

TLG Meeting Minutes
Technical Leadership Group Meeting
October 23, 2006
Post Falls Library
Spokane Street, Post Falls, Idaho

Call to Order: The TLG Chair, Brian Spears (USFWS), welcomed everyone and called the meeting to order. He indicated that the TLG needed to elect a new Vice Chair and suggested that members consider nominations for the position which would be discussed later. He then asked everyone to introduce themselves.

CWA3 Project Update - Lake Education: Rebecca Stevens (CDA Tribe) gave an update on the lake education project on behalf of the Kootenai Shoshone Soil and Water Conservation District (KSSWCD) and the CDA Tribe. She mentioned that the lake maps had been printed and that she was working with Terry Harwood (BEIPC) and Bob Flagor (KSSWCD) to identify the map distribution list in order to reach as many of the public as possible. She indicated that she will complete the final report for the upcoming BEIPC meeting.

B412 Project Update - Lake Management Plan (LMP) Audit: Rebecca Stevens provided an update on the LMP audit. She mentioned that the work was ongoing for Phase 1 with her and Glen Rothrock (IDEQ) conducting interviews with the various management groups associated with the lake. She indicated that the interview process will continue through the spring of 2007. Rothrock added that the number of lead agencies identified in the 1996 LMP to be interviewed was more than anticipated (i.e. Kootenai County has five separate departments alone). He estimates that the final number will be 50-60 interviews.

Rog Hardy (Benewah County TLG) commented that the 1996 LMP was oriented towards the lead agencies, but that now there are a lot of people who are not on the list because of all the new development along the lakeshore. He asked whether there would be an opportunity for a citizen's group to be responsive such as the CDA Lakeshore Property Owner's Association. Stevens answered that the lead groups (the majority of the time) are regulatory or have some decision-making authority, but that they definitely want citizen input. She indicated that they will work on that because they do not have a citizen's questionnaire as they customize the survey per the action item. Rothrock mentioned that they have extended the scope for the interview process to April 2007 and will be talking to citizen groups, private timber companies (not targeted in the 1996 LMP), golf courses, etc. Hardy also suggested that it may be helpful to talk to some of the local grange associations around the lake.

CWA Projects Update: Terry Harwood passed out a spreadsheet with the status of all the CWA projects along with a copy of the updated financial report. He indicated that all of the completed projects are required to have a final report presented at one of the BEIPC meetings and that he will keep copies of the final reports in the office. Harwood pointed out that he monitors the projects very closely to make sure that the work is completed, as well as to see if there are any remaining funds left over that may be used for other projects in the same calendar year grant. He

explained that remaining grant funding may not be transferred between calendar years. Harwood said that he and Glen Rothrock are working on an alternative proposal for the Mica Creek project as the original project was not viable. He informed everyone that they are welcome to view the final CWA project reports in the BEIPC office in Kellogg if they are interested.

Rob Spafford inquired about the BEIPC charges listed on the CWA financial report and what they pertained to. Harwood responded that it was funding budgeted to the BEIPC for administration fees to manage some of the projects. Anne Dailey asked about the remaining project funding for the 2002 CWA grant balance and what would be done with it. Harwood answered that not all of the projects had been completed yet, but that all of the funding had been targeted for work. He said that he would check with the sub-grantees to ensure that all of the funding would be spent.

CW10 Project Update – North Fork CDA River Hydrologic & Sediment Yield Study: Glen Rothrock (IDEQ) gave an update on the North Fork CDA River hydrologic and sediment yield study. He indicated that the purpose of the project was to provide a watershed assessment that would support the future development of a Sediment TMDL Implementation Plan for the North Fork CDA River sub-basin. The project was proposed because of IDEQ's responsibility to be facilitators for TMDL watersheds; and should be completed by January 2007. He stressed the importance of this project as the North Fork provides about 75% of the flow to the Lower CDA River once it meets up with the South Fork.

Rothrock reported that the sediment TMDL for the North Fork CDA River was completed in 2003, but that IDEQ still has an obligation to do a metals TMDL for Beaver Creek and Prichard Creek by December 2007 as all state-wide TMDLs are required to be done by then.

By law, IDEQ is responsible for entering into TMDL implementation planning for the EPA approved sediment TMDL with all partners. For the North Fork CDA River, this would include the Idaho Department of Lands; Idaho Soil Conservation Commission; Forest Service; and private landowners. He mentioned that a watershed advisory group (WAG) was being formed that was just about complete; and that the first meeting would be held in November.

Final deliverables for the project will consist of two reports. The first is a summary report of known information on the North Fork going back to the turn of the century which will be used as a tool for the WAG to work with the Forest Service and private landowners to do effective TMDL implementation. Rothrock pointed out that the NAS report talked about flood flows and that the North Fork is a large part of that consideration. In addition, the North Fork is also an important watershed for cutthroat fisheries and the Forest Service and Idaho Fish & Game have been working on cutthroat habitat improvement for a long time.

Rothrock indicated that the second report will be a complete watershed assessment developed from field work including on-the-ground surveys and inventories of sediment sources that will also include a hydrologic analysis to assess the role and impact to sediment loading and channel stability from hydrologic modification related to a long history of land use activities. Rothrock commented that this issue has been controversial among various groups in the roles of land use,

road building, canopy opening and hydrological modification and how it may have affected peak flows of water coming off the North Fork.

Rebecca Stevens asked about the purpose of the watershed advisory group (WAG). Rothrock answered that it was required by Idaho law (in 2005) for any new TMDLs in the watershed or post TMDL implementation planning. He explained that they have had informal groups in the past, but are now required to have a formal WAG that is nominated by the director of the department. Spears asked Rothrock if he was seeing any sedimentation problems in the system. Rothrock replied that they really saw a problem with the ATV trail at Iron Creek.

B401 Draft Alternative Proposal for Mica Creek: Glen Rothrock gave an update on the draft alternative proposal for Mica Creek (page 35 in the work plan). He talked about the history of the project and mentioned that landowner agreements could not be reached on the original proposal which left \$121,000 available from the CWA grant funding for the calendar year. He explained that in dealing with agricultural projects, the conservation district's first requirement is having a willing landowner.

Rothrock then reported on the field trip that he, Harwood, Stevens took to a landowner upstream that had previously participated in various cost share farm projects. He explained that the problems with Mica Creek pertain to past conservation practices such as channel straightening where the channel was made straight as an arrow sometime during the 1940-1950's. In addition, a series of stream banks have also massed failed on some outside curves and are currently contributing fine sediment. Rothrock indicated that he did not want to spend time writing an alternative until he discussed it with the TLG; and that he would like an alternate proposal to fit within the guidelines of a CWA demonstration project, NRCS, and an agricultural partnership.

Harwood mentioned that the focus of the original project was to come up with some erosion control work with a willing landowner; and to show how you can work with the local ranchers, farmers, and landowners to make these kinds of projects work. One of the primary goals was to show the other parties around the lake that this can work as well as showing that it is not so bad working with government agencies.

After extensive discussion of various issues regarding sedimentation, wetlands, liability, etc., the general consensus was that if an alternative project could be developed that would fit within the scope of the CWA funding and that could possibly be used as a demonstration project, then to move forward with it. Harwood asked that the TLG get back to him with their concerns or recommendations in the next month as it was up to him to get everything worked out in order to present it to the BEIPC.

Rothrock suggested that a ten-minute DVD could also be produced of the final project which could then be used as an educational tool for lake management. If a rancher or farmer wanted to see a project, then a DVD would be available. For example, he reported that a DVD was produced on the Eurasian milfoil herbicide spraying that was conducted on Hayden Lake this summer. It will be extremely useful because it will be presented to the Legislature for the milfoil allocation, as well as to educate the public by the Kootenai County Noxious Weeds department.

Dailey inquired when an alternative proposal would go before the BEIPC. Harwood said that he did not have anything scheduled yet, but that if everyone agreed to the process, he would just take a recommendation to the BEIPC. Harwood emphasized that the TLG was the group that needed to be satisfied with the process. Dailey suggested that she could take the proposal to Tamara Langton for the EPA's review and Harwood agreed.

Rothrock remarked that the Farm Bill program currently is the best it ever has been. In the past, there had been declining participation due to the cost share (50/50, 60/40, 75/25). In order to reverse that trend, he explained that there was a cooperative effort between the federal and state programs and that the cost share can be as good as 90/10. He pointed out that the out-of-pocket cost for a rancher for stream stabilization would be minimal. This is the reason why he and Stevens feel that the Mica Creek project would be a good demonstration project to advertise to Benewah and Kootenai counties and suggest to them that now is the time to do stream stabilization, riparian planting, exclusion fencing, etc.

Spears brought up that he would like to get a general consensus from everyone so that Rothrock could move forward with a written proposal. He pointed out that the details are not known at this time, but asked if the TLG would support the conceptual idea. After there is a proposal, he suggested that anyone on the TLG could comment on it and raise objections. Spears also mentioned that it would be a good idea to get the BEIPC to vote on the proposal in November. Harwood indicated that he may need to rewrite the proposal in order to get it through the legal process.

Rog Hardy voiced concerns that he was not sure if everyone had looked at the Mica Creek drainage as a whole. He questioned whether the piece of private property was the best place to do a project and pointed out that there were other spots for a demo throughout the Basin. Harwood responded that only one landowner was willing to work with the agencies. He explained that the main focus for a demonstration project was so that the other landowners could see the results and may be willing to participate in future opportunities. Bob Flagor (KSSWCD) commented that in regards to doing something immediately to address sediment in Mica Creek, he feels this is absolutely the best spot to get started in.

Dave Fortier (BLM) asked Rothrock about the status of the TMDL and whether there was one for that Basin. Rothrock answered that there actually is a TMDL implementation plan for Mica Creek and that he needs to coordinate it with the Idaho Department of Lands (IDL) and what they have done in that watershed. Fortier said that he hoped Rothrock could wrap some of these things in the proposal.

Spears remarked that one of the big problems here would continue to be how we match up funding with opportunities and opportunities with willing landowners. Hardy indicated that he would like to see a Basin-wide approach; and to start upstream and work down as some of the people in the Silver Valley recommend. Regarding slope runoff issues further upstream, he suggested that maybe they need to be looked at the same time.

After further discussion, Spears asked the TLG whether anyone had objections in terms of conceptual support for writing a proposal for Mica Creek. Hearing none, he clarified that the TLG was in support of the concept for the project to be redesigned; and that if the TLG agreed on the technical aspects, it would recommend the BEIPC approve the proposal. Spears thanked the TLG for their support.

TLG Agenda Changes: Spears announced that he would be making a few rescheduling changes to the agenda to accommodate flight schedules for some of the presenters.

Lake Studies Update: Mike Beckwith (CDA Tribe) mentioned that a draft lake model report was out and that he would be reviewing it before proceeding with finalization. He suggested that it would be good to figure out how to assimilate the lake model with lake management. Kathy Peter (USGS) reported that the University of Australia had requested an extension on the final report for the lake model; and that she should be receiving something by the first of December. She indicated that the report needs additional work as it is missing some sections, but that they will be working on completing it by the end of the year. Harwood indicated that the date had been extended and that he spoke to Scott Wells (who will be doing the peer review) and that he directed him to contact Kathy.

Silver Crescent Mine/Mill Update: Jeff Johnson (USFS) gave an update on the mine/mill habitat restoration for the Silver Crescent mine/mill at the East Fork of Moon Creek. He reported that the design is finished for the creation of additional wetland and enhancement which includes an innovative focus for amphibian habitat. The primary construction and revegetation will begin in 2007. Johnson brought up that some TLG members have expressed an interest in seeing the completed project and that he hopes to have a tour next year. Spears commented that it will be an exciting project to watch.

Vice Chair Nominations & Election: Before nominations began for the position of TLG Vice Chair, Harwood informed the TLG that he was asked to vote by proxy for Shoshone and Kootenai counties as Rusty Sheppard was not able to attend and John Snider had to leave early. Spears then asked TLG members if they were interested in being nominated. Mike Beckwith volunteered and was elected unanimously as there were no other candidates. Spears congratulated Beckwith and thanked him for his past help with leading some of the TLG conference calls when he was unavailable during the summer.

Break

Infrastructure Needs and Funding: Harwood passed out maps of the Box infrastructure inventory and displayed drawings for the Basin infrastructure. He reported that TerraGraphics had completed the survey for the flood control infrastructure plan and that the Basin infrastructure project was coordinated with the one for the Box. The next step will be to meet with the cities and counties to discuss a list of project priorities and look for ways to coordinate funding. Harwood said that he plans to start meeting with the local communities next year.

Lake Coeur d'Alene Management Plan Update: Beckwith reported that the mediator's

assessment report was not available yet, but that it should be soon.

Announcement: Dailey informed everyone that Elin Miller was the new EPA Regional Administrator for Region 10.

Lake Coeur d'Alene and Spokane River ICP PFT Discussion Update: Harwood indicated that the contaminant management PFT (Project Focus Team) has had two meetings and that everyone has identified the potential problems. He pointed out that the PFT was formed at the last BEIPC meeting by a request of the BEIPC after they voted upon the Basin ICP because the institutional controls do not cover the Lake or River. In addition, he was asked to develop a strawman that would handle the potential for contamination in regards to excavation and dredging activities along the Lake and River. He sent the paper out to PFT members for comments and then developed a second draft for review.

Harwood explained that controls are needed for the Lake and River because they are located within a Superfund site and there may be liability issues under CERCLA. He pointed out that guidelines should be developed for testing to determine if there is contamination; and that funding will also need to be determined. Harwood noted that people in Shoshone and Kootenai counties have told him that they want the people along the Lake and River to be treated the same as the Silver Valley (i.e. the agencies are paying for the testing). He also noted that the PFT agreed that they are dealing with the action level for human health rather than ecological receptors. These are:

- Lead - 1,000 ppm
- Arsenic - 100 ppm arsenic
- Recreational Sites - 700 ppm lead

Other issues brought up by the PFT include: 1) repositories for the disposal of contaminated material; and 2) who will be the regulating authority? Harwood indicated that he would have something to present to the BEIPC at the November meeting. He emphasized the importance of taking action on this issue because it is not being controlled. Spears thanked Harwood for his work on the PFT.

ICP Section for the 2006-2010 Five Year Work Plan Vote: Harwood mentioned that the BEIPC approved the five year plan at the last meeting with the exception of the ICP section; and that they asked the TLG to go back and work on that section. He indicated that the Human Health PFT had revised that section for the TLG's approval to recommend it to the BEIPC. Harwood explained that the rulemaking process for the Basin ICP was done and that it would go to the Legislature for approval.

After discussion on the revised ICP section, Rog Hardy (Benewah TLG rep) indicated that he would abstain from voting. It was also noted that the Shoshone and Kootenai TLG reps were not present to vote. Spears called for the question and the ICP section was approved by the TLG with no opposition, with the exception of the 3 counties who did not vote (Benewah-abstain, Shoshone and Kootenai—not present).

BEIPC 2007 Work Plan Discussion and Vote: Harwood presented the 2007 one year work plan. After the work plan was discussed, Spears called for the vote for the TLG to recommend that the BEIPC approve the 2007 work plan. It was noted that the new rep for the Kootenai Shoshone Soil & Water Conservation District, Bob Flagor, wanted to abstain because he was new to the TLG. Benewah County also abstained. The vote was approved with no opposition, with the exception of the two votes abstaining (KSSWCD and Benewah).

Lunch

Avista Dam Relicensing Update: Speed Fitzhugh (Avista) gave an update on the Post Falls dam relicensing project.

Mine/Mill Sites Update: Bill Adams presented an update on the mine/mill work. He indicated that they are wrapping up the design work for the Rex site. They are also starting a design for the U.S. Bureau of Mines site at the South Fork of the Coeur d'Alene River near Osburn. For the Golconda, he reported that there will be a complete remedy for human health and ecological issues; and the construction work at the Constitution site was completed in September. David Fortier (BLM) also reported on the toe buttress work at the base of the tailings pond for the Rex.

CDA Basin Annual Load Estimation Report: Greg Clark (USGS) provided an overview of the findings for the CDA Basin from 1999 to 2004 for cadmium, lead, and zinc. The report was published this year and may be downloaded from the USGS, EPA Region 10, and BEIPC websites. Overall, the trends show decreasing concentrations throughout most of the Basin. He pointed out that it is important to get samples during high flow events or they may miss accurate annual trends and how they affect the transport process. Many of the sites sampled were part of the Basin Environmental Monitoring Plan (BEMP).

OU-3 Conservation Easement Update: Anne Dailey (EPA) and Brian Spears (USFWS) made a presentation on the conservation easement for OU-3. The purpose of the project is to reduce waterfowl mortality by the establishment of safe feeding areas in the Lower Basin since historic mining practices have contaminated many wetland areas with heavy metals. This will be done by converting existing agricultural land into wetlands with a willing landowner. Dailey indicated that the NAS (National Academy of Science) report agreed that this method is a good approach for establishment of safe waterfowl feeding habitat. Spears mentioned that the restoration at the project site was proposed by the Natural Resource Trustees (designated federal, state and tribal entities) through the Natural Resource Damage Assessment and Restoration (NRDAR) along with public input. This process helps to compensate the public for loss injuries to natural resources. Dailey displayed a map and pictures to help explain the various steps that will be taken on the property in order to turn it into a functioning wetland.

Discussion followed on various issues such as drainage, flooding, recontamination, the UPRR trail, etc. Spears indicated that some operation and maintenance work had been done on the river side to add riprap where it was actively eroding towards the causeway. Hardy commented that this may be good for the wetland, but that the causeway helps to confine the main flow of the CDA River flood stage until the levee is breached. He questioned what the impacts would be if

the levee were breached or damaged. Harwood responded that as we modify the natural facilities with man-made activities, we may never get back to the condition where we have a local watershed that is pristine and not affected by past contamination because of the historical mine waste.

Spears remarked that this project was a joint remedial action and natural resource restoration project whereby both activities piggy-back each other in order to do something that neither one could do on their own. He added that the CWA grant that is being sponsored by the USFWS and Ducks Unlimited is helping to look for more areas in the Basin to do additional projects, but that it will take willing landowners for the areas that have been identified. He will try to get that going in order to make another presentation to the BEIPC for the November meeting.

Approval of Draft TLG Minutes for May 8, 2006: Spears asked if there were any changes or corrections to the draft minutes for the May meeting. Hearing none, the minutes were unanimously approved as written.

Meeting Adjourned: Spears thanked everyone for attending and adjourned the meeting.