

Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River Commission Meeting MINUTES
January 27, 2017 9:10 am until 12:23 pm

Commissioner's present: Ford Elsaesser (Chair), Craig Hill, Karen Cathey (USFWS), Darrell Early (on the phone), Molly McCahon (Coordinator)

48 in audience

- Craig moved to approve the 9/23/16 minutes. Karen seconded the motion, *the motion carried*.
- Ford introduces Darrell Early Attorney General with Idaho Department of Environmental Quality, who is replacing Doug Conde

Presentations

Brad Smith – North Idaho Director Idaho Conservation League (ICL)

Brad informed the audience that Susan Drumheller had left ICL and Matt Nykiel was hired to fill her position. Brad provided an update about a case they took to the 9th Circuit on flexible winter power operations (FWPO). They did not prevail in the lawsuit ruling in June. ICL was concerned about the impacts of FWPO on erosion. The shoreline loses approx. 15 acres a year to annual fluctuation and we see negative impacts on resources and recreation. 9th District Court ruled that BPA and Corp do have authority to fluctuate according to the approved 1995 EIS. The 9th circuit did suggest a supplemental EIS on the spread of Flowering Rush. Must supplement how year round hydropower operation and specifically winter fluctuation affect the spread of the species. ICL sees invasive species as a serious threat and ICL will continue to address that issue.

Ford: Is ICL done challenging the winter fluctuation? Brad: They are interested in the spread of invasive species, but not intending to do anything further, right now.

Tom Woolf, Idaho Department of Agriculture

Ford began by explaining that the control of aquatic invasive species is managed by the Idaho Department of Agriculture. Tom followed by providing an update on the recent detection of invasive mussels in Montana. Veligers' (microscopic baby mussels) were discovered in Montana's Tiber Reservoir (north of Helena) in December. Positive results were determined in winter at which point it was too late to sample. MT declared an invasive species emergency and closed Tiber and Canyon Ferry reservoirs. MT has asked the legislature for an additional 10 million over 2 years to combat this issue with prevention, education and containment. Tom gave info on Mussel Response Montana, who are leading the effort there. One can go to their website or FB page. They are planning on 30 plus stations. Eastern border locations are looking at options for better coverage. Boats coming to MT are from Great lakes traffic or lower Colorado system, but more than likely eastern Oregon. A majority of boats coming to our area from MT, go through the Cedars Station (June/July).

Ford asked what MT can actually do? Tom explained that containment is key. Cannot control the spread downstream, but pointed out that Tiber is on the other side of Continental divide, so they are not a direct downstream source to the Pend Oreille Basin.

Ford asked what MT was doing, as far as inspections, before this? Tom explained that they had a fairly robust watercraft program, but they opened later and hours were not as long. They had challenges due to the oil and gas exploration demand, which didn't allow them to pay people enough on the border.

Ford asked if mussels migrate up into free flowing streams. Tom explained that they tend to like still water and don't move upstream without help. They are moved by boats and fishing equipment.

Comment: People do fish both sides of the divide in one fishing trip, so they can be transferred between divides.

Idaho's watercraft inspection program 2016 – Conducted 89,000 inspections. 41 % increase. Extended hours from 12 hours to dawn to dusk and contracted with law enforcement. Intercepted 19 mussel fouled boats - 4 coming to Idaho. Intercepted first drift boat - first detection of mussels on anchors. 480 boats with weeds. 1,200 that have visited mussel infected waters. Idaho is currently looking at reduced operations for the 2017 season.

Ford: Whoa. Why is ISDA planning to cut back with this increased risk in MT? Tom explained that funding authority was exceeded in 2016. It is Tom's understanding that there is a dialog with Legislature to fix this. Possibly looking at cutting back from 7 days to 4 days a week.

Ford: How is the program funded? Tom: 1.2 million come from sticker sales. There is a commitment of 1 million from Army Corp but it is unknown when that money will be available. Stations open the last week in February, so funding is needed now in order to get contracts signed. Numerous questions about ISDA budget were asked but Tom could not answer those questioned.

Ford urged the public to contact legislature and ask for more support for this program. Ford told of the terrible impacts invasive mussels had on the Great Lakes and that it would be the worst possible thing that could happen to our lake. All the beaches had a 3 inch coating of mussel shells on top of the sand. If you haven't seen it, you have no idea how devastating it is.

Comment - Dave Gillespie: The Lake Pend Oreille Idaho Club holds 2 derbies; one before the season begins and one after it ends. How would we go about getting dates changed in order to cover inspections for those derbies? Also, what are your planned hours during the week? With what's going on, it doesn't make a lot of sense to cut back. Tom: Generally up north here we are open from Memorial Day to Labor Day. For fishing derbies, ISDA can come to you for inspections if requested. Expanding hours at stations is something to be discussed. Our main priority is to reach high priority boats when they are traveling and that is often not in the off season. Local boats are still a risk with weeds, but not mussels and the primary purpose of the program is to prevent invasive mussels.

Sid Smith - wanted to note that Representative Dixon is now on JFAC and is supportive of the program.

Tom emphasized that ID took 889 samples this season, looking for microscopic life stage of mussels statewide. No detection statewide and no detection in Columbia River Basin. ID has a turnaround time for samples of 2 weeks.

Ford: The reality of the situation is that aquatic weeds have never been the focus of the ISDA, but former Representative Eric Anderson spearheaded the effort.

Milfoil treatment for 2017 is slated for Ellisport Bay, Boyer Slough, Riley Slough... all areas that had excessive weeds at the end of the 2016 season are areas being targeted.

Molly asked about the decontamination of wake boat ballasts. Tom: decontaminate using hot water, but not entirely sure if that is 100% effective.

Asian Clam update: ISDA contracted with U of I. Found new infestation in Sam Owen. Reproduce quickly and excrete substances that promote algae growth. Pond liners are currently the form of control being used by other waterbodies like Lake Tahoe with infestations.

Joel Fenolio, US Army Corp of Engineers; PE

Joel briefly explained the hydrology and operations. Operate the top 11.5 between elevation 2051 and 2062.5. When levels go above 2062.5 we are in what is called free flow and we don't have control over what we are releasing. Operate in lower part of band thru Jan. Mitigate for downstream flooding. In April we start refilling reservoir and usually we get into the summer range between mid-June to mid-Sept. Our basin receives most of our water from the flathead watershed. We are seeing below average snow pack. Operate in a water year between Oct - Sept 30th. Above average precipitation throughout the basin. This year we had 300-400% above average in October, then dropped back down to below average. Temps in Oct normal, Nov higher, Dec/Jan colder. NOAA predicting above average precip and below average temps. Seeing a lot more snow pack in lower elevations than we have in the past. Cold temps have created a lot of ice conditions. Try to fluctuate 0.1 feet per day just to prevent infrastructure damage. This is what was advised by the EIS to mitigate for ice damage.

Moving forward, we will stay at 2052 from Feb 6th to end of February for a 2000' bank stabilization project in Riley Crk recreation area. Very little possibility of flexible winter operations. March is when we usually have flexibility - temps usually warm up and power needs aren't crucial. This winter we weren't able to get the lake all the way down to 2051 because of high precipitation in Oct and Nov. Spring inflow predicted at 80% of average. *Question: What was it last year?* Joel: Above average until March then a very warm April when snow melt occurred.

Question: Is the principle cause of the erosion surf boats? Joel: that has been a reported cause, but the closer you get to the dam the hydraulics are more dynamic and so you see much more fluctuations, which could also be contributing.

Question/Comment: Notion on the idea to get the lake full sooner. What tools do you have to predict the weather? Joel: Northwest River Forecast Center – website has abundant tool and we look at all the variables. Corp also uses daily internal calculations. As far as refilling the lake that is really dependent on percent average snowpack and what storms are coming in June. We continually communicate with BPA and National Weather Service. *How do you calculate all the other variables like irrigation, fisheries?* Written in the water control manual and as far as fish we utilize the Biological Opinion by the USFWS. In a below average year we may be able to fill earlier but there is always a possibility of power needs downstream.

Comment on an agreement to fill lake earlier. Joel: Not aware of any agreement to fill reservoir early. Ford clarifies that the agreement is focused on September which has been successful the last 2 years. Might be referring to the effort to get an earlier date but the response has always been flood control. *Did anyone ever come to a resolution about September?* Yes. Cabinet Gorge operations could affect

Albeni Question: What would be a power emergency? Joel: A situation where temps were hot and Coulee had a significant amount of demand they couldn't meet. Ford: so far, except for about 3 or 4 years ago, there has only been one year where we came down more than a foot in September.

Eric Grace, Kaniksu Land Trust - Executive Director

Kaniksu Land Trust (KLT) is a non-profit land trust that works throughout Sanders County and Bonner County. It was organized as part of the Clark Fork Settlement Agreement with Avista for environmental benefit projects in areas where endangered and threatened species exist. Preserving our open lands is a tool for protecting bull trout habitat. KLT has gone through some rebranding -used to be called the Clark Fork Pend Oreille Conservancy. Part of our rebranding involves making an effort to get out into the community in order to become relevant to everybody. We were shocked when we discovered that about 75% of Bonner County residents don't recreate outside. Goal to provide more access and awareness to Bonner County in order to create respect for our natural resources and overall health. Going into the school system and working with Idaho curriculum to get kids outdoors learning about our forests and watersheds. We are also working with the medical community – doctors will send us patients and we get them outdoors - exercise means better health. Some, who have been house bound for many years, are losing weight and are coming off oxygen and improving their health overall. Also working with Kinderhaven to get those kids engaged and get them in the outdoors. All our programs are impactful and we are seeing an increase in awareness. Overall concept is that if they don't appreciate the landscape they won't love it and in turn they won't want to protect it.

Erik talked about a couple recent projects and showed a map of 13-14 areas that were placed in land protection projects - 29,000 acres in total land acres.

Twin Creek – About a mile from ID/MT border. Initiated in 2005 with Avista committee. An original easement. Twin Crk corridor remediation work done, fish ladders. Funky easement with 50' right of way on either side of the stream. Avista recently acquired more property around the area. Twin Crk is an important tributary for Bull trout. Public access will be determined by Avista.

Judy's Place – USFWS to purchase this property. South of Clark Fork River. Amazing wetlands complex. 9 different species of ducks. Will use for youth outdoor education programming. In the process of creating a management plan, but it will eventually be open to the public.

Pine Street Woods Project – Goal to purchase close to Sandpoint. 160 acre section. Just signed an agreement to purchase from land owner in November. Near Sherwood Forest (Syringa) will be putting in an access road and adding a parking facility. Putting in a series of trails, there is a beautiful meadow, at the top the area is rolling and fairly flat. Nice thing about this property is that it will be very accessible to folks who have disabilities or are less capable of walking steep landscapes.

Ford: Thank you. Very interested in learning more about this. Are you primarily County focused or just Pend Oreille Basin or are you also looking at Priest River, Priest Lake or the southern part of the County?

Erik: Work anywhere in Bonner County and would gladly work in Kootenai County line or Priest River - don't currently have projects there now, but would be glad to. Generally avoid going past Thompson Falls.

Luke Russell and Doug Stiles, Rock Creek Update, Hecla Mining

Luke began by explaining that Hecla has an Environmental Stewardship Panel that meets quarterly regarding the Rock Creek project in order to communicate, have dialog and exchange ideas with stakeholders. We really appreciate that folks from ID are participating. In 2015, Hecla bought out Revett Silver, which had been operating the Troy Mine for 30 yrs. Hecla just had its 126th year as a company. Hecla operated Green Creek Mine in Alaska responsibly for 28 years. We also operate the Lucky Friday mine in Mullin, Idaho - 75 years, a mine in Quebec- 20yrs, and one in Mexico. Hecla is primarily an underground mining company. Similarities between Green Creek Mine and Montenegro/Rock Creek projects is striking. We are dealing with the same key issues: bear, fish and water quality. We intend to use our experience in Alaska to successfully manage these same issues in Montana and Idaho.

Montenegro – Last year Hecla acquired Mines Management which was operating the Montenegro project. Montenegro drains to the Kootenai side, but Rock Creek and Montenegro are very close together Montenegro similar to Troy, but much deeper. Tailings disposal would be different – slurry thickened at a dewatering facility. 25-30 yr project. Permitting status: Received Record of Decision (ROD) from BLM and Forest Service in April. It was challenged, but we are moving forward on requirements. Right now we have a ROD by both agencies. We have an NPDES permit renewed from the State of Montana, for dewatering the adit that meets their standards. Approved in phases. Agencies approved 4 different phases. Before we can move forward with any phase we need to complete the existing. Currently in the pre-evaluation stage. Next phases are Evaluation/Exploration, Construction and Operation.

The evaluation phase uses existing structures and is really exploration...living adit site (existing today) majority of work would be occurring underground. 14,000 foot of adit already constructed underground. Plan to extend that adit, get to ore body, drill into the ore body and collect geotech, hydrogeo, and geochem data. About 3000 feet underground going down at a 10 % grade. The key goals are to get down there to get hydrogeology groundwater data to see how it interacts with surface water and rock strength. Old drill holes statistically suggest similar material/geology. This ore body is about 12,000 feet long 3000 feet wide, approx. 35 feet thick. All data and drill holes are from the surface, but need to get underground to get a lot more information. Ground water is one of the key issues...the way the water moves in the system is along cracks because this is solid rock/quartzite. The model completed to support the ROD assumed water is flowing through these structure. What we see in the adit is that as we go deeper, it that it is dry. Currently working on mitigation requirements that include Grizzly bear habitat. There are a number of different litigation issues we are working through. Anticipate Montenegro to employ more employees than Troy. Receipts from Troy were at around 604 million. - 5.7 in NW Montana another 5.4 in N. Idaho and the other third distributed around the state.

Rock Creek – The public comment period for Supplemental Environmental Impact Statement (SEIS) ended in April of last year. Those agencies are working toward a Final EIS, expected late quarter - mid quarter of this year. Objection period process will take some time. Anticipate ROD by June. A visual simulation of Rock Creek was presented. 35 acres - almost exact same as Troy. 7-8 miles from Hwy 200. Close to where east fork and west fork split.

Troy Update – Troy project is in reclamation phase and has provided a lot of information about what worked or didn't work and why. Added topsoil and revegetated. Facility was in place for 30 some years,

some revegetation took place over the years. Doug Ferrell from Trout Creek spoke about his long association with conservation and the Troy Mine, even before development as a watchdog group. Doug commented that they started out thinking it would be a terrible thing and aware of mining disasters. Learned that the record of the Troy Mine, as far as environmental practices, were surprising good especially with water quality. No evidence of degradation to water quality and species. Initially skeptical of the mining companies but ended up developing a wonderful relationship with Revett and gives them a lot of credit for that and were very responsive to our concerns. Hecla is obviously taking over for Revett, and we have good reason to believe they will also be responsible and receptive to community concerns. Good to have healthy skepticism but important to keep an open mind. Some folks looking at this project in, his view, are giving public statements and information that is skewing the facts and emphasizing threats and so my general advice, which I wish I had heard 30 years ago, is to keep an open mind and focus on what the data shows and tells. Be skeptical of both environmental community and mining community.

Questions:

When does production start based on general time frames for permitting? Exploration phase 2 - 3 years, construction 2-3 years, so best case for production is approx. 6 plus years. Both Montenegro and Rock Crk are expected to be in production 15-20 years.

Where would workers live? 1/3 Sanders County, 1/3 Lincoln County and the rest in N. Idaho.

Are there actually people trained in the industry to fill these jobs? We are looking for environmental consultants, accounting, electricians, mechanics, etc.... Working with NIC to get those type of skill sets and are very transferable. Finding miners is not an issue because that is a very trainable skill.

What do you do with the mine waste? Room and pillar technique, used here, has very little waste.

Ford announced that he needed to leave early and that Craig Hill would Chair for remainder of meeting.

A discussion regarding risks to environment took place, but was too difficult to hear. Hecla commented that virtually no acid generation at Rock Creek or Montenegro.

The meeting adjourned at 12:23 pm