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Lake
Roosevelt
Forum

NEWSletter

WINTER 2010

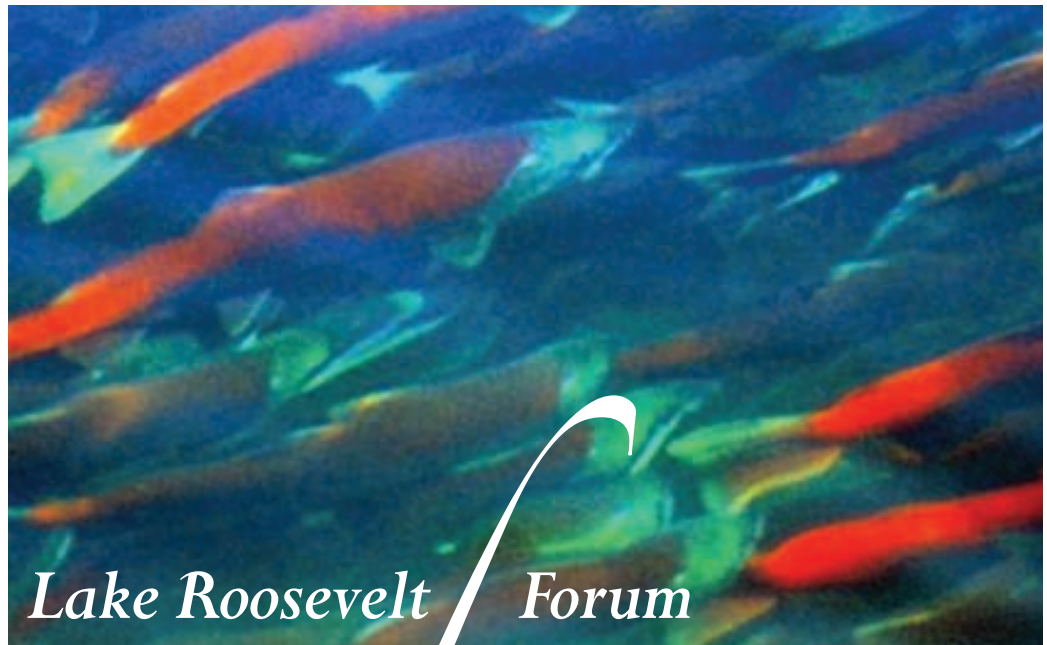
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Lake Roosevelt Forum

conference

2010

Water Quality • Fisheries • Community

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www.lrf.org/conf

Sample Sessions: Columbia River Treaty, Superfund Updates, Fishery Protection and Enhancement, Shoreline Management and Tribal Perspectives

GETTING TO KNOW

Lake Roosevelt Water Festival

“Picture 500 gleeful youngsters spending a day learning about water quality on the banks of Lake Roosevelt, feeding fish, scooping water from a nearby stream to study bugs through magnifying glasses, and joining hands in a circle to hear Indian stories about land.” That was Bev Isenson with the Governor’s Council on Environmental Education describing the first Lake Roosevelt Water Festival in 1995.

Fifteen years later, the water festival is still a mainstay for elementary students as they begin the new school year. To date, over 6500 students have come to know about Lake Roosevelt and the tribal, federal, state and local agencies that work to preserve and protect the environment every year.

Mitch Combs, the Sherman Creek Hatchery Manager for Washington Department of Fish and Wildlife, has worked on the festival since the beginning. Said Combs, “It’s one of the highlights of the year for us. To see the area fourth graders in a hands on learning environment is great. They quickly understand how things interact and affect many of the things we do in our everyday lives. There’s nothing better than watching kids get excited as they learn about their surroundings.”

This year, fourth graders from Ferry and Stevens counties converged on the shores of Lake Roosevelt for the festival. The event is held at the Sherman Creek Hatchery and the Lake Roosevelt Swim Beach. Among the activities are Kids in the Creek, water jeopardy, fish printing and storytelling, sturgeon, and “macro invertebrate mayhem.” Historic and cultural resources, as they relate to fisheries and water resources are also presented in very unique ways.

The festival instructors present balanced and factual information that help students form their own opinions. By keeping presentations factual, the children learn to assimilate information, a process that they can use throughout their lives to become better informed about water resources. They teach the process of independent learning, research and critical thinking, which will help keep students engaged and active in monitoring and protecting the water resources of their own communities.

Said Sherry Tilla with Valley School “The presenters did an excellent job with their presentations, and I felt the kids really paid attention. I had a couple of fourth graders write an article about the day which was published in our school newsletter that goes out to the community.”

Another very unique aspect of this educational opportunity is the interaction between Canadian presenters and students. This helps students understand that watershed issues traverse international boundaries.

Karen Honeycutt, a fish biologist with the U.S. Forest Service, commented that “The Water Festival is truly a partnership, with volunteers from agencies and industry working together. Our Canadian neighbors and area tribes help make this program what it is today.”

The main partners that currently coordinate the event include the Lake Roosevelt Forum, National Park Service, Washington Department of Fish and Wildlife, Avista, Bonneville Power Administration, and the US Forest Service. The Curlew Job Corp also supports the festival in setup and acting as tour guides.

To learn more about environmental educational programs, visit the Forum web site at www.lrf.org/Education.html. 🌐



Students at Lake Roosevelt Water Festival

Men at Work



Removal of slag from Black Sand Beach began in late September and is expected to be complete by the end of October. Beach material consisting of sand, gravel and cobble will replace excavated slag. Envirocon, the contractor, is using 47% local resources to complete this work.

New exhibits opened at Fort Spokane

Based on Lake Roosevelt National Recreation Area news release

Lake Roosevelt National Recreation Area celebrated the end of another busy season with completion of a visitor center exhibit renovation. New exhibits include the Fort's history as part of the Indian boarding school movement, serving as a tuberculosis sanitarium, and being a frontier military life outpost.

The new exhibit on the Indian boarding school period marks the first time a National Park Service site has told this darker story of early American history. Following the lead of Captain Richard Henry Pratt, Indian boarding schools were built to further assimilation through education policy. Believing that



Indian Boarding School Exhibit at Fort Spokane

Indian ways were inferior to those of whites, he subscribed to the principle "kill the Indian and save the man."

At boarding schools Indian boys and girls as young as 6 years were forcibly removed from their families and subjected to a complete transformation. Photographs taken at the Fort Spokane school are now part of an exhibit illustrating how students looked "before" and "after." Traditional clothing was replaced by Victorian styles of dress to help convince the public that Indians could be become completely "civilized."

A number of park employees, tribal consultants and contract exhibit designers and installers participated in the multi-year project. 🌟

Survey says ...

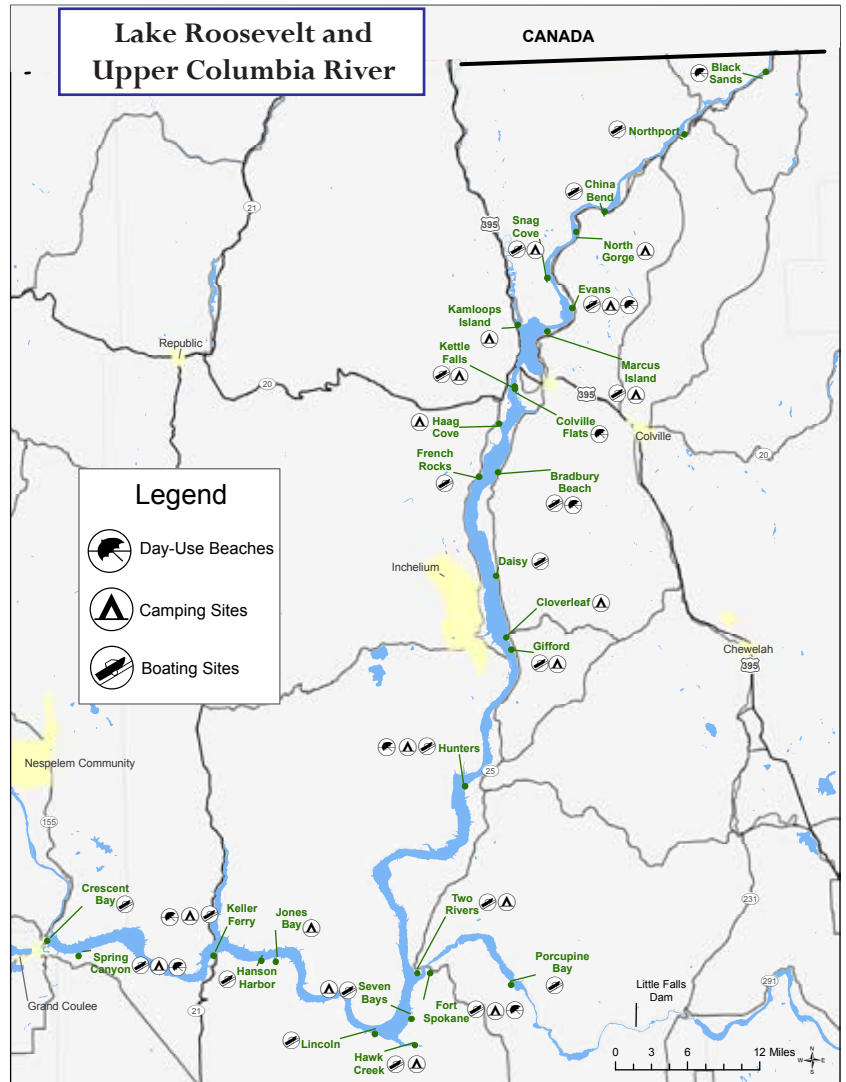
Over the next year 3,500 to 4,000 visitors to Lake Roosevelt and the Upper Columbia will be asked how they spend their recreational time. Visitors will be surveyed along the lake and river from Grand Coulee Dam to the U.S./Canadian border.

This comprehensive recreational use survey is part of determining if any human health risks may exist from exposure to contaminants. Specifically, it's part of the U.S. Environmental Protection Agency (EPA) Remedial Investigation and Feasibility Study (RI/FS) to consider possible effects of metals and other contaminants (e.g., PCBs, dioxins, furans, etc.) transported from Canada into the U.S. via the Columbia River.

Survey Work

Clipboard in hand, surveyors will contact visitors at boat launches, marinas, day-use beaches and campgrounds. A series of questions will paint a picture of what recreational activities people engage in, where they take place and how often they occur. How often surveyors are in an area will reflect seasonal, day-to-day and location based visits typical of the area. For instance, summer and weekend visitation is higher than winter and week day visitations.

Of critical importance are questions specific to activities that potentially expose people to contaminants. For instance, what types of fish were caught, where were they caught and how often are they consumed; what beaches are visited, type of activities pursued and when are they visited; and location, amount and use of surface water for drinking.



Locations where visitors will be surveyed

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CITIZENS
FOR A
CLEAN COLUMBIA

www.cleancolumbia.org



EPA to Update RI/FS Activities at Citizens for a Clean Columbia Meeting

Date: Monday, October 25th

Time: 6:00 pm

Location: Colville Museum

Address: 700 North Wynne St., Colville, WA

For More Information Call Hillary: 509-685-0933

Lawsuit to determine potential Teck liability for pollutant releases proceeding

EPA's Remedial Investigation and Feasibility Study (RI/FS) is investigating the human health and ecological risks of hazardous substance (also called pollutant or contaminant) releases. Based on findings, EPA may call for specific clean up actions to be taken. As per a 2006 settlement agreement with Teck, Teck is funding the RI/FS and is responsible for cleanup actions that may be identified. This part of the Superfund story is well known and extensively covered.

Just as important, and receiving far less attention, is litigation pitting the Colville Confederated Tribes and Washington State against Teck regarding the question of liability as it pertains to superfund law and natural resource damages. As goes this case and related actions, so may go millions of dollars in potential cleanup liability and natural resource damages beyond what EPA may prescribe.

The seeds for the litigation were cast in December 2003. This is when EPA chose to enforce U.S. superfund law over a foreign company operating in a foreign county. This was the first time EPA took such a step in the 27 year history of CERCLA (superfund law). In technical terms, EPA issued a Unilateral Administrative Order (UAO) to Teck Cominco (now called Teck).

The litigation has taken a long, windy road with many twists and turns. In all likelihood, there are still many more twists and turns to come. This is an update on where the case has been and where it's currently headed.

Litigation, Phase 1

The litigation began in July, 2004 when two Colville tribal members filed a citizen suit under superfund law to force EPA to enforce, and Teck to comply, with the UAO. Washington State joined the suit shortly thereafter, and at a later date so did the Colville Tribes.

In U.S. district court and then via appeal to the Ninth Circuit Court of Appeals, Teck argued that their operations were not subject to superfund law because they took place in Canada and were permitted, approved and complied with Canadian law.

The courts held, however, that Teck was subject to the UAO as a result of hazardous substances being transported into the United States, therefore meriting application of superfund law. In January, 2008 the U.S. Supreme Court decided not to review the ninth circuit decision.

Litigation, Phase 2

Two things happened during Phase 1 that make following the case difficult. First, part of Teck's settlement with EPA to fund the RI/FS included EPA withdrawing their UAO.

Second, the litigation only answered the question of whether superfund law could be applied to a foreign company whose foreign operations sent hazardous substances downstream to the United States.

Whether Teck is liable remains an open question that was returned to district court for trial. A trial date is scheduled on this issue for June, 2011. This fall lawyers from both sides filed "expert reports," a voluminous amount of documents that contain the opinions of various expert witnesses hired by each side to support their respective viewpoints.

Determining if Teck is liable will be based on whether it can be proven that hazardous substances were transported into the United States and subsequently released.

As part of this case, Teck also countersued, alleging that the State of Washington and the Colville Tribe were also potentially liable. In 2009, the court dismissed Teck's claim against the tribe because superfund law does not include Indian tribes as a potentially responsible "person." Teck is appealing this decision.

What Happens Next

If Teck is not found liable and the case is affirmed on appeal, Teck will not be subject to additional claims beyond what is called for in their settlement agreement with the federal government.

If the court finds in favor of the tribe and state, and the case is affirmed on appeal, settlement or potential additional litigation would determine Teck's cleanup and natural resource damage liability.

In related activity, the natural resource trustees representing the State of Washington, Department of the Interior, the Colville Tribes and Spokane Indian Tribe initiated a Natural Resource Damage Assessment (NRDA). Trustees conducted a Preliminary Assessment Screen and determined that it is likely natural resource injury has occurred. The trustees are now beginning to assess the need to restore natural resources. If Teck is found liable, Teck would be subject to NRDA claims under superfund law. 🌱

RI/FS 2010

Sampling and Report Status

Surface Water: Sampling occurred in fall 2009, spring 2010 and summer 2010. EPA is currently reviewing the data for quality assurance and plans to approve final data in October 2010. A draft report will be prepared and submitted for EPA review during winter, 2010.

Beach Sampling: Sampling at seven beaches occurred in the fall of 2009 and spring of 2010. EPA accepted data in fall, 2010. A draft report was submitted and is being reviewed by EPA. Additional beach sampling is scheduled to occur in the spring of 2011.

Fish Tissue Sampling: Over 2300 fish were sampled in fall 2009. EPA is currently reviewing data for quality assurance. A preliminary report has been submitted and being reviewed by EPA.

Recreational Use Survey: A survey to assess where, when, what, how and how long visitors utilize Lake Roos-

velt and the Upper Columbia River was developed and successfully pre-tested in summer, 2010 (see article). Surveying 3500-4000 visitors over a one year period begins October, 2010.

Plankton Sampling: A quality assurance plan for sampling is going through another round of review that is expected to be complete in 2010. If the plan is approved, sampling may occur in late summer, 2011.

Sturgeon Toxicity Testing: Two different types of lab tests are being used to assess how exposure to contaminants in surface water and sediment may effect sturgeon development in their early life-stages. U.S.G.S. testing has begun and will be completed in 2010. University of Saskatchewan toxicity testing is complete. Draft reports are expected in 2011. 🌐

Lake Roosevelt Water + Stimulus Funding = Water to Odessa Farmers

WA Department of Ecology, Office of Columbia River & Lake Roosevelt Forum Staff

After securing a new source of water from Lake Roosevelt as part of the Columbia River Water Management Program, Ecology's Office of Columbia River (OCR) faced a new challenge: There was no way to deliver it to the southern part of the Columbia Basin. Interstate 90 was the problem. There was only one point, the Weber Siphon Complex, where water from the Columbia Basin Project passed under I-90, and it wasn't large enough to handle the additional flow. A second siphon would be required.

The U.S. Bureau of Reclamation had piping in place under I-90 at the Weber Siphon Complex. It just needed to be connected with the rest of the system. OCR paid for the design and worked with Reclamation and Washington's congressional delegation to get stimulus funding. Reclamation began digging in the summer and construction is now well underway. OCR will deliver 7,000 ac-ft of Lake Roosevelt water through Weber Siphon once it is finished. The siphon has the capacity to deliver much more water when new water supplies are developed.

At the Lake Roosevelt Forum November conference, Ecology and Bureau of Reclamation staff will review draft EIS findings for surface water delivery to replace groundwater irrigation in the Odessa. 🌐



Weber Siphon at I-90

Canadian mural educates and reminds the public of the Columbia River's majesty

In 2005 three British Columbians joined with forty educators from the Pacific Northwest on a "Headwater to Coast" tour of the Columbia River.

Their mission: increase communication and connectedness across this vast basin. Their challenge: go back home and do something to show their connectedness and commitment to promote the "wellness" of the river.

Professionally, the three Canadians represented municipal, industrial and conservation community interests. Together they built new and richer understandings of the basin's environmental, cultural, historic and economic values.

To satisfy their challenge, in 2010 Canadian Murals (www.canadianmurals.com) painted on an ice arena wall in Trail, BC. The *River Re-connect* mural faces the Columbia River adjacent to the bridge on BC Highway 3 B. The mural measures 165 feet long and 55 feet at its peak. Two local artists took two months to complete it this spring.

This 12-day tour was funded by E.P.A., the National Parks Service and the Columbia Basin Trust. It was sponsored by the North Cascades Institute and directed by the Environmental Education Association of Oregon.



Columbia River mural, Trail, BC

A display size version of the mural and the artists that created it will be at the Lake Roosevelt Forum November conference.

Conference displays will also feature Bill Layman's The Atlas of the Canadian Columbia. Laymen created the atlas "to offer a fresh look at the river before and after three major dams were built across its waters in Canada. Combining striking then and now photographs and a series of maps, the atlas provides a visual foundation for the river in light of the 1964 Columbia River Treaty." 🌐

Survey says ...

CONTINUED FROM PAGE 4

Assessing Human Health Risk

Ultimately, information from the recreational use survey will be paired with fish, beach and surface water sampling studies.

Sampling data provides the picture of where contaminants are and in what concentration (be they dissolved in the water, on a beach or within fish tissue). The survey provides information regarding length, time and type of exposure of people to these contaminants. Together, sampling and survey data provide a detailed profile that allows researchers to estimate if visitors may be subjecting themselves to a human health risk.

Advisories and Cleanup

EPA will use the sampling and recreational use survey as a key part of developing a "Record of Decision," or ROD. The ROD comes at the conclusion of the RI/FS and calls out what, if any, cleanup alternatives (e.g., treatment) will be implemented. The ROD is not expected to be complete for a number of years.

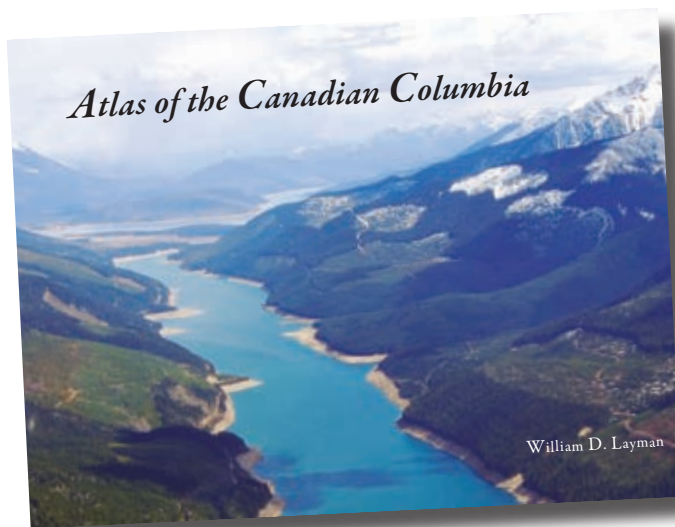
The Washington Department of Health (WDOH) will use sampling data to determine if fish, beach or other health advisories are needed for visitors. Currently, a fish advisory for Lake Roosevelt is in effect. This advisory was issued in 2008 and based on fish sampling from 2005. The fish advisory will be updated, as necessary, based on 2009/2010 fish sampling and the recreational use survey. 🌐

Lake Roosevelt Forum

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Atlas will be on display at the conference

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