

**TLG CONFERENCE CALL SUMMARY**  
**November 17, 2005**

**Participants:**

Phillip Cernera (Chair)	Terry Harwood
Brian Spears (Vice Chair)	Lloyd Brewer
Mike Beckwith	Dave Fortier
Rob Spafford	Rusty Sheppard
John Snider	Jeri DeLange (Note Taker)
Rog Hardy	
Ron Roizen	
Anne Dailey	

This summary provides the salient issues. These notes are intended to capture key topics, conclusions, and next steps and not the nuances of the discussion.

**Agenda Items:** None

Phillip Cernera brought up the 2006 work plan sections that need to be revised. He will contact Rob Hanson (Human Health PFT Chair) about working on the ICP and blood lead sections; and mentioned that Terry Harwood would also take a try at the language.

Harwood informed everyone that he missed last week's call as he was at a repository meeting. In regards to the ICP, he mentioned that he visited with Commissioner Krulitz and that she wants to make sure that stakeholders are involved in the process and in determining boundaries. For blood lead, Harwood indicated that he looked at Ron Roizen's version and then took a try at incorporating Roizen's comments. He sent the draft language to the agencies first and spoke with Hanson who thought it was ok. He also sent it to Roizen who shared it with Commissioner Krulitz. Harwood believes that the revised language agrees with the counties. He said that he did this without creating a lot of work as the Human Health PFT is busy working on the ICP.

Anne Dailey asked Harwood if Angela Chung provided additional input. Harwood answered no; that he worked on this between the State and Shoshone County. Dailey indicated that the EPA has provided no input and that they would like to have an opportunity to review and comment. Harwood responded that it is not complete yet and that he emailed it to the TLG. Cernera mentioned that he had not received it yet and suggested that a decision be tabled until next week's conference call. Harwood pointed out that it was not necessary to make a decision immediately. He commented that the first and second pages are the same except for adding Roizen's comments and that there is still the need to find funding sources.

Harwood also indicated that there are some people who want to throw out the language for the ICP and start from scratch. He suggested that people leave the language alone and negotiate with the draft. Roizen mentioned that the counties want to have a plan different than the ICP for the Box. Harwood replied that the language does not say that it is exactly like the Box; rather the

Box would be used as the model and adjustments would be made for the Basin ICP. He suggested that people read the language as written and not try to read anything into it.

Cernera asked Roizen if he still has a problem with the language in reference to the Box being used as a model. Roizen indicated that it depends on what that means and that it is still a problem if it means to stick closely to it. Cernera pointed out that there are differences in the Box and Basin and changes would be made for the Basin ICP.

Roizen mentioned that Commissioner Krulitz requested that stakeholders draw in boundaries and that the boundaries are broader than drawn. He indicated that he would be fine on both as long as they go to the PFT and the language can be worked on. Cernera suggested that everyone look at the language and it will be discussed in December. Roizen also suggested that it would help if Angela Chung comments on whether it is ok.

Lloyd Brewer remarked that he has concerns in regards to blood lead and suggested that the PFT needs to look at the human health overview. He believes that IDEQ does not want to be in the discussion and that an open dialogue would help further the process and understanding. Harwood responded that an open dialogue would be good as the agencies have to produce the work and develop other methods for testing. He pointed out that other agencies will need to take the lead; or we can try to come up with ideas rather than waiting for them.

Roizen agreed with Harwood about coming up with ideas and mentioned that he received information from Rhode Island on their program. He indicated that the law was based on Massachusetts and that we should take a look at it. Roizen suggested looking at funding sources for blood lead testing of children in the Basin.

Brewer reiterated the need to get the PFT's involved on the human health level for the ICP and blood lead. He brought up the agenda for the upcoming Human Health PFT on December 6 and believes it is too constrained. Harwood pointed out that there are two important things to keep in mind in regards to the ICP and blood lead:

- 1) The ICP will take a lot of time and work; and
- 2) Let other people figure out the testing for blood lead as we are not going to get a new program unless there is funding available.

Harwood believes that some people have a tendency to tear apart the process when something gets started, rather than waiting to see what evolves. He suggested letting the process work.

Cernera feels that Brewer was saying the Human Health PFT should not be constrained in how it is doing the work for the work plan. Roizen indicated that he does not see anything that may be a problem with the language. He suggested that it be left open-ended and that problems may be handled by email. Brewer believes that it is not open-ended in the way it is written and set up. Roizen explained that he has felt the same way about the agencies not being interested in the NAS report and that the words matter. He suggested exploring another method for blood lead.

Cernera then brought up lake management activities and suggested that stakeholders do not have an adequate knowledge of what is needed for the LMP. Harwood suggested that we need to be mindful of the group we are representing (BEIPC) and feels the TLG is trying to do the work of the commission. He indicated that the BEIPC can do what it wants.

Cernera pointed out that the minority position went out before the TLG had a chance to review it. Harwood commented on the history for this issue and that John Snider (CCC Chair) had discussed his concerns about having stakeholder involvement for the LMP during the process of working on the five-year plan. He said that Snider indicated the County Commissioners did not feel the language was appropriate to protect the position of the counties, so Harwood suggested that he obtain copies of the two MOA's concerning the LMP and relationships among the counties, State and Tribe.

Rusty Sheppard then composed language which was discussed on the TLG conference call (October 20) during the time that Cernera was on vacation. Harwood noted that no one on the call had anything to say in opposition. After making the revisions discussed, Harwood contacted the Tribe who indicated that they did not want it changed. This put the counties in the position to have a minority report.

Cernera mentioned that he understood the final deadline for the board packets to be October 27. He indicated that Harwood had already sent out the packets by then and that he did not respect the deadline for the TLG. Cernera believes the TLG protocol was not followed and the minority position was misrepresented. Harwood commented that what is important is the product being produced. Cernera stated that he has a problem with having the process if the protocols are not followed.

Harwood said that sometimes people are not always on the TLG calls and if the party does not know what was discussed, they may feel that things have gone on behind their back. He stressed that he is required to send out the packets with sufficient time for the Basin Commissioners to review them. Cernera said that if the deadline of the 27<sup>th</sup> was not adequate, it should have been changed. Harwood indicated that there were two different positions on the LMP. The problems started when there was a misunderstanding that the counties had turned over their negotiating position on the LMP. One commissioner brought their own version of the work plan section because of this. Harwood reiterated the importance of providing the product and that the TLG provides staff work to the BEIPC.

Harwood also mentioned that Cernera had indicated to him and Snider that the counties had turned over their negotiating position on the LMP to the State. Snider agreed with this. Cernera said that he does not remember saying that the State was taking over negotiation for the counties. He indicated that he was only talking about mediation.

Snider reiterated that the counties wanted to be involved with the LMP after mediation and that he found the MOA's in order to clear up the miscommunication. Cernera asked if anyone recalled that at the last CCC meeting, Glen Rothrock (IDEQ) said that the State and Tribe would be involved in the mediation and then he did not know about the LMP. Harwood said that he

understood the counties had given their negotiating process to the State. He asked what precipitated this understanding if this was not what was communicated.

Brian Spears remarked that the problem in the LMP section was that the TLG wrote the text “with stakeholder involvement” to be general so as to not exclude anyone. He indicated that the minority report on the day of the BEIPC meeting violated protocol for the TLG. Mike Beckwith believes the problem is a failure to communicate. Cernera commented on the amount of time spent on the work plan only to end up with alternate text.

Harwood suggested that if the TLG wants to present its own position to the BEIPC, then he will present his own. Roizen indicated that this is not a good way to go and that the text should be “frozen” at a full TLG meeting; or that the protocol be changed so that the counties can add a footnote to change their position in order to not get stuck in a minority position. He reiterated that the ownership of the text is the TLG’s.

Harwood commented that he needs to be involved with the proposal or it will not have his name on it. If there are problems, then he can produce his own position instead of refereeing. Snider indicated that the CCC and TLG strictly provide technical advice that the Basin Commission can either accept or reject. If changes need to be made, they can do so at the BEIPC meeting.

Brewer discussed divisions within the TLG and the need for protocol. He believes problems will continue unless minority reports go through the process. Brewer feels that the nature of the discussion is tied to the MOA’s and that most people did not have access to the documents. Cernera indicated that he would agree. He said that it disturbed him to have a minority report because of the text on the LMP.

Harwood mentioned that the situation could have been avoided if there was not the miscommunication about the MOA’s and if everyone was working together. He indicated that problems result when people do not listen to other’s positions until the last minute and then want to change the language. Cernera discussed collaboration and the need to follow protocol.

**Announcements:** Human Health PFT meeting on December 6 at 2:00 p.m. at the Forest Service office in Smeltonville.

**Round Table:** No time for discussion.

**Schedule:** The next TLG conference call will be scheduled 12/1/05.

Thank you for your participation.