

**Trustees' Response to Public Comments on the**

2015 Bridger Yellowstone River Oil Spill Scoping

Prepared by the Montana Natural Resource Damage  
Program and United States Fish and Wildlife Service

**March 2023**

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## **Introduction**

On January 6, 2023, the State of Montana Natural Resource Damage Program (NRDP) and U.S. Department of the Interior (DOI), as represented by the U.S. Fish and Wildlife Service (USFWS), solicited public input on preparation of a draft Restoration Plan for the 2015 Bridger Yellowstone River Oil Spill. NRDP, on behalf of the Governor of Montana, and DOI (the Trustees) sought public input by soliciting proposals for restoration projects and scoping issues that may be associated with implementation of any proposed restoration projects. Public comments were accepted from January 6, 2023, until 11:59 PM on February 10, 2023. NRDP posted a public comment announcement on the NRDP website, sent notices of this opportunity for public comment to approximately 63 individuals or entities on the NRDP mailing list via email, and placed legal notices in two newspapers: the Glendive Ranger Review (January 12, 15, and 19, 2023) and the Billings Gazette (January 11 and 18, 2023). NRDP and USFWS also held a public meeting at 6:00 PM on January 19, 2023, at the Glendive Public Library.

The Trustees received a total of 5 comments in 2 comment letters during the public comment period. See Attachment A for a list of commenters and copies of the 2 comment letters.

This draft response to comments document summarizes the public comments received and provides the Trustees' draft responses to these comments. Where appropriate, these comments were incorporated into the draft 2015 Bridger Yellowstone River Oil Spill Restoration Plan (draft Restoration Plan).

## **Comment Summary and Response**

### 1. Comments About Recreation Projects – Two comments

*Comments:* Two comments from two individuals or entities addressed potential projects for fishing access sites. One comment discouraged use of settlement funds to purchase fishing access sites because there is a high potential for damage to the sites by flooding and ice jams and many private landowners already allow the public to access the river on their land.

The second comment proposed redesigning and reconstructing the access road and ramp at the Glendive Yellowstone River site. The proposed project would include improving stability and functionality of the ramp at varying water levels, widening the ramp, and upgrading site parking and the turnaround area. The comment suggests including the Glendive Chapter of Walleyes Unlimited in the design process.

*Response:* Improvements to the Glendive Yellowstone River site meet DOI natural resource damage criteria to be considered for funding from the draft Restoration Plan. This project will be included in the draft Restoration Plan. The Trustees will coordinate with the Glendive Chapter of Walleyes Unlimited, the City of Glendive, and other stakeholders on implementation of this project.

The Trustees will prioritize the project suggested above, which is an existing Yellowstone River access site, over purchase of a new fishing access site. The Trustees will also coordinate with Montana Fish, Wildlife and Parks, the Glendive Chapter of Walleyes Unlimited, and other

stakeholders to improve or establish other areas for Yellowstone River access if funding is available after completion the Glendive Yellowstone River site.

2. Comments Proposing Community Projects – Two comments

*Comments:* Two comments were received from one individual proposing projects that support the Glendive community and schools. The comments proposed the following use of recovered funds:

- Compensation for damage to the Eastern Plains Events Center that occurred during the response actions for the 2015 Bridger Yellowstone River Oil Spill, and
- A million dollars for the Glendive schools.

*Response:* Although the Trustees recognize the value to the community of the suggested projects, these projects are not eligible for project funding from the 2015 Bridger Yellowstone River Oil Spill Restoration Fund. Natural resource damages recovered in the settlement with Bridger Pipeline LLC must be used in accordance with the Oil Pollution Act. Projects funded by settlement monies must restore, rehabilitate, replace, or acquire the equivalent of the natural resources injured by the spill. While these proposed projects may be important to the City of Glendive, they are not eligible for funding under the restoration plan because they are not related to restoration of the injured resources (surface water, fish, and birds) or the services they provide.

3. Comments Proposing Irrigation Improvements – One comment

*Comment:* One comment was received suggesting improvements to irrigation pumping sites along the Yellowstone River, including self-cleaning screens and retrofitting pumping stations.

*Response:* Improvements to irrigation pumping stations are not eligible for funding from the 2015 Bridger Yellowstone River Oil Spill Restoration Fund. Improvements to irrigation infrastructure are not related to the natural resources injured by the spill (surface water, fish, and birds) for which natural resources damages were recovered in the settlement with Bridger Pipeline LLC, and thus these projects would not be in accordance with Oil Pollution Act regulations. Opportunities to address irrigation projects that could improve fish passage or reduce fish loss into irrigation canals will be considered on a case-by-case basis and are incorporated in the draft Restoration Plan.

# Attachment A

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## List of Comments

<b>No.</b>	<b>Individual/Association</b>	<b>City/Area</b>
<b>1</b>	Mike Carlson, EPEC Board	Glendive, MT
<b>2</b>	David Linn, Glendive Chapter of Walleyes Unlimited	Glendive, MT

## Public Comment Letters

112 1st Street  
Glendive, Mt. 59330  
2/6/23

State of Montana  
Natural Resource Damage Program  
1720 9<sup>th</sup> Avenue  
Helena, Montana 59620-1425

Dear Sirs,

This letter is in response to your notice in the Glendive paper seeking public input on damages and potential projects from the 2015 Yellowstone River/Bridger Pipeline spill. I was unable to attend the meeting here. I have 3 areas of interest:

1. Our non-profit community center is still seeking funds for damages incurred as a direct result of this oil spill. This spill in January 2015 pipeline resulted in the loss of potable water for the City of Glendive for a week. To make up for the loss of water the Dawson County and State of Montana used the Eastern Plains Events Center (EPEC) as a distribution center for drinking water. This facility is designated by the local DES and Dawson County as a place that be used in case of local emergencies. After the oil spill, large heavy pallets of drinking water were brought into this facility with a MDOT forklift. The EPEC is a large building which used to be a Safeway grocery store and is 20,000 sq feet in size. The EPEC is a non-profit run community building owned and operated by the Yellowstone Plains Foundation, Inc. It is owned, maintained and managed by volunteers in the community. The problem occurred when the large heavy pallets of water were brought with a heavy forklift. The result was the concrete floor was severely damaged and cracked and settled. Cost estimates to repair the damage were between \$28,000 and \$32,000. We couldn't afford this and working with a contractor and using our labor were able to tear out the damaged floor and pour new concrete. The cost to us for materials was \$12,300. I tried to get Bridger Pipeline Company to help but they turned us down. Both Dawson County and local DES refused to accept any responsibility. Our insurance company turned us down and then cancelled our policy. Twice I asked for assistance from the Montana Insurance Commissioner but they would not help and denied our claim against the state. Now that your program is funded we are hoping it can help us defray these actual expenses.

2. A million dollars of this fund should be provided to Glendive schools. We have 2 very old elementary schools badly needing replacement. Mill levies for this or even improvements fail every time with a public vote. This is due to our declining economy based on natural resources and we have lost 100's of jobs in the oil, gas and coal transportation industries here. I can't think of a better place to use this fund for that would provide the greatest long term benefit.

3. Another idea for the Damage Fund use would be for irrigated pumping site improvements along the Yellowstone River. I was the former manager for the Buffalo Rapids Irrigation Project which covers part of Custer, all of Prairie and part of Dawson County. We had 5 major pumping stations. Debris and moss and silt are big issues for maintenance and repairs are costly for all irrigation pumping sites. Self screening screens and other new ideas can help producers. These damage funds could be used to help with the costs of retro-fits for many farmers and irrigation districts.

Lastly I would not like to see these Damage Funds used to purchase any more expensive fishing access sites. Many of our farmers allow fishing access as did the Buffalo Rapids Irrigation Project on their 5 pump sites. None of these 5 sites are shown on any maps but they are there for use. Some farmers are also involved in Block Management along the river and allow fishing access by sign-in. There is a high level of damage potential due to ice jams and flooding and any new fishing/boat access site and infrastructure can be destroyed. Plus the huge cost to purchase the land. We actually have a lot of places to fish here.

Thanks

Mike Carlson, EPEC Board  
mcarlson@midrivers.com  
406-989-0019



**To:** Doug Martin and Trustees of NRDP and USFWS

Natural Resources Damage Program  
1720 9th Ave  
PO Box 201425  
Helena MT 59620-1425  
[nrdp@mt.gov](mailto:nrdp@mt.gov)

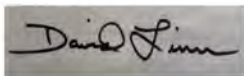
**From:** Glendive Chapter of Walleyes Unlimited

**Date:** February 10, 2023

**Subject:** Bridger 2015 Yellowstone River Restoration Plan Project Idea

This letter is to formally request consideration a lost recreational services project as part of the Bridger 2015 Yellowstone River Restoration Plan. The Glendive Chapter of Walleyes Unlimited has identified the need for a project to redesign and reconstruct the access road and ramp at the Glendive Yellowstone River site. Locally we have seen significantly increased recreational use of the lower Yellowstone River. As discussed at the January 19th meeting, this site is the only public boat ramp in the impacted area between Fallon and Stipek. The ramp is actively used by the public for all types of recreation including fishing, floating, hunting, rock picking etc. In addition, this boat ramp provides access to the river for essential needs such as the Dawson County Search and Rescue, infrastructure monitoring of bridges, pipelines and railroads, and river accessibility for Montana Fish Wildlife and Parks. This ramp and access is and has been the primary location for pipeline emergency response and cleanup; and river enhancement projects, including weed control. It is not a State FWP site, but an access located within the City of Glendive off Borden Street with shared ownership between the State and City. A strip of the current access road is privately owned. See attached Screen shot from Montana Cadastral (<http://svc.mt.gov/msl/mtcadastral/>) at end of this request. Glendive Walleyes Unlimited is a local non-profit organization that has existed in the community for over 30 years. We have used local funds to install additional concrete to the boat ramp and rock along the riverbank to keep this boat ramp functional as erosion, ice and flooding annually damage the ramp. The importance of this historical ramp and access are the reason that we feel it could greatly benefit from a fully engineered and properly designed ramp. Goals should include a design that reduces the annual high water erosion and ice damage and provide improved functionality for the extensive variation of river levels throughout the year. In addition, the ramp should be made of sufficient width to allow for easier loading and unloading during times of the year when swift current makes this more challenging. Ideally the project would be designed in 2023 and installed during the low water period of late summer 2024. If the project is considered, our Walleyes group would like to actively participate in the process to provide local comment on design options. In addition to ramp improvements, site parking and turn around area upgrades would also be beneficial in providing more room for the increased utilization seen at this ramp. Besides our Walleyes Group, City, County, and local FWP personnel have expressed their support of this project. Our Walleyes Unlimited Organization is committed to continue to work with City, County and State staff to help maintain this site after any new improvements are completed. Please Contact me if you have any questions or would like to set up a scoping site walk.

Sincerely,



David Linn – Director

Glendive Chapter Walleyes Unlimited.

Montana Cadastral Screen Shot

Boat Ramp, access from Borden St., and parking area outlined in green in photo.

