

# WILLOW CREEK RECLAMATION COMMITTEE MINUTES

Wednesday, February 4, 2009

1:00 PM, Creede Town Hall

PRESENT: Zeke Ward, WCRC; Rex Shepperd, City of Creede; JB Alexander, Creede; Mark Walker, CDPHE (Colorado Department of Public Health and Environment); Jim Matush, Creede; Kelley Thompson, Agro/WCRC; Phil Bethke, Creede; Peggy Linn, EPA; Kathleen Murphy, OSM/Vista- Western Hardrock Watershed Team, WCRC

APPROVAL OF MINUTES: Mark moves to approve the January minutes. Peggy seconds, and the motion passes.

## ADDITIONS/CORRECTIONS TO AGENDA:

- 501(c)(3), LLC
- Peggy
- Kelley

## REPORTS:

### Director's Report:

Kelly reported that Carishma is working on 319 Nelson Tunnel.

Kathleen reported that the EPA has been notified of the two sampling events, the liner letter has been complete, a library sign out sheet has been created, Kara Britian will be working on the video, no word yet from the Baslers regarding the prospectus- will talk with Kara about that project as well, the RGWCD honored our request for \$20k, the GoCO grant writing workshop was attended, and MLK day was spent serving lunch at the La Puente Home in Alamosa.

Chairmen's Report: see 501(c)(3) below. There was a short discussion regarding the Nelson Tunnel. Load AND concentration need to be addressed to comply with regulations. The Willow Creek and Rio Grand need to meet Table Value Standards and total max daily loads for the state of Colorado.

\*The cracks are important. Phil is working to take the attention off the veins and direct the attention to the cracks.\*

TAC Report: n/a

## OLD BUSINESS:

Miners and Merchant: JB was added as the second signer to the Miners and Merchant account

NEW BUSINESS:

501(c)(3) LLC: Kathleen Riley would like the 319 money (\$398k) spent *this year*.

**However**, IF something is in the works, the money may carry over one year. Mark reminded The Committee that this money needs to be awarded to a non-profit or municipality. A discussion ensued about the creation of a 501(c)(3) LLC as a means to hold the floodplain land and act as governing body. Rex reported on the status of Eric Heil's report; he's close, it may be a few more months before he's finished. He is going to try and have a draft proposal by Monday to Clyde for Tuesday's City Council Meeting. The city may join the LLC; they would hold the title to the land.

Clyde reported that he had spoken with Paul Gladder (spelling?) earlier in the day. Paul is not on board with the creation of a 501(c)(3) because he's afraid that Creede Resources and the city would be stuck with the liability. They may also need office space so they may not want to get rid of the property.

The mill site will be left in Hecla's ownership for office space. They sell/foot the bill for development, which generates money for remediation of tailings pond. This is a long-term benefit for the city as the area will be a Tax Increment Finance District. Any additional tax revenue could go to the 501(c)(3).

Another suggestion would be for the county to move shop to airport road, possibly trading land near county's property (north of airport). A joint shop could be placed on the tailings pile. This idea however is not what we're trying to provide as an entry into Creede. We do need an impermeable cap on the tailings pile.

ACTION: reasonably assure Hecla their liability will go away.

If the next course of action is the creation of a 501(c)(3), the bylaw should be set-up so that all board members would have an equal voice. It was also suggested that the by-laws follow the Rico model. Officers and directors insurance also need to be researched.

The question again was asked, Is Hecla willing to transfer the land and will the city accept the land? From the city's point of view, until it is clear there's minimal investment on the part of the city, they will not accept the land. The city too is concerned about liability issues. To avoid CERCLA liability, an AAI needs to be completed and reasonable progress needs to be made. Mark reported that he already conducted the AAI.

***\*\*\*March 4<sup>th</sup> the Committee needs to decide what to do with floodplain land\*\*\****

Nursery site below town: Phil moved that the TAC start planning, Mark seconds, and the motion passes. The next TAC meeting will be March 4<sup>th</sup> and on the agenda will be the planning of the willow nursery site.

There was also talk of moving Jim G. to the TAC meeting.

Peggy/EPA: Data from a sampling event in November, inside the Nelson Tunnel, by the EPA and others monitor seasonal changes, and they will fingerprint the water to assist in determining where water is entering the tunnel from and if it is contaminated with metals or is clean water. This information will be used in the Remedial Investigation/Feasibility Study (RI/FS) to develop and evaluate several different alternatives for cleaning up the Nelson Tunnel discharge. EPA will work with the WCRC as alternatives are developed.

JB moves to conclude meeting, Kelley seconds and the meeting is adjourned.

Respectfully submitted,

Kathleen Murphy