



DEPARTMENT OF CONSERVATION

OFFICE OF MINE RECLAMATION

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CALIFORNIA ABANDONED MINE LANDS (AML) FORUM

Wednesday, June 3, 2009

10:00 a.m. to 12:30 p.m.

MINUTES

ATTENDING
1. Bill Whiteside, Blue Sky Technologies
2. Bob Bryson, National Park Service
3. Brad Hall, Engineering/Remediation Resources Group (ERRG)
4. Bruce Eppler, Conestoga-Rovers & Associates (via telecon)
5. Charles Alpers, U.S. Geological Survey
6. Cy Oggins, Department of Conservation, Abandoned Mine Lands Unit
7. Dan Millsap, Department of Parks and Recreation (via telecon)
8. Dave Bieber, Geocon
9. Dave Lawler, U.S. Bureau of Land Management
10. Dennis Sederquist, Youngdahl Consulting Group
11. Gary Righetini, East Bay Parks
12. Gene Mullenmeister, Shaw Group
13. G. Fred Lee, G. Fred Lee & Associates (via telecon)
14. Grant Eisen, Nevada County
15. Greg Marquis, Department of Conservation, Abandoned Mine Lands Unit
16. Greg Pelka, State Lands Commission
17. Jeff Huggins, Regional Water Quality Control Board
18. Jere Johnson, U.S. Environmental Protection Agency Region 9 (via telecon)
19. Jim Tjosvold, Department of Toxic Substances Control
20. Joe Heckel, City of Grass Valley Community Development Director
21. John Key, U.S. Bureau of Land Management
22. Julia Grim, Natural Resources Conservation Service
23. Laura Whitney-Tedrick, U.S. Army Corps of Engineers
24. Linda Manning, National Park Service, Death Valley National Park (via telecon)
25. Lynn Oliver, U.S. Forest Service, Inyo National Forest (via telecon)
26. Marina Brand, State Lands Commission
27. Mike Isreal, Amador County Environmental Health Department (via telecon)
28. Pat Graffis, ISP Minerals
29. Peter Graves, U.S. Bureau of Land Management
30. Randy Adams, Department of Toxic Substances Control
31. Sandy Karinen, Department of Toxic Substances Control
32. Sarah Reeves, Department of Conservation, Abandoned Mine Lands Unit
33. Steve Simanonok, U.S. Environmental Protection Agency

34. Sterling White, U.S. Bureau of Land Management (via telecon)
35. Susan Jean Smiley Baker, U.S. Environmental Protection Agency
36. Syd Brown, State Parks (via telecon)
37. Tim Shular, Department of Conservation, Governmental & Environmental Relations
38. Tracy Gidel, Meeting Facilitator
39. Wendell Smith, Blue Sky Technologies

1. Welcome, Introductions, & Announcements (*Tracy Gidel, Facilitator/All; start time: 10:05 a.m.*)

Tracy Gidel started the meeting by introducing himself as the meeting facilitator and welcomed California Abandoned Mine Land (AML) Forum attendees. Tracy reminded participants to sign in to help update the Forum distribution list. Those present then introduced themselves (name and agency/organization).

2. Review Previous AML Forum Meeting Minutes/Today's Agenda (*Tracy Gidel, Facilitator/All*)

Tracy asked if everyone had reviewed the minutes from the last AML Forum meeting (emailed separately) and the agenda for today's meeting, and if there was a need for any changes. No changes were noted. Tracy reminded everyone that anyone who wishes to suggest corrections to the minutes can do so by email to Sarah Reeves of the AMLU at: Sarah.Reeves@conservation.ca.gov.

3. Legislation/Stimulus Project Update (*Cy Oggins, AMLU*)

Cy provided a handout and an update on the status of federal bills/laws related to abandoned mines along with an update to potential stimulus funding for abandoned mine projects in California. Cy noted that both the U.S. Senate and House have seen bills introduced regarding reform of 1872 Mining Law: S. 796 & S. 140 by Senators Bingaman (NM) and Feinstein (CA), respectively, and H.R. 699 by Rep. Rahall (WV). Copies of these bills can be obtained by going to <http://thomas.loc.gov> and typing in the bill number (they are not attached due to their length). A side-by-side comparison of S. 796 and H.R. 699 was provided to Forum attendees. Cy also noted that the President had signed several mining/AML-related bills.

- [S. 796 \(Hardrock Mining and Reclamation Act of 2009\)](#).
4/2/09 – Introduced by Bingaman; referred to Committee on Energy & Natural Resources.
6/18/09 – Tentative Committee on Energy and Natural Resources hearing date.
- [H.R. 699 \(Hardrock Mining and Reclamation Act of 2009\)](#).
1/27/09 – Introduced by Rahall, referred to House Committee on Natural Resources.
2/4/09 – Referred to House Subcommittee on Energy and Mineral Resources.
2/26/09 – Subcommittee hearings held.
- [S.140 \(Abandoned Mine Reclamation Act of 2009\)](#) (similar to [S. 2750](#) in 110th Congress).
1/6/09 – Introduced by Feinstein, read twice and referred to Committee on Energy and Natural Resources.
- [Public Law 111-11: Omnibus Public Land Management Act of 2009](#) (H.R.146.ENR/S.22).
Signed 3/30/09. Designated new National Wilderness Preservation System components—

including three in California: Eastern Sierra and Northern San Gabriel Wilderness; Riverside County Wilderness (190,000 acres, including parts of Joshua Tree National Park); Sequoia and Kings Canyon National Parks Wilderness (70,000 acres)—and authorized Depts. of Interior and Agriculture to withdraw lands designated by this Act as a wilderness area from location, entry, and patent under Mining Laws.

- [Public Law No: 111-8: Omnibus Appropriations Act, 2009 \(H.R.1105\)](#). Signed 3/11/09. Funding included: (1) U.S. Army Corps of Engineers Restoration of Abandoned Mine Sites (RAMS) Clean-up at the Mount Diablo Mercury Mine (\$670,000) and (2) National Park Service for construction (“mines”) in CA.
- [Public Law 111-5: American Recovery and Reinvestment Act of 2009 \(H.R.1 / S.336\)](#). Signed 2/17/09. The \$790 billion economic stimulus act included nationwide funding for abandoned mine-related work to: (1) Bureau of Land Management for land and resource management (includes abandoned mine remediation) & construction (includes remediation of abandoned mine sites); (2) National Park Service (includes abandoned mine cleanup); and (3) U.S. Forest Service for construction (includes remediation of abandoned mine sites).

Forum members added that one piece of State legislation was worth following, SB670, which would prohibit suction dredging until the Department of Fish and Game completes an Environmental Impact Report on the effects of this practice. Cy concluded by noting that the Department of Conservation was compiling information on California’s historic mineral production, as each state’s historic production could help determine how much funding each state would receive for AML remediation under 1872 Mining Law Reform. For example, if a bill defined historic production on data from 1900 through 1990 that would leave out a lot of historic California production dating back to the California Gold Rush. In addition, the Department is seeking to expand the list of minerals under consideration for historic production (and subsequent distribution of remediation funding) to include mercury, which played a major part in California mining and is a significant contributor to legacy environmental and health issues in the state.

4. Update on U.S. EPA Brownfields Program & Related Grant Opportunities for California (*Sandy Karinen, Department of Toxic Substances Control [DTSC]*)

Sandy provided an update and handouts on EPA Brownfields “ARC” Grant applications for 2009 and the State’s California Recycle Underutilized Sites (CalReUSE) Program. (See the handouts for detailed information on these programs; they are posted on the Abandoned Mine Lands Forum web page at http://www.consrv.ca.gov/omr/abandoned_mine_lands/Pages/amlu_forum.aspx). For Brownfields grants, Sandy stated that the “ARC” (Assessment; Revolving Loan Fund and Cleanup) grants are the most important for Forum members. The EPA has just finished the last cycle and should have the new Request for Proposals (RFP) out by mid to late July. The highlights of things that which you **must have** or things that have changed include:

- The narrative proposal must not exceed 18 pages.
- The transmittal letter must not exceed two pages.

- The applicant **MUST** have a letter of support from a State environmental agency. This letter would come from either DTSC or the Water Board. This will require the applicant to make contact with either agency early to allow the time to justify the request and obtain the letter.
- The applicant **MUST** own the property prior to filling the application.
- Assessment Grants have a new category, Coalition Grants with a \$1M max. A coalition grant application requires 3 entities per application and the entities are limited to this one application. These Coalition Grants are aimed at urban communities.
- Only one application can be submitted per site. However, an operational unit at a location can be designated as a site (for example, an assay building and stamp mill on historic mining property can be designated as separate sites). This is a change from last year.
- A Phase II assessment must be complete at the time of submitting the application. The applicant determines the extent of the assessment in the submitted Phase II; however, the assessment must be sufficient to confirm that the site requires remediation to the intended land use level. Note the difference between Brownfields Cleanup and Assessment Grants: Cleanup Grants allow for confirmation sampling vs. Assessment Grants, which allow investigative assessment sampling. This may determine which type of grant you need to apply for.
- Brownfields Cleanup grant applications must be discussed at a public meeting near the proposed project site(s). Letters of support from community groups in the project vicinity will also help to improve the application's score (no letters, no points). This will require early planning.

Sandy also noted that the EPA has a program for Targeted Site Investigations (TSI) grants applications. The information is to be announced in July. The TSI grants are focused on urban land development. If in doubt about the site meeting the criteria file an application and ask for a debriefing. The EPA will provide you with a breakdown on your application review and prepare you better to resubmit. Consultant fees cannot be recovered through the grant.

If you have any questions on the information covered here contact Sandy at DTSC.

5. A City's Perspective of the AML Issue (*Joe Heckel, City of Grass Valley Community Development Director*)

Joe provided a brief background on the history of development in the city of Grass Valley and some of the impacts associated with the former mines in the area. Examples of impacts include uncovered mine shafts, the potential risk to public health associated with residual soil contamination, and the problems associated with proposed land development on AML-impacted sites. Joe noted that development is becoming more of an issue for Grass Valley as only ~700 acres of vacant land remain within the city's boundaries and the numbers of vacant properties that are not in some way affected by abandoned mines are diminishing. There is a serious need

for the city to be able to identify these former abandoned mine lands early in the planning process to ensure the protection of public health and assist the public with a timely, comprehensive, economical planning process. Failure to do so can have a serious consequence on projects coming up within the cities, which include: large-scale projects, Special Development Areas (SDAs), Redevelopment Areas (RDA) projects, infill, or City Improvement Projects (CIPs). To better assist cities handle the legacy issues associated with AML there is a need for:

- Identification of a clear process on how agencies & private sector are to approach site development when mining issues surfaces.
- Contact information (who to call).
- A clear process (outline of the steps of assessment through remediation and final signoff).
- An identification of possible funding sources to address the AML impacts.
- The provision of information on how to limit effects on development, property maintenance, liability, etc.

Joe's PowerPoint presentation is available on the Forum web page:

http://www.conservation.ca.gov/omr/abandoned_mine_lands/Forum/Documents/20090603Forum_GrassValley.pdf

6. Mount Diablo Mercury Mine Remediation Project (*Laura Whitney-Tedrick, Project Manager, U.S. Army Corps of Engineers [ACOE]*)

Laura presented a brief overview of the ACOE's Restoration of Abandoned Mines Sites (RAMS) program (part of the ACOE's Civil Works program), RAMS funding for FY08-10, and the ACOE's involvement with the Mount Diablo remediation project as part of the RAMS program. Funding in California for the RAMS program was approximately \$600K for FY08. Funding is currently \$0 for FY09 as it awaiting the identification of non-federal matching funds to continue work at Mount Diablo. \$655K is proposed in FY10. At Mount Diablo, Laura met with the stakeholders between June and October 2008. This was a diverse group including the EPA, Regional Water Quality Control Board, Contra Costa County, and Friends of Marsh Creek. During the meetings, they worked on identifying many of the participants' concerns, which were taken into consideration in the development of the project's mission statement. At this point the project is on hold awaiting the identification of a source for non-federal matching funds. The program requires a 50% match for projects on non-federal lands and has been involved in over 50 projects to date. Contra Costa County is considering providing matching funds but with the State's current financial status this is on hold.

7. Bodie State Historic Park (SHP) – Remediating “Specified Chemical Hazards” While Protecting Significant Cultural Resources (*Greg Marquis, Department of Conservation Abandoned Mine Lands Unit*).

Following a brief description of how Bodie SHP was selected as a remediation site, Greg gave a PowerPoint presentation providing information on the site history, contaminants detected in the Park (as well as downstream as far as on U.S. Forest

Service land and in Walker Lake in Nevada), site assessment protocol, proposed and implemented remediation methods and the areas impacted, and the agencies involved at the site along with their roles. These agencies, and their roles, included:

AGENCY	ROLE
State Parks	Landowner, Cultural Resources, Visitor Control
U.S. EPA Region 9 Superfund Technical Assessment and Response Team	Regulator, Project Implementer
California Department of Conservation's Abandoned Mine Lands Unit (AMLU)	Coordination, Funding
Department of Toxic Substances Control/ Regional Water Quality Control Board	Regulator, Project Review (as needed)

The presentation provided insight into how both common and uncommon compositions of contamination and conditions can be addressed successfully. Work is scheduled to be completed at the end of June. Project successes to date include:

- Protected visitor and employee health and safety while preserving historic and cultural values.
- Minimized or avoided disturbance to Park visitors during remediation.
- Coordinated successfully between several agencies, including state and federal, on a project that could affect several states (California and Nevada).

John Key, BLM, noted that the project results would be beneficial for the Bodie Creek TMDL planning process. An updated version of the PowerPoint presentation (updated to include work done in June 2009) is posted on the Forum web page: http://www.consrv.ca.gov/omr/abandoned_mine_lands/Pages/amlu_forum.aspx).

8. Other Items / New Business

No announcements or new business

9. Summary of Action Items from Meeting

No action items were identified.

10. Future Meeting and Agenda Ideas

The next meeting is scheduled for: August 19, 2009; however, this may need to be delayed depending on the status of the State's budget. No agenda ideas were presented. Please send ideas to Cy about how to make presentations shown at the Forum meetings viewable to those participating by phone. Also, if you have suggestions for a new meeting place please send them to Cy (key elements include plenty of room, no cost, free parking, etc).

ADJOURN: 12:35 p.m.