

WILLOW CREEK RECLAMATION COMMITTEE MINUTES

Wednesday, May 9, 2007
1:00 PM, Creede Town Hall

Present: Zeke Ward, WCRC Chairman and Mineral County Commissioner; Mark Walker, CDPHE (Colorado Dept. of Public Health and Environment); Jeff Graves, CDRMS (Colorado Division of Reclamation, Mining and Safety); Les Dobson, USFS (US Forest Service); Don Dustin, Creede; JB Alexander, Creede; Jim Matush, Creede; Jerry Rowe, Water Management Consultants, Hays Griswold, USEPA (U S Environmental Protection Agency); Gwen Christiansen, USEPA; Peggy Linn, USEPA; Mike Wireman, USEPA; Steve Yochum, NRCS (Natural Resources Conservation Service); Bruce Stoyer, CDRMS; Andrew Strong, Chevron; Rex Shepperd, City of Creede; Clyde Dooley, City of Creede; Erika McNulty, Alamosa; and Carishma Gokhale-Welch, WCRC Director.

Approval of minutes: No corrections to the April minutes were proposed. Don moves to approve minutes from April 4, 2007, JB seconds. Motion carries.

Additions/corrections to agenda: "Bigger rocks" at "JB's" park was added as an agenda item under New Business.

Reports:

Director's Report

Carishma reported that she attended the last two Rio Grande Inter Basin Roundtable meetings on April 10 and May 8. WCRC was on the Agenda on the April 10 meeting, where Ali introduced Carishma. Tom Schillaci presented about his work and showed the Nelson Dewatering video to those who were interested. Judy Lopez, RC&D talked about the importance of education in relation to SB 179 funds. Carishma volunteered to be on the sub-group formed to look into the relationship between SB 179 funds and education. The sub-group met on May 1, and is working on a communication plan to put forth education ideas as part of the Roundtable.

Carishma attended the Rio Grande Water Conservation District meeting, where Zeke introduced her. He also gave a brief update of the WCRC's ongoing activities.

On April 18, Les, Phil Reinholtz, Merle, Don, JB and Carishma harvested about 1,000 willow cuttings along East Willow Creek near the Outlet mine. These cuttings were later planted along the Creek on May 8.

Carishma expressed her thanks to Ali for taking the time to go over administrative tasks and the Committee's current projects. The office will be moving back to City Hall from Pappy's Place, as Carishma will be working out of her home in Monte Vista. She will come to Creede as and when required (a minimum of once a week).

Chairman's Report

The MCFA Open House and Retreat took place on April 27, and Zeke presented for WCRC. The architects from Denver and England were in Creede, and they worked on a plan for the building facility. We are still awaiting the final engineering report from the consultants, and then will prepare bids, and start moving dirt. Mike Wireman said that Dan Heffernan might be interested to hear about the Open House.

Zeke presented to the Basin Roundtable on May 8 in Alamosa. His presentation covered the history of WCRC, and the current and future projects being undertaken.

TAC Report

Amethyst: Jeff reported that the final construction details are being worked on, and that documents should be available for review by the next committee meeting. If the Committee approves the details, bids can be procured soon. The work should take about five weeks and perhaps be undertaken in August/September.

RGBRT project: The Committee has been trying to identify projects that would best fit SB 179 funds. It was decided that repairing the flume is top priority. The flume is deteriorating and is in danger of being dropped by the Army Corps of Engineers. WCRC has a placeholder for a grant application with the Roundtable. The Committee decided that a grant be written for \$35,000 (for equipment rental, purchase of materials, etc.), with match from the city in terms of labor. Some of Carishma's time will be spent preparing the grant, with help from the Roundtable.

Don moves to approve writing a grant for \$35,000 for flume repairs, Steve seconds. Motion carries.

Spring water sampling: Carishma shared the draft water sampling plan with the Committee. There have been recent changes in topography, so new sampling points might have to be added. Mike Wireman said that the EPA would test the samples with no charge to WCRC. He added that it would be useful to collect an extra sample for isotopes, and that he would send a one-page protocol to Carishma for reference. About ten volunteers would be required, divided into two crews – one crew sampling along East Willow Creek, and the other sampling along West Willow Creek. Water sampling was tentatively scheduled for May 22 at 8 a.m.

Old Business:

Commodore/EPA

Mike Wireman commented that the combination of the May 2005 flood, and the high percentage of metal loadings at Nelson Tunnel (NT), make it very unstable and in need of urgent attention.

The EPA has sent a general notice letter to the owners of the two claims informing them that they have a liability under CERCLA that needs to be resolved. They have 30 days to respond, after which, there will be a discussion with the owners and their attorney to come to an understanding about what they can contribute. Mike informed the Committee that the EPA has moved away from listing mining districts. What has worked well in places like Crested Butte, is listing a single site, as opposed to an entire district. In this case, only NT will be listed. The Emergency Response Program can be used for the Commodore pile.

Mike said that unless the State of Colorado and the community of Creede give their consent, the EPA couldn't be involved. The advantages of being listed is that if an agreement can be worked out with the owner of the claim, EPA can bring in a fair amount of money and can do very good remedial investigation. The hope is that NT can be fixed without a treatment plant, by using a combination of source control, diverting water, plugs, etc. DRMS could continue to head up the investigations, and the Committee could also be involved.

Mike introduced Gwen Christiansen, who oversees the listing function. Gwen reported that EPA had no interest in listing the City of Creede, and that the support of the community was essential to list NT. She said that the listing process and program has a stakeholder element, and is of no cost to the community or city. The process consists of three elements – technical component, approval process, and getting the listing done. The technical component comprises of putting together a Hazard Ranking System (HRS), and getting a score of 28.5 or higher. Sediment data is usually used for scoring, but surface water data can also be used. The approval process consists of getting a letter of support or non-opposition from the

governor. In past cases, the mayor has written to CDPHE asking for a governor's letter (which is basically a letter from the community). It is usually beneficial for this letter to come from the city/community rather than WCRC, but two separate letters can also be written. The timing for listing is every six months. The earliest that NT can be listed is mid March 2008, but Gwen will need to know beginning of August 2007. There is a 60-day comment period, and after six months, the proposal will go final.

The Committee raised several questions. Zeke asked if the data collected over the years by WCRC could be used or whether new data would have to be collected. Gwen replied that for the HRS packet, the contractor would analyze the data to see if it can be used. Gwen also said that the negotiations with the owner of the claim would not affect the process, and that NT can still be listed. The liability of the owner does not interfere with the listing of the site, but is more dependent on community support. Zeke said that success at WCRC has been because of its partners, and wondered if the search for potentially responsible parties (PRPs) would affect relationships that have been nurtured in the past. He also mentioned that it is an issue of water rights for the city of Creede, and it has to be protected. Mark Walker asked if there was money available, as the budget is limited. Mike replied that the Remedial Investigation and Feasibility Study (RIFS) is relatively cheap, and that there is no chance of getting funding without first being listed.

Peggy Linn then went over the public process. She said that the money for the operation would come from appropriations from congress, and not from the Super Fund. She handed out a chart and described the various steps on the chart. If Hays Griswold's Emergency Response work on the Commodore pile takes more than 120 days, a community involvement plan will have to be formulated, with a 60-day comment period. She also mentioned a Technical Assistance Grant of \$50,000 that can be used for reviewing technical documents, hiring other consultants to review reports, and proposed remedies. It can also be utilized for community outreach and education. Hays reported that he could start work immediately after procuring a letter of support from the community and state. He said that the EPA does not have the authority to do maintenance after the work is completed, but they will try and minimize the maintenance is required.

Mike will report back to WCRC after EPA has met with the owners of the claims and Peggy will send in some other documents for reference.

Steve Yochum's Stream Restoration Report

Steve briefly presented his report, which is downloadable at sywater.org. His report presents nine alternatives, with estimated projected costs for stream restoration below Creede. It recommends the use of structures till the re-vegetation efforts work. There are tables that lay out the cost of the different alternatives, ranging from \$0.5 million to \$1.5 million. The various alternatives have different roles, and could bring in different sources of money. For example, the wetland option could involve the USDA's WRP program. Steve commented that for this project, landscape architects are as important as a construction firm.

The Committee discussed the role of the TAC in getting familiarized with the report and making recommendations about the best-fit alternative. Steve commented that Wason Ranch should be involved in addition to TAC. Mike suggests that Steve be more proactive in getting comments from the Wason Ranch representatives.

Mike Wireman moves to approve the TAC to review the report, Mark Walker seconds. Motion carries.

The committee discussed sending a letter of thanks to Steve's boss at NRCS.

Mark Walker moves to send a letter formally thanking the NRCS and Steve's boss, Mike Wireman seconds. Motion carries.

Tom Schillaci video

Carishma reported that WCRC has a DRMS credit of \$727.81 from a credit for hydraulic pump rental (\$623.13), a credit for unused wire (\$39.94), and a credit for unused pipe fitting (\$64.74). DRMS has approved this amount to be used against Tom Schillaci's out-of-pocket expenses (\$1,006.68) for his video. Ali has sent in a 319 grant reimbursement request to Kathleen Riley for the balance amount (\$278.87). Carishma is waiting to for Kathleen to approve the request. Mike Wireman said that he would like a copy of the video.

Internship

Carishma introduced WCRC's summer intern, Erika McNulty, an undergrad at Adam's State College. Erika shared her educational background with the Committee, and informed the Committee that she would be staying at the USFS bunkhouse and working in Creede daily. She will be starting work on May 17.

Adopt-a-Highway

Carishma will call the person in charge and figure out how much notice they need before we can get the paraphernalia needed to collect trash. The Committee committed to adopting the section of highway between mile marker 20 and 21 for a period of five years.

New Business:

Bigger Rocks at "JB" park

It was decided that this item can be worked into our summer plans.

ABCA:

Mark Walker reported that Hecla's consultants are concerned that the ABCA statement implies that the Imperious pile is the only source of metal loading in the flood plain. They have requested that WCRC modify their statement to let it be known that there are other sources and seeps into the river. The committee discussed that there were numerous potential sources, and that it was not clear exactly where the loadings come in. The committee decided to delete the following sentence, "If other metals have different percentages, particularly at W-GE, then we might assume that there was some loading along the east braid, most likely from the Imperious tailings", and replace it with, "We believe that there is some small loading of metals to Willow Creek from various sources throughout the flood plain."

Mark moves to replace the original sentence with the new one, Mike seconds. Motion carries.

Adjourn:

The meeting adjourned at 4:20 PM; the next meeting will be June 6, 2007 at 1:00 PM, with a TAC meeting preceding it at 10:00 AM.

Respectfully submitted,

Carishma Gokhale-Welch