

DEQ probing byway dig

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SANDPOINT -- Opponents of the proposed Sand Creek Byway contend the Idaho Transportation Department's archaeological excavation is occurring out of bounds and polluting the creek.

The Idaho Department of Environmental Quality is investigating the allegations raised by the North Idaho Community Action Network, a citizens coalition fighting to block ITD from relocating U.S. Highway 95 to the Sand Creek peninsula.

June Bergquist, IDEQ's regional water quality compliance officer, said she is compiling a report on the situation so the matter can be reviewed in Boise. Once the review is done, a determination will be made if there was indeed a violation.

"Within the month, we should know," Bergquist said from Coeur d'Alene on Monday.

The archaeological work is part of the cultural resources component of the highway realignment project. It began last month and involves minor excavation, either by hand or machine, in strategically located spots on the peninsula.

NICAN, which has filed suit to halt the bypass project, objected to any archaeological excavation on steeply sloped eastern creek bank. The group was concerned vegetation removal and digging could cause sediment to erode into the creek, particularly if there was a rainstorm.

The group's spokeswoman, Liz Sedler, has been monitoring the archaeological activities and in May noticed three areas measuring 4-5 feet wide had been stripped of vegetation. A silt fence was erected and digging had occurred at the bottom of one of the cleared areas.

NICAN contends the silt fence and the lower portions of the cleared areas were below the creek's ordinary high-water mark, which is contrary to the Stormwater Pollution Prevention Plan developed by ITD.

Sedler said the trenched areas were not supposed to extend below the high-water mark and now the areas have been inundated, and hydroseeding material has washed into the creek. Sedler said the hydroseed has the potential to add nutrients to the creek, which feeds into Lake Pend Oreille and the Pend Oreille River. The latter two water bodies already have nutrient problems, Sedler adds.

"This is yet another case of ITD saying one thing and doing another, and worse yet failing to take the necessary precautions to protect water quality," she said in a press release issued by NICAN. "How can ITD possibly be trusted to do the massive amount of excavation required for the roadway and extensive filling and dredging in the proposed in Sand Creek for the 'Byway' project without causing yet another water quality disaster?"

The U.S. Environmental Protection Agency sued ITD for failing to control erosion for a project at Lake Coeur d'Alene's Mica Bay. The bay was fouled with sediment and the department was fined half a million dollars. The contractor working on the project was fined nearly \$1 million.

"The citizens of Idaho are paying more than once for ITD's failure to protect water quality -- first with tax dollars used for construction practices that cause problems, again with tax dollars

to fix the problems, and yet again for fines levied against the agency, and finally, due to the loss of clean water and habitat for fish," Sedler said.

The transportation department, however, rejects NICAN's assertions as poppycock.

"There was no erosion; there was no sediment that got into the creek and there was no fertilizer that got into the creek," said Barbara Babic, ITD's District 1 spokeswoman.

Babic said NICAN was basing its claims on a pollution prevention plan that was later revised, although she conceded at least one of the trenches encroached below the high-water mark. She said a hydroseed material with no fertilizer was utilized specifically because it was being used so close to the creek.

"Nothing got into the creek," Babic said. "We took water samples before, during and after the work, and it's fine."