

Meeting of the Coeur d'Alene Basin Commission Technical Leadership Group

November 20, 2002 (8:00 AM – 4:10 PM)

Meeting held at the USFS Offices in Coeur d'Alene, ID

Attendees (as recorded on the Attendance Record sheet):

Bill Rust, Shoshone County
Bob Launhardt, Shoshone County
Frank Frutchey, Benewah County
Roger Hardy, Benewah County
Clyde "Rusty" Sheppard, Kootenai County
Tom Mullen, Kootenai County
John Roland, State of Washington
Nick Zilka, IDEQ
Rob Hanson, IDEQ
Luke Russell, IDEQ
Jack Gunderman, Coeur d'Alene Tribe
Randy Connolly, Spokane Tribe
Carl Washburn, Idaho Dept. of Lands
Bob Haynes, Idaho Dept. of Water Resources
Bob Kirkpatrick, USDA- Forest Service
Jeff Johnson, USDA- Forest Service
David Fortier, BLM
Dan Audet, USFWS
Jim Hansen, USFWS
Shallan Dawson, Kootenai-Shoshone Soil Conservation District
Kathy Johnson, Johnson Environmental
Anne Dettelbach, Ross & Associates
Paul Woods, USGS
Sid Fredrickson, City of CDA
Darryl Holling, City of Post Falls
Anne Dailey, USEPA
Angela Chung, USEPA
Sheila Eckman, USEPA (via phone)
Steven Hughes, URS Corp.
Chuck Vita, URS Corp.

The following "salient point" notes were recorded by Shallan Dawson, Kootenai-Shoshone Soil Conservation District (THANKS, Shallan!!) and edited by Anne Dailey.

Anne Dailey- Guidelines for work-plan development. The ROD identifies human health remedy as high priority with focus on reducing risks to young children and pregnant women. Ecological health remedy identified for Upper and Lower Basins. ROD has numerical cleanup standards for human health and benchmarks for ecological cleanup. The TLG will provide input for the prioritization of these activities. Fundamental changes to the ROD can be made only by amendment. EPA responsible for ensuring cleanup work meets

requirements of ROD and CERCLA. Ongoing box work and remedial work in WA are not part of TLG workplan development.

Rob Hanson- Structure of the Basin Commission. Business will be conducted with a majority vote of the Commission. There is a mechanism for a veto by the Coeur d'Alene Tribe, Idaho Department of Environmental Quality, Federal Government, and the three County Commissioners as one veto vote. They will function as a political subdivision of Idaho, and can establish MOUs with other entities.

Rog Hardy- is it possible to bring in projects that are not outlined in the ROD?

Anne Dailey- responded that the TLG could look into other funding for projects not in the ROD. There are grants available such as the Watershed Initiative Grant, EPA ORD's Mine Waste Technology Program and others.

David Fortier- entities completing projects within the basin should try to follow the prioritization of the Basin Commission, although continue with their agencies priorities and projects also.

Frank Frutchey- Commission does not have eminent domain.

Luke Russell- the Commission will need direction from EPA for projects with de minimus PRPs.

Jack Gunderman- The Lake Management Plan. The plan is being reviewed by DEQ, the Tribe and other responsible agencies. It will be out for review soon. The Tribe is not in the same rush as DEQ to get the plan out.

John Roland- Practices and Procedures. The TLG is an advisory group. It is understood that the agencies represented in the TLG retain their authorities and have their own priorities. Agencies with interest in specific projects need to have access to information, and provide information to the TLG. Decisions should be run through the Citizens Coordinating Council, and they will add their input. Progress reports will have to be developed reporting the funding spent, and projects accomplished. Membership is made of various government agencies, with the representatives on the TLG representing their agencies, and departments within those agencies. The structure of the TLG needs to be decided. The TLG could have a Chairperson, and a Vice-Chair. These duties will rotate within the TLG, from a group of seven comprised of Federal, State, Tribal and County reps. Outside experts can be called upon at the request of the group. The Chairperson will not act as the director, rather function in an organizational role. There will be staff for the commission, coordinating with the TLG. The TLG will make decisions with open lines of communication. It is the goal of the TLG to make one recommendation to the Commission. Each agency will get one voice, i.e. if there are two representatives from the Forest Service, they will represent one view. The TLG will operate with respect. The TLG meetings are working meetings, not public meetings. The process for formal comments to the TLG is being discussed. Project Focus Teams (PFT) will be created. The interim staff will decide on how the PFT will coordinate with the CCC.

John Roland- Planning & Implementation. If there is a private party proposing a project, it would be brought to the TLG through the appropriate agency, if the project had the same goals as the TLG.

Frank Frutchey- The person owning the land, or maintaining the land needs to have ultimate control.

Sheila Eckman- Money will only be given to entities with the infrastructure to manage funds. Right now the focus is on coordination. The Executive Director will not be implementing, just coordinating, although it could possibly evolve to that.

Rog Hardy- TLG will have an Executive Director in the future, what will happen to the interim staff after that?

John Roland- The Commission will make that decision.

David Fortier- The USGS has a federal regulatory mandate to collect data on the water in this area. The USGS belongs on the TLG, the wording needs to be modified to make them a member with two representatives.

John Roland- The TLG has access to the USGS, their information and expertise. The TLG members are those that have Regulatory and Land Management responsibilities.

Rog Hardy- Has anyone looked into the Corps of Engineers or local entities such as the Cities of Coeur d'Alene, Post Falls, and Spokane, to be on the TLG?

Sid Fredrickson - Noted that he is here representing the City of Coeur d'Alene, who will be asking for formal representation.

Sheila Eckman- The Corps of Engineers has been approached and invited to participate in the TLG.

Bob Kirkpatrick - Keep in mind that this group could get too large.

Anne Dettelbach- The Commission is looking for recommendations, they are open to more than one voice.

John Roland- Please keep in mind that we are working hard to speak as one voice to the Commission.

David Fortier- There will be issues. As we conduct meetings there might be a time when formal meetings are needed.

Kathy Johnson- One Year & Five Year Work Plans. The One Year plan needs to be completed by the end of January. The goal is to complete the Five Year plan in July 2003. We also need an objective criteria to prioritize projects that is not too complicated. We need a scoring system for projects.

To address some of the issues raised in the One and Five-Year Workplan discussion, the group then skipped ahead to the Overview of Possible Funding Sources topic on the agenda.

Anne Dailey- Reviewed EPA's Superfund funding resources: Pipeline budget, enforcement budget, remedial action budget, and the removal budget. The Pipeline budget funds RI/FS, design work, treatability studies, etc. Cleanup work is funded under the remedial action budget. Coeur d'Alene must compete against other RA projects nationally for cleanup monies - very competitive process due to tight funding. Before RA \$ are spent by EPA, there must be a State Superfund Contract in place which addresses state 10% capital match and O&M and other assurances. So that CDA did not miss out on the current funding cycle, EPA submitted a funding request for Idaho (cleanup of 200 contaminated properties, 5 priority Lower Basin recreational areas, stabilization of Upper Basin source areas, Rex mine/mill site), and Washington (2 Spokane River sites). There will be opportunities for TLG input on these projects.

David Fortier- Superfund dollars cannot be spent on federal land. Will BLM funding be effected by this, as there is mixed ownership in many areas.

Rog Hardy- There are physical hazards as well as chemical hazards to humans. The ROD only addresses the chemical hazards.

Luke Russell- Clean Water Act Funding. The \$2 million appropriated by Congress for the Basin Commission in Fiscal Year 2002 cannot be used where Superfund can pay for the cleanup, only Clean Water Act Projects. EPA is working with Congressional staff to ensure that future appropriations could be used for Superfund cleanup. The Commission Board approved the following project list for the \$2 million: Lake Monitoring \$675,000 for three years, Stream Bank Stabilization Demonstrations \$440,000, and Lake Stewardship Education has been appropriated \$80,000 for two years. The grant application has not yet been submitted to EPA but the funding is available and has to be spent within five years.

Paul Woods- The USGS has potential funding sources. USGS can provide up to 50% of the funding with a state match (the USGS would conduct the work). There is a possibility of up to \$100,000 for CDA monitoring, which could free up some of the above funding for other projects. The funding cannot be matched with federal funding, and has to be for water-related issues. If the TLG is interested, need to decide in the next few months.

Jack Gunderman- There is also money in the re-licensing of the Post Falls Dam. There are historic problems caused by their profitability and of their ability to hold the lake at certain levels.

Kathy Johnson- Project Criteria Evaluation. A ranking process needs to be setup. Some factors already established might not be necessary, such as the yes or no questions. Ranking should be based on key items. A PFT will be formed to establish this criteria. Categories were established and people signed up for the corresponding PFT. The list of people on PFT's will be sent separately to the TLG members. Now a list of projects is needed, and they need to be put through the criteria. From the list, a plan needs to be created, and presented to the Basin Commission.

Frank Frutchey- Some of the ongoing and past projects should be viewed on a fieldtrip by PFT and other TLG members.

Anne Dailey- A representative from EPA will be contacting the people who signed up for each PFT and will set up a meeting.

John Roland - Communication between the TLG and the CCC. The CCC would like to be part of the decision making process. They are requesting that all projects be reviewed with them. They understand the first year plan will be different. The TLG would like two people identified from the CCC to correspond with. Someone from the TLG should be attending their meetings.

The following Project Focus Teams were established and individuals signed up to participate on the PFTs:

- Criteria/Process for Prioritizing Projects for Action
- Ongoing Monitoring/Data Management
- Human Health
- Streambank Stabilization
- Water Treatment
- Lower Basin Flood Plain
- Upper Basin Source Areas
- Rex Mine
- Lake Management Plan (including education programs)