

From: Bill Frisbee [mailto:lincoln@montana.com]
Sent: Thursday, December 08, 2011 2:42 PM
To: FS-comments-northern-helena
Subject: UBMC repository comments

Attached are comments from the **Upper Blackfoot Valley Community Council** in regards to the proposed repository for the UBMC.

[Attachment included in email]

The following comments are submitted by the Upper Blackfoot Valley Community Council (UBVCC) on behalf of the citizens of Lincoln and the Upper Blackfoot Valley.

The UBVCC is tasked with opening the lines of communication between residents of the valley and various agencies. On November 28, 2011 the Council held a meeting in Lincoln to give the residents of the valley an opportunity to ask questions regarding the proposed waste repository sites for waste from the Mike Horse mining complex. An audio recording of the meeting was made and has been delivered to the Lincoln Ranger District offices in Lincoln for submission as comments. What follows is a synopsis of the comments Council members have been receiving from community members since the Technical Memorandum was released for comment.

As always, when commenting on something as critical as this project, it is important to plan for the worst and hope for the best.

Societal Factors

1. Many residents of the community feel that in-place encapsulation is the most viable solution to the problem of what to do with the mine waste. The Council knows that this is not an option forwarded for review in the repository siting options. However, many people believe that this option should be re-evaluated as technology has improved over the years. Many residents believe that a repository vessel can be built on-site to store the contaminated material. One only has to look to the nuclear community for encapsulation solutions. Yes, we understand that building a repository capsule would not be inexpensive. However, the monetary savings from eliminating 4 years of hauling would offset the costs and many of societal factors illustrated below would become non-issues.
2. Many residents of the community are concerned about the dangers of hauling contaminated material off-site. Those dangers include hauling contaminated material across water bodies multiple times. There are also health concerns for residents who live along a haul route for contaminated materials. We believe that we can all agree there is no possible way that anyone can guarantee that contaminated material can be eliminated from the exterior of haul trucks. As such, contaminated material will fall off the trucks at all stages of the haul. The residue from the haul trucks will find its way into resident's homes, and more likely into the water they drink and the food they eat.
3. Environmental concerns have been voiced to the Council as well. A project of this magnitude naturally poses risks to the environment as well. The aforementioned dust

from contaminated trucks will certainly also contaminate the vegetation along any haul route. When crossing water bodies the contamination will also find its way into the rivers, streams, ponds and puddles along the haul route. Who will clean up that mess? And at what cost to taxpayers?

4. A concern has also been raised as to the sheer number of loads that will need to be hauled. It has been estimated that it will take between 55,000 and 60,000 truckloads. Splitting that number down the middle and using 57,000 trips as a baseline the number of truck trips per hour is staggering. Depending on the length of the work day (8-12 hours), there would have to be one haul truck entering the haul route every 3.37 to 5.05 minutes. This is assuming that the project only takes 4 years to complete. The numbers get even more staggering when you consider that the trucks would have to come back to re-load. That puts one truck entering or leaving the haul route, at a single ingress/egress point, every 1.68 to 2.53 minutes. With this volume of traffic, the delays on highway 200 would be horrific.
5. Business owners have voiced concerns over the impact the delays of traffic would have on the economics of Lincoln. There are concerns that with the number of trucks that will have to enter and exit the highway, travelers will avoid using Highway 200. Lincoln businesses survive off of travelers' business. The disruption of traffic flow on Highway 200 would surely give travelers a reason to choose an alternate travel route. When this happens, businesses in Lincoln will suffer. When businesses suffer, employers are forced to take a long hard look at things such as the number of people they employ or even whether or not they will have to shut their doors either temporarily or even permanently. The economy of Lincoln could be ruined for decades to come. For many businesses, a loss of \$100.00 a day in revenue is enough to affect the number employees a business employs. It is feared that people will lose jobs and they will have no choice other than relocating to another community with their families. The resultant effect of losing families in a community such as Lincoln is wide-ranging. As families are forced to move, there is a decline in enrollment at the one and only school. When enrollment drops, there is a commensurate decrease in the number of teachers the school employs, which has a negative multiplying effect on the whole make-up of the community.
6. Council members have received multiple comments regarding public safety. As the entrance to the mining complex sits on somewhat blind corner, concerns for motorist safety are being talked about. Blind corners are a particularly vulnerable area for accidents. This fact is compounded by a large increase in heavy truck traffic. As the

valley is served by an all-volunteer ambulance service and an all-volunteer Fire Department, there is a concern that in the event of a passenger car vs. commercial truck collision, the emergency services capabilities of the valley will be stretched too thin. Comments of this type are alarming to the Council as we have worked very hard to increase public safety and we can foresee a tragic accident occurring.

7. It has been openly stated that in the event Section 35 is chosen as the repository location a lawsuit will be filed by adjacent landowners to prevent the use of Section 35. If this were to happen, the project would be delayed, possible for years, and the result of those delays could be tragic, not only for the Blackfoot River but for all residents who live downstream to include all the residents of Lincoln. The cost to defend a lawsuit would have to come out of the \$39 million dollar Asarco Settlement. This seems to be a huge waste of money.
8. It has been stated on several occasions that property values for those near a repository will not be negatively affected by having a toxic waste dump close by. This statement is so clearly flawed that it must be addressed by the agencies so that they can clearly understand the effects. Property values are affected by exterior factors such as airports, mining activity etc. The fact that a toxic waste repository is in close proximity to a property certainly diminishes its value. The Section 35 alternative is the only alternative that would be on public ground, which has multiple landowners within 2 miles of the proposed location. The resultant decrease in value for many of the landowners affected by a Section 35 repository could very well be devastating. A handful of people should not have to suffer at hands of government due to the failure of that same government to adequately regulate and supervise mining activities.

Scientific Factors

1. It is the people's contention that there have been some fatal flaws in the process of selecting the alternative sites. It has been stated that the Section 35 site is the "most protective" alternative. The flaw in that statement is that the study does not show this, as equivalent "ground work" has not been completed on any of the other sites. Equivalent groundwater studies have not been completed on any of the other sites. Equivalent soil sampling has not been completed on any other sites. To make a valid statement, all sites must be tested equally.
2. Of the alternative sites, Section 35 is the one site that does not have the protections that are cited in the report provided to the agencies regarding the "insurance" wetlands provide for cleaning contamination from water sources. This science has been

introduced through comments by Andrew Wilcox, Assistant Professor, Department of Geosciences, The University of Montana.

Other

1. In the few days since the UBVCC held the public meeting here in Lincoln, a great number of residents have voiced their concerns and anger regarding very important information being withheld from the public. That information is the Restrictive Easement that is in effect on what is known as Section 35 and also on those lands known as Horsefly as well. There is no ambiguity as to what is allowed and what is not allowed by those Restrictive Easements. Many citizens are concerned that the appearance is that the Government, both State and Federal, were willing to keep this fact a secret. The fact that Section IX, Item "F" only allows amendments to the easement that do not materially affect the conservation values of the original easement makes Section 35 and the Horsefly alternative non-viable.
2. It has also come to light that the Option Agreement between the parties involved contains a provision that allows for up to 500,000 cubic yards of non-UBMC wastes to be deposited on Section 35 as well. This clause was never relayed to the citizens of the valley. We do not feel this is appropriate and should be one of the largest factors that make Section 35 a non-viable option. Ultimately, this means that there could be an additional 29,000+ truckloads of hazardous material hauled through the town of Lincoln. This is unacceptable! Why weren't the people told of this
3. It is also the opinion of the people that no matter where the material ends up, a top and bottom liner should be included in the repository. This only makes sense as it would provide additional insurance against seepage and possible infiltration into water sources.

In our role as the voice of the residents of the Lincoln Community, the Upper Blackfoot Valley Community Council is vehemently opposed to removing the hazardous and toxic materials currently impounded at the Upper Blackfoot Mining Complex and depositing them off-site. With that being said, we do understand that the agencies are not at all interested in leaving the waste on-site. The next best option for containment of the waste would be to use a combination of Paymaster and First Gulch. By doing so, the amount of traffic on Highway 200 could be minimized. There would only be one crossing of the Blackfoot River with

contaminated material per haul. The dust and contamination on Highway 200 could be kept to a minimum and the disruption of the lives of the people living along the haul route would be kept at a minimum and the property values of neighbors could be protected as much as possible.

Also, based on the type and importance of information that has been withheld from public review, the Council respectfully requests that Section 35 and any private holdings covered by the Reserved Restricted Easements recorded under Document Number 607259 at the Lewis and Clark County Clerk and Recorders office be officially removed from consideration as a repository site for toxic mine waste from the Upper Blackfoot Mining Complex. Furthermore, if the agencies decide the argument regarding the Reserved Restrictive Easements has no merit, the UBVCC requests that Section 35 and those lands known as Horsefly be removed from consideration as a repository site based upon the arguments illustrated above. Finally, based upon the fact that information has been withheld from the public, the UBVCC requests that an independent assessment of the facts be completed by an unbiased third party engineering firm prior to any decision on the future storage site for the mine waste.

Due to the importance of this project and the impact it could have on the residents of the valley the UBVCC requests that, no matter what alternative is chosen, the UBVCC and residents of the valley be continually involved in this process to try to mitigate the societal factors.

Also, the UBVCC requests that due to the importance of this issue, the decision maker position for this project must be filled by a person within the State of Montana,

These comments were authorized by the Upper Blackfoot Valley Community Council at a special meeting held on December 2, 2011.



JAMES W. (Bill) FRISBEE JR., Chairman

Upper Blackfoot Valley Community Council