



# Reclaiming the Sierra

Gold Country  
Community Summit  
on Mining Impacts

Presented by The Sierra Fund  
November 8-9, 2010  
Miners Foundry, Nevada City, California

## WORKSHOP NOTES

### Financing Remediation on Public, Tribal, Nonprofit and Private Land Great Hall, November 9, 2010, 10:15 am

*Notes taken reflect the best effort to capture what was said in presentations and in the discussion time following. They are presented here in order to encourage further discussion about these matters. These notes do not necessarily reflect the views of The Sierra Fund staff, board or funders.*

Jim Branham of the Sierra Nevada Conservancy facilitated this panel discussion and Ignacio Dayrit of the Center for Creative Land Recycling, Jon Blinder of Gold Country Lenders, and Bill Haigh of the Bureau of Land Management presented.

#### **Ignacio Dayrit, Center for Creative Land Recycling (CCLR)**

Finding funding for brownfields projects is like piecing together a puzzle—funding comes from many different sources. Funding is also for a variety of activities—planning, design, outreach, etc. A successful project should lay out a plan for when and where to apply, since you don't need the money all at once. Keep in mind that money attracts more money. To get funding, government, nonprofits and others need to team up.

CCLR provides technical assistance for brownfields projects in 14 western states. In this area, they have long supported Truckee and West Sacramento. They provide an excellent, and concise handout about funding sources available for these projects in CA. They also provide many details on their website.

Some funding opportunities include: US EPA Brownfields grants for Assessment, Cleanup, Technical Assistance, and Job Training. Other EPA grants include CARE (spell out), and Environmental Justice grants. There are USDA grants for reuse, Housing and Urban Development, and the CA Department of Toxic Substances Control brownfields grant and loan program. Awarding grants for cleaning up abandoned mines is increasing.

### **Jon Blinder, Gold Country Lenders**

The purpose of this presentation is to give lessons learned from the course of his company's experiences in trying to remediate mining impacts. Jon represents investors in a conscientious development project on the edge of Grass Valley. The project was halted when it learned there was arsenic on the property.

Before this project, DTSC (Department of Toxic Substances Control) had assessed the human health risk of arsenic on a property without considering whether it was naturally occurring or not—which is incomplete and inadequate science.

Consultants to this development project were the first to make the case that arsenic in this area is naturally occurring and bound to iron oxide, so not a health risk until processed. Another area where there is incomplete information about arsenic is to what degree it is bioavailable—or available to be absorbed into the human body. It may not be true that all arsenic in soils results in human health risk.

This process took four years and \$13 million of investors' funding until the project learned that it could proceed—but by that time the development market was gone.

At this point, although studies on the health risk of arsenic have begun, there is no urgency to get them completed. Jon believes that this must change—if there is to be affordable or reasonably priced property in this community, there must be a streamline process for dealing with mine contamination on properties. One idea he presented is to create a library of soil samples from the region, so similar properties can be streamlined into the same process, and all don't have to be dealt with in a long, individual process.

### **Bill Haigh, Bureau of Land Management, Motherlode Field Office**

Of the 253 million acres of federal land in Western states, BLM is the largest landholder.

Funding of mine cleanup on federal lands is a competitive process. Each agency and office within the agency must pitch their own project to get it funded. For example, 15 BLM field offices compete for the funding allocated to California. Certain factors increase the chance of landing funding for a project—including local partnerships, or if there is a violation filed against the site.

There are several steps to conducting a cleanup project on federal lands, each with associated (and increasing) costs. Assessments including the Preliminary Site Assessment, Removal Site Investigation, Engineering Evaluation and Cost Analysis, Human Health and Ecological Risk Assessment add up to \$100,000 or more.

BLM funding sources for mine cleanup include: \$11 million in the agency budget (nationally) last year for cleanups. Stimulus funds were a bonus last year with an extra \$29 million throughout West, with \$2 million for CA—most of which went to projects in the Nevada City area. Other funding includes the

Dept of Interior central hazmat fund, State of CA, matching funds, and EPA Superfund—if a site is listed as a Superfund, it is good for funding, but the negative stigma sends partners running!

## Discussion and Questions

- A private landowner is interested in donating a parcel to the county, but it has a small mine on it so the county won't accept. Is there a possibility for private landowner cleanup/Good Samaritan cleanup?
- BLM is also looking at how they can clean up a small mixed-ownership site as a pilot project for bigger sites. They started moving in that direction by applying for stimulus funding this year on smaller sites.
  - Another way to include private property in a cleanup project is to take an area-wide approach—this looks not only at one site but at an “operating unit”—a discrete area where you make overall cleanup goals to coordinate cleanup or reuse. This can help get around liability issues since once the geographical area is defined, you then go to the regulators with new vs. existing data, and make case-specific groundwork rules about outcome goals. The regulators can then tell you how to operate or how to get exemptions so you can achieve your goals.
  - The funding sources presented in this workshop were all for public lands, but private landowners do not have the same opportunities. **What kind of creative solutions are there for private property cleanup?** The property owner can give permission to sample their site. EPA also has loans for private landowners for cleanup. Alternatively, EPA could grant money to a nonprofit for cleanup.
- Toward the end goal of identifying and cleaning up contamination, it seems that many public agencies duplicate effort. We need to consolidate the process, and create a “one-stop-shop” for landowners or developers to clearly lay out and deal with these issues.
  - Agencies DO need to work harder to coordinate. For example, EPA Region 8 has more and different science on certain issues that Region 9—they must have consistent information and make recommendations based on that.
- One solution to consolidating the issue is to take watershed or basin approach and define outcomes that way. In Sierra Nevada, the big issue is water. But reservoirs are filling up with mercury. Create set of outcomes around that and get everybody to come to the table around it. Site-specific projects work much better than addressing the issue programmatically.

- A site-specific project also helps consolidate agencies (which isn't going to happen on a large scale), identify all the necessary players, and build necessary personal relationships WITHIN state and local agencies, and nonprofits.
- On the other hand, that kind of situation takes so long that it puts people out of business—by the time you go through the time and effort to build this.
- In the case of development, it is much better to plan for a large region up front than to move forward case-by-case—Emeryville is an example of this: doing cleanup and development site-by-site only leads to lawsuits, while doing the whole city at once lets you line up your financial tools and technical solutions that will be successful.
- There is so much regulation and so little money associated with this issue—one solution is to employ or empower the mining community to get things happening.
- To reach policymakers, talk about outcomes of cleanups and impacts of not cleaning up. Gov't agencies are good at regulating, but sometimes lose sight of the end goals.
- One of the best solutions to involve the community right now is to go after a Brownfields Job Training grant. Currently, there are none in Gold Country, so whoever gets one would be on the cutting edge and could design the program. Grass Valley/Nevada City are in a great position for this because EPA loves poster children, and will often award one city a series of grants. This also attracts grant funding from other public agencies.
- The Water Board's NPDES permit applies universally—could this be used as a model to streamline cleanup process, making a permit that counties could administer?

