

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

Commissioner's present: Ford Elsaesser (Chair), Linda Mitchell, Karen Cathey, Craig Hill, Darrell Early, Brent Baker, Molly McCahon (Coordinator), 47 members of the public in audience

- Ford acknowledged the passing of Governor Cecil Andrus. He praised his ability to balance and bridge the gap between environmental issues and those of the agriculture and mining industry, like no other. He had a deep love for the lake, the State of Idaho and its natural resources. Ford led the audience into a moment of silence.
- Brent moved to approve the 1/27/17 minutes. Craig seconded the motion, *the motion carried*.
- Brent moved and Craig seconded to approve the contract between the Lakes Commission and Bonner Soil & Water Conservation District.

**Presentations**

***Kathy Cousins, Idaho Fish & Game – Clark Fork River Delta Restoration Project Update***

Kathy last spoke to the Commission in 2015. This restoration project was needed due to extensive erosion of the delta shorelines. It is estimated the Clark Fork delta is eroding at 12-15 acres a year and is considered a priority wildlife and wetland habitat. In 2012, an agreement was created with Bonneville Power Administration (BPA) and F&G. under purview of mitigation programs available to address operational losses from the building of Albeni Falls Dam. Avista supplied additional match dollars. The agreement involved keeping the lake at its lowest elevation and not allow winter fluctuation during the restoration work. The project is now at a point where the lake does not need to be held low to complete work.

Kathy explained that a team approach was taken and included many agencies and community partners. The project area is over 1,200 acres and the budget and timelines limited so work needed to be phased. It is at a stage now where is small enough that local companies can bid on work. The goal for restoration was to build up material on site that would stabilize the banks, redirect incoming debris, create interior pools, eradicate or suppress noxious weeds and to totally vegetate with native noninvasive plants. There is a ten-year monitoring goal that includes managing noxious weeds or invasive plants to a point of nonexistence. Reed canarygrass dominates all wetland habitats in the delta, but the newly restored areas are showing improvement toward diversity.

In 2015, IDFG and partners finished the protection construction in Area 3, which was designed to allow the natural carrying of river rock to be deposited over the protection. Over 100,000 plants planted with Idaho Youth Corp and many community volunteers. Although 2015 was a record drought year, the vegetation actually held on and a great diversity of vegetation took hold. Major storm hit in June 2016, and where vegetation was established the shoreline was still stable. Big floating logs have been added. Accumulation of debris is what is wanted. Pearly everlasting and other native plants in the seed mix have germinated successfully and are very doing well. Enough willow pole plantings have survived two

years of growth and continue to thrive to the point that willow cuttings could be harvested on site for future construction and planting efforts. Monitoring of the project site occurred before the construction was initiated, and will continue annually.

F & G is hoping to complete the rest of the project along the shorelines of Derr and White Islands in the near future. This construction effort will also include low spillway dams that would hold water back for water fowl. F & G will attack the reed canarygrass by burning, tilling and herbicides. The goal in the future for the drift yard area is to encapsulate the drift yard with protected raised ground; the drift wood would be secure behind the protected ground. This is more desirable as the boom system is susceptible to damage allowing wood to float into the lake. F & G will continue to work with the U.S. Army Corps of Engineers on this idea.

Kathy emphasize the urgent need to tackle noxious weeds. "They are getting worse and worse".

*Karen Cathey asked about Flowering Rush.* Kathy Cousins replied that she would like to be the killer of all noxious weeds and we definitely need to get some sort of long-term treatment plan in place. She believes that with a rigorous treatment plan, we will be able to hurt flowering rush and keep it in check, but the aquatic plant will be difficult to eradicate, especially since there is a healthy source up stream in the Flathead watershed and the plant can grow in water as deep as 30 feet. Kathy feels all boats should be cleaned coming out of all infested waterbodies.

### ***David Chambers, presenter for Rock Creek Alliance - "Tailings Dam Failures"***

Rock Creek Alliance asked David to look into the tailings dam proposed at the Rock Creek Mine because he is one of the only experts studying them (it is important to note that the Rock Creek Mine does not have a proposed tailings dam, but instead will be using surface paste technology). David explained that tailings are the very fine material left over after the extraction of metals such as Iron sulfite, which is the mineral causing acid mine drainage. Mr. Chambers explained the research and work he has done on tailings dam failures appears to be the best data available. He also explained that there is no funding mechanisms for mitigating damages from failures if the company cannot pay for it. He also explained that Montana has a bond in place for such incidents.

Mr. Chambers discussed the Mt Polly failure and a critique of the recommendations post failure. He explained that the addition of water increases the risk of failure and adds to the impact of the damage. Mr. Chambers feels tailings dam failures are increasing merely due to the fact that there are more being built.

3 fundamental ways to store tailing: conventional tailings disposal (wet), paste tailings, and dry tailings. Mr. Chambers described the Green's Creek Mine project in Juno Alaska where they used dry tailings technology – remove water and compact it. Once you do this the material has a good amount of stability and you don't need to build a dam. Probably the most stable way to place tailings. Virtually everything you mind stays on the mine site. Some water quality concerns at Green Creek due to exposed sulfite mineralization, which can lead to problems but they seem to be managing okay. They also had concentrate spillage problems in the early 90s but they have a handle on that now.

Rock Creek is proposing to use paste tailings technology, which he describes as the intermediate of disposal compared the 3 fundamental techniques. 25-30% moisture contentment. Paste tailings is

similar to what comes out of a concrete truck. This technique helps you recycle water, has good stability, but you can't compact it because there is too much water in it. Has issue with upstream construction design, not the paste technique itself. He other concern is that is the design seemed to be created in the 90s and there are now better techniques.

To conclude, Mr. Chambers recommended that Hecla use cement paste backfill technique at Rock Creek. Provides more stability and reduces the amount of tailings that need to be stored. With less material, there would be better disposal locations that are not as close to the Clark Fork River. He felt the reason for not using cement paste backfill was to save money.

*Ford – Where is the permitting process right now? David commented that he believes there was a Record of Decision approving the EIS by the US Forest Service, so federal permitting process over. So now it is a matter of Hecla obtaining state permits.*

*Public - Did you say 99% of mining production is tailings? 99% of everything mined is waste. Roughly half tailings waste, half waste rock. Sees more contamination in waste rock than in tailings.*

*Public- What percentage of failure are in the US? David commented that the most reported failures are in the US, but mainly because we have better reporting in the US.*

*Public comment – Are we willing to take the risk that there will be a failure into the Clark Fork River? David commented that what defines risk is different for everyone. A local miner may have different risk opinion than a local fisherman.*

*Public comment – Waterfront landowner who values our clean water, but also noted that there is a public process. Also shared that he is a mining engineer and has never experienced a failure in his 35 years. David commented that it is just a matter of risk and he wishes they would use more modern technology for Rock Creek.*

## **Lake Pend Oreille and Pend Oreille River Geographical Response Planning**

General Richy, Deputy Chief for the Idaho Office of Emergency Management (IOEM), began by describing a Bakken oil spill incident in Canada years ago, which spurred new laws for oil transportation and influenced a better ability for coordinated response. Biggest concern became what we are going to do if a Bakken oil incident occurred here. Received a grant for \$45,000 in 2014 to develop a GRP and then another one in 2015 to develop a LPO GRP. General Richy expressed how proud of all the work that has come out of this effort. He complimented Bob Howard with Bonner County Emergency Management and Idaho DEQ for all their hard work. Multiple agencies have come together to develop a thorough response plan and he believes there is an opportunity to take these efforts statewide. Bob Howard recognized BNSF as a major partner. They provided additional funding for the development of the GRP and spill training exercises.

Jeff Riley, Hazardous Materials Officer with the Office of Emergency described the systematic approach the state uses to provide response services. Mr. Riley explained how the State Communication dispatch works (911). IDOE, IDEQ, Local incident commander, nearest regional response team and the local health district will all be on an incident call, at a minimum. If the incident is a Hazardous Material spill,

EPA would also be involved and hopefully the spiller. The incident gets classified and then others will be notified. IOEM has been recognized around the nation as a best practice. State Comm will then notify locals and determine the response plan. State response in our area would come from Kootenai County Fire and Rescue out of CDA.

*Comment and questions: is there any kind of boom technology for a spill on the bridge? Mr. Riley commented they have lots of boom, skirt boom. Mayor Rognstad asked if the derailment in Noxon was a State Comm call? No there wasn't a call because it was in Montana. Could you describe a State Comm call that happened in our area? The question was answered by the Ron Stocking –Sandpoint Fire that anytime an incident happens the Fire Department will get a call or will call State Comm. Boundary County had numerous bomb threats awhile back that all had State Comm calls.*

*Linda Mitchell mentioned a boat sinking recently and wondered if the Fire Dept was called. They weren't aware of that incident. Someone from the public asked how fast the current can be and how do you respond? Mark Dietrich with IDEQ replied that often booming will not be effective in fast currents. Nic Winslow with BNSF described a tool they use called on Current buster. Mr. Dietrich commented that you are lucky if you can get 10% recovery. Bakken crude is a very light crude and volatilized off in a matter of days. Bakken is being transported at the highest percentage, but there is also heavy crude moving thru this area. Linda M asked what would you do if there was a spill on the bridge? - Mr. Dietrich most of the time trains don't have a high volume of toxic waste, but those are transported in sealed double lined cars.*

*Molly asked difference between response of hazardous substances and coal. MD -Coal would sink but goal is to minimize impact of the spill and the environmental impacts and if it was rail incident the railroad will come and try to recover product. Regional Response likely would not respond. However, there is often diesel and other hazardous substances that could be involved in a coal derailment. The 1st 24 hours will be the responsibility of the local responders.*

Mark Dietrich, Haz Mat Director with IDEQ, introduced himself and described the Geographical Response Plan for LPO and POR. GRP really looks at what needs to happen in the first 12-24 before other resources show up. So this GRP identifies drinking water intakes, wet lands, sensitive areas, access. This plans primarily focuses on the LPO and POR. 2015 GRP written by EPA. The impetus is the increase in traffic of Bakken Oil. Sandpoint is a choke point. A lot of volume coming through this area. The bulk of the plan identifies and also helps in long term clean up. Developed sectors along the lake, Clark Fork River and POR. Each sectors has a response location and strategy. Very specific depending on topography. Mark discussed the year long process for creating the GRP. Dan Haley, a local resident and engineer compiled the document. He also discussed the importance of evacuation in a spill incident. *Ford- is there more oil trains on the lines than in the past. Also looks like they are updating tracks. MD- there is not enough refinery options in the middle of the US. So they are going to Seattle to Portland or shipped to CA and Alaska to be refined. Bakken seems to be pretty stable or maybe a little let. The railroads are required under federal law to notify the State but are only required to notify over a 1 million gallons, but not required under that. Over the last year hasn't been notified expect for one recently.*

*Mayor Rognstad inquired about what the response plan is for the city water Intake. If it was oil they will use exclusion boom. Plant can also shut off their intake. How quick a response time? MD -Quick because Sandpoint has a response trailer. A discussion took place the flammability of Bakken oil. The rail cars have been upgraded and improved.*

Ron Stocking, Selkirk Fire Chief introduced himself and the fire department's capabilities. Responsible for Sandpoint, Sagle and Westside. Reality is that they only have 6 responders available 24/7 after that we rely on volunteers. 1000 feet of boom we are able to deploy very quickly. The problem is that we only have access 6 months out of the year, unless we access the zodiac which does take that much long. BNSF has provided supplies, but we are rural and we have less resources – really we only have 19 minutes to address life safety, property and environmental concerns. Most likely we will focus on moving people because we don't have enough resources to handle all the concerns.

Ford ask how you get marine response to the location if for example it is right along the long bridge or the causeway by the Pack River. Ron we have access to a zodiac 24/7. Is it possible for the City beach launch to be extended? Mr. Stocking stated that would be wonderful. Also, if there was a way to leave a boat on the water year round that would be very helpful. Only year round access is in Garfield Bay and Hope. Someone from the public asked t about a piece of equipment that could go on land and water. Chief Stocking noted that we will eventually get resource, it just takes a long time in our area. All City employees have been trained in a city evacuation. Someone from the public asked if it was possible for the railroad leave a machine available that can handle all condition.

Ford commented that the Lakes Commission will having a meeting into late fall and early winter with BNSF regarding the new bridge proposal. Ford also commented that the Bonner General Hospital has been very proactive in hazardous incidents planning drills.

### **Nic Zurfluh, Section Manager for Invasive Species with Idaho Department of Agriculture – Invasive Species Update.**

Nic expressed his appreciation for interest coming from this region and lakes commission on invasive species issues. There is an interest in adding new positions and to divide the sections up to invasive species and noxious weeds.

A supplemental bill was introduce to provide funding to keep the program at its current level. A House bill was introduced for fiscal year 2018 with language of 24 hours stations at Cottrell and funding for more staff and stations. There was funding from Army Corp WIRDA to supplement watercraft and data collection. There was also an executive order to renew the Invasive Species Council, which is chaired by the ISDA Director and includes legislative representatives, and state and federal agencies. 2017 is our 9th season. 18 stations. New stations at Hwy 3, Hwy 12, I15 at Dubois. Seek out local agencies to run these stations. Helps with local buy in and hire local folks and they check boats very well. Stations perform at a very high level. Bonner Soil and Water Conservation District runs the 3 stations in Bonner County. Law enforcement has been very supportive here in helping with compliance. 80,000 inspections. 27 fouled boats, 7 destined for Idaho. Started night I84 westbound. Highest profile with high risk boats coming out of Powell, Havasu, Mead. Increased lighting and law enforcement support. Looks as if we are catching more boats but it looks like it drops of at midnight.

Nic describe numerous outreach and education events. ISDA will continue to participate in Rapid Response planning efforts regionally. State performing FR research over by Idaho Falls and look forward to having new tools coming out of those studies. Still researching hybrid milfoil. Nic encouraged the public to access their website and Facebook page for good info all things invasive. Betsy Hull responded to a question on the abundance of Eurasian watermilfoil. Betsy felt there was an increase in sago pond weed and that there is confusion on identifying milfoil.

**Ryne Linehan, Army Corp of Engineers, Albeni Falls Operations Update**

One of our wettest winter on record. Much flooding in region but fortunately not in our area. We were in free flow into June. Snow fall early then 50-60% of our snow fall later in the year. Over 90% of our water comes from Montana. Albeni doesn't have near the storage capacity as Hungry Horse and Dworshak. We pass 12 times what we are able to store. Ryan explained they will stay full and start drafting Sept 18<sup>th</sup>. Winter elevation came close to flood stage at 91,000 kcfs. Now down to 6,500 cfs as of yesterday. Very low water year. Only the second time he has seen it this low. Could get down to 5,000 cfs which is the minimum flow downstream below the dam.

**Beth, Army Corp of Engineers, Land Management Plan**

This plan is for Corp properties along Lake Pend Oreille and the Pend Oreille River. It will be out for public comment soon. Does not address hydropower or lake level. If you have any view of how you would like the land managed, please comment.

Ford thanked Senator Keough for continued support of the Lakes Commission and the effort behind funding for ISDA's Invasive Species Program.

*Public Comments – Asked the Commission to consider the recommendations presented by David Chambers on the Rock Creek Mine, by moving tailings away from the river. Ford encourages the public to contact Hecla directly with concerns. Please contact Molly McCahon for contact information. There were further questions about Hydro One buying Avista, concerns about invasive species and the damage by wake boats on the POR.*

*The meeting adjourned at 12:23 pm*

Approved by:

Lakes Commission Chair

Date:

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