

Basin Environmental Improvement Project Commission

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 Smeltonville 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, Smeltonville, and Kellogg.

A lot of work has been done in Smeltonville 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 EFNM 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 EPAs 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 its 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 Kajsa 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