

PUBLIC PARTICIPATION PLAN
for
Upper Arkansas River Natural Resource Damages
September 21, 1999

Introduction:

The Public Participation Plan (Plan) is intended to outline the process for public involvement set forth in the Memorandum of Understanding (MOU) entered into by the United States, the State of Colorado, ASARCO Incorporated, Newmont Mining Corporation, Resurrection Mining Company, and the Res-ASARCO Joint Venture (collectively, the "MOU Parties") dated and effective April 15, 1999.

Purpose:

1. Ensure public involvement in achieving the cleanup goals of the MOU, i.e., identification and restoration of injured natural resources in the Upper Arkansas River Basin, and coordination of EPA's potential response actions and the Natural Resource Trustees' potential restoration efforts within the eleven mile reach downstream from the confluence of California Gulch. It is further the goal of the MOU parties to achieve these goals through cooperation and not litigation, either among the MOU parties or with affected members of the public.
2. Inform and educate the public about the MOU process by providing regular briefings on a quarterly basis, at a minimum. Additional meetings may be scheduled to coincide with milestones in the process, if they occur between quarterly meetings.
3. Create a method for obtaining public comment on documents regarding the nature and extent of injury to natural resources, if any, attributable to historic mining activities, and on any proposed plans for the restoration of injured resources. At a minimum, the public will be invited to comment on the Plan for Data Acquisition, the Site Characterization Summary, and any Restoration Alternatives.
4. Supplement any public participation activities otherwise required by law.

Public Participation Plan Components:

1. The Parties have designated representatives to serve on the Public Participation Work Group. Those representatives are :

Marion Galant (State) (303) 692-3304, Colorado Department of Public Health and Environment, 4300 Cherry Creek Dr. S., HMWMD-ADM-B2, Denver, CO 80246-1530;

Laura Higgins (USF&WS), (303) 275-2354, U.S. Fish & Wildlife Service, Colorado Field Office, Suite 361, 755 Parfet, Lakewood, CO 80228;

Mike Holmes (EPA), (303) 312-6607, U.S. EPA Region VIII, 999 18th St., OCPI,

Denver, CO 80202;

Bob Litle (ASARCO), (303) 296-5115, ASARCO, Inc., 495 E. 51 Ave., Denver, CO 80216-2098;

and Rick River (Resurrection), (970) 325-4482, Newmont Mining Corporation, P.O. Box 584, Ouray, CO 81427.

This Work Group will be responsible for designing, modifying and implementing this Plan.

2. The MOU Parties will establish a Liaison Committee consisting of representatives from local governments, business, environmental interests, recreational interests, water users, local landowners, and soil conservation districts. A schematic of the Liaison Committee concept is attached as Attachment A.

The role and responsibilities of the Liaison Committee members will be to:

- *Assist the MOU Parties with implementation of the Plan.

- *Represent at least one, and possibly several, local groups and related interests. Members will communicate with their constituents in a manner that meets the constituent's needs and desires, and ensures their active and timely participation; to obtain feedback from their respective constituents; and to communicate that feedback to the MOU Parties, verbally or in writing. The goal is to establish an information pyramid for two-way communication concerning the environmental restoration.

- *Assist in obtaining input from existing groups which are believed to have an interest in the restoration of the Arkansas River. These groups include, but are not limited to: the Upper Arkansas River Restoration Project, the Upper Arkansas Watershed Council, the Arkansas River Headwaters Recreation Area, Upper Arkansas Area Council of Governments, Soil Conservation Districts, recreational entities and associations, representatives of Lake, Chaffee, Fremont, Custer and Pueblo Counties, Chambers of Commerce, Leadville Coalition, Chaffee County Summit, etc. The intention is to be inclusive of all segments of the community.

- *Attend regularly scheduled meetings with the MOU Parties and review minutes.

The activities described above constitute the duties of the Liaison Committee. The Committee is not a voting body. Its purpose is not to determine the outcome of the MOU process, but merely to ensure that the MOU Parties can make informed decisions that are based on complete understanding of all issues and potential effects on interested individuals and entities.

Process for document review:

*The Work Group will be responsible for announcing upcoming meetings and the approximate dates when documents will be available for public review and comment.

*The Work Group will be responsible for distributing documents to the Liaison Committee for review and comment.

*The Work Group will be responsible for maintaining an up-to-date mailing list of interested parties and organizations.

*The Liaison Committee members will be expected to contact their respective constituent groups to obtain their comments and provide these to the MOU Parties.

*When comments from the public are received, the MOU Parties will be responsible for considering them and for producing a responsiveness summary to address them, and for distributing that summary.

*Concerns identified by the public will be addressed in subsequent stages of the process. For example, concerns with the Site Characterization Summary will be addressed during the development of restoration alternatives. This will ensure that timely comments will be incorporated as appropriate, without unduly delaying the project.

3. The Work Group will produce and distribute a newsletter updating the community on the MOU process. This newsletter will be produced on an as-needed basis, as directed by the MOU Parties.

4. The Work Group will prepare and distribute Liaison Committee meeting minutes to the mailing list in a timely fashion.

5. The MOU Parties will issue press releases and advertisements on the progress of the MOU process as appropriate.

6. The MOU Parties will respond to media questions and participate in interviews with journalists.

7. Web site containing documents and information discussed above will be maintained to the extent feasible.

8. The MOU Parties will revise this Plan as appropriate.