

**TLG CONFERENCE CALL SUMMARY**  
**December 11, 2008**

Kenny Hicks (Chair)

Glen Rothrock

Rog Hardy

Rebecca Stevens (Vice Chair)

Nick Zilka

Terry Harwood

Carrie Holtan

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:** 1) ROD Amendment and Prioritization Tool; 2) Minority Report; 3) TLG Meeting Scheduling; 4) Conduct and Participation.

The Chair, Kenny Hicks, presented the agenda items for the call. For the first item, he asked if anyone would like to provide information about the ROD amendment as EPA representatives were not available.

**ROD Amendment:** Terry Harwood said he could talk about EPA's ROD amendment meeting which was held December 4 for the TLG and CCC. EPA is working on a prioritization process to focus on contamination at ecological sites to select additional cleanup actions to improve water quality in the Upper Basin and Box (i.e. includes the South Fork drainage from the mouth of the North Fork of the CDA River to the South Fork headwaters). He noted there was another meeting on December 8 for community representatives of the cities, counties, utilities, water districts, etc. Harwood was pleased EPA was willing to accept input at the meeting to change the format for prioritization. He thought the meeting went quite well. EPA hopes to have the ROD amendment completed by the end of 2009. Cleanup activities proposed for the ROD amendment will include any work left from Phase 2 of OU-2 and all ecological work in the Upper Basin for OU-3, plus any infrastructure work that protects the remedy. He indicated that EPA was doing the ROD amendment because it's time to combine efforts for the Box and Basin into one project.

Rog Hardy asked if the Enhanced Conceptual Site Model (ECSM) for the Lower Basin was related to the ROD amendment. Harwood answered no, and that he hoped Ed Moreen has more information on the ECSM for the Lower Basin PFT meeting.

**Meeting Announcements:** Rebecca Stevens informed everyone that she is scheduling a Lower Basin PFT meeting on January 20, 2009 from 9:00 a.m. to 12:00 noon at the Idaho Fish & Game office in CDA. Harwood mentioned that Jeri DeLange is working on setting up a meeting location in Shoshone County for the next ROD amendment meeting on January 8.

**Minority Report:** Hicks gave a brief update about the minority report on the Lake Management Plan (LMP) process and said it was not included in the 2009 work plan at the BEIPC meeting in November. Consideration of that section is to come later. As there were no representatives from Kootenai County on the call, Hicks suggested the TLG move on.

**ROD Amendment Discussion:** Hicks commented he sees an effort to open up the ROD to include eco-portions for OU-2. He said the spreadsheet (i.e. prioritization tool) measures both impact and benefit; and that Shoshone County is excited to get socio-economic impacts in some

of the projects for prioritization.

Stevens mentioned the NRDA Trustees are working on rating tasks for the model prioritization setting process. Hardy inquired about the work regarding the Trustees. Harwood replied the Trustees will coordinate natural resource restoration with the ROD amendment. Stevens explained the Trustees will be looking at the CH2M Hill model to the Upper Basin group on eco-prioritization and rating of factors whether NRDA will enhance restoration efforts in the Basin. Hicks noted he will be actively looking at the eco-work. Stevens added the Trustees are participating to see if restoration will enhance prioritization Basin-wide for NRDA projects.

Hardy pointed out that most of the projects are out of the South Fork drainage. He emphasized they need to communicate with the Lower Basin PFT, or the PFT is totally ineffectual. Stevens told Hardy she understands that's his view. Hardy replied that he would like to see the NRDA package before the February BEIPC meeting, but he has received no response. Stevens indicated that the Trustees were still working on it, but it takes time. She suggested to Hardy that he wait until the Trustees complete their accomplishment report. Hardy stated that was unacceptable.

**TLG Conduct and Participation Discussion:** Hicks then brought up the issue of conduct and participation per the TLG protocols; and said that other TLG members had approached him about this issue. Hicks commented that his view on some of Hardy's activities are that they are outside of professional participation. He discussed how TLG members should conduct themselves and participate professionally, whether they get the expected outcome or not. Hicks suggested that Hardy's style is creating disruption and distraction by attacking people personally and professionally. Hardy stated that he would like an example as he feels he is not attacking anyone personally. However, he feels the action he takes towards the agencies is warranted. Hicks responded that he needs to know if Hardy's views are his own, or whether those of Benewah County.

Hardy replied that the Basin Commission is totally dysfunctional and suggested there are things going on in secret. He thinks the Lower Basin PFT should disband until they get information on the ECSM, but that it should not be compiled in a "lecture and listen" format. Hardy continued that the mandate of the TLG is to help form groups and participate in the process. However, he has some major differences in his views and feels singled out. He will check to see if he's supported by the County. Hardy said if he's getting instructions by the County, then he's not dumping on anyone and will keep bringing issues up.

Harwood told Hardy that some of his input is good. However, he suggested that Hardy look at how it's done (i.e. emails - people's names used, insinuating people not doing their job or double speaking). Hardy asked for specific examples by email, so it's not innuendo. Harwood also suggested to Hardy that he look at the tone of what he says. He pointed out that Hardy may have legitimate questions, but some of his emails look like a motive to destroy the Basin Commission such as the BEIPC should be investigated, or that it's a bloated bureaucracy, etc. Harwood indicated that he needs to know if this is Benewah County's position, or whether it's Hardy's personally.

Harwood brought up that he had been told Hardy is no longer the TLG rep. for Benewah County. Hardy said he had not been told. Harwood indicated he knows Hardy has frustration on some issues (i.e. when Hardy makes comments about the Basin Commission being a waste of time and

useless), but they need to know whether this is Hardy's personal position, or Benewah County, as he is getting mixed signals. Hardy responded that he still is the TLG rep. and will verify it.

### **Round Table:**

**Terry Harwood** – Brought up he is concerned with the ECSM for the Lower Basin. He will look into it and keep everyone informed. For State Homeland Security, he said the BEIPC is helping to fund a LIDAR flight over Shoshone County and the data will be used to remodel all the FEMA flood maps. Last week, Toni Hardesty (IDEQ) asked him to prepare a funding request for the Governor for \$30 million in infrastructure work that should help with the I/I (inflow and infiltration) problem and drainage work to protect the Superfund remedy. He also mentioned he spent time last week with a NPR reporter on what has been accomplished in the Box and Basin. He took the reporter on an Upper Basin tour which included the Rex mine and mill site, Canyon Creek, and the golf course and housing development being built in OU-2, etc. Harwood will be meeting with Homeland Security today regarding flooding. He noted that Shoshone County does not have a Hazard Mitigation Plan and they need to have one done by May 30, 2009, or they will lose FEMA funding from last year. IDEQ has also provided additional funding to look at the levees to determine what condition they are in and what could be done to get them certified.

Harwood mentioned that someone is interested in building a whitewater facility for recreation on the South Fork of the CDA River, plus they are willing to do some remedies. He reminded everyone that annual reports are due to him by December 19, and that he sent letters to all of the parties. He will use this information to build a strawman and send out a draft to the BEIPC in January. Harwood reported he met with a few of the Communications PFT members to discuss changes to the web site. He has already made some changes to it, but has a few more things to do. One item he is working on is obtaining a good map of the CDA Basin and Basin community, so people can see what demographic area the BEIPC is talking about. Harwood suggested that people take a look at the web improvements and let him know what they think.

**Kenny Hicks** - Asked Harwood about LIDAR, and if there are other products. Harwood replied that the information may be used as data for flood risk and a vulnerability analysis. He noted other agencies are helping to fund it (i.e. EPA \$50,000). The USGS is doing the work and Harwood has a MOA with Homeland Security. Hicks commented that it's a good opportunity for various agencies for product resolution of data, and he will check into that information. Harwood said that all involved parties scraped up funding to get it done, about \$100,000 total. (Between the EPA and BEIPC, they gave about \$70,000). Hicks will look into whether there are additional products available for need, after he talks to Shoshone County to see if anyone may need it to do work on transformation.

**Nick Zilka** – Reported the Pinehurst flood control CWA project work is almost done. The pedestrian bridges over Little Pine Creek did not meet specifications, so they are waiting for replacement materials. Then he is hoping they get a break in the weather to get the work done.

**Glen Rothrock** – Commented they are at a critical juncture on the LMP, but he is not at liberty to discuss it now.

**Rebecca Stevens** – Provided a brief update about the response to LMP comments matrix. For

the next Lower Basin PFT meeting, she said there will be a conservation district update, ECSM update by Ed Moreen, technical discussion, and info sharing. Stevens will send an agenda out a few weeks before. Harwood suggested that she include reports about sediment deposition in the Lower Basin; and Stevens agreed.

**Carrie Holtan** – Nothing to report.

**Kenny Hicks** – Brought up the TLG Roster being posted on the web. It will be discussed later.

**Rog Hardy** – Nothing to report.

**Terry Harwood** – Needs to get information for the BEIPC board packets for the February BEIPC meeting by February 6.

**Kenny Hicks** – Discussed scheduling a date for the next TLG meeting; and asked DeLange to set it up in CDA. He brought up that TLG elections will be held next year (at the first or second TLG meeting). Hicks informed everyone that he recently closed his office in Osburn and will be working from his home office. He will send emails to notify everyone, and asked DeLange to update the contact information for the TLG and update other information on the roster.

**Terry Harwood** – Said he talked to Hicks about his concern regarding the TLG roster on the web. With member's names on the web as well as commissioners and chairs of other groups, they may get garbage emails as he does at home. He emphasized if everyone's info is put on the web, then it's available to everyone. Harwood reiterated the need to be careful and suggested that he just be listed as the contact, rather than post the roster to the web with phone numbers. Hardy questioned whether there were complaints of "phishing" or "spam". Harwood answered not yet, but that it could be a problem. Stevens said her recommendation is to take a vote about posting the roster at the next meeting. TLG members agreed.

**Nick Zilka** – Mentioned that some of the contact information in the Basin Bulletin is not correct. DeLange will contact EPA to let them know.

**Jeri DeLange** – Reported the recent EPA training session (*Building Trust and Resolving Differences*) sponsored by the Communications PFT was very successful. There were 39 participants and the EPA is currently taking names for a waiting list to possibly hold another session next year. She thanked the EPA for providing the training and expressed appreciation to Andrea Lindsay, Debra Sherbina and the EPA trainers. In addition, she gave special thanks to the CDA Tribe for providing refreshments and the BEIPC for providing beverages. She also thanked Carrie Holtan for taking notes on the last TLG call as she was on vacation. For the Communications PFT, DeLange indicated she will not be scheduling any future activities until next year.

**Kenny Hicks** – Asked DeLange to keep the TLG updated on the location of the January 8 (ROD amendment) meeting. He also asked that she send out an email in regards to the date for the next TLG meeting. Before ending the call, he wished everyone a Merry Christmas!

**Schedule:** The next TLG conference call will be scheduled 1/8/09. Thank you for your participation.