MONTANA DEPARTMENT OF JUSTICE

NATURAL RESOURCE DAMAGE PROGRAM

PUBLIC COMMENT PERIOD

ON THE DRAFT UPPER CLARK FORK RIVER BASIN

AQUATIC AND TERRESTRIAL RESOURCES RESTORATION PLAN

Held at:
The Elks Lodge
230 Main Street
Deer Lodge, Montana

Wednesday, October 17, 2012
6:00 p.m.

REPORTED BY:
Kimberly C. Carpenter
Butte-Silver Bow County Courthouse
155 West Granite Street
District Court, Department 2
Butte, MT 59701
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**KATHY COLEMAN, FACILITATOR**

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PROCEDINGS

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THE FACILITATOR: Okay. We're going to go ahead and close the question session now and move into the public hearing. What we're going to ask you to do, please, if you have a comment, is please come up to the podium. It really helps Kim do the recording that she needs to. When you come up, please state your name and spell your name, your last name, and then give us your address, please. Like I said, we do respond to these public comments and you will get a copy of that response. So, again, your name, spell your name, and your address, and come up to the podium, please.

MS. FOX: Oh, there's got to be a volunteer out there.

GARY MATSON: I'll break the ice.

THE FACILITATOR: One thing I might add, too, is if you do have written comments, in addition to your oral comments, if you could give them to Kim, that helps her a lot, too, please.

GARY MATSON: Very good.

My name is Gary Matson. I am here -- and my name is spelled M-A-T-S-O-N. I'm here representing
the Bonner Milltown Community Council. Our mailing
address is P.O. Box 655, in Milltown, 59851. The council
is advisory -- advisory to the Milltown -- or to the
Missoula County Commissioners. And the commissioners
express their appreciation to the NRD for bringing these
priority items forward.

I'm just going to read this letter. The
letter was -- the council voted to approve the proposed
increased funding for the Milltown Park, which I'm sure
comes as a surprise. But I'm just going to read the
letter that was approved by the council regarding this
funding.

The Bonner Milltown Community Council is
extremely appreciative of the need for additional funding
for the Milltown State Park. We recognize the high
priority of these items in particular: Completion of the
basic park development, the re-vegetation projects,
ensuring public access to Fish, Wildlife and Park lands
upstream of the park's Gateway area, and operations and
management.

The council fully understands the
significant opportunity created by NRDP in considering
the approximately 2.4 million in funding proposed by
Montana State Parks for the fledgling Milltown State
Park. The Bonner Community Council believes that all
four of the above items are vitally important for providing support for the Bonner/Milltown restoration and redevelopment efforts. Continued support for the Milltown State Park also helps ensure future access that, in turn, will help create better public understanding of the significant events -- remediation, restoration and redevelopment -- that continue to unfold at the Milltown site. Additionally, continued funding will help Fish, Wildlife and Parks tell the story of how a century of mining altered the Clark Fork River system from Butte to Milltown.

In furthering public appreciation, the council looks forward to the time when the historic connection of a bridge between north and south shores of the Clark Fork River can be restored. A pedestrian bridge across the Clark Fork River in the Milltown area has been a part of the conceptual designs from the beginning. We feel that a bridge is an important link to completing the story of the area and providing enhanced recreational access. As the initial phases now underway create uniquely powerful opportunities for public experiences, it will be increasingly important to fully enable persons and family to access the site using trails on either side of the river.

The council thanks the NRDP for its role in
managing a highly successful river restoration. It's just really fun to go up there and see it. And I know that you guys all enjoy that, too, and especially Doug. It's a great asset for our community and a quality experience for all of the Milltown Park's visitors, whether they be from the local area, citizens of the state of Montana, or tourists from elsewhere.

And I guess the fundamental thought with the Milltown State Park is what we want to do is create powerful opportunities for understanding the restoration and remediation and redevelopment that's occurring there, create wonderful opportunities, and also create access so those opportunities can be appreciated.

So thank you so much. Appreciate it.

THE FACILITATOR: Any other comments?

TRACY THUN: I'm a little bit shorter here. I'm Tracy Thun. I am a co-chairman of the Washoe Park Foundation. We're part of the recreation for the Warm Springs Creek that runs through Washoe Park.

We really appreciate being able to start off our master plan. We received a grant from NRD to do a master plan for the park to improve the fisheries and put in some new trails and do some riparian habitat improvements, clean up some of the banks, get some more trails in there.
Warm Springs Creek has been a longtime fishery for the youth of Anaconda. There's not too many days that you can go in the summertime and not see kids fishing on that creek in there. It's a good fishery, and we want to keep it a good fishery.

It's -- I just lost my train of thought.

I'm sorry. I'm kind of out of my league here. I'm not really in this field.

But we have a lot of public support. The Anaconda-Deer Lodge County, we've been working with them, getting their support. We had a lot of public support on our master plans to do that, to stabilize Hafner's Dam and maybe make it into a kid's fishery.

So we really appreciate it. We know that we asked for a lot more, but we know that this way it will give us a good start on improving that park and making sure that Warm Springs is a big part of that park.

So thank you.

And I hope that we can get a lot more public comment to you before the 26th so you know that we do have that public support.

THE FACILITATOR: Tracy, can you spell your last name and give us your address, please.

TRACY THUN: Oh, I'm sorry. It's T-H-U-N. And Post Office Box 1139, Anaconda, Montana, 59711.
it's to Washoe Park Foundation, would be the address.

THE FACILITATOR: Thank you.

TRACY THUN: Thank you.

THE FACILITATOR: Next comment. Anybody else?

TED DODGE: Good evening. My name is Ted Dodge, D-O-D-G-E. I'm the executive director of the Watershed Restoration Coalition. Our address is Suite C, 1002 Hollenback Road here in Deer Lodge.

We will submit written comments later, but we wanted to take this opportunity to go officially on the record saying that the Watershed Restoration Coalition supports this draft of the Upper Clark Fork River Basin Aquatic and Terrestrial Resources Plan. And we want to thank the advisory council and the NRDP staff for developing a plan which we believe is science based, meets the intent of the lawsuit and builds on the ideas put by -- forward by local people.

The Watershed Restoration Coalition is an organization made up of private landowners, local governments and conservation districts in the Upper Clark Fork. And we think that the objectives outlined in this plan, this draft plan, are key to restoring resources in this basin.

And so we will be submitting written
comments, but we wanted to go on the record publicly that
we do support this plan and think it is the right plan to
meet the needs of the resource -- resources in this
basin.

Thanks.

JUDY MATSON: My name is Judy Matson, M-A-T-S-O-N. And I am here on behalf of the Milltown Superfund Site Redevelopment Working Group, 301 West Alder in Missoula, 59802.

And the Milltown Redevelopment Working Group supports the $2.45 million funding for the additional recreational enhancements at Milltown State Park located at the confluence of the Clark Fork and Blackfoot Rivers. And we will have lengthy annotated comments on the various parts of the proposal that were sent in. But we do understand how important the trails and the restoration dollars that we have -- are seeing in this proposal are to -- to the park.

We do wish to point out that we believe that the funding that was left out for the proposed pedestrian bridge above the Clark Fork River would be better serving the park and the resource if that were reinstated or if there were ways that we could work together to get the funding for that project.

One thing that we would like to point out
is that the $50,000 in funding proposed for the removal
deck of the remaining timber cribs in the Bonner Dam and,
also, the debris and the logs is extremely important.
And we really appreciate the work that's been done by NRD
up to this point. We know that river recreationalists
are going to flock to that river, particularly in that
site, and we know that there's a lot of work to be done
there. So, hopefully, the funding proposed will -- will
cover that public safety need.

Just a couple of things that we have been
joyful to find out as we have worked for many years on
this project and in doing some research for some of our
interpretive projects that were ongoing, kind of parallel
to what NRD is producing for us. And on July 4, 1806,
you may know that Meriwether Lewis went through there
quickly on his way -- on his return journey from the
journey of Discovery. But he did stop at the confluence
and collected a yellow monkey flower, wrote it up as part
of his botanical collection, and it's in the Smithsonian
Institute. We just have discovered that recently.

And a second thing that we found out that
kind of indicates how -- why we love this area and want
to help with the restoration and protection of it. The
peregrine falcons, which nest upriver, just upriver, from
the Milltown State Park on the Blackfoot River is a rare
nesting site in Montana. And this area is one of two in
the world, apparently, where peregrine falcons feed on
salmon flies in the spring. So we're all really eager
for spring to come so we can get out there with our
spotting scopes and try to see that happening.

Thank you.

Can I put on another hat and give a
different comment for a different group. I'm filling in
for Sue Furey on this first one. So is that possible?
Okay. Now I am still Judy Matson, and I'm
now speaking for Friends of Two Rivers. And their
address is P.O. Box 376, Milltown, 59851.

Friends of Two Rivers is a volunteer
citizen's organization whose mission is to promote a
safe, healthy and enriching environment for the
communities at the confluence of the Clark Fork and
Blackfoot Rivers, and we were established in 2002.

We strongly support, as we have since the
beginning, the restoration of this unique area, and we
really appreciate the work that NRD has done to
accomplish the work. It's -- as Gary mentioned, it's
thrilling to look out on that flood plane and watch it
develop.

We also know that there's great public
interest in the area and especially a desire for trails
and river access. And this compelling natural area so close to a population center like Missoula that's filled with recreational users could lead this wonderful area to be loved to death. So we're very grateful that the Milltown State Park will be there to help channel the use of this wonderful spot.

So Friends of Two Rivers supports the $2.45 million superfunding proposal, and it's heartening to see this go forward.

We do believe, as well, that the pedestrian bridge over the Clark Fork is important so we urge the NRD program to revisit that judgment and take a look at possibly collaborating with other funding sources for providing this source of access from a large population area who is really looking forward to use the Milltown State Park.

And, as part of our mission, we want the safety of our area, so we also really are interested in the money that will go to removing the rest of the Bonner Dam and the dangerous objects that have been deposited in the river, out of sight, out of mind, in the past, which are no longer out of sight and are posing quite a danger to recreationalists. So we hope that that can be adequately addressed.

I want to thank all of you as citizen
volunteers. We know that many hours of volunteer work at all levels have gone in. And the staff of the NRD has always been willing to work with the citizens, and we really, really do appreciate that. And I look forward to going forward with this project.

Thank you.

SANDRA SALISBURY: Hello. My name is Sandra Salisbury. I'm with the Arrowstone Park Committee. My address is 1479 Eastside Road here in Deer Lodge. I didn't plan on speaking tonight, and I just saw the notice in the paper so I thought I would come just to find out what's going on.

But I'd like to thank you for what you're doing. Because with the Trestle Park area here in Deer Lodge, that's going to allow us to connect to Arrowstone Park on the south side of town with the center of town. And our plans are to expand it north as a river trail into the Grant-Kohrs Ranch. And this would really help.

And years ago the Prison Foundation bought up Garrison Bridge. It was part of the original Yellowstone Trail. And their thought at the time was to somehow connect it, get it across the river. And this is really going to help do that and give us a river trail from north to south.
Thank you.

THE FACILITATOR: Any further comment?

LEWIS KOGAN: I'm Lewis Kogan. Last name is K-O-G-A-N. And I'm conservation projects manager for Five Valleys Land Trust, P.O. Box 8953, Missoula, Montana, 59807. And Five Valleys does plan to submit written comments before the 26th. But I just wanted to go on record verbally tonight just to voice our support for the plan.

Over the past several years Five Valleys Land Trust has closely followed the development of the long-range guidance plan, the Aquatic and Terrestrial Prioritization Plans, the Interim Process Plan, and now the Draft Aquatic and Terrestrial Restoration Plan. The draft restoration plan has been the result of collaborative efforts of the Advisory Council, the Trustee Restoration Council, National Resource Damage Program and FWP staff and community members up and down the Clark Fork Basin. Creation of this draft restoration plan has been -- has been thorough and thoughtful, and the plan addresses exactly how the NRD funds will be used to restore, rehabilitate or replace the specific resources injured by the release of hazardous substances, and, as such, it is compliant with CERCLA regulations governing the use of NRD funds in the Upper Clark Fork
Basin, which is important. Resources in communities were impacted by the release of these hazardous substances throughout the basin from Butte all the way to Milltown. And the draft restoration plan, we feel, appropriately takes this into consideration in its strategic allocation of restoration actions and restoration funding. As the plan is now written, we believe it will ensure that all the stakeholders are collaborating strategically so that the most important natural resource restoration is accomplished and that the work is being done as cost-effectively as possible.

We're very grateful for the time and energy that's been put into the draft restoration plan by community members, the advisory and trustee council, NRDP and FWP staff. And Five Valleys Land Trust believes that this draft restoration plan will allow the basin to move forward toward meeting its restoration goals for the benefit of Montana's people, its wildlife and its rivers for generations to come, and we wholeheartedly support it.

CHRIS BRICK: My name is Chris Brick, B-R-I-C-K. And I am with the Clark Fork Coalition. We are at 140 South 4th West in Missoula, 59801. And we will submit some written comments on details of the plan,
but I want to provide some general comments tonight.

And, overall, I want to say that we think the plan is good. We support it. And we really thank the staff for all of the effort that they've put in to building this plan.

This plan builds logically on the aquatic and the terrestrial prioritization plans. Both of those were built on years of data and analysis by Fish, Wildlife and Parks. The lawsuit itself was built on a lot of data collection on the amount of damage to the resource. In fact, many, many years ago, I worked on some of those reports. And the coalition has been involved in supporting the lawsuit and supporting the Natural Resource Damage Program, in general, for a long time. So it's gratifying to be at this position, where we now are looking at a restoration plan for the basin.

It's also gratifying to note that the restoration plan incorporates many of the 80 proposals submitted by the public. I mean, it truly has been a team effort in the community within the Clark Fork Basin, as well as a scientific effort by staff.

And, finally, it's consistent with what was claimed for damages in the original lawsuit. You know, we know that the fishery in the Clark Fork River's a fifth of what it's supposed to be. And, interestingly
enough, that was the number claimed in the lawsuit. When Fish, Wildlife and Parks has recently gone back to measure that again, it hasn't changed. So cleanup on the river, obviously, is going to play a big part of that. But we really feel that the tributaries are going to be key to bringing the fishery back to life. And we're talking about the whole fishery. We're talking about rainbow trout, brown trout. And to the extent that it helps those fish, we also hope that it will help our native cutthroats and bull trout.

I also want to address a few comments about flow augmentation projects since the Clark Fork Coalition was one of the organizations who put in a lot of proposals for flow augmentation. We agree with evaluating Group 1 proposals together. I think that makes sense, because there may be more than one way to skin the cat; in other words, more than one way to get flow into the mainstem of the Clark Fork River. Of course, we also, as Barbara mentioned earlier today, feel that restoring flow in the tributaries is also important.

And the Silver Lake proposal, I'm not saying that's a bad proposal. In fact, I think it's a good one. It's a great way to get a source of very protectable water into the mainstem. But the devil's in the details. And I really appreciate the due diligence
work that staff and perhaps other state agencies are
doing to make sure that we're getting, in fact, the water
that's promised and to make sure that we're getting it at
a fair price. And that's absolutely critical. Because,
as I said, there may be -- if there are other sources of
water out there that do the same, you know, get the same
benefit, they should be considered.

I mean, one good thing about this plan is
it considers alternatives. Well, there are alternatives
out there, and we should look at all of them, and we
should look at them carefully. You know, if you're going
to buy a car, you're not necessarily buying the first one
you see; you want to look around. And so we'd ask the
staff do that, as well.

And, finally, I just want to say something,
I guess, about the newspaper article in the Butte paper
this last weekend wondering if Butte is being
shortchanged. And, without going into a lot of detail,
you know, I would like to note that the lion's share of
the money has gone to Butte already; some, you know,
almost 70 percent. Additional money would certainly go
to Butte in this proposal.

The lawsuit was not simply for restoring
one area of the watershed. It was for restoring, as Doug
pointed out earlier, natural resources in the whole
damaged basin. Because, certainly, the contamination extended far beyond Butte. And so I appreciate the fact that the staff has taken a holistic approach, looked at the whole basin in this restoration plan, and figured out a way, I think, to make the basin, you know, as whole as possible with the funds available.

And I'll stop there. Thank you. Again, thanks for your effort.

THE FACILITATOR: Any further comment? Last chance. Any further comment?

Okay. With that, then, I guess we'll go ahead and close the public hearing. And, again, we'd like to thank all of you for coming out tonight and interest in our plan.

On the back table is -- with the agenda is information on where and how and by when to submit public comments. Again, it's the 26th of October, October 26, they're due by. And there's different methods to get them to us. So if you have written comments, please submit them by then.

So thanks for coming.

(Whereupon, the public comment period concluded.)

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REPORTER'S CERTIFICATE

STATE OF MONTANA )
) ss.
County of Silver Bow )

I, KIMBERLY CARPENTER, a Court Reporter and Notary Public in and for the State of Montana, do hereby certify:

That said proceedings were taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction and control.

I further certify that the foregoing, consisting of Pages 1 through 20, contains a full, true, and correct transcript of the proceedings had, transcribed by me to the best of my knowledge and ability.

DATED this the 19th Day of October 2012.

(Signature) ____________________________
Kimberly C. Carpenter
Court Reporter