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20 October 2011

Kathy Bushnell
Helena National Forest
2880 Skyway Drive
Helena, MT 59602

Re: Upper Blackfoot Mining Complex Repository Siting Study

Dear Ms. Bushnell:

Thank you for the opportunity to comment on the repository siting study the US. Forest Service and Montana Department of Environmental Quality have prepared for the upper Blackfoot River Mining Complex. Montana Trout Unlimited and its Big Blackfoot Chapter have a long history of advocating for cleanup of this site, dating back to at least 1988. Volunteers and staff have collectively spent thousands of hours on site visits, document review and communicating with agencies and policymakers in order to achieve cleanup and restoration of the mining complex, including the Mike Horse Mine site, the Mike Horse/Beartrap Creek tailings impoundment, the Anaconda Mine site, the Carbonate Mine site and additional mine waste areas along the upper river, in its wetlands and north of Highway 200 in the same vicinity. Cleanup and restoration are a long time coming.

We have appreciated the openness of Forest Service and DEQ staff in working with us when we've requested more information, site visits and outreach. We have especially appreciated the agencies' willingness to re-open the coarse-screen review to evaluate other sites that others and we suggested. We look forward to this sort of accommodation continuing as the decision-processes continue for this cleanup venture.

We have decided at this time not to support any specific alternative. However, we do have some suggestions and questions that depending on how they are addressed could help narrow things for us. We do agree, however, that the absolute worst option would be to maintain the status quo, or, to attempt to manage the wastes in situ. The agencies long ago looked at the on-site option, including an alternative to backfill the underground works with wastes, and decided, reasonably, these are technically infeasible options.

Priority objectives for cleanup and repository location

We recognize the agencies must adhere to a number of complicated and arcane legal requirements, especially those related to CERCLA such as the ARARS and cost-effectiveness guidance. We recommend the agencies in selecting the repository site consider these basic, common-sense objectives:

1. Maximize protectiveness to preserve water quality and fish, wildlife and human health.
2. Ensure the repository site has the characteristics to provide a high degree of certainty that protection will be permanent.
3. Select the site based on lowest risk of failure
4. Select the site based on cost-effectiveness so that enough resources from the \$39 million bankruptcy fund are available to adequately cover a low-risk repository as well monitoring, remediation of the upper Blackfoot mine sites and restoration of the upper river and its tributaries. However, if an investment in mitigation or additional protectiveness requires additional funding, and it might result in less money for restoration, we recommend the agencies take a hard look at this tradeoff.
5. Provide for, if possible, least-cost but effective monitoring that includes measurable thresholds for success as well as adaptive action to cover contingencies.
6. Select a site where permanent institutional controls will be available at a reasonable cost to ensure future activities don't disturb the repository.

Impacts that must be addressed with mitigation for all alternatives

There are a number of impacts that must be considered and weighed for each alternative. Some of these have already been identified to an extent in the repository screening. They include:

- Impacts hauling will have on traffic on public highways and roads
- Dust and noise, especially how they affect neighboring properties
- Short-and long-term impacts to fish and wildlife, including listed and candidate T and E species
- Impacts to neighboring property values

Observations on impacts and needs

As the agencies weigh alternatives against each other, it is important to point out that some impacts and needs are common to most if not all alternatives. And therefore no alternative, in our view, is perfect. For instance:

- Every alternative as presented requires hauling – either wastes and/or backfill material -- on public highways and roads. Some alternatives require fewer miles and truck loads than others.
- Every alternative includes potential impacts to neighboring properties.
- All four final alternatives require cooperation from a private landowner (Paymaster/1st Gulch, as presented, requires cooperation from Sieben to use S. 35 as a source of backfill material; Alice Creek 7 and S. 35 requires landowner acquiescence on siting the repository; and Horsefly requires landowner cooperation on repository access and siting, as well as cooperation from the owner of the riverbed and bank for bridge construction).
- At least one final alternative works only by combining several sites. For instance, the Paymaster/1st Gulch option requires two separate sites as well as a third site for backfill material.
- Several, if not most alternatives, will require a liner for the repository
- It is unclear exactly where backhaul material will be stored during excavation and hauling of wastes from the mining areas. It is also unclear how remediation can be sequenced with restoration, an issue that could affect storage of backfill material and perhaps lower project costs.

A few things that necessitate a harder look at site selection

It would facilitate our comfort with several of the alternatives if we had more information, such as:

- Overall project budget and estimates of restoration costs, design, monitoring and contingencies not associated with repository siting and hauling. This information -- and DEQ has supplied some rule-of-thumb estimates already -- would facilitate ideas for mitigation that could reduce impacts and provide comfort regarding several alternatives.

- It is unclear whether the landowners needed to implement the Alice Creek 7 and Horsefly alternatives are willing to cooperate.
- Several fish and wildlife issues need fleshing out. For instance, FWP reports that the upper reaches of Horsefly Creek have a population of genetically unaltered cutthroat trout. This could be an important population that would require extra protection. Because sites north of the Highway, such as Alice Creek 7, are in an identified grizzly bear recovery zone, it's unclear whether required consultation with the USFWS could result in a jeopardy opinion. If so, it could seriously complicate selection of this alternative.
- Groundwater data for several of these sites – Horsefly and Alice Creek 7 -- are limited. Inferences of high groundwater based on vegetation types, springs, etc. can be reasonable for a coarse-screen evaluation. But additional information would be helpful.
- It would increase public confidence in the site selection process and the estimated costs if the agencies consulted with a contractor familiar with process engineering, hauling costs and project sequencing to affirm whether the agencies' estimates are on the right track with Naturally, to ensure competition once RFPs are out, it would be preferable if this contractor were not interested in bidding later.

A few things necessitating a harder look at S. 35

Because this site has received the most attention, and data collection for it the most robust, it is obviously being considered seriously. If so, we recommend the agencies consider these items:

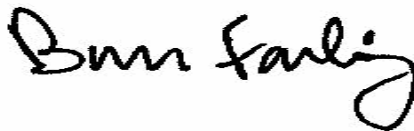
- Provide an extra measure of groundwater protection by utilizing a synthetic liner
- Seriously consider constructing an alternative haul route on public and Sieben Livestock land directly from the Mike Horse area to S. 35. The benefits of this could be significant. First, it would obviate the need to deal with what is perhaps the biggest impact to the most people – hauling on the highway. The agencies have roughly estimated construction of this route could cost around \$3 million. We have no idea how that estimated was achieved. However, the agencies should consider the high value of this investment. It would eliminate perhaps the biggest impact to the public and local landowners. However, if it is deemed not worth the investment, the agencies should spell out where that \$3 million could be better spent to get a better return on project acceptability or meeting objectives. Other advantages of this route are that it is shorter than the highway route, potentially reducing haul times or at least diesel costs. It also would provide more flexibility on

haul times, perhaps enabling the project to be completed in less than the estimated four years. WE SERIOUSLY URGE THE AGENCIES TO LOOK AT THE OPTION OF CONSTRUCTING A NON-HIGHWAY ALTERNATIVE HAUL ROUTE. Once project hauling is complete, the road could be decommissioned.

- The agencies should conduct sound tests on the proposed repository sites in S. 35 to determine how far and at what decibel level noise from site construction and hauling will occur. This information could inform development of effective measures that mitigate noise, such as additional vegetative screening or modification of operating hours.

Again, thanks for the opportunity to comment. We look forward to continuing the conversation as the project proceeds.

Sincerely,

A handwritten signature in black ink that reads "Bruce Farling". The signature is written in a cursive, slightly slanted style.

Bruce Farling
Executive Director

cc.

BBCTU
Clark Fork Coalition
Montana FWP