

WCRC Minutes

December 3, 2003

Intro of members: Leigh Ann Vradenburg, Watershed Coordinator; Zeke Ward, Chairman WCRC; Jim Matush, Creede; Marvin Reynolds, CSU Cooperative Extension; Jeff Graves, CDMG; Laura Coppock, USFWS; Mike Wireman, USEPA; Bob Kirkham, Consulting Geologist; JB Alexander, Creede; Chuck Barnes, Creede; Marc Cittone, University of Colorado; Jim Erdman, USGS; Jenny Inge, Mineral County Fairgrounds Association

Marc Cittone is working on a Master's thesis on watershed stakeholder groups, with a focus on how stakeholder groups can foster inter-agency cooperation and on-the-ground results that address community and agency concerns. He is hoping to involve the WCRC and the Lefthand Watershed Oversight Group.

Approval of minutes: Motion to approve the November minutes made by JB Alexander; second made by Laura Coppock. Motion carried.

Additions/corrections to the agenda: A discussion of creek debris clean up was added as Old Business D. A discussion of additional water sampling was added as New Business D.

In-Kind: Forms were provided in hard copy for volunteers to track time and other expenses. Leigh Ann encouraged monthly submission of these forms so that records could be kept current.

Coordinator's Report: Leigh Ann indicated that she and Zeke would be presenting at the January 20th Rio Grande Water Conservation Board's meeting. The purpose of this presentation is to give the Board an update on what the WCRC has accomplished in the last year. The RGWCB gave the WCRC \$10,000 in January 2003 for Coordinator Salary. Zeke and Leigh Ann will approach the Board for funding for 2004.

Leigh Ann will attend the El Pomar banquet on Thursday, December 4th. The WCRC is a finalist for an Award for Excellence in the Environmental category. Finalists will receive \$5,000, and the winner for the category will receive \$15,000. Jim Mietz will also attend as a WCRC representative.

Old Business:

Nelson Tunnel Flume: Zeke asked if there was a possibility of getting an accurate flow in the Nelson Tunnel rather than using or resetting the flume outside the Nelson Adit. Wireman suggested that it might be best to abandon the outside flume. Zeke thought that it might be

possible to get a flow at the Bachelor. Wireman indicated that in-mine flows could be used as a comparison with the outside to determine how much is being missed. Wireman asked Graves if any Office of Surface Mines money was available. Graves said possibly, but that money was usually only for physical hazards such as an opening. Wireman suggested that we could stabilize the portal area and fix the flume at the same time. Graves will look into funding. Wireman suggested that they could get a flow when they went underground in January. Zeke thought that we should look into grouting costs for stabilizing the portal area. Wireman and Graves will talk to Bruce Stover for a ballpark cost for grouting.

Grants: Leigh Ann reminded the committee that she was submitting a Brownfields grant for the Mineral County Fairgrounds Association on December 4th for clean up near Airport Corner. Zeke reminded the committee that the MCFA would compensate the WCRC for Leigh Ann's time to prepare the grant. She is also submitting a grant to the EPA Consolidated Funding Process to fund a feasibility study for treatment of Nelson Tunnel water. This study will incorporate ideas for treatment, piping, hydropower, and heat use for the hatchery. The deadline for this grant is December 5th. The next grant will be 319 in January. Leigh Ann reminded the WCRC that this grant can provide up to \$25,000 to develop a watershed plan.

Jim Erdman report: Erdman brought a data table and maps for distribution to the committee. Because several members were not present for previous discussions, Erdman covered the results discussed at the November meeting. Wireman indicated that the results fit with what is known. He questioned the impacts of a heavy metal laden food source to the food chain. Wireman suggested that Erdman write up a report and have Coppock provide some commentary on what is available to foragers and other animals in the food chain. Leigh Ann will prepare maps for Erdman's report. Erdman indicated that he would prepare the report as an in-kind donation. Motion to authorize the production of a summary report, with Leigh Ann providing maps and Coppock providing biological input, to be reviewed by the TAC made by JB Alexander; second made by Bob Kirkham. Motion carried. Zeke suggested that we send a copy to Gareth Davies.

Creek clean up: Leigh Ann indicated that we needed to coordinate with the county to burn the debris piles along the creek above town. Zeke suggested that we inform the fire department and watch for snow. Leigh Ann said that we should continue cleaning further upstream towards the Amethyst in the spring.

New Business:

Solomon wetlands/AOC: Zeke summarized the discussions of the TAC regarding the Solomon wetlands. He said that the roadblock to rejuvenating the wetlands was the need for someone to hold the National Pollutant Discharge Elimination System permit. In the past, the approach of the WCRC was to wait on a Good Samaritan amendment to the Clean Water Act to prevent liability. Because it does not seem that such an amendment is a possibility in the near future, the WCRC could look into an Administrative Order on Consent (AOC) issued by the EPA. An AOC is an agreement between a party and the EPA in which the party agrees to do a particular action. JB questioned the degree of responsibility in the future, and if the wetlands would become our main focus. Wireman said that operation and maintenance is required to avoid gross negligence of the project in the future. Zeke said that the party would come up with the O&M plan and take it to the EPA. JB asked if any improvement would be acceptable. Wireman said that it would in principle,

but he suggested that an attorney could be used by the party to give them some comfort in their requirements. Zeke suggested Kemp Will or Norm Higley. Graves asked if a Good Samaritan amendment came about, if the party could get out of the AOC. Wireman did not know. He suggested that the City would be the appropriate party to enter into the AOC. Zeke said that we should also consider Mineral County or a conservation district as potential parties. Wireman suggested that a party put a timeframe of possibly 5 years on the AOC, after which terms would be renegotiated. Motion to change the WCRC approach of waiting for the Good Samaritan and to consider using an AOC made by Chuck Barnes; second made by Jim Matush. Motion carried. Zeke mentioned another advantage of the AOC would be that a citizen-initiated suit under the Clean Water Act could not be initiated for that particular project because regulatory authority had been exercised. Wireman suggested that Kirkham could help the TAC with developing a scope of work for the wetlands. Motion to give this project to the TAC as a task and to go forward and pursue a feasibility study for the Solomon wetlands made by JB Alexander; second made by Chuck Barnes. Motion carried. Leigh Ann indicated that she had heard a presentation by Ron Cohen from the Colorado School of Mines, and that he might be an appropriate resource to bring into this project. Wireman suggested that Kirkham and Leigh Ann discuss the project with Ron and invite him to a meeting. Wireman said that we should talk to Ron before collecting any sediment samples.

MSHA training: Leigh Ann informed the WCRC that the 8-hr refresher course for MSHA certification would be held January 30th and would be taught by Condor Geotechnical. Wireman said that Carol Russell had worked on bringing training to the EPA. He will check on the availability of the 40-hr class for Coppock and Leigh Ann. Leigh Ann said that she will need to get a list of names to Condor in January.

MCFA letter: Leigh Ann read a letter she drafted for the WCRC in support of the Mineral County Fairgrounds Association Brownfields application. The letter indicated an in-kind donation of technical and project management support totaling \$5,200. Proposed changes to the letter included emphasizing “non-Federal support” and using the term “at least” to describe the hours donated. Motion to approve the WCRC letter of approval for the MCFA Brownfields grant made by Marc Cittone; second made by Marvin Reynolds. Motion carried.

Additional water samples: JB suggested that collect water samples on the Rio Grande at the La Garita Bridge to identify the influence of in-stream earthwork on water quality. He suggested taking two samples prior to earthwork and then two during earthwork. Analyses will be for total zinc and cadmium. Motion to authorize expenditures for sample collection and analysis made by JB Alexander; second made by Mike Wireman. Motion carried.

The WCRC discussed the possibility of starting up a local lab for water analysis. Wireman said that he had heard of a broken atomic absorption analyzer at a USGS lab in Denver and asked if Erdman could look into it. Wireman said that there is a clear and obvious advantage to having a local lab if one could be put together by the WCRC and local government. Motion to pursue funding and sources for the WCRC to start a water quality lab made by Marvin Reynolds; second made by JB Alexander. Motion carried.

Wireman suggested that we collect a sample for O¹⁸ analysis when we go underground in January. He could have the sample analyzed free. Gareth Davies suggested that we analyze one of the groundwater wells for tritium. The cost would be approximately \$100. Motion to authorize sample collection for O¹⁸ underground and tritium from one of the wells made by Leigh Ann Vradenburg; second made by Jenny Inge. Motion carried.

Other:

The next meeting will be January 7, 2003.

Meeting Adjourned 4:14 PM

Respectfully Submitted,

Leigh Ann Vradenburg