

Meeting Notes  
Kootenai Valley Resource Initiative  
July 20, 2020 – 7:00 p.m.  
Virtual via ZOOM

**Board Members in Attendance:**

Dan Dinning, Boundary County Commissioner and KVRI Co-chair  
Gary Aitken Jr, Kootenai Tribe of Idaho and KVRI Co-chair  
Angela Cooper, Kootenai Tribe of Idaho Vice-Chair & (Alt.) KVRI Co-chair  
Chip Corsi, Idaho Fish & Game  
Bob Blanford, Business/Industry  
Kevin Knauth, (Alt.) Bonners Ferry Ranger District, U.S. Forest Service  
Ed Atkins Jr., Corporate Agriculture/Landowner  
Dave Wattenbarger, Soil Conservation/Landowner  
Rhonda Vogl, KVRI Facilitator & Kootenai Tribe of Idaho  
Karen Schumacher, Recording Secretary KVRI & Kootenai Tribe of Idaho

**Agency/Others in Attendance:**

Genny Hoyle, Kootenai Tribe of Idaho  
Jorge Rosales, Idaho Fish and Game  
Alison Squier, Ziji Creative Resources  
Erin Sexton, Confederated Salish and Kootenai Tribes (CSKT) and Univ. of Montana  
Ayn Schmidt, USA EPA Region 8  
Dan McCracken, Idaho Department of Environmental Quality  
Bob Steed, Idaho Department of Environmental Quality  
Carol Kriebs, Kootenai Tribe of Idaho  
Jason Gildea, USA EPA Region 8  
Gregory Hoffman, U.S. Army Corp of Engineers  
Jeanne Higgins, U.S. Forest Service  
Jon Moen, U.S. Army Corp of Engineers  
Lisa Kusnierz, USA, EPA, Region 10  
Mitchel Silvers, Representative Senator Mike Crapo's Office  
Sue Ireland, Kootenai Tribe of Idaho  
Nate Jensen, Kootenai Tribe of Idaho  
Myla Kelly, Montana Department of Environmental Quality  
Robert Aitkin, Idaho Fish and Game  
Patty McGrath, USA EPA Region 10  
Shawn Young, Kootenai Tribe of Idaho  
Scott Soult, Kootenai Tribe of Idaho  
Sara Straub, USFWS Kootenai Wildlife Refuge  
Stu Levit, Confederated Salish Tribes  
Wes Ewing, Idaho Fish and Game  
William Barquin, Kootenai Tribe of Idaho

Tonia Brooks, Bonners Ferry Herald  
Tim Dougherty, Idaho Forest Group  
Kim Pierson, U.S. Forest Service  
Norm Merz, Idaho Fish and Game  
Karen Roetter, Senator Mike Crapo's Office  
Marc Kilmer, Representative Congressman Russ Fulcher's Office  
Jake Garringer, Office of the Governor  
Stefany Bales, Representative Senator Jim Risch's Office  
Matt Nykiel, Idaho Conservation League  
Christy Johnson-Hughes, U.S. Fish & Wildlife Services  
Chris Mebane, US Geological Survey

Rhonda Vogl called the meeting at 7:11

Dan Dinning confirmed a quorum of our board and confirmed the meeting minutes from June 15 were accepted as is.

Dan introduced Sue Ireland of the Kootenai Tribe of Idaho who has planned and coordinated these presentations by representatives from Kootenai Tribe of Idaho (KTOI), Confederated Salish and Kootenai Tribes (CSKT), EPA and US Geological Survey (USGS) about the impacts to the Kootenai River water quality and fish from BC Elk River coal mine operations and specifically Teck Resources Limited, a diversified natural resources company headquartered in Vancouver, British Columbia, that is engaged in mining and mineral development, including steelmaking coal, copper, zinc and energy.

Sue discussed the size and geography of the Kootenai River Subbasin as well as the history of the Kootenai Tribe and the interest they have in a healthy ecosystem with clean, connected terrestrial and aquatic habits which fully support traditional Tribal uses and other important societal uses.

Information was provided on the presenters.

- Ayn Schmidt and Jason Gildea of US EPA Region 8
- Erin Sexton, CSKT and University of Montana
- Christopher Mebane, Water Quality Specialist, USGS, Idaho Water Science Center
- Genny Hoyle, Aquatic Biologist, Kootenai Tribe of Idaho
- William Barquin, Tribal Attorney, Kootenai Tribe of Idaho

The slides for this presentation can be found at:

<https://www.kvricollaborative.com/kvri>

**Erin Sexton** began with information about the background and policy of the Elk Valley Mining. She reviewed the leaching contaminants of concern and water quality trends and concluded with the challenges with mitigation. **Data reflects the clear rise in selenium levels from the mines down to the Kootenai River above the Provincial guideline levels of 2 micrograms per liter (up to 70x the provincial guideline for protection of aquatic life). Concurrent studies reflected reduced levels of May, Stone and Caddis flies.**

Selenium bio accumulates. From algae to bugs and then to fish with increasing concentrations. Selenium goes from being good for you at low levels to bad for you at higher concentrations and acts on reproductive systems ultimately resulting in a failure to reproduce.

The 2014 permit to TECK was based on the promise of mitigation. To date there has not been a successful mitigation shown.

**Jason Gildea** followed, explaining the historical and proposed policy framework and engagement with Teck.

British Columbia Ministerial Order of 2013 stated that “TECK shall stabilize and reverse increasing trends in water contaminant concentrations... within the Elk valley area”

This resulted in the formation, per the Ministerial Order, of a Technical Advisory Committee, The Elk Valley Water Quality Plan (EVWQP).

The committee set water quality objectives and a timeline for meeting those objectives. An implementation plan was reviewed and adjusted in 2019 but did not require Teck to study Lake Koocanusa nor the Kootenai River although they did set an objective for it. The model developed does project Koocanusa will continue to exceed site performance objectives.

Whereas Idaho has already adopted the EPA’s recommended levels for Selenium in the Kootenai River and multiple state, tribal and federal agencies are studying mining related water quality impacts to the Kootenai River, Elk Valley mines are not required to consider or study potential mining related impacts to the River.

After the EVWQP, the state of Montana and British Columbia came together to look at the impacts on Lake Koocanusa and formed the Monitoring and Research Committee (MRC). MRC has developed site specific water quality criteria and is scheduled for completion in December 2020. MRC is offering multiple opportunities for public comment. Information about the work they are doing and

proposing can be found here:

<http://lakekooconusaconservation.pbworks.com/w/page/100633354/FrontPage>

There are a number of entities that have asked for a broader more holistic effort as a part of the findings and for the potential involvement of the International Joint Commission (IJC). IJC was formed under boundary waters treaties to study transboundary pollution when the entities agree this is needed.

The Canadian government has been asked to conduct a formal federal review of the proposed expansion of Elk River Valley mines. Despite numerous requests and the mandate to reverse and reduce the contaminations produced by the mining, they have yet to do so.

There is a brand-new proposed mine, the Castle expansion of the Fording River Operations, located in the Elk Valley of British Columbia.

Please see the presentation under the July 20<sup>th</sup> meeting, <https://www.kvricollaborative.com/kvri> slide #29 for more information and links.

**Chris Mebane** was next and discussed what selenium was, why the pollutant is of the most concern and how it is being monitored in the transboundary Kootenai Valley region.

U.S. Geological Survey is monitoring 4 sites on the Kootenai River ranging from Libby Dam up to Porthill, Idaho. They are looking at:

- Selenium in the water
- Selenium in fish tissue
- Selenium through the food web from water to fish

It was pointed out that the initial results of selenium loads were all attributable to the Elk Valley mines, via Kooconusa reservoir, not from other tributaries and were not affected by the amount of water flowing through.

Mountain whitefish samples revealed 10 out of 10 were above the 15 milligrams per Kilogram level. These concentrations are high enough to warrant concern.

In September they are planning to look at the actual food web. How do concentrations move from water to algae on rocks, insects and then to the fish that eat them? It has been shown that Selenium increases in concentration as it moves through the food chain.

**Genny Hoyle** followed, with information from studies on water quality and fish tissue sampling and data the Kootenai Tribe has been collecting.

- The Nitrogen source is from ammonium nitrate used in the blasting practices at the Elk River mine
- Residual Nitrogen is readily leached into the system and highly mobile
- It is estimated that there is a 5-8-year lag time from blasting to reaching the lower Kootenai River
- We are seeing abnormally high increases in concentrations levels that should not be occurring.
- Data from one of the projects started in 2005 shows similar trends. Some concentrations exceed the MT DEQ guidelines.
- Detections of Selenium for us began in 2015
- We are now continuously seeing Selenium
- Increases could have significant food web consequences
- Selenium concentrations found in white sturgeon is higher than national averages.
- Selenium concentrations found in Burbot are pushing the limits

**Billy Barquin** wrapped up with information about what the Tribe, State and US government has been doing.

They are asking that this process be stopped because it is not working. The Federal government of Canada has been largely absent. We are wanting to be more holistic and to include all governments as a part of the decision making. We are willing to provide information to whoever needs it and to those that would like to become involved. Copies of the Joint Council letters are available to be shared.

Q & A:

There was a request from the Herald to have a list of all agencies that are in attendance to the meeting tonight on this important issue. Can someone list all agencies?

A: That list will be compiled and provided

Q: Matt Nykiel: Does it make more sense for the Federal Government to approach via the International Joint Commission? How can that come to happen?

A: Billy Barquin: The Joint Councils have asked IJC, but in order for them to be involved, both countries would need to ask and that hasn't happened and is a source of frustration. We remain hopeful that they will get involved.

A: Ayn Schmidt: There is active dialogue between the two countries. EPA has an increasing level of concern. The State department has become very concerned about this. There is some transboundary dialogue occurring. Although it is preferred that both countries approach IJC, it is possible for one country to do so. Ayn referenced the Red River Board's experience in working with an IJC board successfully and recommends that those on the local level with questions reach out to touch base with some of those people for guidance. Those resources are referenced in the presentation.

A: Myla Kelly Montana DEQ re: IJC The State of MT is working hand and hand to adopt a collaborative water standard that is the same for British Columbia and Montana one lake, one number. BC working very closely with us. In the end we hope that we will share the water quality standard in 2020.

Q: Dan Dinning : Is there anywhere else in north America that produces this steel grade coal?

A: Shawn Young: My family is from West Central Pennsylvania in the center of coal production mines. It is central to the steel making industry. They are switching back to deep mining because the open pit mines have destroyed all of the fresh water resources in PA, VA, KY and OH.

Q: Chip Corsi – Given the data we have is it possible to model what we might expect in levels – do we have a sense of where we might be going if things progress? Would it be useful to have that kind of information in the predictive fashion?

A: Jason Gildea: The EVWQP do have a model that predicts there will continue to be increases in selenium and Nitrate based on the latest model before it turns the corner and goes back down. This is due to a delay in the treatment processes.

A: Erin Sexton : I can add to Chip's question about modeling - the initial data collection in the Kooanusa Reservoir and the Kootenai River is a good start - it would take more funding resources to build a more robust dataset to build a model for nitrates and selenium data over time. The better the data, the better the model. Federal funding, potentially through the IJC might be able to help with this.

A: Chris Mebane : Re Chip's question about capacity to model potential fish population risks from selenium in the river, I think the food web sampling will be helpful, but there's no present plan to take it to population level. (Just saw Erin's response - ditto)

A: Bob Steed: The Idaho Department of Environmental Quality is very concerned about the increase. We can take no action until it is shown that it has impaired Idaho waters. We are approaching that very quickly. Idaho has recently adopted the same standards as EPA. The selenium has to be identified as a pollutant. We have to follow guidelines and are unable to take action on threats.

Q: Dan Dinning : Wondering if there is technology available to mitigate the discharge level from the mines?

A: Genny Hoyle : Mitigating discharge from the mines would be quite a challenge given the snowmelt and precipitation the PNW has.

A: Ayn Schmidt : The technology that has, despite hiccups, been demonstrated to reduce selenium concentrations is active water treatment. Erin points out rightly that it will be difficult to sustain over a long time. However, Teck is turning away from active water treatment to a new treatment technology, Saturated Rock Fills, that has yet to be demonstrated to be effective at the scale needed and over the time needed.

A: Genny Hoyle : The treatment plants also only treat a certain percentage of runoff

Discussion was had regarding the IJC involvement and the hope that this could be encouraged. It was acknowledged that IJC makes sense. Due respect was given to provincials and to work being done with British Columbia (BC) on a number of issues. However, it was also pointed out that BC tends to line the United States borders with mines and other water quality issues. This meeting focused on Montana and Idaho issues, but Washington and Alaska have the same problems. The more pressure we apply, the more they will need to do something. Let's try something different.

Dan Dinning concluded the question, answer discussion portion of the meeting and asked for committee updates.

#### **Forestry Committee Update: Kevin Knauth**

- Deer Placer sale has some post-harvest activity going on along the Deer Creek road
- Camp Stew timber sale has some felling along Camp Nine Road adjacent to the road
  - there will be road guards and flaggers
  - this may interrupt some traffic

- Black Boulder GNA sale currently has road work going on along 20 mile to Boulder Meadows and then to Black Mountain Road
  - News releases in the paper and on the forest website is advising that road work will go on for another month
  - There are signs posted along the Twenty Mile road that there may be some delays
  - A lot of the work is grading but there will be some culvert replacements
- Westside Restoration Project
  - NEPA specialists are finishing reports this month
  - Draft EA will be released for comment in late August
  - First timber sale in the fourth quarter of fiscal year 21.
- The District office is still not open to the public, but the public is encouraged to call the office for help with any questions. Free Use Firewood Permits are available to the public; please call the office and we'll arrange to get you a permit.

**Jeanne Higgins, USFS:** Three collaboratives in North Idaho and IDL and Forest Service collaborated on the Collaborative Forest landscape restoration proposal in January. The review of this was bundled in with Montana projects submitted for consideration to the resource advisory committee established by the Secretary of Agriculture. The Idaho project was reviewed and ranked by the committee. It came in tenth. It is recommended for funding in Fiscal year 21. We will wait to see if the Secretary adopts the resource committee's recommendations and if there is adequate funding for North Idaho.

Also, of note was the reseeded resource advisory committee. Counties make allotment for projects to be funded under Title II and the committee advocates for and recommends projects. Committee new members were appointed by the Secretary right before the COVID outbreak and letters did not get sent out. They shared with folks who were recommended and have an August 6<sup>th</sup> meeting to start the process for project solicitation and ultimately making decisions early fall. Dan and Gary Aitken Jr are now on that committee.

**Chip Corsi, Idaho Fish and Game:** A grizzly on the north bench has gotten into a little bit of mischief, nothing aggressive but it has eluded us twice. There is a fair amount of bear activity this year. Fair amount going on but will wait due to time constraints in this meeting.

**Norm Merz, Idaho Fish and Game:** introduced Robert Aitken who has moved into the MacArthur Lake position. He'll handle habitat work in the North Panhandle.

**Karen Roetter, Senator Crapo's office:** The senator has a phone call scheduled this week with the Canadian Ambassador regarding the mining issue and to advocate for the Federal approach and supporting doing something different.

**Marc Kilmer, Representative Russ Fulcher's office** There is no update at this time but will be keeping in touch with Karen regarding the mining issues.

No formal KVRI meeting in August – The fair booth is scheduled for our annual set up on August 11<sup>th</sup> at 7pm followed by dinner.

Meeting called at 9:03 pm