

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  
(406) 497-6422

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KATHY COLEMAN, FACILITATOR

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1 Wednesday, October 17, 2012

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3 P R O C E E D I N G S

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

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

18 GARY MATSON: I'll break the ice.

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

23 GARY MATSON: Very good.

24 My name is Gary Matson. I am here -- and  
25 my name is spelled M-A-T-S-O-N. I'm here representing

1 the Bonner Milltown Community Council. Our mailing  
2 address is P.O. Box 655, in Milltown, 59851. The council  
3 is advisory -- advisory to the Milltown -- or to the  
4 Missoula County Commissioners. And the commissioners  
5 express their appreciation to the NRD for bringing these  
6 priority items forward.

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

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

21 The council fully understands the  
22 significant opportunity created by NRDP in considering  
23 the approximately 2.4 million in funding proposed by  
24 Montana State Parks for the fledgling Milltown State  
25 Park. The Bonner Community Council believes that all

1 four of the above items are vitally important for  
2 providing support for the Bonner/Milltown restoration and  
3 redevelopment efforts. Continued support for the  
4 Milltown State Park also helps ensure future access that,  
5 in turn, will help create better public understanding of  
6 the significant events -- remediation, restoration and  
7 redevelopment -- that continue to unfold at the Milltown  
8 site. Additionally, continued funding will help Fish,  
9 Wildlife and Parks tell the story of how a century of  
10 mining altered the Clark Fork River system from Butte to  
11 Milltown.

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

25 The council thanks the NRDP for its role in

1 managing a highly successful river restoration. It's  
2 just really fun to go up there and see it. And I know  
3 that you guys all enjoy that, too, and especially Doug.

4 It's a great asset for our community and a  
5 quality experience for all of the Milltown Park's  
6 visitors, whether they be from the local area, citizens  
7 of the state of Montana, or tourists from elsewhere.

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

14 So thank you so much. Appreciate it.

15 THE FACILITATOR: Any other comments?

16 TRACY THUN: I'm a little bit shorter here.

17 I'm Tracy Thun. I am a co-chairman of the  
18 Washoe Park Foundation. We're part of the recreation for  
19 the Warm Springs Creek that runs through Washoe Park.

20 We really appreciate being able to start  
21 off our master plan. We received a grant from NRD to do  
22 a master plan for the park to improve the fisheries and  
23 put in some new trails and do some riparian habitat  
24 improvements, clean up some of the banks, get some more  
25 trails in there.

1 Warm Springs Creek has been a longtime  
2 fishery for the youth of Anaconda. There's not too many  
3 days that you can go in the summertime and not see kids  
4 fishing on that creek in there. It's a good fishery, and  
5 we want to keep it a good fishery.

6 It's -- I just lost my train of thought.  
7 I'm sorry. I'm kind of out of my league here. I'm not  
8 really in this field.

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

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

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

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

24 TRACY THUN: Oh, I'm sorry. It's T-H-U-N.  
25 And Post Office Box 1139, Anaconda, Montana, 59711. And

1 it's to Washoe Park Foundation, would be the address.

2 THE FACILITATOR: Thank you.

3 TRACY THUN: Thank you.

4 THE FACILITATOR: Next comment. Anybody  
5 else?

6 TED DODGE: Good evening. My name is Ted  
7 Dodge, D-O-D-G-E. I'm the executive director of the  
8 Watershed Restoration Coalition. Our address is Suite C,  
9 1002 Hollenback Road here in Deer Lodge.

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

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

25 And so we will be submitting written

1 comments, but we wanted to go on the record publicly that  
2 we do support this plan and think it is the right plan to  
3 meet the needs of the resource -- resources in this  
4 basin.

5 Thanks.

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

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

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

25 One thing that we would like to point out

1 is that the \$50,000 in funding proposed for the removal  
2 of the remaining timber cribs in the Bonner Dam and,  
3 also, the debris and the logs is extremely important.  
4 And we really appreciate the work that's been done by NRD  
5 up to this point. We know that river recreationalists  
6 are going to flock to that river, particularly in that  
7 site, and we know that there's a lot of work to be done  
8 there. So, hopefully, the funding proposed will -- will  
9 cover that public safety need.

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

21           And a second thing that we found out that  
22 kind of indicates how -- why we love this area and want  
23 to help with the restoration and protection of it. The  
24 peregrine falcons, which nest upriver, just upriver, from  
25 the Milltown State Park on the Blackfoot River is a rare

1 nesting site in Montana. And this area is one of two in  
2 the world, apparently, where peregrine falcons feed on  
3 salmon flies in the spring. So we're all really eager  
4 for spring to come so we can get out there with our  
5 spotting scopes and try to see that happening.

6 Thank you.

7 Can I put on another hat and give a  
8 different comment for a different group. I'm filling in  
9 for Sue Furey on this first one. So is that possible?

10 Okay. Now I am still Judy Matson, and I'm  
11 now speaking for Friends of Two Rivers. And their  
12 address is P.O. Box 376, Milltown, 59851.

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

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

24 We also know that there's great public  
25 interest in the area and especially a desire for trails

1 and river access. And this compelling natural area so  
2 close to a population center like Missoula that's filled  
3 with recreational users could lead this wonderful area to  
4 be loved to death. So we're very grateful that the  
5 Milltown State Park will be there to help channel the use  
6 of this wonderful spot.

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

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

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

25           I want to thank all of you as citizen

1 volunteers. We know that many hours of volunteer work at  
2 all levels have gone in. And the staff of the NRD has  
3 always been willing to work with the citizens, and we  
4 really, really do appreciate that. And I look forward to  
5 going forward with this project.

6 Thank you.

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

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

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

1 Thank you.

2 THE FACILITATOR: Any further comment?

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

10 Over the past several years Five Valleys  
11 Land Trust has closely followed the development of the  
12 long-range guidance plan, the Aquatic and Terrestrial  
13 Prioritization Plans, the Interim Process Plan, and now  
14 the Draft Aquatic and Terrestrial Restoration Plan. The  
15 draft restoration plan has been the result of  
16 collaborative efforts of the Advisory Council, the  
17 Trustee Restoration Council, National Resource Damage  
18 Program and FWP staff and community members up and down  
19 the Clark Fork Basin. Creation of this draft restoration  
20 plan has been -- has been thorough and thoughtful, and  
21 the plan addresses exactly how the NRD funds will be used  
22 to restore, rehabilitate or replace the specific  
23 resources injured by the release of hazardous substances,  
24 and, as such, it is compliant with CERCLA regulations  
25 governing the use of NRD funds in the Upper Clark Fork

1 Basin, which is important.

2 Resources in communities were impacted by  
3 the release of these hazardous substances throughout the  
4 basin from Butte all the way to Milltown. And the draft  
5 restoration plan, we feel, appropriately takes this into  
6 consideration in its strategic allocation of restoration  
7 actions and restoration funding. As the plan is now  
8 written, we believe it will ensure that all the  
9 stakeholders are collaborating strategically so that the  
10 most important natural resource restoration is  
11 accomplished and that the work is being done as  
12 cost-effectively as possible.

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

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

1 but I want to provide some general comments tonight.

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

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

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

22           And, finally, it's consistent with what was  
23 claimed for damages in the original lawsuit. You know,  
24 we know that the fishery in the Clark Fork River's a  
25 fifth of what it's supposed to be. And, interestingly

1 enough, that was the number claimed in the lawsuit. When  
2 Fish, Wildlife and Parks has recently gone back to  
3 measure that again, it hasn't changed. So cleanup on the  
4 river, obviously, is going to play a big part of that.  
5 But we really feel that the tributaries are going to be  
6 key to bringing the fishery back to life. And we're  
7 talking about the whole fishery. We're talking about  
8 rainbow trout, brown trout. And to the extent that it  
9 helps those fish, we also hope that it will help our  
10 native cutthroats and bull trout.

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

21 And the Silver Lake proposal, I'm not  
22 saying that's a bad proposal. In fact, I think it's a  
23 good one. It's a great way to get a source of very  
24 protectable water into the mainstem. But the devil's in  
25 the details. And I really appreciate the due diligence

1 work that staff and perhaps other state agencies are  
2 doing to make sure that we're getting, in fact, the water  
3 that's promised and to make sure that we're getting it at  
4 a fair price. And that's absolutely critical. Because,  
5 as I said, there may be -- if there are other sources of  
6 water out there that do the same, you know, get the same  
7 benefit, they should be considered.

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

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

23 The lawsuit was not simply for restoring  
24 one area of the watershed. It was for restoring, as Doug  
25 pointed out earlier, natural resources in the whole

1 damaged basin. Because, certainly, the contamination  
2 extended far beyond Butte. And so I appreciate the fact  
3 that the staff has taken a holistic approach, looked at  
4 the whole basin in this restoration plan, and figured out  
5 a way, I think, to make the basin, you know, as whole as  
6 possible with the funds available.

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

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

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

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

21 So thanks for coming.

22 (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  
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That said proceedings were taken down by me  
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I further certify that the foregoing,  
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DATED this the 19th Day of October 2012.

(Signature)

\_\_\_\_\_  
Kimberly C. Carpenter  
Court Reporter