

Gold King Mine Incident and Community Response
Group Meeting
Tuesday, September 22, 2015 -- 10:30 a.m. to 1:00 p.m.
Durango Public Library
(Draft 1)

Next meeting: 10/20/15, 10:30 a.m.

Opening

The meeting opened with introductions. Those present included:

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| Alex Mickel | Mild to Wild Rafting Company |
| Ann Oliver | Animas Watershed Partnership Coordinator |
| Ben Martinez | USDA - San Juan National Forest Staff Officer, Eng, AML, M&G |
| Bill Gardner | Town of Silverton Town Administrator |
| Buck Skillen | Trout Unlimited -- Five Rivers Chapter Board Member |
| Cathy Metz | City of Durango - Parks and Recreation Department Director |
| Chuck Wanner | Trout Unlimited -- Five Rivers Chapter Board Member |
| David Gochis | National Center for Atmospheric Research (NCAR) Research Scientist |
| Ellen Roberts | Colorado State Senator State Senator |
| Heidi Steltzer | Fort Lewis College Professor |
| Jack Llewellyn | Economic Business Impact Group & Durango Chamber Executive Director - Dur Chamber |
| Jennifer Zahratka - Morrisey | Ecosphere Environmental Services Wildlife Biologist |
| Jim Donovan | San Juan County, CO Emergency Manager |
| Julie Westendorf | La Plata County Commissioner |
| Justin Abernathy | Bureau of Land Management - Tres Rios Field Office Assistant Field Manager |
| Ken Charles | Colorado Department of Local Affairs |
| Kristin Brown | Colorado Division of Reclamation Mine Safety Project Manager |
| Liane Jollon | San Juan Basin Health Department Executive Director |
| Marcie Bidwell | Mountain Studies Institute Executive Director |
| Marsha Porter-Norton | Facilitator |
| Matt Janowiak | Columbine Ranger District, USFS District Ranger |
| Matt Thorpe | Colorado Parks and Wildlife Area Wildlife Manager |
| Mick Souder | Southern Ute Indian Tribe Incident Management |
| Patt Dorsey | Colorado Parks and Wildlife Southwest Region Manager |
| Russ Howard | Animas La-Plata Project O&M Replacement Assoc. |
| Steve Fearn | Animas River Stakeholders Group Co-Coordinator |
| Tom McNamara | La Plata County Office of Emergency Mgmt. |
| Trevor Denney | Colorado Division of Homeland Security and Energy |
| Ty Churchwell | Trout Unlimited |

Please let the facilitator know of any corrections or additions or errors.

Senator Ellen Roberts reviewed the purpose of the meeting and how this group started. After the spill, a meeting was called with various nonprofits and other sectors. The group agreed that some type of coalition would be helpful and met again. This is the third meeting and Senator Roberts said that the purpose is to find ways to work together on things people can agree to and not to step on toes or duplicate. Ellen emphasized that this is a coalition, not a new group. She said she knows that much could be improved in any future spills including the response from state agencies. This is a chance, she said, to look to the future in case of another event. She said that this could be a model and that others in the state are looking to us as somewhat of an experiment in how communities respond. Senator Roberts

said that this is a place where frank, honest and open discussion can hopefully occur, and she thanked everyone for attending.

Agenda/Ground Rules

The facilitator, Marsha Porter-Norton, reviewed the agenda which is in Attachment A. It was agreed to add Ben Martinez from the USFS to give an update on their Abandoned Mine program. Also, the potential loss of Durango gage was added as a topic.

The facilitator went through the ground rules and acknowledged that there probably was a difference of opinion in the room on several issues, but she asked everyone to be: "Tough on the issues but soft on the people." Marsha said that there have been some tensions related to the two involved counties and she wanted to acknowledge this. She said that we had people from Silverton/San Juan County at the meeting and encouraged everyone to be respectful. Commissioner Julie Westendorf said that any tensions, she feels, are not between county governments. She said the two counties, from the start, have been closely talking and working well together. Any tensions, she said, are at the citizen level, and she wanted to clarify this point. Everyone agreed to the agenda and ground rules.

The facilitator noted that her services were paid for by a grant from the Colorado Water Conservation Board (<http://cwcb.state.co.us/Pages/CWCBHome.aspx>). Senator Roberts said that funding would also be available for a part-time coordinator with funds also from the CWCB. Marsha said she has agreed to do three meetings. Later in the meeting, it was noted, that if the group continues in any form or fashion, coordination will be needed and everyone was asked to think about this.

NCAR Speaker

The first speaker, Mr. Dave Gochis, was a scientist with the National Center for Atmospheric Research (NCAR). He came to the meeting from Denver and gave a Power Point presentation (attached) on upcoming technology, to be released next year, for water situational awareness which could be helpful in the case of a mine spill event (and for many other purposes). In southwest Colorado, we are in a radar "black hole", Mr. Gochis relayed, which creates difficulties in prediction, so gages alone have to be relied upon and there are not many of them. With this new technology, localized radar is put in place as well as the use of other tools. Together, more data points (1,000 x more) are available to create a much more detailed, "real time" picture of what is happening with rivers/streams. In the future, he said, this could be adapted to include water quality monitoring which would also be helpful in spill events. This new technology is being led by the National Weather Service in partnership with the Colorado Division of Water Resources, NOAA/NSSL, NCAR, NASA, and the NRCS. This technology also has applications for weather and drought planning, soil moisture, snow pack, assessing snow/water equivalent, potential flooding, etc.

Mr. Gochis went on to relay how this model is being used in the Upper Rio Grande Watershed where the West Fork Complex fire occurred (refer to his Power Point for details).

Question: Will La Plata County get a radar system such as the one used for the Upper Rio Grande Watershed? Answer: This has been considered. The cost is pegged at \$4-7m with operational costs needed per year. The idea has been discussed by our area's Emergency Management and the ideal location would be the La Plata County Airport, but due to the cost, no specific plans are in the works for us to get this technology.

Question: Would this technology have weather modification implications? Yes, it's possible this could assist with weather modification.

Comment: Southwest Colorado has more stream gages than were listed in the Power Point. Mr. Gochis said that he knew this and the gages listed are the ones the NWS uses, but he knows the Colorado Division of Water Resources has more in place. Eventually, a goal would be to include these gages in the model.

Question: Is this technology more helpful than the current SNOTEL system? This model provides more "real time" data and there is an opportunity for refining snowpack predictions with the model. He sees the two (SNOTEL and this new technology) as working in tandem.

Question: Can we link to your Web site and have interactive data available? This is a goal. The service provision (aka, "user friendly" part) needs to be worked on so all the data being collected will be distilled for use and put in easy-to-read graphs, maps, etc. This is a next step because, right now, the data bases are not query-able.

Mr. Gochis was thanked for coming down to Durango. Marsha asked him to keep our communities apprised of the technology and especially for any elements of the model development that would apply to water quality prediction. Mr. Gochis' Power Point is attached, and anyone with questions can email him at: gochis@ucar.edu

Town of Silverton and San Juan County Proposal

Bill Gardner, the manager for the Town of Silverton, presented a four-point proposal that San Juan County and the Town have submitted to the local congressional representatives for consideration (his letter is attached to these minutes in the email). Mr. Gardner said that Silverton/San Juan County own this problem, they are tremendously sorry for what has happened, and their proposal acknowledges that something has to be done. They are working with scientists to develop a holistic proposal that involves: a) water treatment; b) analysis of conditions from a geological, hydrologic and engineering perspective (much has been done already); c) putting in place remediation plans such as bulkheads, removing tailings piles, etc.; and d) monitoring the success. He said this model may or may not involve Superfund monies. He said that it is based on science and, if successful, could be a model for mine clean-up in the west. He said a lot has been done in the basin already around remediation and data collection, and that work would be used in addition to work done by the Animas River Stakeholders Group.

Mr. Gardner went on to say that the EPA has been working well with the community. They are doing a lot of spill site remediation before winter. He reported that a bill has been introduced in Congress recently related to the spill. He said that he had just heard news that morning that a sentence was added by Senator Bennet that would force the EPA to pay for claims in a timely manner and to pay for remediation. He said this is excellent to hear.

Comment: Mr. Gardner was thanked for providing the information.

Jack Llewellyn, EBIG (Economic Business Impact Group)

Mr. Jack Llewellyn said that after the spill, a number of economic development and business promotion groups came together and formed a coalition, EBIG. It was convened by Joe Kerby, La Plata County's Manager. Jack said the group has met five times. The La Plata Economic Development Alliance is involved and is assessing potential impacts to next year's tourism season. Jack said that businesses are still assessing the effects of the spill. This can be hard to gage at times, but it is being worked on (e.g., lost rafting days, etc.). From a hotel/lodging perspective, the impacts have not been negative because any tourism cancellations were offset by the large numbers of EPA personnel staying in hotels after the incident. Jack said the Durango Area Tourism Office (DATO) wants to promote unified messaging around this such as: *Durango is open for business*. The group is working on branding recovery since over 19,000,000 media impressions were created by the spill, 164 separate news articles, etc. He said calling the incident a "release" instead of "contamination" is one example of an important message their groups would like to be used. Fort Lewis would like to help by doing case studies and looking for grants to study the long-term effects. The Business Improvement District has raised money through the Community Emergency Relief Fund (CERF) that can help those affected by the incident such as paying a heating or rent bill. The Southern Ute Indian Tribe has instituted reverse osmosis in residential sinks in the event of another incident. The City of Durango is playing a supportive role. The Town of Silverton is looking at messaging issues and Region 9 EDD is helping San Juan County/Silverton with an ad campaign. The group will help anyone fill out EPA claim forms.

Question: Will these business groups support Good Samaritan legislation? Yes, we are poised and ready to work on legislative issues related to the spill. The Chamber of Commerce, specifically, now has a Public Affairs Committee that will look at Good Samaritan legislation using its 16 guidelines developed for supporting legislation.

Comment: The fishing community has not seen a big impact. There is a lot of other water to fish on in southwest Colorado, but rafting was definitely impacted in a big way.

Updates from participants

Ben Martinez, San Juan Public Lands (USFS)

He said he was filling in for Kara Chadwick . The USFS has an Abandoned Mine program, and it can work on mines including remediation. The goal is to improve water quality. Matt Janowiak, the District Ranger

on the Columbine District, said they had been working on mines in the area for a long time, and progress has been made. The USFS goes after opportunities to clean up mines.

Durango River Gage (go to the gage information here:

http://waterdata.usgs.gov/usa/nwis/uv?site_no=09361500)

Russ Howard, from the Animas-La Plata Association, said that, recently, he and others had heard that the Bureau of Reclamation was pulling funding for the river gage in Durango (located by the Power House Science Center). He said this was problematic for many entities and reasons including for the Association since it relies on the gage for Lake Nighthorse management. Cathy Metz said the City uses it for various purposes including monitoring the Recreational In-Channel Diversion (RICD) agreement. Since hearing the news that the gage had been stopped, many conversations were held and calls made to the Bureau. As of just recently, the gage has a stay of funding for one year with a cost share agreement between the Bureau and the USGS. Russ said that in the future, the community may want to do a cost share agreement and chip in to save this gage which costs about \$16,800 a year to operate.

Comment: The evolution of funding could be that all user groups who rely on the gage may need to chip in.

Comment: Steve Fearn, with the Southwestern Water Conservation District (SWCD), said the District supports the gage being in place and hopes that funding can be continued. The SWCD has supported gages at other locations.

The facilitator asked if the group would like to submit a letter of support for the gage. It was decided that this was too premature since the group is still deciding its future, focus, etc.

Liane Jollan, San Juan Basin Health Department

Liane updated everyone from Incident Command. She said that winterization of the Gold King Mine site is occurring. The Gold King is now releasing 500 gallons/minute. Water sampling is occurring throughout the entire watershed, done by the EPA. The EPA has released a monitoring plan and comments are due by October 8, 2015 (find it at: <http://www2.epa.gov/goldkingmine>). Private wells are being tested by the EPA for no cost until 9/30/15. To date, 400 wells have been tested at both the wellhead and tap. The EPA has devised an alert plan that will be put into place to better alert communities in the event of a spill. The CDPHE (Colorado Department of Public Health and Environment) is involved in this as well. The SJBHD and others are working on a communications plan to get more information out to the public in ways that are more understandable (i.e., creating interpretive pieces around data and standards which confuse many). She said everyone needs to understand that the screening levels used by public health agencies are different for drinking, residential use and recreation. The river water is safe at all screening levels, while it was found that levels of some contaminants were elevated. Liane said that the SJBHD is responsible for public health and this is the lens through which they are guiding their actions.

Comment: A lot of people are still concerned about the water and simply do not trust what the

government is telling them – that “it’s safe.” Liane acknowledged that this is true. She said that is why a group is meeting to work on a communications plan.

Comment: Some people and the public do not understand this, in part, because they do not understand science. This doesn’t mean they are stupid. We have to find ways to communicate all of this to them in a way that makes sense. We do not have to dumb things down but we have to realize that people learn in different ways. Someone might hear something 10 different ways and, eventually, one of the ways is what helps them understand it. Let’s be creative with this.

Comment from Marcie Bidwell, Mountain Studies Institute (MSI): We, too, are looking at ways to put the data and what it means in useable formats. We are working hard at this, Marcie said. Go to the MSI Web site to learn more: <http://www.mountainstudies.org/>

Comment: Some of the levels of containments come from natural sources. This is important in how we think about this.

Kirsten Brown, Colorado Division of Reclamation and Mine Safety and Animas River Stakeholders Group (ARSG)

She said that there is a list of 44 concerning mines in the upper Animas Basin that are being targeted. Each is at risk for a blowout incident. 12 bulkheads have been put in to reduce or stop acid mine drainage (a bulkhead is a structure that stops or reduces water drainage out of mines). The ARSG has been working on this for years (<http://www.animasriverstakeholdersgroup.org/>).

Animas Watershed Partnership, Ann Oliver (<http://animaswatershedpartnership.org/>):

Ann told everyone that her group worked on a story journal with MSI. Find it at the link below. She said this is a project to try to tell the story of the spill, water quality, etc., in a way that can be understood. She and the ARSG co-coordinator recently presented to the Animas Valley Grange. She said the presentation was well- received, but people are concerned about metal loading in the valley soils. Story Board at <http://arcg.is/119gJDr>. Note: The Animas Watershed Partnership and MSI are interested in ensuring that this story journal timeline of the Gold King Event is accurate and useful. To this end, we welcome your corrections and suggestions. Just email them to healthyanimas.awp@gmail.com.

Julie Westendorf, La Plata County

Commissioner Westendorf relayed that the county had, from the beginning, a “trust but verify” policy with the EPA. Thus, they did their own water testing and their results matched the EPA’s testing. They also tested for other substances not sampled by the EPA based on what they had been hearing were concerns. The county is developing a cooperative agreement to recoup past and future costs from the EPA which now are totaling over \$200,000. The Southern Ute Indian Tribe is also in the same process. A technical group is working on a long-term monitoring plan and the county is very much involved in this effort, she told the group.

Many acknowledged how helpful the updates were and especially because they were from so many different sectors (science, government, business).

Coalition Formation Issues

The facilitator said that there had been time on the agenda to talk about the group itself (its formation; purpose; future). However, because time was so limited at the end, she suggested the group take this up first at the next meeting or a smaller strategy group could form. It was agreed to take these issues up first at the next meeting. She said this is the communities' group... where does it want to go? Does it want to be a group? Does it want to be a coalition? These are all questions to answer. There were three major categories identified at the last meeting as being pressing issues: data, communication, and any "on the ground" projects. Many in the group said that if this group is only focused on the incident/crisis, that is not as compelling as focusing on the long term. The term "community resiliency" came up. Commissioner Westerndorf, Liane Jollan, and Professor Heidi Steltzer from Fort Lewis all weighed in and said this is a good model to use. Working together to get the watershed to a future state is a goal that might unite the group. Liane agreed to work on sending out a definition of resiliency and a model/framework to use so everyone knows what this term/concept means. While no vote was taken, there was a lot of agreement that focusing on the long term was a good idea. The facilitator noted that each week that goes by, the incident itself and the crisis issues involved are certainly being handled by many entities, many of whom we heard from today.

Next meeting

The group agreed to meet again on October 20, 2015 at 10:30 a.m. at the **San Juan Public Lands Center**, 15 Burnett Court (note: the Durango Library room is not available). Topics will include discussions about the group itself and getting more clarity on purpose, mission, tasks, potential coordination, etc. Also, the proposed Good Samaritan legislation will be a focus of the meeting as well as continued updates from all stakeholders.

Submitted by Marsha Porter-Norton, Facilitator

Attachment A

***Gold King Mine Incident and Community Response
Group Meeting***

Tuesday, September 22nd, 2015 -- 10:30 a.m. to 1:00 p.m.
Durango Public Library

Purposes of the meeting

- a) Sharing of information and ideas and opportunities
- b) Continued discussion re: formation of a new group
- c) Determine action steps at the community level by topic and next steps

Ground rules

- a) All opinions count even if you do not agree with them
- b) One person talks at a time
- c) Keep focused on the future, on collaborative efforts, on what we can do together

REVISED Agenda

- I) Introductions (5 minutes)
- II) Purpose of this meeting and background of first two meetings, State Senator Ellen Roberts (5)
- III) Format for the meeting, agenda, purpose and ground rules, Marsha Porter-Norton, Facilitator (5)

UPDATES/IDEAS:

- IV) NCAR (National Center for Atmospheric Research), Dave Gochis (25 minutes)
Emerging observation and modeling capabilities for streamflow predictions and water situational awareness
- V) Silverton/San Juan County Proposed Federal Action Plan, Bill Gardner, Town Manager, Town of Silverton (10)
- VI) E-BIG (Economic and Business Impact Group), Jack Llewellyn, Durango Chamber of Commerce (10)
- VII) Other Updates, Everyone (20)
- VIII) Break (10 minutes)
- IX) Continued Thoughts on Forming a Group (25 minutes)
 - ◆ General thoughts and a recap of the last meeting
 - ◆ How can the work of existing groups or coalitions be included so duplication does not occur? What is everyone doing and contributing now? Is an asset map/inventory needed?
 - ◆ Concerns? Opportunities? Ideas?
 - ◆ Is there a need for a strategy team?
 - ◆ Coordination will be needed? What are the desired characteristics of a coordinator(s)?

- ◆ Updates on funding

X) Determination of Interest in Action Planning (30 minutes)

- Discuss broad topics below (taken from the last meeting)
- Determine any additional topics
- Determine if any of these topics require coordinated action and if so, what might that action “look like”?

-Data: There is a need to get accurate information out to the community related to river data/status in ways that are trusted. There is a need to compile, digest and disseminate river data. How might this happen?

-Communication: There is a need to better communicate across many sectors. There is a need to restore “peace of mind” about the river in our communities. What are strategies that might be used?

-Immediate actions or projects: Are there actions the community/ies that might take now (that have support) and that would improve the health of the river? If so, what might those be...?

-Other?

XI) Summary, Marsha Porter-Norton (5 minutes)