

TLG CONFERENCE CALL SUMMARY

November 29, 2007

Participants:

Kenny Hicks (Chair)	Dave George
Terry Harwood	Brian Spears
Nick Zilka	Ed Moreen
Rebecca Stevens (Vice Chair)	Randy Connolly
Rog Hardy	Jeri DeLange (Note Taker)

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

The TLG Chair, Kenny Hicks, asked members for ideas on the structure of the conference calls and updates. After a brief discussion, Hicks brought up the idea of categories for 2008 and suggested that TLG members could provide updates every few weeks. Ed Moreen asked Hicks about people who are interested parties in the TLG, but who are not recognized as members. Hicks suggested that people contact Terry Harwood as he has the most knowledge of the TLG process; and that there could be different categories for people. He pointed out that updates could be provided during the summer when there is lots of work going on. Hicks then suggested the TLG work on categories from the BEIPC workshop discussion notes and that members be assigned to some of the different sections. Harwood suggested that if each person put together a short outline, then other people would have time to prepare. Rog Hardy commented that this would help people be aware of the details. Hicks agreed and said that it would be good to know what things are going on with the various agencies, etc.

Round Table:

Spears: Mentioned that he wanted to discuss the draft 2008 work plan, Section 3.6, Natural Resource Restoration paragraph and review the language for clarification. He said that it states “The natural resource trustees... have authority and responsibility to implement natural resource restoration activities in the Basin.” Spears indicated that he feels this is talking about damage. Harwood agreed and said that he would put “damage” in, so that it reads: Natural Resource Damage Restoration.

Spears then commented that the BEIPC was created to address water quality and heavy metals contamination. He said that his interpretation is that the BEIPC is not responsible for making decisions on natural resource restoration. However, he brought up that in the fourth sentence, it says that “because the MOA includes natural resource restoration in the BEIPC mandate, there has been some concern that the BEIPC has not been adequately involved in natural resource restoration projects and decisions.”

Harwood: Responded that it was brought to the BEIPC, but that the language was added to the work plan after the BEIPC made decisions. Spears noted that an open public comment period

was announced on the Natural Resource Restoration Plan. Harwood replied that people still think it's not enough involvement.

Hardy: Commented that the restoration plan is too far down the road. Harwood answered that people would still like to come up with some framework. He mentioned that funding is also an issue for restoration.

Spears: Asked if people had ideas on how to involve the BEIPC more. Harwood commented that the process is not perfect and that some people feel the process is good while others do not. He suggested that it may be a good idea if the PFT could find a national group that could help with funding and work because it kind of flows together. Spears indicated that funding would help for future considerations and that this may be a good idea.

Harwood: Pointed out that the MOA includes natural resource restoration.

Stevens: Indicated that she agreed with Spears and suggested to Harwood that he eliminate the language of the BEIPC working hand-in-hand with the Natural Resource Trustees. Harwood said that he will change the language.

Spears: Brought up (for clarification) that the last comment made by Stevens regarding the language in the work plan about "*some concern that the BEIPC is not adequately involved in natural resource restoration projects and decisions*" and clarified that this will not happen as the designated Trustees for Natural Resource Damage Restoration will not delegate their authorities and responsibilities.

Harwood: Asked if the Trustees want to work with the BEIPC like the EPA has with CERCLA decisions. He indicated that the BEIPC is unique as it was created by all of the signatories agreeing to certain things; and that if the Trustees feel that the BEIPC has no say, then it removes the BEIPC from natural resource restoration.

Spears: Responded that the Trustees value members for potential valuable contributions; and that they intend to keep coordinating with the BEIPC and also the TLG process. However, he stated that they do not intend to delegate authority on decision making for projects.

Harwood: Noted that he did not put anything in the work plan involving natural resources for the TLG or BEIPC until there is an opportunity to sit down and talk with the Trustees and then share with everyone. He suggested there are two things the Trustees and BEIPC need to talk about as he feels the BEIPC could be a force to help with: 1) work; and 2) funding. However, he pointed out that if the BEIPC has no involvement with natural resources or the eco-remedy, then nothing can be done with a Funding PFT or funding because of the rules.

Spears: Inquired when comments were due on the work plan. Harwood indicated that anyone may give comments, but that he needs the information as soon as possible because he is updating the one-year work plan and then the five-year work plan as well as the annual accomplishment report. Spears pointed out that if Harwood wanted to make changes for Section 3.6, then the Trustees would have to meet.

Harwood: Commented that people have become concerned that the BEIPC, other agencies, and governmental entities do not want the BEIPC to be involved. He questioned how they expect the BEIPC to find funding then.

Hardy: Mentioned that he is not aware of all the legal processes, but brought up the EMF and other Mission Flats areas. He asked how many acres of land it was because these things need to be brought into legal consideration.

Spears: Responded that the EMF is not part of the natural resource restoration. Hardy said that he feels it is part of the overall area. He suggested that the other area (Mission Flats) may be a better location for a repository site, but that it is tied up in legal negotiation.

Moreen: Confirmed that the other area is in negotiation and suggested that people need to accept that the area is not currently available for use as a repository.

Hardy: Commented that he does not accept it and that he feels it is a fatal flaw. He reiterated that this is why he is not accepting the EMF; and why he believes the EPA is not doing enough on this issue.

Moreen: Asked Harwood for the date that he needs comments back on the work plan.

Harwood: Suggested that he would like to get comments back by December 14. He mentioned that he sent a letter to the CWA sub-grantees for project work info due by December 17. Otherwise it may be difficult to finish the work plan for the February meeting. Harwood said that he appreciates any comments on the work plan in order to build the strawman for the 2008 work plan. He pointed out that he modified the sections on infrastructure and repositories based on information from the workshop. In addition, he used the information to incorporate the sections on natural resource damage, funding, etc. Harwood noted that people may download a copy of the workshop discussion notes from the BEIPC web site.

Hardy: Said that he missed the BEIPC workshop, but will be looking forward to the next steps on the PFT. He asked if anyone knew about the status of the RAMP (Remediation Action Maintenance Plan).

Zilka: Answered that the plan was done, but that he was not sure if the plan was readily available yet because it was still in the hands of the attorneys. Hardy inquired when it would go out to the public. Zilka replied that the railroads had a few changes, but that for all intent and purposes, the plan was done.

Hardy: Asked if anyone had information about some additional testing that was done in Harrison. Stevens said that she called the State, but they were not aware of it. She mentioned that sampling was the responsibility of the railroad, so she assumed it may be the UP (Union Pacific). Hardy asked Stevens if she would follow up. Stevens responded that this was not being done by the State or Tribe, but that she will look into it. Hardy expressed his thanks. He commented that his neighbors saw samples being taken along the shore between the swing-

bridge and Harrison in the shoulder of the gravel; and that typically this is not done. Zilka remarked that he was not sure why they would do it as it is not their mandate.

Hicks: Asked if there were any written comments from people attending the Wallace Yard and Spur Line public meeting. Moreen answered that there were about ten written comments in addition to the comments recorded during the meeting. Hicks asked Moreen for an update on the proposal because he is curious about how the TLG feels. In addition, he inquired about what the Silver Valley Economic Development Corporation (SVEDC) proposed.

Moreen: Replied that the next steps for the EE/CA (Engineering Evaluation/Cost Analysis) will be to consider the comments, then determine what's next (i.e. issue action memorandum or issue for work), but that it will require legal negotiation with the railroads. For the SVEDC proposal, he indicated that it was a small parcel of flat ground near the Wallace visitor center that sits on part of the ground where the Trail goes through. Rather than putting a vegetative cap on the 3-acre parcel, the SVEDC hopes to get the parcel to create an access barrier instead. In the future, the land could be developed with function as the barrier.

Zilka: Suggested putting a fence up now as a barrier, then moving it as development occurs. Hardy asked Zilka if the railroad owns the property now. Zilka answered affirmatively, but questioned why it still did. Moreen commented that he did not know why the railroad still owned the property, but that the railroad is a PRP, so it is their responsibility for cleanup.

Hicks: Suggested that one alternative for the barrier could be access controls. He pointed out that ATVs will use the property if it is not access controlled and that a fence may be narrowed down to a specific project. He also stressed the need to have a more durable barrier as ATVs go on tailings piles and compromise other areas. He recommended that if you can get to a cooperative environment with the cities and counties, to make sure the barriers are more durable and maintained. Otherwise, they may be compromised in right-of-ways by using material with too small a particle size. Then when it rains, erosion could result and the property may be re-contaminated. Hicks also discussed performance based remedies versus prescriptive based and said that it would be a win/win for the agency responsible for cleanup and local government. He noted that especially if benefits can be achieved and it helps to enhance local development, then it's a win/win for all involved.

Moreen: Reported that the EPA is just reviewing the public comments for the Wallace Yard and Spur Line. He suggested that there would be a CERCLA removal action to handle the areas of most concern and clarified *removal*, not remedial action. Moreen explained that the term "*removal*" means work could be done, but that it does not mean removed. Harwood added that remedial action (RA) and the *removal* term are two types of CERCLA actions.

George: Nothing to report.

Stevens: Mentioned that work is moving forward on the LMP. The Tribe met with EPA and IDEQ to write the plan and they hope to have a draft by late January or February. However, she indicated that IDEQ had been requested to meet with the three counties on Friday and Monday. Stevens thanked Jeri DeLange for forwarding her email request on the Lake table (i.e. Excel

spreadsheet of 303(d) listed streams in the CDA Basin) to the TLG. Stevens indicated that she would like people to fill in the project and cost information as it relates to agency work within their jurisdiction. She said that she received a call from Mike Stevenson at the BLM and that she appreciated it. The TLG also discussed other related issues such as 303 streams, TMDLs, various drainages, non-point sources, conversion of fields into wetlands, and water quality monitoring. Stevens then reported that she had received a promotion to natural resource restoration project work as the coordinator and replacement for Mike Beckwith. She was congratulated by the TLG on her new position.

Hicks: Inquired about updates on the EMF repository as someone mentioned there would be a wash station as part of the design in the next portion. Moreen responded that there will be a decontamination station and noted that it will be run like the one at the Big Creek repository.

Connolly: Nothing to report.

Hardy: Inquired if anyone had heard anything on the pond project in Osburn. He mentioned that work had started on it, but then stopped; and that it involved right-of-way contaminated acreage. Stevens indicated that a first rough proposal was presented at the PFT meeting to look at the potential project site, and that now it needs to come before the Recreation PFT and the TLG. Hicks said that he will give Mark Masarik a call.

Harwood: Mentioned that he added some new sections to the work plan and modified the section on repositories (Section 3.3) based on BEIPC workshop discussion. He indicated that he may also form a Communication PFT with the understanding they work very closely with the CCC. He also put in a section on funding, but mentioned that he was already working on funding the infrastructure project. He will try to look for ways to find funding for some of the ecological work. Harwood indicated that people would like other sources of funding for upstream and downstream work while we come up with preferred alternatives for groundwater remediation.

Harwood also noted that John Lawson (IDEQ) left to work somewhere else and that a new Repository PFT Chair will need to be installed to replace him. He said that a number of people have contacted him about the Repository PFT and that he will ask DeLange to send out an email to see who is still interested. Harwood added that as development continues, there will be contaminant management waste to dispose of. He asked people to look at the notes from the BEIPC meeting.

Hicks: Brought up data collection for IRP. Harwood replied that it was done and that he should have the reports of drainages by year-end. Next, he will meet with the communities and utilities (in early 2008) to prioritize work and find funding. Hicks pointed out that the issue of bonded indebtedness was moving forward. He then asked the TLG about the conference call schedule during the holidays. Stevens suggested that the December 27 call be cancelled.

Schedule: The next TLG conference call will be scheduled 12/13/07.

Thank you for your participation.