

# Basin Environmental Improvement Project Commission

## Meeting Summary Minutes

December 6, 2017, 9:30 am – 3:45pm

Best Western CDA Inn, 506 Appleway Ave., Coeur d'Alene, Idaho

*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 included the following:**

Terry Harwood (BEIPC Executive Director)

### **Commissioners and Alternates present:**

Sheryl Bilbrey, Phil Cernera, Marc Eberlein, Rob Hanson, Bud McCall, Grant Pfeifer, and Leslie Stanley

### **Staff present:**

Glory Carlile (BEIPC Assistant to E.D, Note taker), and Rebecca Stevens (CDA Tribe).

### **Call to Order and Pledge of Allegiance**

Jack Buell, Chair, was unable to attend the meeting. The meeting was called to order by Commissioner Vice-Chair Grant Pfeifer at 9:30 a.m. followed by the flag salute.

### **Approve Minutes from August 16, 2017 Meeting**

Phillip Cernera pointed out 2 minor typos. Marc Eberlein moved and Phillip Cernera 2<sup>nd</sup> to adopt the August minutes as corrected. **M/S/C**

### **Citizen Coordinating Council (CCC) Report**

Terry Harwood announced that the summary notes of the October 18<sup>th</sup> CCC meeting are included in the meeting packets. Jerry Boyd, CCC Chair, clarified that in the 2nd paragraph on page 1 that Rusty Shepard was talking about the northern part of the Lake when he mentioned Cougar Bay. Boyd noted that responses were received by those people raising questions at the meeting and that CCC is trying to close the loop on questions and feedback.

Boyd said that the CCC meets as needed and always in the fall and that they try to meet in various parts of the Basin but that they do not meet quarterly as done in the past. However, CCC also sponsors special meetings when requested and have tried to hold meetings at different times. Meetings are opened with attendee introductions and open discussion for comments and questions at the beginning of the meeting. Rene Gilbert confirmed that she sent e-mailed responses out with contact information to those that raised questions at the CCC meeting.

### **Comments/Questions**

Marc Eberlein asked about the repository question in the CCC notes asked by Julie Dalsaso concerning where the cleanup waste goes. Jerry Boyd said that Lower Basin ICP waste goes to East Mission Flats. Around the Lake is not included in the ICP because it is not part of the cleanup.

Phillip Cernera wanted to know what the definition of the Lake is and commented that EPA needs to address this question and consider that in the future regarding any remedies. Eberlein added that he agrees.

Certera also was also wondering about the Participation Evaluation and the long drawn out process. His opinion is that it is much to do about nothing. Terry Harwood replied that the topic is on the agenda and hopefully we can get closure by the Commissioners on that topic at this meeting.

### **Assessing Complex Water Resources Issues through Social Network Analysis and Participatory Process in the CDA Basin**

Kathleen Torso and Courtney Cooper from the University of Idaho made a presentation of their research study on a proposed collaborative of an inter-disciplinary team project. Their Research Vision is to contribute to increased efficacy of public health and environmental restoration efforts in the CDA Basin through communication network innovation. They are specifically focused on how professionals communicate at an organizational level. The project includes research in the CDA Basin regarding heavy metal contamination and complex issues; climate change and population.

Craig Cooper (IDEQ) commented that the communication aspect is a big part of the research. Torso and Courtney Cooper outlined the 3 step process: Communication Network Analysis, Social Learning, and Communication Innovation. They also talked about their survey developed as means to provide insight, connection types which say a lot on how you communicate, and the Pros and Cons for use of networks.

Torso concluded the presentation by distributing a summary sheet handout and a feedback form. They also thanked Rebecca Stevens, Andy Helkey, and Rene Gilbert for their help in providing their presentation of this project at the BEIPC meeting.

Terry Harwood added to the presentation that he and Jerry Boyd have the intent to continue to get the community involved in the Basin Commission process and to provide the e-mail list of the TLG and the BEIPC contacts list.

### **Questions/Comments**

Phillip Certera added that a presentation was made at the Gem Symposium similar to this and shared that there are other organizations that could be looked at as a resource for ideas. Marc Eberlein commented that people won't participate unless their "ox is getting gored" and Certera agreed.

Grant Pfeifer asked clarification about filling out the request cards and their collection. Terry Harwood asked for approval for using BEIPC mailing list as well. Rob Hanson cautioned about sharing the address lists and Rebecca Stevens suggested using an undisclosed email list. Jerry Boyd added that some people do not want to receive emails and is also concerned about sharing the lists.

Marc Eberlein said that any public officials email addresses are considered public e-mail. Grant Pfeifer asked to move this issue to the next general outreach topic of discussion.

### **Discussion of Public Participation and Comments and Recommendations for operation of the CCC and BEIPC**

Terry Harwood opened the discussion by stating that it has been resolved that the BEIPC is a coordinating organization. Marc Eberlein asked if the flood issues talked about here are the same as the issues in the Shoshone County request later on the agenda. Harwood answered that the request is in addition. He also pointed out that in 2009 the Upper Basin Drainage Control and Infrastructure Revitalization Plan (DCRIP) was evaluated for infrastructure stimulus funding and funding requests made. Almost everything on the 2009 request list has now been done.

After a review of the various comments and recommendations from the CCC and from the BEIPC staff, Harwood presented his evaluation, comments, and recommendations for operation of the CCC and BEIPC. He noted that the plan to update the Web page is being worked on. Rebecca Stevens added that the staff is going to help with the process. Harwood explained that in the past the BEIPC office had to go through a web master to update or make any changes and now the plan will enable the office to post ongoing documents and that he hopes the new web site will have more information on current projects.

Phillip Cernera commented that he is wondering about the issue of sharing and also if the Commissioners will be doing further consideration on the recommendations. Grant Pfeifer said that there will be further discussion with the intention of making a motion.

Rob Hanson, Alternate Commissioner representing the State of Idaho, reviewed the handout with recommendations from IDEQ Director John Tippetts.

### **Public Comments and Discussion**

Marc Eberlein asked for clarification of #2 regarding the meaning of breakdown regulatory issues wondering if it means to consolidate and Rob Hanson answered that it addresses working together and any overlap. Philip Cernera added that BEIPC means to bring all the tools to bear.

Jerry Boyd commented that he looked at the CCC minutes that are on the web site since 2002 and noted that the attendance varied and became less as people became educated and informed. He feels that the communication loop is now being made to inform people of what the issues are and the response being made to the inquiry or concern.

Rebecca Stevens shared that she had a staff call last week and the staff stands behind their recommendations submitted in May 2017.

Matt Nykiel commented about the start of the recommendations process beginning with EPA contracting with Wendy Lowe and noted that part of the participation issue is people being educated and public outreach. He feels that there is a big education and public notice component that the Basin Commission should recognize in order for people to participate. The Commission should also make specific requests for input related to upcoming decisions and topics for discussion. The Commission should also report back to the folks providing the input regarding what was done with that input.

Bill Rust commented that it some of it depends on how you define and what you call “participate.” He does not agree with Nykiel as he feels that people in the Silver Valley are educated and very aware of the issues.

Laura Laumatia, CDA Tribe, commented was that we still need to keep all informed with education and outreach and that it is critical that we coordinate better amongst our agencies and the education that we share with the public by giving good data driven information and responses.

Julie Dalsaso, CCC member, also feels that the Commissioners should be more engaged. She looked at her records and since 2007 she is still bringing up some of the same concerns. She added that she will be forever grateful to Terry Harwood for his whitepaper about the nature of the Spokane River up to the Stateline.

Jon Cantamessa commented that he is concerned about the demolition of the billboards in the Silver Valley alongside I90. Although they received notice in September about removing the billboards by December 1, he feels that they were not informed in all the process with communication for asking about some solutions. Terry Harwood suggested putting this issue in a later discussion in the meeting and Grant Pfeifer agreed.

David Fortier commented that we need to continue opportunities to educate the community on what is happening with cleanup and activities. He feels that we need face to face meetings to voice concerns and that we need feedback. He hopes to keep the CCC, and the Commission itself asks more questions.

After the break, Phillip Cerna commented that when he hears that questions have not been answered he actually feels that they should be answered not by the CCC but by the Commissioners. He also agrees with Fortier that there is a burn out factor. He hopes that a process for feedback is developed to provide the citizens back and forth feedback.

Leslee Stanley commented about the communication issue adding that she is hearing that there is not enough information being shared. Rob Hanson added that we will always have the issue of communications being a struggle.

Marc Eberlein commented that he found out that the Commissioners really only make recommendations and not decisions. Sheryl Bilbrey said that the EPA wants to hear from people. Grant Pfeifer suggested that they will explore some of this at the Executive Session.

### **Lower Basin Update**

Bill Adams, EPA, presented an update on the Lower Basin outlining the Structured Decision Making:

- Evaluate wetlands and source control projects
- Use a Multi-Objective Decision Analysis (MODA) approach to identify and sequence work
- Partner with agencies and Restoration Partnership
- Tee up sites for the next five years

He explained Adaptive Management and laid out the process and defined the terms including that the MODA prioritization and goals to 1. Establish Criteria, 2. Develop Pilot Projects, 3. Develop Performance Measures, and 4. Weighing - the risks and overall measure of performance. He reviewed the Proposed Fundamental Objectives and the Next Steps for MODA Analysis including meeting with selected technical experts, TLG and CCC, for input.

Adams also gave an update on Lane Marsh Incremental Thin Layer Capping; reporting that the test plots have been expanded, field and bench studies continue, and that they are looking at soil amendments. Two data stations have been installed, with plans to evaluate spatial and seasonal impact; the next steps are continued monitoring

### **Questions/Comments:**

Phillip Cerna asked if there will be a chance to respond to the EPA Strategic Plan. Adams said yes and should be about late spring or summer timeline. Grant Pfeifer asked for advance notice so that it can be a topic for conversation. Rebecca Stevens asked about the soil source and the answer was Dave Leptich, IDFG, said that it came from Robinson Creek.

### **Lake Management Plan (LMP) Implementation Update**

Laura Laumatia, CDA Tribe, reported on the 3<sup>rd</sup> “Our Gem” Symposium sharing that it opened with a keynote speaker giving a presentation on disagreements. They took the opportunity for community feedback on what we were sharing and what they were learning. Jamie Brunner, IDEQ, reviewed the 2<sup>nd</sup> question that asked “What do you think is most important?” The #3 question concerning “What do you think is the number 1 priority?” indicated the need for strong education and communication.

Laumatia also reported that the Lake Trends report was submitted at the last Technical Leadership Group (TLG) meeting in November. Brunner reported on what is coming up announcing that a pending meeting with EPA/IDEQ for coordination on Basin work and LMP.

### **Questions/Comments**

Marc Eberlein commented that he received an e-mail from someone who made allegations that Agent Orange was being sprayed into the Lake. Cernera confirmed that we are not using Agent Orange.

Rebecca Stevens, on behalf of the CDA Tribe, acknowledged Bill Adams and his pending retirement. Grant Pfeifer suggested moving this to later in the meeting.

**Hanson moved and Marc Eberlein 2<sup>nd</sup> to go into Executive Session. M/S/C**

### **Lunch and Executive Session under Idaho Code 74-206 (1) (b)**

**Marc Eberlein moved and Leslee Stanley 2<sup>nd</sup> to come back from Executive Session. M/S/C**

Grant Pfeifer presented the list of the Action Items for the operations of the CCC and BEIPC:  
Ways to enhance engagement between the Commission, CCC, and the community:

- #1 Support Executive Director led Web enhancements with volunteer support from our technical people and communication experts.
- #2 Ask agency communications experts to explore other social media tools to enhance engagement and to report back to this committee.
- #3 Executive Director and agency communications experts report out at CCC and Basin Commission meetings on outreach activities that agencies have conducted during the past quarter and make it a regular practice.
- #4 Seek greater engagement by this Board of Commissioners at CCC meetings by attendance at CCC meetings to be engaged in that venue as well.
- #5 Invite county representatives to be included on the Basin Commission staff calls as a regular practice.
- #6/#7 Identify how input from previous meetings have been followed up upon. Make a list of topics of interest to the public and Commissioners and staff for future Basin Commission meetings.

### **Questions/Comments**

Rebecca Stevens asked for clarification and noted that we do not presently have TLG representatives from Benewah and Shoshone Counties.

**Phillip Cernerla moved and Leslee Stanley 2<sup>nd</sup> to adopt the action items as listed. M/S/C**

**Marc Eberlein moved and Leslee Stanley 2<sup>nd</sup> to remove Presentation of Request etc. at 2:55 from this afternoon's agenda. M/S/C**

### **Review, Discussion and Approval of the 2018 Annual Work Plan**

Harwood explained the steps of developing and presenting the Annual Work Plan and how it is put together. The Work Plan is in 2 parts: The first part is work done basically under the CERCLA – Environmental Cleanup Work and the other work is listed in part 2.

Harwood noted that property cleanup in the box is pretty much done and the paved road program for the nine jurisdictions should be done by the end of 2019. BEIPC, IDEQ, and EPA worked together to coordinate and make the projects work with the cities and is a real accomplishment.

### **Questions/Comments**

Marc Eberlein asked about the timeline of the work plan for review. Grant Pfeifer explained that the 5 year plan gives a preview of planned work for the next 5 years but the annual work plan is only for the calendar year 2018.

Phillip Cernerla asked that the review of the report be given as a current update describing the new things that are being done leaving out the redundant history. Although Harwood said that he feels that some detail is necessary, Pfeifer asked Harwood to tighten up the review of the plan in the oral conversation and just highlight what is going to happen in 2018. Questions can be asked later in the comment period.

Eberlein commented about the process of informing the public about repositories and notices to the community.

Pfeifer then asked for a summary report of the upper basin as highlighted projects. Harwood added that there will continue to be work in Ninemile.

Leslee Stanley asked about the LUR criteria and process of capping to then use the site as real estate wondering if the Canyon site will be used like this. Harwood added that it should be kept in mind that somebody needs to maintain the barrier. Rebecca Stevens commented that the EPA Strategic Work Plan is mindful of reuse. Rene Gilbert shared that people at the open house were also concerned about use and if the repository area was going to be restored so that wildlife can still use the Canyon Creek area.

Cernerla commented that the layer capping is not a silver bullet due to recontamination. He added that if the source was addressed then all the vast wetlands would not be such a big issue.

Harwood reviewed part 2 of the annual work plan that included the Lake Management Plan activities.

### **Questions/Comments**

Phillip Cernerla announced that the joint booth exhibit won 1<sup>st</sup> place blue ribbon at the August North Idaho Fair.

Marc Eberlein commented about the potential for recontamination after cleanup and restoration. Cernerla added that due to the limited funds, the Natural Resource Restoration Plan does not do projects that will be re-contaminated. It is in their guidelines for criteria.

Rebecca Stevens announced that on the Restoration Partnership topic we are ready to go through the federal register process. She added that there will be a lot of outreach.

Jamie Sturgess asked about the “EPA anticipates the strategic planning development process to be finalized by the end of 2018.” After his suggestion, the wording was changed to “finalized *during* 2018. Harwood added that the EPA directs the Trust to implement what is in the work plan.

Matt Nykiel commented that he appreciates the Commissioners direction to keep the 2018 work plan concise and focus on the new things by highlighting projects.

Certera clarified that he did not suggest earlier that the annual plan not have the “meat on the bones.”

Eberlein said that he had just wished to have the EPA Strategic Plan done sooner rather than later.

**Rob Hanson moved and Phillip Certera 2<sup>nd</sup> to adopt the 2018 Annual Work Plan with the edit. M/S/C**

### **Review, Discussion and Approval of the 2018 – 2022 Five Year Work Plan**

Harwood reviewed Part 1 of the Five Year Work Plan.

Certera said he was surprised that there is not an objective to explore more potential repository sites.

Bill Adams responded that there may be a need and be included in the priority list of projects.

Grant Pfeifer suggested that a sentence be added on page 4 to explore lower basin repository site if EPA Strategic Plan indicates a need and potential viability.

Certera said that the CDA Tribe has worked on the metal mobilization and suggested that they add a sentence or two for an amendment to be made to the 5 year work plan. Stevens said that it is not in the BEMP but they could shine a light on it. Certera added that he just wants to have the public know all that is going on. Pfeifer asked Certera to think about it during the break and address it later.

Harwood reviewed Part 2 of the Five Year Work Plan and explained the FEMA criteria about levies in the Silver Valley noting that FEMA does not acknowledge any levees in place because they were not engineered.

Certera pointed out that a notion of adaptive management is also part of the LMP. What is the effectiveness of the LMP? Need to add to the plan about what they will do. Pfeifer asked Certera to also work on this addition during the break.

Rusty Shepard asked about the LMP and if the county will be involved. Invited or excluded?

Certera answered that the counties were involved because the State has an involvement with the counties. Certera also added a passionate opinion of the process and what should be done. However, Pfeifer asked about the opportunity to have conversation about this topic at upcoming meetings and not at this meeting. Leslee Stanley commented that the counties represent the citizens.

Chris Martin of Cataldo commented about the erosion on the river banks as a significant problem.

Adams responded that it is only about 4% of the metals loading. Marc Eberlein said that he thinks that Martin has 2 concerns: erosion and loss of property.

## **Questions/Comments**

Terry Harwood said that based on the input received, one of the suggested items was to add a section at the end of each meeting to ask what does the E.D. and the Basin Commission want to work on in the next quarter and to be reported on at the next meeting.

About the billboard signs coming down along I90: Bill Adams, EPA, shared that Ed Moreen and Kim Prestbo have been working on the CTP project and that letters were sent out over a year ago about the billboards.

Rene Gilbert reported that a couple of years ago the CIC's came up with a communication plan. She added that the owners of the billboards, not necessarily the advertisers on the billboards, were notified by phone. She stated that the owners were reminded all along. However, some owners have not paid attention or may not have communicated information with the advertisers.

Sheryl Bilbrey, EPA, responded that we need to have further conversations with the owners to make sure we find some solutions together and to ensure the conversations are thorough. Grant Pfeifer made note of the interest to follow up on the billboard issue.

Matt Nykiel commented favorably to the ideas of increased public participation and communication. He suggests keeping track of how many people attend CCC meetings, getting more folks in the Silver Valley involved with leadership of CCC being from the Silver Valley, and being connected in the community. He also thinks that IDEQ could make suggestions on how to get more people interested.

Brad Sawyer, who lives in the lower basin, shared that there has been great work done. He has concerns about the Cataldo boat launch. However he feels that thin layer capping in the Lane Marsh area seems to be a waste when there will be recontamination due to flooding next year.

After the break, Grant Pfeifer requested an additional sentence be added to the 5 Year Work Plan, Page 4 as an amendment change to the Repository Development and Management section: "Explore potential for Lower Basin repository sites if the Strategic Plan indicates a need and potential viability."

Phillip Cernera made a proposal to add another sentence as # 6 on page 13 in section 2.1 in the annual work plan: "The State and the Tribe in coordination with EPA will review the future direction of the implementation of the LMP." However Eberlein did not agree to go back and change the one year work plan after it had already been approved causing a delay so it was decided to address the matter later.

**Sheryl Bilbrey moved and Phillip Cernera 2<sup>nd</sup> to adopt the 5 Year Work Plan with the amended change. M/S/C**

**Adjourn:** Meeting adjourned at 3:28.