

# Basin Environmental Improvement Project Commission (BEIPC) Meeting Minutes

May 18, 2016

Coeur d'Alene Tribal Wellness Center, Plummer, Idaho

## Attendees:

Terry Harwood (BEIPC Executive Director)

## Commissioners and Alternates present:

Sheryl Bilbrey, Jack Buell, Phillip Cerna, Marc Eberlein, Rob Hanson, Caj Matheson, Grant Pfeifer, Leslee Stanley, and John Tippetts.

## Staff present:

Glory Carlile (BEIPC Assistant to E.D., Note taker), Bruce Schuld (IDEQ), Rebecca Stevens (CDA Tribe), and Sandra Treccani (State of WA).

*(Please note that these minutes are a summary of reports and presentations and are intended to capture key topics and issues, conclusions, and next steps and not every detail of the discussions.)*

**Call to order:** Commissioner Jack Buell (Benewah County) called the meeting to order at 9:35 a.m. followed by the flag salute.

## **Introduction of new EPA Commissioner and Comments:**

Sheryl Bilbrey, new BEIPC Federal representative Commissioner, shared her background and role at EPA.

## **Review and Approval of Feb 25, 2016 Meeting Minutes:**

Leslie Stanley wanted to edit her comment on page 6 about the boat races in the St. Joe River to add to the minutes more of what she had said to clarify that in the beginning Shoshone County had several concerns about the boat races (i.e.; wakes-bank erosion, eagles, traffic, litter) and they were taken care of so they proved to be non-issues. Rebecca Stevens made a correction on page 2, 5<sup>th</sup> paragraph to clarify that the swan and migratory bird's data was uploaded to the WQX – that there was no updated data report.

John Tippetts made a motion to approve the minutes with the edits/corrections made (to have them work with Carlile on the wording of their changes) and Phillip Cerna 2<sup>nd</sup> MSC

## **Update on LMP implementation:**

Laura Laumatia (CDA Tribe) gave a presentation of the CDA Lake Management Update and reported on the Our Gem Symposium and Spokane River Forum. She gave updates on outreach and education; both recent and upcoming, and shared they are working very hard on calibrating the model to get it to a point to show different impacts. She added that the University of Idaho is also looking at the economic impact of water quality and they also shared their work on milfoil.

Laumatia also reported on the interim summary of the CDA River Trends Report and shared a condensed version of the work being done by Craig Cooper (IDEQ) on Progress Toward Nutrient Study and the action plan for Nutrient Management Activities in the Nutrient Inventory Work Scope. The report included the contribution from the CDA River and from other sources, and hydrography of the basin from USGS data that he broke into groups. She noted that Cooper wanted to point out differences in high flow years and in low flow years. She reviewed the approach for the application of the data for trying to be consistent across their work, Nutrient Inventory Resources, and the nutrient data challenges.

Jamie Brunner (IDEQ) reported on the geographic representation of the CDA Nutrient Monitoring. She showed phosphorous loading of the CDA River in high and low flow events. In general the highest concentration is along the South Fork depicting a different loading profile on the South Fork, lower basin

with “hot spots” from Kellogg to Smeltonville; Pine Creek to Pinehurst. The Table also shows comparison of Total Load versus Area Loading with priority areas.

Terry Harwood (BEIPC) asked if EPA is going to deal with this situation regarding the treatment of loading in the groundwater at the upgraded Central Treatment Plant. Bill Adams (EPA) added that there is discharge and they want to see if there is any correlation.

Phillip Cernera (CDA Tribe) commented that it is high time for EPA to address the impact in the lower river as zinc loading is reduced. Adams said that the Bunker Hill Mine water and groundwater is not a big phosphorus source. Laumatia added that Ed Moreen (EPA) reported at the TLG meeting about this.

Brunner continued her presentation with a Geographical report graph on the St. Joe and St. Maries Rivers Nutrient Monitoring Interim Summary with Total Load versus Area Loading of the major rivers including the CDA River.

Jack Buell asked for confirmation about the accuracy of the reporting and Brunner said that it is the most accurate study from 2010 published so far.

Brunner also reported on the CDA Lake Nearshore and Smaller Lake Tributaries with data that is available from 91-92 with recalculations of what the data indicated. John Tippetts (IDEQ) asked for definition of recalculations and Brunner said the recalculations take the data from 91-92 where they used a different model. Dale Chess (CDA Tribe) added to the definition that in the current model there was a couple of changes in the stations and they had to include some of the point source. They made some adjustments to make it comparable.

She reviewed the IDEQ Tributary Study for Water Year (WY) 2009 sharing that Cooper wants to run these numbers through Lotus.

Tippetts asked have we run data from those areas through the model to check for consistency and Brunner said yes. Tippetts also asked for an estimate of range and how accurate the model is. Chess said we have not applied the study to tribal lands yet and just have an estimate of load. The Preliminary Report is not exactly accurate of Tributaries and Nearshore of area load predictions.

The Interim Summary – Tributaries shows that overall load has increased since the 1990’s. Area loads may be higher than most regions along rivers and there are data gaps.

Tippetts asked what does it actually mean that the tributary area loads may be higher than most areas along the river. Brunner said it means the concentration is higher in one area than the other.

Comparing 1991 nutrient loading study budget vs current budget:

Tippetts wondered if we are we unable to distinguish and separate the 2 impacts to the shores and Brunner said we have not yet. Laumatia added that they have looked at the contributions and will study them. Tippetts said it would be interesting to see the data from all the areas.

In summary, the next steps include taking a closer look at WY 2009 Tributary Study.

#### Comments/Questions:

Cernera added that regarding the robust water quality, the State and Tribe data management is consistent and collecting is amazing. Even though there is a lot of interpretation, and although he is concerned that others might consider this as discredited data, he applauds this work. He is looking forward on how this nutrient inventory is finalized so we can join forces and move forward.

Julie Delsaso (CCC member) wondered about the high water years with the history from logging and how it is incorporated in the action plan. Laumatia said it will be in the GSC for history to account for land use.

Bill Rust (Citizen) commented on the CTP groundwater seeps problems in the past and believes the CTP upgrade will take care of it. He also said in view of the controversy from looking at the tributaries that he strongly encourages IDEQ and EPA to come up with funds every year for monitoring to get real numbers. Brunner agreed and added that they do want to obtain actual data to compare with the modeling program. Harwood commented that there are various sources but no single agency can control these sources so it must be a cooperative effort to make it work on the issues.

### Break

### **Benewah Creek Restoration:**

Caj Matheson (CDA Tribe) reported on the 'Eltumish Project Opportunities and Challenges for Native Fish Conservation in Benewah Creek that they had also presented at the Our Gem Symposium.

### Tribal Values:

Matheson noted that it is important for the Tribe that these values are in the forefront because they use these values to guide them. They have a spiritual and emotional connection to the area that is a little different than western thinking. Language is unique and complex and it is verbal based language. For example, they use a verb to create a noun with an emphasis on what is happening. Even though the Tribe is diverse, he shared the CDA Tribe world view explaining the 4 phrases used to help understand their values regarding watershed focus, how water impacts us (creation), and how we impact water. Decisions include guiding the children for 7 generations.

Angelo Vitale (CDA Tribe) reported on the watershed environment and some of the lessons learned. He said that the Benewah Creek Watershed long term goal focus is on migratory fish - resident life-history, including condition issues such as erosion/soil loss, sediment coming out of stream, barriers to movement of fish such as culverts, and uninvited non-native fish.

The Restoration Approach is opportunistic, targeted, and prioritized. The priorities are 69 Projects identified in 7 sub basins affecting 17 miles of forest road, 12 miles of riparian/stream channel, and 11 fish passage projects. Vitale said that a lot of progress has been made to implement these projects and putting in place programs that will be there for a long time.

Tippets asked if beaver dams create an obstacle for fish passage and Vitale said no, that passage is not an issue and there are also alternate flow paths.

Vitale added that restoration has shifted the temperature dynamic of the water that affects the fish. At the surface is very warm temperature and in deeper water it is very cold. Lesson learned is it builds a resiliency in the fish. He also reported that they intend to evaluate overwintering behavior and use of restored main stem reaches and track survival rates of ad fluvial juveniles as sub-watersheds are incrementally restored. He noted that we need to know that there are priorities that are nested in priorities. They are monitoring juvenile movement and are obviously concerned about survival rates of fish.

### Differences in pike among bays:

Vitale reported that Benewah bay is very conducive to pike. Pike are well distributed and they impact the native fish population.

Tippets asked if the Tribe has benefit for having pike in the Lake. Vitale said that there is not a tribal benefit in the tribal community but it is recreational opportunity.

Vitale's last point was that guiding the children is important and that there are internships for students with practical lessons.

### Comments/Questions:

Tippets commented that he interested in the stream channel restoration and that he believes it is very expensive to do. Vitale agreed.

Certera asked about the costs and wanted a general idea of cost to fix a small drainage watershed area. Certera commented on the daunting similar problem in the basin. Vitale responded that you need to know your priorities. Certera added the information that they are looking at removing pike in Windy Creek.

### **Program and Project Update and Budget Report:**

Bill Adams (EPA) reported on the EPA Budget: the Special Account (SA) current balance is \$29M after allocation of funds for the Central Treatment Plant (CTP). They are using funds for oversight of the CDA Trust, Cooperative Agreements with State and Tribe, Basin Monitoring Program, and that the Central Treatment Plant – Ground Water (CTP- GW) project has a cap of \$48M.

Grant Pfeifer (WA State) commented on the funding aspect and commented that perhaps BEIPC can support them in some way in the future.

Adams reported on the CDA Work Trust sharing that it was set up as result of ASARCO Bankruptcy settlement. The current balance is \$487M after 5 years of work. It is very beneficial and they hope the trend continues.

Adams said that the Trust has had historically \$390M low and a high of about \$520M (initial deposit was \$373M). The net increase in first quarter 2016 was \$7.4M.

Adams noted that they attend jurisdiction and county commissioners meetings and he meets with the Mayors. Input goes into adjustments made in the program. Harwood also added that he reviews all the design drawings on the remedy protection projects and all of the projects are designed with fish passage and 50 year flood event.

### **Update on Nine Mile Canyon work for 2016 w/slides:**

Adams reported on the project at Ninemile canyon, remediation at Success Mine and operation of the Waste Consolidation Area (WCA). They are doing continued monitoring around Tamarack Mine area as well. He said that the WCA is a great resource and that the Interstate Callahan Mine Remediation Project is completed.

He added that the Remedy Protection Projects throughout the Basin are designed to move the water through the communities.

He shared that the Robinson Creek Wetlands Restoration project is in partnership with Idaho Department of Fish and Game (IDFG) and the State.

### **Update on 2016 Fish Tissue Study:**

Effort to collect data on metals levels on fish tissue in the Upper and Lower Basin and Spokane River in Idaho. Samples go to an EPA certified lab.

### **Recreational Sites Strategy:**

There will be public input in August to October.

### **2016 Planned Disposal Locations:**

Repositories are maintained and operated by the Trust in the Basin.

A new LUR will be in the Shoshone County Transfer Station and another in the Zanetti Yard in Osburn.

Marc Eberlein (Kootenai County) asked if the existing repositories will be adequate and Adams shared about the Lower Burke Canyon Repository (LBCR) to generate more capacity.

Cernera commented about the old SVNRT Repository in Canyon Creek and the costs to remediate problems there.

#### Lower Burke Canyon Repository (LBCR):

Primarily set up for the waste in Canyon Creek. EPA has had a comment period and input from public. They expect there will be tradeoffs and balances to consider.

Leslee Stanley (Shoshone County) asked if the Idaho Transportation Department (ITD) commented on use of the LBCR. Rene Gilbert answered that we did not receive anything from ITD.

#### Other Project Activities:

Their purpose is to line up the work in the Lower Basin with a strategy to line things out and create a timeline. Other things they are working on include, wetland layer capping pilot project, Beach Augmentation Evaluation, ongoing work on Sediment Transport Model, Limited Data Collection to Support CSM, and data collection. They are also building an Enviro Atlas as a web based tool that will be available to everyone. DASEES is the name of the tool.

#### LUNCH:

The Rose Creek drummers presented a song with drumming to address our meeting while the lunch was set up. A delicious lunch with dessert was provided by the CDA Tribe and BEIPC contributed fruit and vegetable trays.

Due to another commitment Ed Moreen was unable to make his presentation. Bill Adams gave a condensed summary update of the report on the Central Treatment Plant that Moreen had planned. Harwood added that there is upgraded sewer work in Kellogg being done.

#### Update on Jet Boat Race Planning:

Harwood introduced the subject with a little history of what is going on. He had contacted various interested people and held a meeting in April. One of his biggest concerns was trespassing on private property. Andy Helkey (PHD) said he is working with Health and Welfare and they have printed up some health messages signs. He will also be putting on a safety class for the racers.

#### Questions/Comments:

Scott Fields asked if race sponsors show proof of safety training. Helkey said that would be a concern with Maritime and Beth Sheldrake (EPA) said there are provisions that are in place. Buell noted that the racers are professionals and they know what they are doing. However, Fields said he would like to see more regulators. Stanley confirmed that on the St. Joe that they have their own teams. Helkey said that the questions from Scott Fields should be directed to Kootenai County Sheriff.

Julie Dalsaso commented that any decision that goes through the Superfund sites should be made by more people than the Sherriff. She added that they should have considered an alternate site for the races. Harwood commented that all this concern may get more people involved in the remedial process in the Lower Basin. Rebecca Stevens (CDA Tribe) wanted to thank the team for all their work.

#### Communications:

Denna Grangaard (IDEQ) reported on their recreation and outreach efforts. She showed their new video that will be on the IDEQ website and on some public access channels. Rene Gilbert announced that their signs will be displayed all over the trails.

Eberlein asked about the lead testing and the participation. Helkey answered that their testing numbers are decreasing all the time. Annual screening will be coming up and there will be ads in the newspapers.

**2016 Paved Roadway Program:**

Bruce Schuld (IDEQ) gave an update about the paved roads program which is intended to provide barriers over roads that are contaminated. During the 2016 construction season he said that we intend to pave about 18.7 miles of roads.

The sewer district in Kellogg is replacing old sewer lines and the Central Shoshone and Eastside Water Districts will also be doing infrastructure work. Harwood added that it is important to note that Shoshone County hired a consultant to make a report for an estimate of the costs for the roads work. He thinks that they can get all that was on the list done within the available funding costs.

**CCC Update:**

Harwood reported on the meeting held on April 20 for Jerry Boyd (CCC Chair). There was discussion about truck traffic, stream bank stabilization, and Bill Adams (EPA) made a presentation. Bruce Schuld (IDEQ) talked about the paved roads program, and EPA consultant Wendy Lowe asked for questions to ask those she will interview. The summary notes from that meeting are in the May meeting packets and will be posted on the BEIPC website.

**Open Discussion Session for Citizen Issues/Comments/Questions:**

Cernera suggested that the Basin Commission look at the briefing book particularly to note the Idaho Statutes. He also wanted to follow up on nutrient metals reporting. He would like to see an agenda item at an upcoming meeting.

Stevens asked if the August meeting tour could be shortened so that these issues can be addressed at that meeting. However, Harwood noted that the statutes may be another subject to discuss at an executive session instead and that travel and view time will be needed to tour the projects that we have scheduled.

Dalsaso asked Cernera if he thinks that the Basin Commission could have collectively written a letter regarding the boat races. Cernera agreed that is a good example and asked about the permit and timeline that she talked about. She thanked Harwood in that he helped her understand the definition of Superfund site. Her point was that maybe the Basin Commission could help with some other issues in the future. Harwood agreed that there are other places that we should be involved in.

**Adjourn:**

John Tippets moved and Phillip Cernera 2<sup>nd</sup> to adjourn the meeting at 2:30. **M/S/C**