEIPC Board may hire and assign staff, including an Executive Director, to provide administrative support to the Board to support its overall deliberations. The staff is responsible for making logistical arrangements, distributing agendas and meeting materials in advance of a Board meeting, providing for public notice of the meeting and preparing Board meeting minutes. As well, the Executive Director will help arrange opportunities for the Board to interact with the representatives of the CCC and the TLG, and the public. The Executive Director shall consult with the Chairperson in the event the Executive Director is requested to work on special tasks outside normal BEIPC issues.

MEETING SCHEDULE/STRUCTURE

Meeting Schedule: Meetings of the BEIPC are public meetings and shall be conducted in accordance with the Idaho Open Meeting Law, Idaho Code Sections 74-201 through 74-208. The BEIPC Board shall meet at least quarterly per year but can meet more often if necessary. Board meetings shall occur throughout the area of the BEIPC jurisdiction. All meetings and agendas shall be announced and posted on the BEIPC website. Commissioners can attend meetings by videoconference if suitable arrangements can be made.

Agendas: BEIPC Board meeting agendas shall be developed by the Chairperson and Executive Director, (or staff, if Executive Director is not available). Every effort shall be made to circulate to the Board, the TLG, and the CCC membership and post to the BEIPC website any agendas and meeting information no less than five (5) calendar day meeting notice and a forty-eight (48) hour agenda notice in accordance with Idaho Code 74-204. If Commissioners have any item they wish to include in the proposed meeting agenda they shall identify the issue and notify the Chairperson and Executive Director of twenty (20) days prior to a meeting. All meeting actions items requiring a vote must be noted on the meeting agendas as an "action

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item” posted on the BEIPC website.

Meeting Minutes: In accordance with Idaho Code Section 74-205, the BEIPC Board, acting through the Executive Director, shall provide written minutes of the meetings that will include at least the following: a record of all Commissioners, Alternates and BEIPC staff who are present; all motions and resolutions proposed and their disposition; and the results of all votes. The Executive Director shall develop and circulate to the Board and TLG and CCC Chairs copies for review of the Board written minutes of meetings. Draft meeting minutes shall be included in the next meeting packet for review and approval by the Board. All current meeting minutes and essential Commission records shall be posted on the website, and all BEIPC public records are available to the public upon request.

Public Comment: All Basin Commission Board meetings shall be open to all interested parties. Opportunity for public comment shall be provided at every Board meeting. During this time members of the public shall be allowed to address the Board when recognized by the Chairperson. The Chairperson may ask individuals to limit testimony to five minutes per individual speaker and ten minutes per group. As well, members of the public shall be permitted to file written statements with the Board through the Executive Director at any time.

Executive Session: The BEIPC Board may hold an executive session, as specifically set forth in Idaho Code Section 74-206. No executive session may be held for the purpose of taking any final action or making any final decision other than those allowed in Idaho Code.

Expenses: All Commissioners serve without compensation by the BEIPC. Commissioners may be reimbursed for expenses according to their participating governmental entity’s rules and regulations.

DECISIONMAKING

Voting: In accordance with Idaho Code 39-8106(4), “the board shall act by majority vote except that the vote of any Commissioner representing the State of Idaho, the Coeur d’Alene Tribe or the United States of America, or the unanimous vote of all three (3) Commissioners representing Shoshone, Kootenai, and Benewah Counties may veto any majority vote.”

Quorum: A quorum shall be required for any meeting of the BEIPC Board. A minimum of four (4) Commissioners or designated Alternates shall be in attendance to constitute a quorum. An action of the Board requires a majority vote of the Board of Commissioners or designated Alternates or the majority vote of the quorum attending a meeting.

Good Faith: All Commissioners agree to act in good faith with respect for the interests and concerns of other Commissioners. The Commissioners agree to establish a free, open, and

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mutually respectful exchange of views, ideas, and information.

Parliamentary Procedure: BEIPC Board meetings will be conducted using Roberts Rules of Order when deemed necessary by a majority of Board members. The Chairperson or Chairperson's designee shall be responsible for assuring proper procedures are followed.

Press Inquiries/Contact: Press inquiries may be directed through the Executive Director. In responding to inquiries from or initiating contact with the press or other media representatives, Commissioners and the Executive Director agree to refrain from characterizing the views or opinions expressed by any Commissioner and to exercise comity and appropriate restraint in commenting on the Board's deliberations and processes. Any copies of BEIPC records, including meeting minutes, may be requested through the Public Records Law, Title 74, Chapter 1, Idaho Code.

Effective Date of Practices and Procedures: These Organizational Practices and Procedures, or any amendments or repeals to all or part, to the Organizational Practices and Procedures become effective immediately upon majority vote by the Board, unless otherwise specified by the Board.

Amendments or Repeal: These Organizational Practices and Procedures may be amended or repealed by a majority vote of the Board. Any proposed amendments or repealed to all, or part, of the Organizational Practices and Procedures must follow notice requirements of the Open Meeting Law, Idaho Code 74-204.

Note:

(Amended August 8, 2023)

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Basin Environmental Improvement Project Commission Board Organizational Practices and Procedures

INTRODUCTION/OVERVIEW

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1. Develop and approve its one and five-year work plans:
2. Develop and approve Annual Accomplishment Reports:
3. Coordinate the implementation of its work plans:

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4. Appoint an Executive Director (ED) to assist the Board in administering its work plans and Basin wide environmental activities. The ED is an employee of the State of Idaho requiring that the ED's performance be evaluated and documented each year in accordance with Idaho Human Resource (HR) policies and procedures. ~~At the last scheduled meeting at the end of each calendar~~Each year at the November BEIPC meeting the BEIPC Board will ~~conduct meet in Executive Session with the ED to discuss a~~ performance evaluation of the EC. The BEIPC Board performance review of the ED will be conducted in executive session in accordance with Idaho Code Section 74-206, and document that performance. The Director of the Idaho Department of Environmental Quality (IDEQ) will ~~then~~ process the evaluation in accordance with HR requirements;
5. Establish the Technical Leadership Group (TLG) and Citizen Coordinating Council (CCC) to receive advice on technical, regulatory and public involvement issues before the Board.
6. Regularly review the membership and functionality of the TLG and CCC;
7. Consult with, and represent the interests and concerns of, organizations, entities, and constituencies it represents; and
8. Exercise other duties as described in the Idaho Code Section 39-8106.

MEMBERSHIP

~~Per~~ Idaho Code Section 39-8106(3) ~~provides that~~ the Board ~~will shall~~ include one (1) representative of the State of Idaho and one (1) representative for each of the county Commissions of Shoshone, Kootenai, and Benewah Counties of the State of Idaho as appointed by the Governor of the State of Idaho. Through implementation of the 2002 MOA, the Board shall also include one (1) representative of the State of Washington appointed by the Governor of Washington, one (1) Tribal Council member of the Coeur d'Alene Tribe appointed by the Council of the Coeur d'Alene Tribe, and one (1) representative of the United States of America appointed by the President of the United States of America.

Alternates: The appointing authority of each Commissioner may designate a primary alternate to attend and represent the appointing authority at Board meetings in the event the authority's Commissioner cannot attend.

Proxies: Proxies shall not be used for any purpose

Filling Vacancies: Board vacancies shall be filled using the same process and criteria used to ~~establish the Board as described hereinabove and below, and as summarized in Idaho Code Section 39-8106(3)).~~

ORGANIZATIONAL STRUCTURE

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Chairperson. The Board shall elect from its own Commissioner members a chairperson whose term of office shall be two years and who can be re-elected. The chairperson shall be responsible for convening and managing Board meetings and shall work with the Basin Commission Executive Director (or staff) and the chairs of the TLG and CCC to set meeting agendas. If a vacancy occurs, the Board shall fill such a vacancy for the unexpired term at its next meeting.

Vice-Chairperson: The Board shall elect a vice-chairperson from its Commissioner members or appointed Alternates whose term of office shall be two years and who can be re-elected. The vice-chairperson shall serve as chairperson in that person's absence at meetings.

Secretary-Treasurer. The Board shall elect a secretary-treasurer in the same manner as the vice-chairperson. The secretary-treasurer shall serve as the chairperson in the absence of the vice-chair or chairperson at meetings.

Staff Support: ~~To the extent resources allow, the BEIPC Board shall may hire and assign staff,~~ including an Executive Director, to provide administrative support to the Board to support its overall deliberations. The staff ~~is shall be~~ responsible for making logistical arrangements, distributing agendas and meeting materials, ~~up to ten (10) days~~ in advance of a Board meeting, providing for ~~adequate~~ public notice of the meeting and preparing Board meeting minutes. As well, the Executive Director will help arrange opportunities for the Board to interact with the representatives of the CCC and the TLG, and the public. The Executive Director shall consult with the Chairperson in the event the Executive Director is requested to work on special tasks outside normal BEIPC issues.

Commented [SH1]: Is this additional staff other than the ED?

MEETING SCHEDULE/STRUCTURE

Meeting Schedule: Meetings of the BEIPC are public meetings and shall be conducted in accordance with the Idaho Open Meeting Law, Idaho Code Sections 74-201 through 74-208. The BEIPC Board shall meet at least ~~quarterly four times per year year but can meet more often if necessary. The Board shall fix a predictable sequence of meeting dates.~~ Board meetings shall occur throughout the area of the BEIPC jurisdiction. All meetings and agendas shall be announced and posted on the BEIPC website. ~~Meeting times and dates shall be arranged to best meet individual Commissioner's schedules.~~ Commissioners can attend meetings by videoconference if suitable arrangements can be made.

Agendas: BEIPC Board meeting agendas shall be developed by the Chairperson and Executive Director, (or staff, if Executive Director is not available). Every effort shall be made to circulate to the Board, the TLG, and the CCC membership and post to the BEIPC website any agendas and meeting information ~~at least no less than a five (5) calendar day meeting notice~~

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and a forty-eight (48) hour agenda notice ten (10) days in advance of the meeting in accordance with Idaho Code 74-204. If ~~Any~~ Commissioners have any item they wish to include in the proposed meeting agenda shall make a strong effort to they shall identify the issue and notify the Chairperson and Executive Director of any item they wish to include in the proposed meeting agenda twenty (20) days prior to a meeting. All meeting actions items requiring a vote must be noted on the meeting agendas as an "action item" posted on the BEIPC website

Meeting Minutes: ~~The Executive Director shall develop and circulate to the Board and TLG and CCC Chairs copies for review of the Board meeting draft minutes. In accordance with Idaho Code Section 74-205, the BEIPC Board, acting through the Executive Director, shall provide written minutes of the meetings accordance with Idaho Open Meeting Law (at Idaho Code 74-201--208) meeting minutes shall that will include at least the following: include a record of all Commissioners, Alternates and BEIPC staff who are present; as well as note of all motions and resolutions proposed and their disposition; and the results of all votes. The Executive Director shall develop and circulate to the Board and TLG and CCC Chairs copies for review of the Board written minutes of meetings.~~ Draft meeting minutes shall be included in the next meeting packet for review and approval by the Board, ~~prior to posting on the BEIPC website and circulated to Commissioners and any other person requesting them. Every effort shall be made to rely on electronic media.~~ All current meeting minutes and essential Commission records shall be ~~posted~~ archived on the website, and ~~all in~~ BEIPC public records ~~are and made~~ available to the public upon request ~~in a timely manner.~~

Public Comment: All Basin Commission Board meetings shall be open to all interested parties. Opportunity for public comment shall be provided at every Board meeting. During this time members of the public shall be allowed to address the Board when recognized by the Chairperson. The Chairperson may ask individuals to limit testimony to five minutes per individual speaker and ten minutes per group. As well, members of the public shall be permitted to file written statements with the Board through the Executive Director at any time

Executive Session: ~~By a two-thirds vote of the Commissioners, T~~ the BEIPC Board may hold an executive session, ~~as specifically set forth in Idaho Code Section 74-206 to continue deliberations as set forth in Idaho Code Section 74-206.~~ No executive session may be held for the purpose of taking any final action or making any final decision other than those allowed in Idaho Code.

Expenses: All Commissioners serve without compensation by the BEIPC. Commissioners may be reimbursed for expenses according to their participating governmental entity's rules and regulations.

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DECISIONMAKING

Voting: In accordance with Idaho Code 39-8106(4), "the board shall act by majority vote except that the vote of any Commissioner representing the State of Idaho, the Coeur d'Alene Tribe or the United States of America, or the unanimous vote of all three (3) Commissioners representing Shoshone, Kootenai, and Benewah Counties may veto any majority vote."

Quorum: A quorum shall be required for any meeting of the BEIPC Board. A minimum of four (4) Commissioners or designated Alternates shall be in attendance to constitute a quorum. An action of the Board requires a majority vote of the Board of Commissioners or designated Alternates or the majority vote of the quorum attending a meeting.

Good Faith: All Commissioners agree to act in good faith with respect for the interests and concerns of other Commissioners. The Commissioners agree to establish a free, open, and mutually respectful exchange of views, ideas, and information. ~~Personal attacks and prejudiced statements will not be tolerated.~~

Parliamentary Procedure: ~~Robert's Rules of Order Newly Revised shall be the authority for all questions of procedure at any BEIPC Board meeting.~~ BEIPC Board meetings will be conducted using Roberts Rules of Order when deemed necessary by a majority of Board members. The Chairperson ~~(or Chairperson's designee vice-chair or secretary/treasurer)~~ shall be responsible for assuring proper procedures are followed.

Press Inquiries/Contact: ~~Press inquiries may be directed through the Executive Director.~~ In responding to inquiries from or initiating contact with the press or other media representatives, Commissioners and the Executive Director agree to refrain from characterizing the views or opinions expressed by any Commissioner and to exercise comity and appropriate restraint in commenting on the Board's deliberations and processes. ~~Any copies of BEIPC records, including meeting minutes, may be requested through the Public Records Law, Title 74, Chapter 1, Idaho Code. Publicly available meeting minutes will identify specific recommendations or decisions made by the Board.~~

~~Effective Date of Practices and Procedures~~ Adoption of Protocols: These Organizational Practices and Procedures, ~~or any amendments or repeals to all or part, to the Organizational Practices and Procedures,~~ become effective ~~immediately upon when a majority vote by of the Board, unless otherwise specified by the Board votes to adopt them.~~

Amendments or Repeal: These Organizational Practices and Procedures may be ~~altered,~~ amended, or repealed ~~and new Organization Practices and Procedures may be adopted~~ by a majority vote of the Board. ~~Any proposed These Organizational Practices and Procedures shall not be altered,~~ amend~~ments~~ ed, or repealed to all, or part, of the Organizational

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Practices and Procedures: must follow notice requirements of the Open Meeting Law, Idaho Code 74-204. ~~nor shall any new protocols be adopted at any regular meeting of the Board unless notice of such is given with a ten (10) day notice.~~

Note:

(Amended August 8, 2023)

Amended TLG
Organizational Practices
and
Procedures

Technical Leadership Group (TLG) Organizational Practices and Procedures

INTRODUCTION/OVERVIEW

This document outlines organizational practices and procedures for the TLG providing technical and regulatory advice to and support of the Coeur d'Alene Basin Environmental Improvement Project Commission (BEIPC).¹ The TLG is provided for in the interagency **Memorandum of Agreement for the Basin Environmental Improvement Project Commission** signed on August 13, 2002. The participating stakeholders have developed working relationships and will continue to enhance and maintain those relationships through the advisory process, which contributes to ongoing dialogue and collaboration in support of remedial actions and environmental improvement projects to address heavy metal contamination in the Coeur d'Alene Basin¹. The advisory group process is intended to:

- Help satisfy all regulatory requirements and remedial action objectives for heavy metal contamination in the Coeur d'Alene Basin;
- Provide direct advice to the BEIPC Board on remedial action program planning and implementation;
- Provide a forum for dialogue on individual project affects and opportunities to minimize impacts to affected stakeholders;
- Assist in assuring applicable or relevant and appropriate regulations are considered in a timely fashion;
- Assure that government entities having regulatory or land management mandates coordinate with Basin cleanup efforts;
- Provide conduits for information exchange and learning;
- Assist in development of the technical aspects of the remedial program implementation decision-making;
- Monitor the effectiveness of work projects as part of the adaptive management approach to Basin cleanup; and
- Other matters as may be directed by the BEIPC.

¹ The BEIPC (and therefore the TLG) conducts its work in the Coeur d'Alene Basin of Idaho, which includes the watershed of Coeur d'Alene Lake within the counties of Shoshone, Kootenai, and Benewah, as well as the Coeur d'Alene Reservation located within the state of Idaho. Remedial actions, authorities, and duties to be exercised in Washington will be undertaken independent of the BEIPC operational framework.

TLG FUNCTIONS

The TLG was established as the Board's primary technical advisory body on all activities related to implementation of Records of Decision (ROD) and the Record of Decision Amendment (RODA) in Operable Units 2 and 3 of the Bunker Hill Superfund Site and other technical or regulatory issues put forward to the Board. In coordination with the Executive Director, the TLG is charged to advise the Board on the development of work plans, accomplishment reports, technology development, demonstration/pilot project proposals, and coordination with related activities in the Basin. Specific responsibilities of the TLG include the following.

- A. In collaboration with the Executive Director, develop and recommend to the Board one- and five-year BEIPC work plans.
- B. Support and advise the Board on the exercise of its authorities to implement the BEIPC work plans.
- C. Coordinate with agencies having authority and expertise or active resource management and restoration activities to help implement the BEIPC work plans.
- D. Consider Citizen Coordinating Council (CCC) comments on program and project proposals.
- E. Make recommendations regarding the evaluation and oversight of Basin monitoring and reporting, as provided in the BEIPC annual or five-year work plans or required by RODs and the RODA
- F. Closely coordinate with the Executive Director and assist in the development and approval of annual accomplishment reports to the Board.
- G. Coordinate with their respective government entities in a timely manner and assure that remedial actions being planned or implemented are consistent with and/or not in conflict with their entity's statutes, regulations, or projects.

Project Focus Teams (PFT) established on an ad hoc basis by the TLG may be assigned to develop or review proposed Basin remedial or environmental improvement action plans or undertake any other actions directed by the TLG. The PFTs shall present their recommendations to the TLG for consideration and recommendation to the Board.

MEMBERSHIP

Membership criteria: The TLG serves as a multi-disciplinary technical advisory group to the Board. Members of the TLG shall consist of representatives from federal, state, tribal, and local governmental entities with regulatory or land management responsibilities in the Coeur d'Alene Basin that are or may likely be affected by remedial or resource restoration actions undertaken in the Basin. Each governmental entity that meets the membership criteria shall nominate to the TLG up to two (2) individuals to act as the entity's primary representatives on all matters to be accepted by the Board.

TLG members represent government agencies or subdivisions that have a regulatory mandate to protect human health and the environment, or that have a regulatory interest in Basin cleanup activities. Governmental entities having regulatory mandates are those directly charged with the performance of protecting human health or the environment, environmental remediation or improvement, or members who report directly to a county, state, or tribal government which embody these or comparable mandates. Governmental entities having regulatory mandates are principally involved with remedial work on a Basin-wide as well as on a project-specific basis due to their mandates. Governmental entities with regulatory interests generally have natural resource, land use, stewardship, conservation, or transportation programs that they represent. Members representing these governmental entities are primarily involved with the TLG to provide

technical assistance, practical knowledge, and to assure that their projects or duties are coordinated with BEIPC activities. These parties may frequently be more active on a project-specific basis rather than on a global basis.

TLG ORGANIZATION/STRUCTURE

Chair: The TLG shall be chaired by an individual (chair) who shall assume or delegate to others the following responsibilities:

- A. Ensure that information is shared with all TLG members.
- B. Work with other TLG members and BEIPC Staff to schedule TLG meetings and develop TLG meeting agendas.
- C. Facilitate (or arrange for facilitation of) TLG meetings.
- D. Facilitate or arrange for TLG conference calls and arrange for call summaries to be posted on the BEIPC website.
- E. Insure that TLG meeting summaries and other information are posted to the BEIPC website.
- F. Act as the primary contact with the CCC leadership to insure CCC input and coordinate activities.
- G. Act as the primary contact with the Board for TLG issues.
- H. Insure that TLG documents (work plans, etc.) are distributed for review to the TLG membership. Incorporate TLG comments.
- I. Prepare and make presentations to the Board regarding TLG activities and recommendations. Ensure that presentations represent TLG recommendations and differing viewpoints.
- J. Ensure that the PFTs are functioning and providing information to the TLG.

The Chair position shall be selected by the individuals appointed by the governmental entities represented on the Board (Coeur d'Alene Tribe, Kootenai County, Benewah County, Shoshone County, State of Idaho, State of Washington, and the United States of America). The Chair's and Vice-Chair's terms of office shall be one year. If a vacancy occurs, and a Vice-Chair has been named, that person shall fill the chair's vacancy for the unexpired term. If no Vice-Chair is named, the entities responsible for selecting the Chair would be asked to name a new individual to assume the chairperson's responsibilities for the unexpired term.

Vice-Chair: The TLG may also elect a Vice-Chair, as appropriate, using the same process established for electing the chairperson. The Vice-Chair would serve as chairperson in the absence of the chair. In the event the chairperson was unable to continue to serve, the vice-chair would assume the chair's responsibilities for the unexpired term.

Project Focus Teams: The TLG or the Board may establish ad hoc technical "**Project Focus Teams**" to lead implementation planning activities or to consider specific regulatory or technical issues of interest to the TLG membership or BEIPC. PFTs shall be composed of a manageably-sized group of individuals having global or specific interests in programs or projects or who provide important expertise. Ideally, each PFT will be led by an individual/s appointed by the governmental entity/ies

responsible for implementing the program or project under consideration. In cases where multiple projects are linked to a PFT group or a diverse set of activities are involved, a PFT group may select one lead person. The roles, responsibilities, and composition of various PFT groups and lead persons may vary from project to project and over time. The TLG PFT leads shall interact with and seek timely comment from the CCC representatives assigned to the work for which they are responsible. PFTs shall report findings, recommendations, or proposed plans to the TLG for discussion and formal recommendation to the Board.

Advisors: The TLG may, as a group, invite other technical experts to act as **TLG advisors** on specific issues of interest. These individuals do not act as any group's representatives and are not members of the TLG.

BEIPC Staff support: To the extent practicable, the Executive Director and staff shall provide administrative support to the TLG and be responsible for making logistical arrangements, distributing agendas and meeting materials up to five (5) days in advance of a TLG meeting, and developing meeting summaries. As well, the Executive Director or staff can help arrange opportunities for the TLG to interact with the Board, the CCC, and the public. If no BEIPC staff is available to provide any necessary support, the TLG shall be responsible for assigning these administrative responsibilities.

Vacancies: Each government entity is responsible for filling its vacancies in a timely manner if it chooses to monitor or contribute to BEIPC Commission efforts.

BOARD REVIEW

Membership Review: On no more than an annual basis, the membership of the TLG may be reviewed by the Board to assess whether the membership is appropriate. The Board may, at any time, direct the TLG to review its membership.

Organizational/Functionality Review: The TLG and the Board may review the TLG's organizational structure on at least an annual basis. If the Board determines that the TLG is not providing adequate advice related to technical or regulatory issues before the BEIPC, the Board may make suggestions regarding the TLG's organizational structure.

MEETING SCHEDULE/STRUCTURE

Meeting Schedule: The TLG shall establish its own meeting schedules. Meeting times and dates will be electronically distributed to TLG members by BEIPC staff at least five (5) days prior to meetings and posted on the BEIPC website: www.basincommission.com.)

Agendas: Agendas for TLG meetings shall be developed by the TLG Chair in consultation with the Executive Director as appropriate and distributed along with the meeting schedule.

Meeting Summaries: A designated member of the TLG or BEIPC staff will prepare draft summaries of the TLG meetings, including TLG conference calls. PFTs are responsible for developing their own meeting summaries. Final TLG meeting summaries will be posted on the BEIPC website and circulated to TLG members and any other person requesting them. Every effort will be made to rely on electronic media.

CONDUCT OF MEETING

Technical meetings of the TLG are not required by Idaho Open Meeting Law to be open public meetings. The TLG is not a decision-making authority, nor a public agency. The TLG may schedule some meetings to be open to all interested members of the public. Members of the CCC or

general public who attend formal public meetings or workshops may participate in TLG discussions when recognized by the TLG chair, or designate.

TLG CONDUCT and DECISIONMAKING PROCESS

Presentation of Views: Each governmental entity that meets the membership criteria and is interested shall ultimately represent its interests through one voice.

Decision-making Process: The TLG is not a formal decision-making authority. The TLG provides recommendations to the Board. The TLG Group shall strive to come to agreement on recommendations or conclusions to be presented to the Board. Minority or alternative PFT opinions/proposals (draft and final) shall be presented to the TLG and the respective PFT groups in a timely manner to assure adequate and fair discussion and negotiation prior to distribution to other entities (e.g., CCC, Board, or general public). On any such issue upon which the TLG cannot come to agreement, the governmental entity/ies holding a minority opinion shall register dissent with the Chair and either be placed on the agenda of a Board meeting to contemporaneously represent the alternate view(s) or ask the Chair to carry their position(s) forward to the Board.

Good Faith: All participants agree to act in good faith with respect for the interests and concerns of others. The participants agree to establish a free, open, and mutually respectful exchange of views, ideas, and information.

Parliamentary Procedure: The group may consult *Robert's Rules of Order Newly Revised* to address any questions of procedure raised at a TLG meeting.

COMMUNICATION WITH BOARD

Preparing Issues for Board Discussion/Decision: The TLG Chair shall notify the Executive Director and CCC Chair of any issues/items the TLG would like to bring to the Board's attention for discussion and/or decision; the TLG chairperson also shall work with the Executive Director to incorporate presentation and/or discussion of those issues into the Board's meeting agenda.

COMMUNICATION WITH CCC

The TLG shall coordinate closely with the CCC to obtain citizen input on programs, work plans and priorities prior to making formal TLG recommendations to the Board. At a minimum, the TLG shall provide the CCC both preliminary and formal opportunities for comment and recommendations. The TLG chair, working with the Executive Director, shall notify the CCC of ongoing/upcoming TLG activities to coordinate opportunities for interaction between the two groups. The TLG shall notify the CCC of any PFTs it is establishing. These Teams shall interact directly with the CCC or subgroups of the CCC, as appropriate.

INTERACTION WITH PUBLIC

The TLG shall consider citizen input provided through CCC public meetings, workshops, comment periods, PFT reports, or the Board. PFT groups are expected to coordinate with CCC focus groups and seek their timely input on topics under discussion prior to presenting recommendations to the Board or TLG.

INTERACTION WITH THE MEDIA

In responding to inquiries from or initiating contact with the press or other media representatives, TLG members agree to refrain from characterizing the views or opinions expressed by other members and to exercise appropriate restraint in commenting on the TLG's discussions and

processes. Publicly available meeting summaries will identify specific recommendations made to the Board.

EXPENSES

TLG member expenses shall be the responsibility of the governmental entities which members serve.

ADOPTION AND AMENDMENT

Adoption of Protocols: These Organizational Practices and Procedures become effective when a majority of the Board votes to accept them.

Amendments: These Organizational Practices and Procedures may be altered, amended, or repealed and revised Organizational Practices and Procedures may be adopted by a majority vote of the Board.

Amended CCC
Organizational Practices
and
Procedures

CCC Organizational Practices and Procedures

Introduction/Overview

This document outlines organizational practices and procedures for the Citizen Coordinating Council (CCC) established to provide local citizen input to and support of the Coeur d'Alene Basin Environmental Improvement Project Commission (BEIPC). It is the intent of the BEIPC Board that working relationships will be developed and enhanced by the advisory process, which can contribute to ongoing dialogue and collaboration in support of environmental remedial actions and improvement projects to address heavy metal contamination in the Coeur d'Alene Basin.

CCC

The CCC is provided for in Section 39-8106(4) of the Basin Environmental Improvement Act and affirmed in the August 13, 2002 Memorandum of Agreement for the BEIPC. The CCC has been established to provide local citizen review of and input to the BEIPC Board and Executive Director on Basin work.

CCC Functions

The primary functions of the CCC are to:

1. Support the BEIPC implementation of the Record of Decision (ROD) and Record of Decision Amendment (RODA) in Operable Units 2 and 3 of the Bunker Hill Superfund Site and related plans to address heavy metal contamination in the Coeur d'Alene Basin by serving as the primary mechanism for citizen input.
2. Provide comment on proposed BEIPC one-year and five-year work plans prepared by the Technical Leadership Group (TLG) and the Executive Director.
3. Organize project-specific teams or subcommittees, as needed, to provide citizen input to BEIPC and TLG work/projects.
4. Convey the range of citizen concerns and perspectives to the BEIPC Board concerning implementation of the BEIPC work plans.
5. Encourage public participation in reviewing the environmental remedial and improvement project actions in the Basin.
6. Provide guidance on and help develop, with BEIPC support, community outreach tools to keep citizens informed of BEIPC activities and policies.
7. Contribute to the preparation of BEIPC annual accomplishment reports, specifically the community outreach/involvement sections.
8. Continually strive to be an open and inclusive body that is capable of representing a diversity and balance of views.

Membership

The purpose of membership in this process is to involve all interested and affected parties as fully as possible but recognize that it is desirable to have groups of a manageable size, both for purposes of coordination and to create a setting that fosters substantive dialogue.

Membership criteria: The CCC shall maintain an open-door policy that allows interested parties to participate and contribute. The CCC shall be open to representatives from all interested groups/perspectives (including citizens-at-large) and include a balance and diversity of views. Members shall meet one or more of the following criteria:

- A. Demonstrated interest or responsibilities (e.g., land ownership, statutory authority, or directly and intrinsically affected by environmental remedial and improvement decisions);
- B. Official representative of a defined constituency group;
- C. Represent a specific geographic area or population group;
- D. Views and interests not otherwise represented that are necessary for effective stakeholder dialogue, input, and perspective; or
- E. Technical, scientific, or engineering skills applicable to the process of basin cleanup.

Voting Members: Voting members of the CCC include all individuals who have completed and submitted the CCC membership application form to the Executive Director or at any time during the existence of the CCC. The CCC membership application form is available on the CCC Page of the BEIPC website at www.basincommission.com or can be obtained from the Executive Director.

Organizational Structure and Responsibilities

Chair: The CCC shall elect from its membership a Chair whose term of office shall be two years and who can be re-elected. If a vacancy occurs, the Vice-Chair shall fill such a vacancy for the unexpired term. The Chair is expected to chair all CCC meetings. One of this person's primary responsibilities shall be to communicate, in a fair, balanced, and inclusive way, the diversity of citizen perspectives and/or citizen recommendations on any given issue to the Board. This person shall also work closely with the Chair of the TLG, Executive Director and Board and shall play a lead role in transmitting CCC materials to the Executive Director a minimum of seventeen (17) days in advance of all BEIPC Meetings.

Vice-Chair: A Vice-Chair shall be selected in the same manner as the Chair. The Vice-Chair shall serve as Chair in his/her absence. In the event the Chair is unable to continue to serve, the Vice-Chair shall assume the Chair's responsibilities until a new Chair is selected. If a vacancy occurs, the members of the CCC shall nominate and elect an individual to fill the position of Vice-Chair for the unexpired term.

CCC Participants: CCC participants shall have the following roles: (1) Bring forward own concerns, ideas, and opinions openly; (2) listen to others' ideas and opinions; (3) agree or disagree with other participants; and (4) focus on the topic of discussion by the CCC.

BEIPC Executive Director Support: To the extent resources allow, the Executive Director will provide administrative support to the CCC and its sub-groups. The Executive Director shall be responsible for making logistical arrangements. The CCC and/or the Executive Director will distribute agendas and meeting materials up to five (5) days in advance of a TLG or CCC meeting and will provide notice to CCC members of all upcoming BEIPC associated meetings. The Executive Director or BEIPC Staff is tasked with preparing CCC meeting summaries. As well, the Executive Director, will help arrange opportunities for the CCC to interact as a body with the Board, the TLG, and the public. If the Executive Director is unable to provide any necessary support, the CCC shall be responsible for assigning these administrative responsibilities.

Subgroups: The CCC may designate from its membership a small group of individuals to raise awareness of BEIPC activities and issues around the Basin and assist the Chair to collect and relay the range of citizen perspectives to the TLG, Executive Director, and the Board on any given issue.

Project-specific subcommittees or teams: The CCC may designate individuals, specific subcommittees, or teams to address specific issues of interest [e.g., to provide input to TLG Project Focus Teams (PFT)] and present recommendations or perspectives to the full CCC. The size, makeup, and duration of these groups shall be left to the CCC membership to establish.

Collaboratives: The CCC may establish multi-stakeholder collaboratives addressing areas that are of interest to the collaborative stakeholders, the CCC, TLG, Executive Director and the Board in a particular geographic region. A collaborative may establish its own operating procedures and scope of work. Operating procedures and scopes of work will be submitted to the CCC Chair and the BEIPC for discussion and approval. To maintain the CCC open door policy, membership in a collaborative will be deemed to meet the general membership requirements of the CCC; however, to be a voting member of the CCC, members must register as a CCC member by submitting a completed membership application for to the Executive Director.

Collaborative shall be organized and operated to support and be consistent with the primary functions of the BEIPC and the CCC. Collaboratives shall report to the CCC Chair keeping the Chair fully informed of their activities and shall select representatives from their membership to attend respective meetings and represent them before the full CCC, TLG, and TLG PFTs. These representatives shall be registered voting members of the CCC in accordance with CCC membership requirements. Collaboratives will be represented to the Board by the Chair of the CCC or his or her designee.

The purpose of the collaborative process within the BEIPC is to develop citizen recommendations to be presented to the CCC, TLG and the BEIPC for discussion and consideration. Collaboratives must broadly represent the community they represent with consistent attendance and participation from collaborative members. Reports of each collaborative meeting should be available to the CCC Chair and the Executive Director 20 days following each meeting to keep all parties fully informed. It is understood that there may be times when this time frame may not be met understanding the objective is to meet the 20 day period on a regular basis. Recommendations based on the work of Collaboratives should have the benefit of negotiation, compromise, and problem solving among parties most directly affected by proposed actions.

Chair/Vice-Chair Election Process

The CCC shall use the following process to select its Chair and Vice-chair:

Step 1. Any and all qualified CCC Voting Members may nominate candidates. Each candidate may be asked to prepare a personal statement/bio-sketch to be circulated to the full CCC membership.

Step 2. The attending CCC membership shall review the slate of candidates. Each candidate may be asked to make a brief statement at the CCC meeting.

Step 3. The slate of candidates shall be presented to the CCC voting membership for a vote. Each CCC Voting Member can vote for up to two (2) candidates. Votes shall be collected by email, fax, or mail and shall be tallied by the Executive Director. If there is only one candidate for Chair or

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Vice-Chair, and if there is no objection, a vote shall not be necessary, and the nominated candidates shall be deemed elected.

Step 4. The individual who receives the most votes shall be named the Chair. The individual with the second highest tally shall be named the Vice-Chair. By a two-thirds vote of the full CCC voting membership, new elections can be called for the Chair and Vice-Chair positions. The new elections shall be called only when at least two-thirds of the CCC voting membership believes the Chair and/or Vice-Chair cannot execute the duties of the position.

Board Review

Membership Review: On no more than an annual basis, the Board may review the membership of the CCC and determine whether the membership is balanced and capable of presenting a diversity of views. The Board may, at any time, direct the Executive Director and/or CCC leadership to solicit additional applications to the CCC. These solicitations will be announced in Board meetings, on the BEIPC website, and elsewhere.

Organizational/Functionality Review: On at least an annual basis, the Board may review the CCC's organizational structure. If the Board determines that the CCC, through the office of the Chair, is not adequately conveying the range of citizen concerns, perspectives and/or recommendations, the Board may make suggestions for improving the CCC's functionality.

Meeting Schedule and Structure

Meeting Schedule: The CCC and the Subgroups shall establish their own meeting schedule. CCC meetings shall be announced by electronic mail to CCC members and on the BEIPC website, www.basincommission.com.

Agendas: CCC meeting agendas shall be developed by the CCC Chair and Vice-Chair, in consultation with the Executive Director, when appropriate. CCC meeting information and agendas shall be posted to the BEIPC website and sent to CCC members electronically at least five (5) days prior to meetings.

Meeting Summaries: The Executive Director and BEIPC Staff are responsible for preparing draft summaries of the CCC meetings. Other subcommittees or teams are responsible for developing their own meeting summaries. Final meeting summaries shall be posted on the BEIPC website and circulated to CCC members and any other person requesting them. Every effort shall be made to rely on electronic media. All meetings of the CCC shall be open to members of the public who may participate in CCC discussions when recognized by the Chair.

CCC Conduct and Decision-Making Process

Decision making Process: The CCC is not a formal decision-making authority of the BEIPC. The CCC responsibility is to communicate to the Board the full range of citizen perspectives on BEIPC issues. Although the CCC is encouraged to work toward agreement on recommendations or conclusions to be presented to the Board, this is not a requirement, nor an expectation of that group. If no agreement is reached, the Chair shall represent the range of citizen perspectives to the Board.

Conduct: All CCC voting Members shall be given an equal opportunity to be heard at CCC meetings. Participation shall be governed by *Robert's Rules of Order Newly Revised* and shall

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engage in a mutually respectful exchange of views, ideas, and information. Members of the public may be given opportunity to speak if recognized by the Chair.

Parliamentary Procedure: The CCC may consult *Robert's Rules of Order Newly Revised* to address any questions of parliamentary procedure.

Communication with Board

When preparing issues for Board Discussion/Decision: The CCC Chair shall notify the Executive Director of any topics the CCC would like to provide comment on at the upcoming Board meeting. This notification shall take place in advance of development of the final Board meeting agenda and shall be reflected on the meeting agenda. Every effort shall be made to forward to the Executive Director or BEIPC staff at least seventeen (17) days in advance of a Board meeting any materials the CCC has prepared for the Board's consideration. The CCC shall have an opportunity to provide a citizens' update at every Board meeting.

Communication with TLG

The Chair of the CCC shall work with the Executive Director and the Chair of the TLG to identify issues or topics benefiting from interaction between the CCC and the TLG. At a minimum, the TLG and the Executive Director shall discuss with the CCC their preliminary thinking related to its annual and five-year work planning obligations prior to presenting a set of recommendations to the Board. It is anticipated that the TLG shall also notify the CCC of any PFTs it forms and will work closely with the CCC on any issues pertaining to the Basin cleanup effort.

Expenses

Individual CCC member expenses shall be the responsibility of the individual members.
