

Coal Creek Watershed Coalition

MEETING MINUTES

October 21, 2009 4:00-5:30PM

Crested Butte Town Hall

Attendance: Anthony Poponi, Amy Weinfurter, Dr. Kevin Alexander, Steve Glazer, Scottie Willey, Wendy Brown, Robin Jones, Tara Tafi, Eddy Balch, Bruce Lakin, Rebecca Anthony and Phil Hegeman (by phone), John Biro, Corey Bryndal, Rodney Due, Marlene Crosby

A sign-up sheet was passed around to record attendance.

Housekeeping

4:00 Signup Sheet and In-Kind Reporting

4:00 – 4:05 Announcements

Steve Glazer summarized the proposed Good Samaritan Act legislation, which is designed to make it easier for individuals and groups to clean up areas like abandoned hardrock mines without assuming liability for these sites under the Clean Water Act. Similar efforts have been underway for the past 15 years, and have been opposed primarily by national environmental Non-Governmental Organizations, which see the legislation as a weakening of the Clean Water Act. Letters of endorsement for the legislation are being prepared, and Steve suggested, and the board agreed, to review an emailed summary of the bill and the draft of the endorsement letter.

4:05 – 4:08 Approval of Minutes

Steve Glazer motioned that the August and September minutes be approved without amendments. Robin Jones seconded the motion. The motion was passed without abstentions. (Wendy Brown later noted a typo in the September minutes that will be corrected in the records).

4:08 – 4:10 Treasurers' Report

Harvey Castro was not at the meeting, so the treasurer's report was tabled for the November meeting.

Agenda Items

1. Board of Directors Formal Actions (4:42 - 5:10)

- (a) Steve Glazer opposed changing to the by-laws to allow Anthony and Amy to vote to approve minutes in the absence of a quorum. He suggested it would be too drastic a change to make to the by-laws at this time. Robin suggested that the minutes could be approved via email, if a quorum is not present at the meeting.
- (b) No one in the group voiced concerns with the CCWC covering the expenses of lunch for volunteers helping with monitoring and other efforts, and with including Anthony's lunch in this expense during volunteer days.

(c) The discussion of hosting a volunteer appreciation party was tabled, as there may be an opportunity through the VISTA program to receive compensation for trying out and evaluating this method. This idea will be brought up again when Anthony and Amy have more information about this opportunity.

(d) Steve Glazer and Anthony attended a training hosted by Trees, Water, and People. Anthony received a stipend that allowed him to attend at no cost to the CCWC. The training focused on improving websites, newsletters, and social marketing in non-profit organizations. One suggestion was to use e-newsletters through an organization called Network for Good in order to increase readership. After discussing the possibility of using less costly services, which would allow the CCWC to set up an HTML format but not to track readership and click-throughs, the group decided to wait for Anthony to investigate other options and report back.

(e) No one in the group voiced an objection to using funds from the 2009 Colorado Healthy Rivers Fund grant to compensate Robin Jones (at \$30/hour) and Steve Bogott (at \$12/hour) for their work on the Best Management Practices (BMPs). Bookie Louise and Mike O'Loughlin were contacted to determine any potential conflicts of interest, since Robin is a board member, and a contract and invoice will be drawn up and shown to the board to keep the reimbursement process transparent. To avoid any potential conflict, Robin also did not vote on this issue.

(f) Currently, the CCWC operates without Directors and Operators Insurance, exposing the organization's volunteer directors and committee members to some degree of liability. Steve Glazer noted that once insurance is begun, it will need to be maintained year-to-year, and Kevin checked to make sure that Anthony had looked at other group's rates, as they can vary significantly.

2. Coordinator Review (4:40 – 4:42)

A coordinator review, which included Wendy, Robin, and Steve, took place prior to the meeting. The group discussed Anthony's performance over the past year and agreed that it had improved, and that the capacity of the CCWC had also improved as a result of this. A pay raise from the current \$27.50 was discussed, as the group thinks it will be able to meet its grant responsibilities with increased pay for Anthony. A final decision on Anthony's pay rate will be made by the Board of Directors

3. Board of County Commissioners - Kebler Pass Road (5:10 -5:35)

Two Irwin residents, John Biro and Corey Bryndal, as well as Marlene Crosby of Gunnison County's Public Works Department, were invited to attend the CCWC meeting to discuss the proposed plan to plow Kebler Pass Road up to the Irwin forks starting on or before May 15th. Traditionally, the time to plow has been determined by the County, and occurs once the snow is very shallow. Irwin residents have asked for a set plowing schedule during the weeks from May 15th until the snow thaws, for transportation and safety issues. Irwin residents suggested working with the snowmobile club to mobilize snowmobiles and snow cats to minimize the amount of snow that would need to be plowed. John suggested this could also reduce the runoff from snowmobiles, improving the health of the watershed.

Marlene outlined the County's position on this issue, citing concerns about using up a limited amount of money, as the cost of plowing corresponds to the amount of snow removal needed to open and maintain a road. Spending dollars on the road early in the year would reduce the amount of money available for road maintenance, culvert repair, and other activities that Marlene suggested would benefit a larger number of people. Concerns were also raised about access to the surrounding areas and other impacts such as ruts on side roads and the sediment transfer from the wet road into the creek were cited.

The group also discussed the comparison between plowing in the fall and plowing in May, as well as the potential impact of chip-sealing the road near Splains Gulch. No formal action was proposed by the CCWC Advisory Committee.

4. TMDL Process Overview (4:10 – 4:40)

Rebecca Anthony and Phil Hegeman of the TMDL Development Program at the State of Colorado's Water Quality Control Division joined the meeting via teleconferencing. They provided a PowerPoint presentation of the Total Maximum Daily Load (TMDL) process being initiated in the Coal Creek and Slate River Watersheds. TMDLs allocate the total load a stream can handle, and are implemented through NPDES permits. These loads are calculated by totaling the point source contributions, natural background and/or non-point source contributions, and a margin of safety. The presentation also addressed common misconceptions, emphasizing that while point source contributions are implemented through NPDES permits, the load allocation portion of a TMDL is implemented through voluntary action. TMDLs also do not establish reductions below the water quality standards.

Steps in TMDL development include quantifying goals, targets, and endpoints, and identifying the allowable load, "critical condition," pollutant sources and contributions. Once the allowable waste load is allocated, a period of public comment begins. The EPA's approval completes the process. The end product of this process will be the attainment of Aquatic Life Cold Class 1, Use-Based Standards for Upper Gunnison Segments 7, 8, 10, 11, and 12. If the waste load allocation cannot meet the underlying standard, a site-specific standard will have to be considered. Modeling data from the past 5-10 years will be used throughout this process. Point discharges by the Town of Crested Butte and the Mt. Emmons Project will receive waste load allocations rather than load allocations. Steve raised a question about the need to collect additional data, and expressed concerns that the process might need to be repeated to take reductions in the discharge from the Standard Mine into account, as the EPA Superfund remediation effort takes affect. A draft of the TMDL report is expected by the spring of 2011.

The presentation ended with a brief discussion of the *Friends of Pinot Creek vs. USEPA* case, in a watershed which had both point and non-point source contributions. The case's background involved an Arizona copper mine that wanted to offset its point source contributions to Pinto Creek by cleaning up non-point source sources to the water body. The court ruled that the stream must be brought back into attainment of standards and that any new loading can not create a new exceedance of standards. In other words, it is possible to adjust allocations, but not if the stream continues to exceed water quality standards.

5. Consideration of Future Plans (5:35 – 6:00)

Anthony briefly reviewed the status of the CCWC's submitted grants as well as grants currently in progress. More detailed information about the state of these grants is available on the "Coal Creek Future Outlook" page included in the meeting packet.

The group also discussed applying for another Technical Assistance Grant (TAG) for the Standard Mine Technical Advisory Group (SMTAG). Approximately \$20,000 is left in the current grant. The TAG funding has been used very slowly because this year the EPA has not produced many documents that require technical review and oversight. Steve noted that this grant is for SMTAG, not for the CCWC. The CCWC agreed to apply to extend the current Non-Point Source grant, which would cover the continuing work on Best Management Practices, but very little besides that.

The group then re-visited a discussion about changing the organization's mission statement and working outside of the Coal Creek Watershed, a discussion that begun during the Annual meeting in February 2009. The group agreed to apply for a new Non-Point Source (NPS) grant. An application is due in December 2009 and Anthony will submit a concept paper by Friday, October 23rd for the NPS Alliance to review. Tara pointed out that the Upper Gunnison watershed will be a priority watershed for Non-Point Source funding during the 2012 grant cycle, and clarified that the CCWC planned to apply for a grant for 2010 and 2011 with another submission likely due in 2012. This grant would encompass developing a remediation plan for the Forest Queen Mine, including riparian restoration, removal of waste rock and refuse, contaminated sediments, contaminated soils and the closure of two adits. DRMS and the Forest Service could potentially partner with the CCWC on this effort. The Non-Point Source Grant would also address the results of the riparian assessment, additional Best Management Practices (BMPs) implementation, water monitoring and meeting facilitation. The McGinnis', who own property that is part of the Forest Queen Mine have asked for an assessment of the environmental impacts of the current site. Tara noted that safety closures at this site will pave the way for DRMS to do additional environmental work, and that it would still be possible for the owners to maintain access to the adits through locked steel doors. Also, DRMS plans to assess and look more closely at the area around Lake Irwin next spring. Tara also suggested some possible funding opportunities available for mixed ownership sites through the EPA, which the CCWC will explore.

The group also discussed creating a Source Water Protection Plan, which can be completed using a grant of \$5000. Funds from this grant could be used for measures ranging from education, erosion controls, and contaminant removal that would protect Coal Creek. The work in creating this plan could also be done over the winter. The grant would need to be run through the Town of Crested Butte, as they are the municipal water provider, but the CCWC would be willing to take on as much responsibility as possible writing the proposal and administering the grant.

The group also revisited its discussion of the possibility of expanding its work into Redwell Basin. Tara discussed the preliminary results of the DRMS's sampling work in Redwell Basin, and noted that teasing out the natural and man-made sources of degradation to the watershed would be one of the big challenges ahead. Tara also asked to discuss the findings from the field reconnaissance in 2007 and sampling results from 2008 more thoroughly at the December meeting. She noted that DRMS cannot fund environmental work on hard rock mining sites. However, other funding opportunities may be available through funding for mixed ownership sites, and DRMS would be interested in exploring partnerships with the

CCWC through a Non-Point Source grant or other funding entities. After discussing the possible implications of expanding the CCWC's mission, the group decided not to change the mission statement at this point. However, they opted to help facilitate further sampling in Redwell Basin as funding allows, if a review of the data indicates a need for it and to re-evaluate this stance based on these findings.

6. Additional Agenda Items (6:00 – 6:08)

John Biro shared his concern that a pond near the Forest Queen Mine was drying out because it is fed by a plugged culvert, and indicated his interest in sharing and comparing knowledge of the watershed with the CCWC going forward.

Tara announced that DRMS is closing levels three and five of the Standard Mine with locking steel doors on this coming Monday. Recent sampling activities were thought to have increased the danger of these and spurred this decision.

The Memorandum of Understanding (MOU) is still pending with Gunnison County's Department of Environmental Health, meaning partnering with them on the ISDS study will likely be delayed until 2010. However, the CCWC did complete sampling independent of the work planned with the County.

The meeting was adjourned at 6:08 PM.

Next Meeting Date: November 11, 2009 at 4:00 PM