



MEMORANDUM

TO: Interested Parties

FROM: Kathleen Coleman, Administrative Officer

DATE: November 21, 2014

RE: Public Comment Period on Prickly Pear Creek Greenway Planning Project

The State of Montana is seeking public comment on the Prickly Pear Land Trust's application designed to restore natural resources and replace recreational services along Prickly Pear Creek. This project will specifically initiate the planning and visioning process to produce a planning report for recreational access, trail features, and stream restoration actions along Prickly Pear Creek at the Former ASARCO East Helena Smelter (Site) as well as south to Montana City and northwest toward the Helena Regional Airport trail.

This project would be a part of the Early Restoration Projects for restoring injured or lost natural resources associated with the East Helena Natural Resource Damages (NRD) Site. In 2006, the State of Montana filed several environmental claims, including for remediation and natural resource damages, against ASARCO in the bankruptcy proceedings that had been filed in the federal bankruptcy court in Corpus Christi, Texas in August 2005. The court approved a final settlement of the ASARCO bankruptcy litigation and adopted an ASARCO reorganization plan in December 2009. As part of that settlement, ASARCO separately paid approximately \$5.9 million to the State for restoration of natural resources in the East Helena area to settle the State's compensatory NRD claims. The money was placed in East Helena NRD Settlement Restoration Fund, which is a State of Montana special fund that was created for restoring and replacing natural resources injured by East Helena Smelter emissions. These restoration funds are in addition to the approximate \$115 million paid by ASARCO to clean up and restore the former ASARCO Smelter site and other contaminated lands in the East Helena area.

To be funded, Early Restoration Projects must restore or substantially improve or replace the relevant injured natural resources. All Early Restoration Proposals must be located within the vicinity of the former ASARCO Smelter site and must be time critical, of great importance, and capable of being implemented within 24 months of funding approval. Also, to assure that Early Restoration does not use up a large proportion of the Restoration Fund, no individual Early Restoration Proposal will be funded for more than \$75,000.

The link listed below provides access to a copy of the Prickly Pear Land Trust's *Prickly Pear Creek Greenway Planning Project* proposal and the Trustee Resource Council's preliminary funding recommendation. The public comment period on these documents runs from November 21, 2014 to December 23, 2014. The public may submit written comments on this proposal and

related documents to the State during this period.

After considering funding recommendations from the NRDP, the Governor's Trustee Restoration Council made a preliminary funding recommendation that is now the subject of public comment. The Trustee Restoration Council preliminarily recommended the Prickly Pear Creek Greenway Planning Project be funded for a total of \$73,700.

The Trustee Restoration Council will make final funding recommendation to the Governor after considering the public comment received.

Documents available at: <https://dojmt.gov/lands/notices-of-public-comment/>

How to submit written comments:

Written comment may be submitted three ways:

1. Via mail. Comments must be postmarked by December 23, 2014 and sent to:

Kathleen Coleman
Natural Resource Damage Program
P.O. Box 201425
Helena, MT 59620-1425

2. Via telefax. Comments may be submitted by fax on or before December 23, 2014 to the Natural Resource Damage Program at 406-444-0236.
3. Via electronic mail. Comments may be submitted electronically at nrdp@mt.gov

Please contact Kathy Coleman for more information at 406-444-0205.