

Basin Environmental Improvement Project Commission

Quarterly Meeting Summary Minutes

November 16, 2016, 9:30am – 3:30pm

CenterPlace Regional Event Center, 2426 N. Discovery Place Spokane Valley, Washington

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 discussions or individual quotes.

Attendees:

Terry Harwood (BEIPC Executive Director)

Commissioners and Alternates present:

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

Staff present:

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

Call to Order and Pledge of Allegiance

The meeting was called to order by Commissioner Chair Jack Buell (Benewah County) at 9:35am followed by the flag salute.

Approve Minutes from August 17, 2016 Meeting

Marc Eberlein moved and Grant Pfeifer 2nd to approve the August minutes with typo correction and an addition for clarity made in the Update on LMP Implementation in paragraph 5. **M/S/C**

Updates on Lake Management Plan (LMP) implementation

Laura Laumatia and Caj Matheson from the CDA Tribe presented two videos. The first video that LMP staff compiled showed the Bloomsburg Road project work as a collaborative project with LMP to implement a road improvement project for replacing some culverts and installing 14 new culverts to slow the water down and prevent road erosion. The project was in an area about 2 miles south of Harrison on the west side of Lake CdA in Kootenai County.

The 2nd video was about the 2001 Supreme Court Case that was won by the Tribe to mark the decision's 15th anniversary. With comments from Tribal members and staff, it is a poignant video to show the history and the spiritual connection the Tribe has with the Lake and to raise awareness to bring the community in to get their involvement toward cleanup efforts. "Protecting the Lake Coeur d'Alene" video is available for viewing on the following link:

https://www.youtube.com/watch?v=JNW_AIYFrII&t=194s

Presentation for the upcoming release of the Draft Programmatic Environmental Impact Statement and Restoration Plan – Caj Matheson, Restoration Partnership

Caj Matheson gave a brief overview of the draft Restoration Plan (RP) and the draft Environmental Impact Statement (DEIS) by first sharing that the Natural Resource Trustees of the Restoration Partnership (Partnership) include the USFS, BLM, USFWS, the CDA Tribe, and the State of Idaho, represented by the IDFG and IDEQ. *(Please refer to Acronym List.)*

He said that for developing the DEIS, they are following the National Environmental Policy Act (NEPA) provisions noting that the NEPA process is important, especially in seeking public input. They started this in 2013 and have received feedback from over 200 parties in the public comment period.

Matheson further explained that the DEIS has been prepared which assesses the effects of the Coeur d'Alene Basin RP on the quality of the human environment and also addresses the effects of a comprehensive strategic framework to guide the restoration of natural resources injured by the release of mining related contamination in the Cda Basin.

Matheson emphasized that the RP is programmatic and does not identify specifics. It focuses on actions to restore wetlands, streams, lakes, and human uses. The plan considers restoration of non-contaminated aquatic systems where doing so will benefit recovery of contaminated ecosystems and proposes to restore or enhance human uses of injured natural resources in the near term while longer term ecosystem restoration proceeds. He said that the DEIS compares the effects and outlines options. Marc Eberlein asked about the options listed to clarify. He wanted to make sure everyone can find the information.

Matheson announced that the public commenting period is from November 10, 2016 to January 13, 2017. They will have scheduled open houses with teams to answer questions and that additional resources will include small group presentations. These public meetings will provide the opportunity to ask questions, and speak with representatives from the Partnership and members of the EIS team. He also announced that the DEIS document is available on their website to view or to download the plan at: www.restorationpartnership.org/RPDEIS and that comments can be e-mailed to: comments@restorationpartnerships.org

Comments/Questions

John Tippets asked about what happens after comment period is closed. Jo Christensen from USFS clarified that they are using the NEPA process and Tippets then wondered who makes any changes if necessary. Jerry Boyd also asked about the plan being a draft and who will finalize the plan after comments.

Jack Buell asked if this plan will help the lower end of the CDA River i.e.; rip-rapping and Phillip Cernera clarified restoration activities vs. cleanup activities. He said that they piggy back a lot of the remediation work EPA is doing.

Matheson said that Substantive Comments will be on their website. Boyd added that if they provide the links the BEIPC/CCC will post them and send out a notice to their contact group.

Eberlein commented that they have been dealing with these issues for 100 years and Tippets also agreed that the process has taken a long time and wondered how to speed it up. Harwood noted that the money was only received in 2012 to be able to start implementing the work.

After the break, Terry Harwood shared that he has the Upper Basin Drainage Infrastructure Inventory Table and Map Set that he has also had mapped the property remediation sites and the 100 year flood plain and they are available to anyone who requests a copy.

Presentation of the Sediment and Lead Transport, Erosion, and Deposition tech memo on the Lower CDA River Basin – Ed Moreen, EPA:

Ed Moreen (EPA) introduced the report : Sediment and Lead in the Lower Basin: Updates to EPA's Lower Basin Conceptual Model, with some background information on the implementation of basin cleanup noting that the lower basin is very complex because of the widespread contamination all along

the floodplain. He stated that they need to be good stewards of the cleanup in the upper basin and now going into the lower basin. He said that this presentation will take us through the evolution of information accumulated in the last few years. He announced that Daniel Malmon, Geologist with CH2M will make a presentation of the Processes of Sediment and Lead Transport, Erosion, and Deposition Technical Memorandum Addendum D-3.

Moreen added that in 2008 they considered what data had already been gathered, what data gaps were still there and what information needed to be gathered to determine the strategic plan. In 2010, EPA issued an Enhanced Conceptual Site Model (ECSM) which compiled all data and studies that had been issued since the original Conceptual Site Model was issued in 2000. The Tech memos are issued to update the 2010 ECSM, the tech memo that Daniel Malmon will present today was a topic of discussion at the October Technical Leadership Group (TLG) meeting. The focus was on the 2 dimensional Sediment Transport Model and that much of the information that was gathered has been used to validate it. EPA wants to understand this and the consequences of potential actions.

*(The **ECSM_addendum_D-3_sediment_processes_082616_email.pdf** document was distributed by BEIPC on 10/26/16 to the Citizen Coordinating Council contact list and interested parties with the following message from Ed Moreen (Project Manager with EPA):*

“The Attached tech memo is part of EPA’s on-going effort to update the Enhanced Conceptual Site Model for the Lower Basin, updates the technical discipline section D “Hydraulics and Sediment Transport” and is the result of data gathered over the past several years with a concentrated focus on the riverbed. It addresses sediment and lead transport processes in the Lower Basin. The Tech memo is structured around the sediment budget of the Lower Basin, and considers sediment transport, bank erosion, floodplain sedimentation, and riverbed erosion, as well as developing best estimates of contaminated sediment and lead inventories”.)

Daniel Malmon reviewed the report with a presentation of the data collected and explained why the EPA is doing studies spending the time and effort gathering information, noting lessons learned and findings, and also finding more about the riverbed depositional and erosional features.

Harwood asked who should be contacted particularly by the layman who may not understand the tech report details and what they mean. Malmon said that he is interested in hearing about technical questions and comments, but that anyone wanting should contact Ed Moreen first and then Moreen will let him know.

Malmon stated that the Lower Basin is one of the largest and most complex Superfund site in the nation that is under EPA charge. Hydrologic impacts are controlled by man-made structures, and the riverbed is extremely dynamic and changes every year and is a pretty complicated system. EPA is aiming to reduce uncertainty by collecting data and modeling the system to reduce the risk. The purpose of the study is to improve the chances that the time and efforts will not be wasted but there still needs a lot of data to be collected.

Malmon said that the ROD in 2002 laid out some options for EPA on how to manage the project but more data and modeling was needed. In 2010 there was a report to tie in all the information and Malmon’s presentation was on the Sediment and Lead Budgets of the system. He added that in this

report “Budget” pertains to accountability of sources, sinks, and transport of sediment and lead. The purpose is to identify where it is coming from to identify the important parts of the system.

Overview shows the concept of the Sediment and Lead Budget of the Lower Basin pertaining to deposition and erosion and what is going through the river channels from the Lower Basin to CDA Lake particularly through floods.

Harwood commented that the pictures showing the concentration from 2008 is actually from a 20-25 year flood and not from a 100 year flood that would be far worse. Malmon agreed that it is complicated and depends on how high the river is and how long the floods last.

Malmon added that there are data points at higher flow and that the higher flow shows that the sediment flow increases faster at Harrison than at Cataldo. Conclusion is that sediment transport increases downstream in high flood period. Also the lead concentration on the sediment itself increases downstream. He showed that in the 2012 report that lead concentration and sediment is increasing with the lead fluxes with between 25 year average of 200 tons of lead per year. He also noted that the lead fluxes from 1988 to 2012 showed that 2/3 of that lead is being carried on fine sediment.

Bank Erosion: Conclusions that exposed banks contain tailings-rich deposits. Soil erosion has contributed to high concentrations of lead on the banks. River banks are eroding about 2 inches a year which is actually quite slow. EPA had a report on this a few years ago which is available upon request.

Floodplain Deposition: Conclusions modeled sediment deposition into the floodplain using a one dimensional model where they are trying to understand how much lead goes into the floodplains, where and when.

Phillip Cernera asked about the figures on the model graph from USGS and Malmon answered that the model shows the sediment deposition to different areas that are being re-contaminated. Cernera added that he wanted to clarify that the green areas on the graphs does not mean it is all good as many may think because of the color, but may mean that they are also contaminated or being re-contaminated.

Marc Eberlein wondered if there was any graph that shows where it is coming from and Malmon answered that most of it is coming from the riverbed.

Bed Erosion and deposition in the riverbed: Conclusions – to account for difference in sediment transport measured at gauges and in floodplain, the lead in the riverbed itself needs to be eroding about a couple of centimeters a year. He said that they have some data that supports that. There are complicated patterns with some depositing, some eroding,

Summary: The number one takeaway is that the riverbed is a primary source of contamination. However, it is not a simple contamination source. Trying to map all this and inventorying all of it is not easy because the riverbed is complex.

Riverbed Characterization Overview: Fluvial Geomorphology is the study of the configuration and evolution of riverbed forms. Units were mapped throughout the Lower Basin and the map was used for determining coring sampling areas.

Riverbed Coring: He showed a chart based on the 2013 Vibracoring mapped in the field. Key findings supported the geographic and lithological mapping of the river bed. The highest pattern that they saw showed that layers with higher lead concentrations are commonly buried under newer less contaminated sediment but still well above the action levels.

Evolution of Riverbed: The number two takeaway is that the risk in using the long term “no action” strategy is that the situation could potentially get worse before it gets better and therefore should be considered in the long term strategy.

To sum up: There are 3 key elements of the report:

1.) Contaminated Sediment Transport and Deposition 2.) Understanding the riverbed as the primary lead source 3.) Sediment and Lead Budgets

Malmon said the data itself is site specific as hotspots are more at risk for erosion which will help with engineering design decisions.

This information will be used by EPA for site specific planning, design engineering and decision making. It supports the Modeling effort to be used to predict what could happen in the future and what the implication could be.

Stevens commented that this report was also made at the last TLG meeting and noted that these reports are the kind of presentations made at the TLG meetings for review.

Stevens also requested (due to Eberlein having to leave the meeting, to make sure he reads about this) to stress in the minutes the two takeaways: 1. The riverbed is a primary source of lead contamination, and 2. No action as a remedy in the basin as a significant possibility should add that the information provided can say that it is “at risk” but Malmon added that it cannot say that is for sure and/or that is going to happen.

Pfeifer asked about the riverbed as the dominant source of the lead contamination in the floodplain and the lake. Malmon answered that 1/4 goes into the floodplain and 3/4 goes into the Lake.

Tippets asked for clarification of the tons of lead per year that comes out of riverbanks as a result of bank erosion. Malmon replied that about 250 tons from all sources goes into the lake. Moreen noted that it is on the pie chart in the document and that it is in metric tons of lead.

Dan Redline (IDEQ) asked if the model has the sensitivity to the movement of sediments of lead in the future to predict the movement of sediments of lead. Malmon replied that there is a limited ability to predict bank erosion and that it is not a huge part of the “budget” so that the focus is on the riverbed. He also replied yes to the question regarding if as it changes the hydrology of the river does it change the erosional disposition.

Craig Cooper (IDEQ) asked about the system acting like a pumping system into the Lake wondering if it goes into the flood plain and then drains out. Malmon replied that it doesn’t seem to go out as much as it comes in. Harwood added that there is a tendency for the flood areas to trap some of the contamination so it does not have as high a concentration that goes back into the River and Lake.

In summary Malmon stated that they had a dual purpose to the mapping of the riverbed: to determine the coring locations in developing a focused sampling plan and to determine the sources of sediment and lead coming from bank erosion. The report brings all these pieces together. 75% of the lead that flows into Lake Coeur d’Alene comes from riverbed and a smaller amount (10%) from the river banks. Overall, the EPA study focus is on the riverbed and shows that the riverbed is eroding in different places.

Presentation and Discussion of the Draft 2017 Annual Work Plan – Terry Harwood:

Harwood explained the process of compiling the draft work plans includes distribution of the drafts to the CCC and TLG for comments and review. He noted that after review by the TLG, they make a

recommendation after any edits for the final draft plans to be submitted to the Basin Commissioners for approval. (*Copies of the plan were included in the Board packet, distributed to the CCC contact list via e-mail before the meeting and made available to attendees at the meeting.*)

Terry Harwood reviewed the Draft 2017 Annual Work Plan that is divided into 2 sections.

Part 1 – Environmental Cleanup Work is basically what was funded under the Superfund and Idaho State Programs that focuses on human health and environmental cleanup issues and includes the monitoring. Part 2 includes other activities and responsibilities.

Bill Adams (EPA) added how the CDA Trust works with EPA. He explained that the CDA Trust is the implementer of the specific project work at the direction of the EPA. EPA develops a Trust work plan that is provided for in the ROD and ROD Amendment for implementing them by planning and directing the work.

Comments/Questions

None.

Tippets moved and Bilbrey 2nd to approve the 2017 Annual Work Plan but then the motion was tabled for after lunch in order for a report first from CCC.

Lunch and Executive Session with Executive Director, commissioners and Alternates

Leslee Stanley moved and Sheryl Bilbrey 2nd to have a closed meeting with Terry Harwood during the lunch break in Executive Session pursuant to provisions of Idaho Code § 74-206(1)(b). **M/S/C**

After lunch, Eberlein moved and Cernera 2nd to come out of Executive Session and reconvene in the regular Basin Commission meeting session. **M/S/C**

CCC and Public Input on Draft 2017 Work Plan

Jerry Boyd, CCC Chair reported on the CCC meeting held on October 26, 2016. The Work Plans were discussed. He did not receive any comments or questions regarding the Work Plans. He commented that the BEIPC has supported the CCC by taking the notes and would like BEIPC to continue taking the meeting summary notes.

Bonnie Douglas (citizen) commented that as a member of the public that she is concerned about the meeting times. It is not easy to be involved and she does not do night meetings. She is concerned also that the PFT meetings were dissolved. She also wishes that there were more strategies for getting more people involved and for more testing of blood levels. She feels that there is a public involvement vacuum.

Andy Helkey (PHD) responded that they have had more incentives and have gone outside the box. They do extensive outreach and education. The blood lead screening program offered a \$30 incentive in 2016 for children between ages 6 months to 6 years of age residing within the Basin and this will be continued for 2017.

Cernera announced that there will be more discussion later in the meeting about the CCC.

Continued Discussion on 2017 Work Plan and Approval by Commissioners

John Tippets moved and Sheryl Bilbrey 2nd to approve the 2017 Work Plan. **M/S/C**

Presentation and Discussion of Draft 2017 – 2021 Five Year Work Plan – Terry Harwood

Cernera asked that instead of going through every item, to just highlight only the things that are new.

Harwood gave a brief review of the Draft 2017 – 2021 Five Year Work Plan.

Some of the highlights he commented on were the Fish Tissue sampling, repository development, levees and that the Restoration Partnership sharing that they are going through NEPA and the EIS in a process to accept recommendations for projects.

(Copies of the plan were included in the Board packet, distributed to the CCC contact list via e-mail before the meeting and made available to attendees at the meeting.)

CCC and Public Input on Draft Five Year Work Plan:

Jerry Boyd, CCC Chair, reported that he had not received any comments or questions.

Continued Discussion on Draft Five Year Work Plan and Approval by Commissioners

Grant Pfeifer and Phillip Cerner 2nd to accept the Five Year Work Plan. M/S/C

Review and Discussion of BEIPC August 13, 2002 Memorandum of Agreement and Roles of the BEIPC, coordinating agencies, TLG and CCC – Terry Harwood, Bill Adams, EPA

Harwood gave a brief history of the development of the Basin Commission noting that it was originally instituted by legislature in 2001 comprised of 7 governments and the MOA was formed in 2002.

Requirements included formation of the CCC and TLG and were signed by various groups.

Regarding the issue of lack of public involvement at CCC meetings, he commented that concerned citizens show up when something is in their own background. EPA came up with the idea of hiring a consultant, Wendy Lowe, to interview people to produce a report with recommendations. The report is in process of review and discussion will be at the next CCC meeting and the February BEIPC meeting.

The staff and Harwood and also the CCC will take a look at the report and recommendations may be made to the Commissioners for consideration.

Discussion of roles:

Harwood shared information on how the BEIPC has been implementing their role. He reviewed the MOA. He noted that EPA is in charge of the Superfund. CERCLA remedial authority came down to EPA and Federal land management agencies and that in CERCLA it also said the Natural Resource Trustees were involved to be in charge of resource restoration. We have been working together all these years and he emphasized that the role of the BEIPC is to coordinate all of these activities to implement the ROD keeping in mind it takes all kinds of processes and authority. The Basin Commission coordinates, working together with other agencies and entities. He also reviewed the TLG and CCC roles and defined membership criteria and shared that WA State has their own separate MOA.

Stevens asked about the parties that are the coordinating entities and wondered how bound they are to the MOA. Harwood said they are bound to it because they signed it. Cerner questioned about the boundaries of coordination and the various levels of coordination thinking that the intent of that language may be different than stated. Harwood responded that they have differences of opinion.

Review of protocols: Harwood made an important point: the protocols for the meetings organizations are to have notes as summaries and not every word verbatim. It was reported that other groups also confirmed this summary notation.

He noted that the TLG does not make decisions but does make recommendations.

Douglas brought up the differences regarding input, communication, and wanting more information Harwood agreed with Douglas about reviving Project Focus Groups meetings. Douglas felt that the PFT provided an avenue for input. She also questioned the blood lead testing wanting more information.

She voiced her opinion about the strategy for getting more involvement and participation. Her emotional plea is that there should be more and that she is frustrated with the processes.

Tippets asked if she meant public involvement overall. There is frustration about input processes. He asked Boyd if CCC is designed to receive input and if there should be changes for the opportunity for more input. Boyd replied that Douglas has not been at a CCC meeting for a long time and that for some time the first thing done at a meeting is to ask for input and comments. He said that the CCC always solicits input. He added that also in response to Douglas's earlier comment, they have asked for time preference and where to have meetings many times and have tried to shift around the meetings. Next meeting will address it again at the next meeting on January 18, 2017 meeting.

Certera wondered about Douglas' comment and about the lead testing and if she was satisfied with the answer from PHD or whether she would consider asking the CCC Chair to put it on their agenda for a meeting.

Schuld commented about other methods of outreach in other meetings. He is going to request the BEIPC Staff to come up with recommendations on how to connect those lines of communications with the CCC to report about all the issues heard and what can be done about them.

Eberlein commented that it hard to get public comment with everything going on. Certera commented that all the other meetings are like satellite CCC meetings and worth investigating. Harwood responded that it is already happening. Certera said that the assessment report indicated that no one is listening.

Stevens commented that there was a past group that had representatives from various groups. The intent of the CCC was to have reps from different groups but it is not happening.

Maureen Hodgson (citizen) said that she has only attended a few meetings over the past 5 years and wanted to share that the Partnership has an excellent website and was self-explanatory. She added that BEIPC also had minutes and summaries and information that she reviewed.

Adams shared that the summaries of some of the community's involvements are in the accomplishments report (Annual Report) and also provides lots of information every year.

Announcements

Harwood shared the next steps in the process of the distribution of the assessment report. The report will be distributed to the e-mail contact list and mailed to anyone making a request.

Adams announced that Wendy Lowe will be at the February BEIPC meeting so she will be able to explain the process of her report. He also announced that although the comment period opportunity is closed for the Superfund Cleanup Implementation Plan, he will still accept input. They are reviewing a 30% design for expansion and reprocessing of the SVNRT Repository in Canyon Creek and that it will also go through a public comment period and will go through the CCC.

He said that there are a number of transitions and changes within the EPA team and adjustments are being made at EPA but that he will continue as a team leader in a different position. He will continue to work at the Superfund site in some capacity noting that this site is one of the region's higher priorities.

Adjourn

The meeting adjourned at 3:12.