

BEIPC MEETING MINUTES

Basin Environmental Improvement Project Commission

November 16, 2011, 9:00 a.m. - 3:30 p.m.

Coeur d'Alene Inn, 506 W. Appleway

Coeur d'Alene, ID

Attendees:

Mr. Terry Harwood (Executive Director)

Commissioners Present:

Mr. Jack Buell

Mr. Jon Cantamessa (Chair)

Mr. Phillip Cerner

Mr. Dan Green

Ms. Toni Hardesty

Mr. Dennis McLerran

Mr. Grant Pfeifer

Alternates Present:

Mr. Curt Fransen

Staff Present:

Ms. Jeri DeLange

Mr. Dave George

Mr. Rob Hanson

Mr. Ed Moreen

Ms. Rebecca Stevens

1) Call to Order/Welcome: The BEIPC Chair, Commissioner Jon Cantamessa (Shoshone County) called the meeting to order and led everyone in the flag salute.

2) Approval of BEIPC Meeting Minutes from August 17, 2011: Commissioner Cantamessa asked if there were any changes or corrections to the draft meeting minutes for August 17, 2011. Ms. Jeri DeLange (BEIPC) indicated an addition to the record (i.e. top of page 15), the following sentence: *"Commissioner Green added that this is his third Basin meeting, and that he is not convinced that what we have doesn't work."* Commissioner Phillip Cerner (CDA Tribe) noted a correction on page 6, second paragraph, to change CDA Natural Resource Restoration Trustees to *"CDA Work Trust."* He then suggested that the board minutes be reduced in the level of detail necessary to reflect votes taken and salient issues. Mr. Terry Harwood (BEIPC) pointed out that people in the community who cannot attend the meetings want to be able to read the notes and background information. Upon further discussion, the Basin Commissioners requested that the meeting minutes be summarized. Commissioner Grant Pfeifer (State of Washington) made a motion to approve the minutes as corrected. The motion was seconded by Commissioner Cerner and unanimously approved.

3) Update on Upper Basin ROD Amendment: Mr. Bill Adams (EPA) provided an update on the ROD Amendment. EPA has not made a final decision yet, but they hope to have it completed in late December or early January. Some of the changes being made are in response to the comments received and a few other issues that are not part of the ROD Amendment will be addressed in other ongoing programs. The draft document is currently out for review by EPA headquarters and the State of Idaho. EPA will use an adaptive management approach for the cleanup plan work and will go through the Basin Commission process in the development of the annual work plans. For any ROD Amendment changes, EPA will document if these changes are from specific actions that are identified in areas or remove some of the sites off the list entirely. Those changes will be documented in an ESD (Explanation of Significant Differences). Then depending upon the nature of the changes, EPA will determine what type of public input process there would be as part of the documentation which will be explained in more detail in the ROD Amendment.

4) BEIPC Executive Director Update: Mr. Terry Harwood provided updates to the Basin Commissioners on the: 1) Roads Program for contaminated road surfaces (paved and unpaved) in the Box and Basin; 2) Big Creek Repository expansion; 3) East Mission Flats (EMF) Repository berm construction; 4) Installation of the new head gate for the Rose Creek culvert. He also expressed appreciation to Commissioner Toni Hardesty and the State of Idaho for funding the project to replace the gate, and noted that the Rose Lake Water District has assumed responsibility for operating and maintaining the gate; 5) Remedy Protection program; 6) Development of a plan to complete the property remediation program; 7) One-year and five-year BEIPC work plans; and 8) BEIPC Annual Accomplishment report for the year. He commented that it's really important to tell the public what you are going to do each year and whether you got the job done because that's how the public can check on the agencies accountability. All of the annual accomplishment reports are posted on the Basin Commission's website.

Mr. Harwood commented that he appreciates all of the work done on the ROD Amendment. He indicated that we may need to make some adjustments to the work plans once the ROD Amendment is finalized because we cannot work on any of the ROD Amendment projects until it's signed and approved.

5) Special Announcement: Mr. Rob Hanson (IDEQ) said that he wanted to thank the Basin Commissioners for allowing Mr. Harwood to help IDEQ this year for assisting in some of the work of the CDA Basin Project Manager's position that has been vacant since January. Commissioner Cantamessa also expressed the BEIPC's appreciation.

Break

6) Presentation of BEIPC Work Plans: Ms. Rebecca Stevens (CDA Tribe) first provided an overview about the one-year and five-year BEIPC work plans. Then Mr. Harwood reviewed the draft 2012 one-year work plan. He pointed out that for the CDA Work Trust, EPA has made a commitment to run that program of work through the Basin Commission process before they turn it over to the Trust and he appreciates that as it provides people an opportunity to be involved.

During review of the work plan, the Basin Commissioners discussed making some minor revisions to some of the language in various sections such as the proposed work for the Osburn Pond and Star Pond repositories and the Community Fill the Holes program. Commissioner Cantamessa suggested approving the plan as written as it could be amended in the afternoon if something came up in the public comment period. After additional discussion by the BEIPC, Commissioner Cantamessa proposed that the plan be approved as presented noting the certain points that were brought up. Then the language for those potential amendments may be dealt with later in the day as he sees no reason to hold up the approval of the rest of the plans.

Mr. Harwood suggested that Ms. Stevens could work with some of the folks to add a sentence about the Star Pond and another bullet that we would assist the EPA, Panhandle Health District (PHD), and the State of Idaho in coming up with language for the fill the holes policy if that's what the BEIPC wants to do. Then provide language later.

Commissioner Hardesty said that the BEIPC has always used the one-year work plan to be a guide to those significant issues that we are going to work on. She suggested putting in language to direct the Executive Director throughout the year to work on other issues for the BEIPC that may come up and the Basin Commissioners want him to work on. Mr. Harwood agreed that it would be a good idea. The only reason they had to modify the MOA between the State of Idaho and the Basin Commission at the start of this year was because he had to have authority from the State to administer contracts for them as they did not put it in the work plan. He suggested adding a general statement that he would do it at the BEIPC's request to allow for flexibility since we do not know what may come up.

Next, the five-year work plan was presented to the BEIPC. In section 2-4, Commissioner Cerner suggested clarification to some of the terms for the Natural Resource Trustees and language pertaining to natural resource work by the Trustees and the preferred alternative. Commissioner Pfeifer brought up some changes to the language about the Star Pond repository. After discussion, it was agreed to delay the vote on the work plans until after lunch.

7) Communications PFT Update: Ms. Jeri DeLange provided an update on the Communications PFT.

8) Lake Management Plan (LMP) Update: Ms. Rebecca Stevens gave an update on the LMP on behalf of the CDA Tribe and State of Idaho.

9) BEIPC Work Plans Revisions: Mr. Harwood made some revisions to some of the language pertaining to repositories in the work plans per the BEIPC's recommendations. (Ms. Stevens agreed to work on further changes to some of the language per the BEIPC during lunch).

10) Motion for Executive Session: Commissioner Jack Buell (Benewah County) made a motion to go into executive session pursuant to Idaho Code 67-2345(b) regarding employee evaluations and considerations. Commissioner Green seconded the motion. The motion was unanimously approved.

Lunch

11) Commissioner Cantamessa asked for a motion to exit executive session and go into regular session. Commissioner Hardesty made the motion; and it was seconded by Commissioner Cernera. The motion was approved unanimously.

12) Citizens Coordinating Council (CCC) Update: Mr. Jerry Boyd (CCC Chair) gave an update on the CCC meeting. Meeting information was provided in the BEIPC board packets. *(Note: This information is also posted on the BEIPC website.*

13) BEIPC Discussion on One-Year and Five-Year Work Plans: The BEIPC discussed additional changes to some of the language that was discussed previously for the one and five-year work plans. Mr. Harwood made the revisions to the work plans as the Basin Commissioners agreed upon the changes.

Commissioner McLerran made a motion to approve the revised one-year work plan. The motion was seconded by Commissioner Buell and unanimously approved. Commissioner Pfeifer made a motion to approve the revised five-year work plan. The motion was seconded by Commissioner Green; and unanimously approved.

14) Lower Basin Collaborative (LBC) Discussion and CCC Protocols Amendment: Ms. Susan Mitchell made a presentation about the LBC. She asked the BEIPC to approve the CCC protocols amendment to accept the collaborative process into the CCC protocols.

15) Public Comment Period: Before the public comment period began, Mr. Harwood provided information about the CCC protocols. This included the organizational structure of the CCC and how the LBC would fit into the BEIPC/CCC process if the revised protocols were approved. Then he reviewed the revisions that were made to the language to include multi-stakeholder collaboratives (i.e. subgroups in specific geographical regions).

Commissioner Cantamessa pointed out that the BEIPC and County Commissioners did not discourage public involvement in any way in the BEIPC process, but that the BEIPC/CCC structure needed to be changed in order to make the collaborative possible. He also noted that the County Commissioners received the petition from the LBC encouraging support for the LBC structure.

Mr. Jerry Boyd indicated his support of the CCC protocol changes.

Mr. Bill Rust (TLG member) said that he has been a member of the CCC for a long time. He suggested that the LBC hold at least one meeting a year in Rose Lake, Medimont, or Harrison to make it easier for the public to attend.

Ms. Bonnie Douglas (CCC and LBC member) supports the LBC. She feels strongly that we need early participation and involvement; and that it's very important to listen to as many voices as we can.

Mr. Troy Lambert (CCC member) indicated that he is in support of the collaborative process, but that he remains a skeptic on the position of collaboratives. However, he is not opposed to allowing them to give it a try.

Mr. Gordon Sanders (Citizen) said that he is a property owner near Killarney Lake. He is interested in the whole process and thinks that the collaborative may be a good way to get information and pass it on to their neighbors.

Ms. Jan Higdem (Citizen) asked what the EPA has done regarding the recommendations in the NAS report. Commissioner Cantamessa said that it does not apply to the LBC discussion, but that it will probably be addressed in the ROD Amendment.

16) BEIPC Discussion on LBC and CCC Protocols Amendment: After additional discussion by the BEIPC, Commissioner Buell made a motion to accept the revised language in the CCC Protocols Amendment. The motion was seconded by Commissioner Cerna; and unanimously approved.

17) Repository Update: Mr. Rob Hanson (IDEQ) introduced Mr. Don Carpenter from the Boise IDEQ office who will be replacing the position vacated by Andy Mork. Then Mr. Carpenter provided an update on repositories.

18) Public Comment: Before the public comment period began, Mr. Harwood emphasized that whenever the public has any comments or concerns, to call his office or send an email because that is one of his primary responsibilities. He also pointed out that he will be starting work on the annual accomplishment report and will be requesting information from the various agencies involved in the work.

Ms. Kathryn Rowden (National Weather Service) introduced herself as a hydrologist out of Spokane and that she is also a member of the Idaho Silver Jackets. She will be a liaison to the Silver Valley from the Silver Jackets and will come to most of these meetings to take comments or answer questions. Commissioner Cantamessa invited her to come to Wallace to meet the other two Shoshone County Commissioners. Ms. Rowden added that the Idaho Silver Jackets are comprised of staff members from the Idaho Dept. of Water Resources (IDWR), IDEQ FEMA, U.S. Army Corps of Engineers (ACOE), Idaho Bureau of Homeland Security, and they also have an EPA representative from the Boise office.

Before the meeting closed, Commissioner McLerran commented that it has been a long process working through the ROD Amendment. He expressed appreciation for all the work of EPA staff, the citizens in the Silver Valley, elected officials, and the Basin Commission process. EPA wants to make a final decision on the ROD Amendment soon. He issued an invitation to the Basin Commissioners to contact him if they have any questions or concerns. Commissioner Cantamessa thanked him.

19) Adjourn: As there was no further business, Commissioner Cantamessa adjourned the meeting early at 2:28 p.m.