

## OCTOBER 4, 2011, UBMC PUBLIC MEETING IN LINCOLN

**HEARING OFFICER:** This is a, a, a formal hearing, and, and I'll, and I'll go through a, a speech I actually will read, uh, talking about the procedure, but it is a hearing so it is one-sided. It's not question and answer. It's, we're here to receive testimony. Um, and it's just one form, and uh, as you know there's lots of forms in this room. If people are not comfortable giving verbal testimony, but still want to get a comment in, um, I'll talk in a minute about how you can do that. But here tonight we've got a book, and I think it was on that back table...

**UNIDENTIFIED WOMAN:** It's right here. We're using it for the ...

**HEARING OFFICER:** where people can handwrite their comments, and, and all of these comments will go into the final record. If you'd like to type them on a computer, we have computers available. Just let us know and we'll dig it out from underneath, and, and you can do, do it that way. I don't, and the final way of course is, is to come and, uh, uh give, uh, oral testimony in, uh, hearing, uh, format. And the hearing, um, the, the comment period ends, um, do I have that?

**UNIDENTIFIED WOMAN and UNIDENTIFIED MAN:** October 21<sup>st</sup>.

**HEARING OFFICER:** October 21<sup>st</sup>. So there's, you can provide other comments to us. Now bear with me cause I, I, I have to read this to make sure I get it right.

**UNIDENTIFIED MAN:** Mike.

**SECOND UNIDENTIFIED MAN:** Who is, who is in charge of this meeting? DEQ or the Forest Service?

**HEARING OFFICER:** It's a joint meeting between DEQ and the Forest Service. Here we're kinda sharing, sharing things. And I'm, I'm with the Department of Environmental Quality with the State of Montana, but we're in a, but the open house that was here earlier that many of you participated in was kind of a joint, uh, thing. And as I said, if you have any questions you want answered that, now is the time to do it, because once we starts the hearing, it's kind of one-sided. And, and we've got experts here that can answer your questions, and we've kind of, actually it's kind of too late because we have to start the hearing on time.

So, I am Mike Trombetta, a bureau chief for the Remediation Division of the Montana Department of Environmental Quality. I'll act as the hearing officer for this public hearing on the alternatives presented in the recently issued Repository Siting Guide for the Upper Blackfoot Mining Complex, which is this, this document, and we've got other copies. There are many ways for an interested party to provide their comments regarding the repository siting study, any of the alternatives considered as a potential repository, or other relevant information for the official record. You can send written comments by letter or e-mail as indicated in the notices regarding the comment period, and they were (cough), and there were opportunities to present comments at the open house that just concluded here this evening. We encourage you to

comment on all of the alternatives considered, not just the alternatives recommended in the report. If the alternative is not ultimately selected, another of the proposed alternatives could be selected. So it's important to give us your comments now on any of the alternatives that you feel strongly about. This hearing is an opportunity to present your comments verbally for the record. At this hearing, we will record your comments. So please come directly up to the microphone and speak clearly. And the microphone is that black thing on the desk and we've got a couple of back-up recorders also. So when it's, uh, when you want to give testimony, raise your hand, and I'll recognize you, and you can, you come up and, and just, if you stand at that podium, it should pick you up just fine. Um. This is for your comments. We will not respond or answer the questions at this time. However, your comments will be transcribed, that is they will be typed out in a, in writing and placed in the record and will be considered as the final evaluation of the repository loco, location are made. We will prepare a responsiveness summary which describes the comments received, as well as the agency's responses to those comments. That responsiveness summary will be issued when a decision on the selected alternative is issued. So that everyone who wants

**UNIDENTIFIED MAN:** Ten minutes, excuse me.

**HEARING OFFICER:** So that everyone who wants to have a chance to speak we will limit the initial comments to three minutes each. If anyone is not able to get all their comments in the first three minutes, I will ask you to stop and let other persons have their turn and then you will be given additional time at the end to complete your comments. You can also, as I mentioned, submit written comments any time before October 21<sup>st</sup>, if you run out of time tonight, or if you think something else, or if you think of something else later.

There is a sign-in sheet. Is it on the back table?

**UNIDENTIFIED WOMAN:** I have it. I've been

**HEARING OFFICER:** Okay, there is

**UNIDENTIFIED WOMAN:** Everybody signed it tonight.

**HEARING OFFICER:** Okay, there is a sign-in sheet in the back where you can enter your address and your e-mail address so that we can include you in our mailing list for information regarding this site. When you come up to the microphone, please state your name and spell it unless it's an, unless obviously, you know it's just an obvious name. Please give us your address and any affiliation if you are representing any group, and, uh; how many folks are anticipating commenting tonight? Can I see a show of hands. A couple. So about four. Based on that, then I probably won't restrict you to three minutes because I suspect that some people have more than three minutes worth, but I'd like to, I'd like to limit it to about ten minutes. So if you really go over ten minutes, I'll stop you and ask the other people to get a chance, and then you can, you can come back after everybody else gets chance. So, uh, let's see. Uh. Does anybody want to go first? If not, I'll start with Mr. Grimes because I was speaking with him and I know his name.

[laughter]

**HEARING OFFICER:** Please come up.

**MIKE GRIMES:** Do we need to identify ourselves any further?

**HEARING OFFICER:** Please, please state your name and your address.

**MIKE GRIMES:** Okay. My name is Mike Grimes. I live at 5730 Highway 279, which is immediately across the street from Section 35. As a matter of fact, I actually own the other half of Section 35. Uh, my formal comments will be submitted in writing. Uh, I'm the, I actually started the Friends of the Blackfoot organization. Uh, there's ten families involved, uh, all of whom live around the site within about a two mile radius, some much closer. Uh, every one of us opposed to the, are opposed to Section 35 as a repository site. We feel, I feel that this study was done intentionally because we got some support. Otherwise I don't think you'd be having this hearing tonight to be quite honest with you. At least that's not what I understood from what Beth Ihle was quoted last October in the Independent Record is she said under the rules of CERCLA, the agencies will set the site and then the pub, public will have the opportunity to comment, uh, on the mitigation measures. So there was no public comments planned at that point in time. I asked Amber Kamps, uh, another friend of mine and I tried to organize some public meetings and tried to get, uh, some meetings held on the other side of the pass, so some of those landowners who might have 700 foot groundwater dry land, uh, could have been involved and could have heard what, what you're required. And the large landowners here in, in the valley could have heard what was required and maybe might have wanted, wanted to participate in this whole thing, but unfortunately the people in charge of this have chosen to act underhandedly as far as I'm concerned, in secrecy. Uh, they started looking at this thing, this Stimson land trade, which was not publicly announced properly. Uh, the only thing that anybody ever heard or knew about the Stimson land trade was what was in a, a, a report from the DEQ that was, the title of it was the Bonner Cooling Pond Cleanup. Had nothing to do with Stimson or the Mike Horse Mine. No one would have read that knowing that it had anything to do with selecting a site for this repository. It was never made public up here. Keith Large told me that we, you folks did a terrible job in communicating this to the public. He apologized to me numerous times when I talked to him about the horrible job that you people did in informing the people up here in the Blackfoot Valley. So I'm, I am not happy about it.

Of course I live across the street from it, and you're going to destroy my property value, and, and you're going to destroy the property value of all my neighbors. I think the site is wrong for many reasons. Ecological reasons, too. Now I guess we can, we can look at all the data and say we can build a site right next to a river or a tributary or in high groundwater and we can guarantee you. I don't think so. I don't think you'll guarantee me; I don't think you'll put up a bond to guarantee me that you'll never pollute my ground or my water. So I think Section 35 is a stupid decision, and I hope that, that you really actually do have any, some intention of listening to the public comments tonight. I don't think you do. I think this whole study was, and I think Pioneer did a good job with the data they were given. But I think what they were given

there was, the conclusion was, was inevitable. Section 35 was meant to be the lowest price. I don't think lowest price is, is the right answer. Number one, I don't think you should even be moving this stuff. You should be trying to remediate it in, in place. So that's, that's my comment for the record tonight. Thank you.

**HEARING OFFICER:** Thank you. Someone else like to make a comment?

[applause]

**LOGAN MCINNIS:** Hello, my name (cough), pardon me. My name is Logan McInnis. I'm a civil engineer practicing in Missoula. My family and I are also part-time residents of the other half of Section 35, and have been since the late 70s. So we actually own a little bit of the other half of Section 35. (Chuckle) And that's where our cabin is. So we, our residence is probably the closest one to the proposed repository I would guess. It is pretty apparent to me that the review process in getting, uh, to the point of selecting the tailings repository has been piecemeal at best. Over the years most components have been completed by mining company consultants. Uh, the U. S. Forest Service got involved a few years ago in looking at options for tailings, uh, the tailings that were on its property. Then recently the State got involved in writing the final plan which appears to be a review of previous information with a fresh look as it's called into options for siting the repository. This fresh look identified several new options including the recommended Section 35 option, and provided what appears to me at best a cursory view, cursory review that made no consideration on the impact on nearby residents. Cost appears to have been the only factor considered in selecting the preferred alternative. The level of technical investigation, data gathering, and citizen and agency input to this project isn't even in the same ballpark as the level of review for the Milltown Dam project. Yet the scope for this project, which is the removal of a million yards of, of tailings is nearly half the size in terms of the removal volume proposed in the Record of Decision for the Milltown Dam. For the Mike Horse project, no formal analysis was given to other criteria, that I could tell, such as community acceptance and, uh, other types of criteria that occurred in the Milltown Dam removal project. Where are the detailed reviews of the environmental and social impacts embodied in the thousands of pages of documents prepared for the Milltown project? Where is the detailed consideration of alternatives to appropriately balance the cost of alternatives with their impacts on the environmental and social resources. I can't even find data on the various websites that I scoured showing that putting tailings back in the mine shaft was ever actually analyzed, only that it was considered in course. I'm sure someone in here can give me a technically correct answer into why a more complete environmental review has not been completed for this project. I suppose it has something to do with the area's designation as a superfund site; however nowhere can I find a document showing me that all of these sites being considered are formally part of the superfund boundary. Regardless I believe that this incomplete review process doesn't meet the spirit of our state or federal environmental laws. Now citizens are being, uh, given a few weeks to review documents that at best provide a summary of the data that's available. To date, no detailed cost, uh, groundwater, or soil data are, are even available on the website for the Section

35 site, only the sort of a summary that can be found in the repository site. There're no detailed cost estimates in the appendices or even on the website that I could see. And I spent quite a bit of time scouring the websites. As of this morning the link to the page where public comments could be submitted wasn't even working, at least on my home and work computers, and I think that I'm not a total idiot about computers. So I'd, I'd like to think that I could have figured it out if, if public comment was even, could even be made at this point. I'm sure that that can be corrected before the 21<sup>st</sup>, but who knows how many people will go out there trying to make a comment and will have the same lack of success that I did. The report itself concludes that further groundwater level information will be required to understand the selected Section 35 site. How can you finalize an important decision like this without having collected all the necessary data? How can you expect citizens to make intelligent comments when not all the data has been obtained and you haven't provided access to the detail, to the detailed information that is available. I find it stated in one section that the Section 35 site is the lowest cost because no liner is required. I can't even tell from the available documents why a liner isn't needed at that site or whether this is the only option not requiring a liner. For all I can tell from the available information, a liner was excluded from the site to force it to be the cheapest alternative. I can't understand why the MEIC, the Clark Fork Coalition, and others are willing to stand by and let the government save a few bucks by placing mine tailings in a unlined repository a few hundred feet or less, depending on which option is chosen at Section 35, from a tributary of the Blackfoot River. These groups appear too afraid to throw up roadblocks to the removal of the Mike Horse Dam to make the government fully review all of the environmental and social impacts of this. I think the folks breathing arsenic dust from the Opportunity Ponds would say the same thing happened to them. This is the kind of solution I would expect the mining companies to come up with, not our government. But I guess government is no different than private industry when it is the one footing the bill, and perhaps I'm no different than these environmental groups having not really been involved in reviewing the documents until very recently. I guess I made the mistake of assuming that our government agencies would fully review all of the impacts of each alternative, not just the bottom line cost, would collect all the required data prior to making a decision, and would select remedies that are fully protective of our environment. Apparently I was wrong. So I urge you to con, reconsider your final selection of a repository site at Section 35. I don't feel I have enough information available from what I could find on the website to even tell you what alternative to choose, other than that I believe that locations east of the divide, far from critical water resources, should be cons..., should be strongly considered even if they cost more. Thank you.

[applause]

**HEARING OFFICER:** Other commenters?

**ROLF SCHROEDER:** Evening. My name is Rolf Schroeder. I'm a member of the family that is the owner of Section 26, directly adjacent to Section 35. Uh, I'm a part-time resident of that section. I live in Helena. 1214 Eighth Avenue. Uh, the land that my family owns has been in

the family since the early 20s if not earlier than that - in the late teens. Uh, we have been vacationing there for that, you know, through generations since then. Uh, my mother is the owner. Uh, we've faced adversity before, uh, with the people from the Mike Horse Complex, in previous ownership, wanting to run a slough down the Blackfoot River back in the 70s, early, late 60s, early 70s, and that didn't go through partly because of the efforts of my mother at the time to see that it didn't happen. Uh, I reiterate... I'm going to just state that everything that has been said here I agree with. I'm opposed to it, of course, because it's right next to my section. I will, I'm concerned about dust particles drifting over onto the section that will pollute Section 26. Uh, that land is under a conservation easement, with, currently with Five Valleys Land Trust, and we, our goal is to keep it that way. Uh, I believe that groundwater analysis has been either not forthwith provided or, uh, just incomplete. I know that there's groundwater on our land, probably at the same elevations, and it's spring fed. There's a pond on our land, you know, we go wallow, that the an, the wild animals like to use. I believe there's a fair amount of water there. I can't, I'm not a geologist, a hydrologist, I don't have that background, but common sense will tell me that, that there is probably a connection at some point. I don't know why, I just heard this tonight - no liner would be provided. That makes no sense at all. I don't know why you wouldn't put a liner in it. Even if you did put a liner in, the, the water's pretty powerful stuff. I don't know why a liner would last for as long as they say it would. I think it would probably breach and then have heavy, heavy minerals flow into the, the source of the Blackfoot into Nora Creek. Um, I don't understand why you take tailings out of a wa, out of a river system that's only about seven miles, five, seven miles away, and put it back into the same river system. That makes no sense to me at all. When you can find either a location closer to that which would be cheaper, such as I've heard as the, as the, uh, old mine shafts at the mine where it could be deposited or trucked over the divide to dry areas of land. Uh, I've heard all sorts of things about economic costs. Um, this isn't a cheap cleanup to begin with, and, uh, I've been informed a bit by members of DEQ and the Forest, Forest Service, about the cost analysis. Um, there's a lot to understand about it. It's the first time that I've seen that study. I know that there was going to be a study done after the heavy rains in this past spring here in 2011, and I'm not convinced, as there was more water than I've ever seen on our land. Uh, I'm not convinced that, you know, that I have all of the details about water levels at where the proposed mine dump would be. Um, I'm passionate about where I, where I get to go. I'm very fortunate, uh, very grateful for that. Uh, I think that this would really diminish the value of the property, not only for me, but for my neighbors as I've heard, and it would also just endanger the Blackfoot River, which, you know, to me is a, a real source of spiritual, uh, spiritual comfort. Um, with that I just want to say I, I, you know, I don't believe that all the resources have been analyzed carefully, and I don't believe that the alternatives have been analyzed carefully, and we should consider other resources for removing these mine tailings and putting it somewhere else besides Section 35. Thank you.

**HEARING OFFICER:** Thank you.

[applause]

**HEARING OFFICER:** Any other commenters?

**LONNY COX:** Lonny Cox, 8991 Cadotte Creek Road. Been in the valley a little while, and I read the, the paper that they sent me, and I, if it has to be moved, I, I prefer Paymaster and First Gulch, and I think that the reason that First Gulch and Paymaster would be better, uh, maybe even part of Second Gulch, because the, there's less water, the groundwater, and I think the, there's a shorter distance to haul it, less people live in the, right there. If there's a catastrophic event, earthquake or something, the chances of it going into the river are pretty minimal. If it has to be moved, I, I prefer to see it go in First Gulch or in Paymaster, and that's all I have to say about it.

**HEARING OFFICER:** Other commenters?

**JOHN MCINNIS:** My name is Jack, John McInnis. Uh, my address, my written address is Box 174, Lincoln. I'm a retired lawyer from Missoula. My address in Missoula, principle address in Missoula, is 3024 Queen Street in Missoula, 59801. Phone number: 549-4583. I first acquired property in this valley in about 1966 up in Lander's Fork. Subsequently I acquired property up in Stonewall Creek. Subsequent to that I acquired about 80, 88 acres of land next to Hooper Park, on the east side Hooper Park, from the highway back to the river and beyond. And my last acquisition, the last property I acquired it in three different transactions, beginning in about 1970 and ending in, I think, in 1981. I own both sides of the Blackfoot River for about one mile downstream from Highway 279, from Highway 279 to the Bauma Post Yards. My house, I am happy to be Logan's father, but I am the owner of the property. Uh, the house we have, we have two residences there. Uh, one is occupied by my brother. They're both owned by me, and our house is located on a bank about, uh, 300 yards downstream from Highway 279, and our house is located approximately, uh, 75 feet from the river. Uh, as I said, we have owned, I have had that house located there - we've had two different houses in there. The last one is a, is a, a double-wide mobile home that was put there in 1981, uh, 1995. Excuse me. Uh, we, I, I am opposed to the, the first, the option that I have suggested several times, uh, is to take the property, take the tailings east of the mountains. I have been told that there are ranchers over there, there is a vast plains over there that is far removed from any road or from any stream whatsoever. Principally off to the right side after you go down and cross the, the fork of the Dearborn. I have suggested that. I have been told that those property people are willing to, to deal. Uh, I understand that the reason that that, and I have been told that there were two things; that the reason that option wasn't chosen is because of safety factors, and that seems to me pretty silly when I see these 225 feet long, 565 thousand pound loads, 200 of them, going over the pass, and, and that doesn't present a safety factor apparently. Anyway I think that's a specious argument.

Uh, secondly, I've been told it's because of a matter of cost, because we would have to haul the, the tailings over the mountain, dig a trench over there and dump the tailings in. Uh, then we have to something to cover up where we took the tailings from, so we would have to haul all the dirt back from the other side. Well, that's not the case. Fact is you would have to the dirt, you would have to haul the tailings from the Mike Horse up to the top of Roger's Pass.

That's a pretty gradual slope on this side. It is very steep on the other side. You could obviously use gravity. You wouldn't be using an engine. You would be using your brakes, uh, until you got down to wherever that site was. Uh, so they say well, that's going to be too expensive to haul the material back over. So you don't have to, you wouldn't have to haul the material over because I have asked Mr. Solvie, who is here, if he would be willing, he owns land in, uh, Barkley Creek on both sides of Highway 279. He has said that he would be pleased to negotiate with the State for purchasing dirt from his land which is right at the base of Mike Horse Mine. So you could bring the truck, you could haul the tailings over, bring the truck back empty, stop at Mr. Solvie's place, fill the truck up, and you've got about a mile and a half up to the mine, and, uh, that's not an expensive option as far as I can see.

The last piece of information I have been given, I don't, I haven't verified this, is that the, as most people here would know that the Baucus, the Baucus family, the, the Sieben Ranch or Sieben Livestock, whichever, sold Section 35 to Stimson Lumber Company several years ago. In that transaction the Baucus family, the Sieben Company, uh, retained what's called, I believe, a development right. I have the documents. I haven't had a chance to review it, but I think I know what it says. It says, as I understand, that Mr. Baucus, John Baucus has the right to veto or approve anything that Stimson Lumber Company proposes to do with that property. Now I understand that the proposed transaction is that Stimson Lumber Company will transfer 330 acres of that land to the Department of Environmental Quality in satisfaction of a debt that Stimson owes to DEQ relative to the Bonner Tailings Pond, and that there's going to be a trade of land to re, remove the debt. But that still leaves Mr. Baucus without any money, and so that's been a question that I have never heard. The last I heard was that John Baucus told, I think, Mike Grimes, that the only issue remaining was how much money was going to be paid. Well, keep in mind this land is not even owned by the Baucus family. They sold it to Stimson. So, but Baucus has the right to be paid for whatever they're going to do with the land. And, well, you know, he's a good businessman. He's a hard-nosed businessman. And, uh, my latest information, which I obtained from Mike Grimes about three days ago, is that, uh, Bauc, Mr. Baucus has said that the DEQ is going to pay him \$255,000 for his approval of this site. Now I submit that \$255,000 is either exactly equal to or exceeds the total value of the land where this site's gonna be. This site isn't gonna occupy 330 acres. It's gonna occupy 20 or 40, something like that. The difference between the 40 and the 330 is that because DEQ has a \$300,000 debt owed from Stimson, so they decided to extinguish the debt, and just throw in an extra, extra land. So it's going to be, uh, elk land or whatever.

I, any event, uh, that leaves, as I, my contention has been throughout, I know many people think it should be left in place. It should be put up at Horsefly Creek, which was once said to be out of the picture. Now the documents I see now, Horsefly Creek is back in the picture again. That's one of the cheaper alternatives. The, there is no published details of the cost. I have asked for this at least twice, of the details of what would it cost to bring the material east of the mountains, and I did specify that I had talked to Mr. Solvie about - we didn't talk about quantities, and we didn't talk with the, a million, a million dollars is the amount I've heard. We

didn't talk about price, but his land sits, that's the nearest piece of private land that I can think of within five miles of that mine, and it sits there, and he's got, he's got a whole bunch of it. And, uh, Audie is a hard-nosed businessman, but he knows what he's doing, and he knows what he owns. And so anyway, uh, that, that option to me is just, there have no details published as I may have said about the details of, of what it costs to do the transfer over. Nobody has investigated what it's gonna cost, what the difference between hauling the dirt back over the mountain versus buying the dirt right at the mountain site so to speak. Uh, that isn't, hasn't even been discussed. Uh, I, that's where leased price. I have been promised that it was going to be, Amber has told me they were gonna, and I, I think, uh, Shellie has both told me that that will be studied. It will be, will be publicized. It hasn't been publicized. I don't know why. I am appalled at the - my son, I thought, gave a pretty good presentation about the, the number of areas where this study is deficient, and, uh, I am appalled really as a citizen, and - uh, I voted for Brian Schweitzer, at least him and his dog. Uh, anyway, I am appalled by the lack of detail, and I am appalled by the decision that has obviously been made. Thank you.

[applause]

**HEARING OFFICER:** Is there anyone else make comments? Other commenters?

**RICK RIPLEY:** For the record I am Rick Ripley. Uh, I'm also Senator from Senate District No. 9, which does not include the Mike Horse Mine, but it includes the northern part of Powell County, northern part of Lewis and Clark County, all of Teton County, and part of Cascade County. And I wasn't gonna comment this evening. I was gonna to listen to all the constituents' comments and then submit testimony on-line, but, um, I felt compelled to at least ask a question if, uh, if I may - if that's allowed during testimony, or, or not.

**HEARING OFFICER:** You may ask a question. We just won't respond here. We'll respond in the written responsiveness summary.

**RICK RIPLEY:** Okay. The question that I would like to ask is when will you respond in writing to the testimony that has been given tonight? Will it be in time to submit formal testimony by October 21<sup>st</sup>? I guess I'll receive that answer in writing, or, uh?

**HEARING OFFICER:** Well, just to, to reiterate what I said, uh, the comments we're receiving this evening, um, are going as part of the record with all of the written comments, and they'll be responded to at one time as part of the responsiveness summary.

**RICK RIPLEY:** Okay, I would

**HEARING OFFICER:** It will be after the comment period.

**RICK RIPLEY:** I would, I would like to, to encourage both the Department and the, the Forest Service to respond to the questions that have arose this evening prior to, uh, the final comment period so that everybody can, could submit further testimony after receiving those questions. I think it's been, been evident tonight though the testimony that there is a lot of concern about the pending decision and how the decision will affect families and the environment. There are

people that live downstream, and, and, uh, uh, I, too, have, have read the study, felt that it was incomplete, um, it did not go into details, and in many cases was not accurate, especially where it said that there were no, no people living downstream. There are people living downstream, and I think we need to look at, at the effect it will have on their property values and those families downstream, and also, I don't think it was complete in addressing, uh, what's gonna happen to the environment and wild Mike in particular. Um, I, I think from the study, what I gathered from the study, and I, I apologize; I, I will submit testimony later on. I'm not up to speed as I should be on this. I've read Mr. Grime's, um, comments and e-mails that have come out, and, uh, had toured the site, but I have not, um, been on the repository site. Where I would, where I did, uh, participate, the Paymaster site looked like a viable option to me. Uh, it may not be, but there's many other options that have come up tonight that haven't been investigated. I would, I would hope that, uh, we would continue to, to look into some other alternatives, or at least accurately and completely, uh, give the date, details on, on the, the other alternatives that you have looked into so that people can, can be better informed, myself in particular, and submit, uh, further testimony at a later time. Thank you.

**HEARING OFFICER:** Thank you.

[applause]

**HEARING OFFICER:** Are there other commenters? Would anybody else like to make a comment this evening?

**JIM BOSSHARDT:** Yes, I would. I'm, I got here late. I've been putting in fence posts, but if it's all right, I'd like to.

**HEARING OFFICER:** Yes, sir. Uh, please step up to the podium, state your name and your address, and then, then go ahead.

**JIM BOSSHARDT:** Okay. I'm Jim Bosshardt. Live out on, uh, 4372 Elk Lane here in Lincoln, and I've been following the e-mail information concerning the proposed movement of the contaminated soil, and I have vested interest because I fish a lot up here on the upper Blackfoot and east of 279 on that stretch, and so I know what's in, in the stream, and it's a delight to, to use. I been doin' it for about six years now, and what, in all the e-mails I've seen, I haven't, wasn't satisfied nor did I even see much of any serious, um, research put into not even moving the contaminated soil. You know there's been so many historical cases where when you move contaminated soil, you end up doin' a lot of, uh, contamination further downstream, and it just seems that would be ill advised to do whereas if you could work and engineer it so that you could remove the dam, and then, uh, prepare the site so that the soil is not moved but actually stays in a secure location. And that, and that can be done. And that, uh, that's what I would encourage, uh, the interested parties to, to do concerning the, the soil there at Mike Horse Dam. I applaud the efforts of, of people wantin' to clean the site up and totally support it, but, but stirrin' it up and movin' it, uh, I think you just compound or increase the risk of compounding the problem. That's what I'd like to offer here tonight. Thank you.

**HEARING OFFICER:** Thank you.

[applause]

**HEARING OFFICER:** Any other commenters? Please.

**ZACH MUSE:** My name is Zach Muse. I live here in Lincoln. Uh, I do hunt and fish here, live here, uh, I don't have property that is being affected like some of these folks. So, um, I don't feel like I should comment so much on 35 because I don't live there. That's these people, but the fact of the matter is that if you guys don't take a common sense approach to this. I mean too many times the government - I work for the government. I understand how the government thinks - doesn't think sometimes, but there's too much lack of, for lack of a better word, common sense used. There's too much, oh, the numbers look good; the computer models look good, and, and it, unfortunately they don't look at how it affects the big picture. The lawsuits that are, as I've talked to Shellie about when we went on a tour, it, it's inevitable. If you pick the wrong spot, there's only so much money involved, or that's, that's allowed for this, and yes, it's gotta be a long-term deal. You've got somebody that lives up there that, yah, he doesn't have, uh, ten year's worth of college degrees and know how to operate computers and this and that, but he's got a wealth of information, and I understand you talked to him, but maybe you might want to talk to him a little bit more and take some more of his advice. And I just hate, I, I know you guys gotta get this done, and the, the longer it takes, the more money it costs, but if you do it wrong, as with a lot of stuff that the government gets involved with, it, the lawsuits end up happening, and I hate for something to get tied up for years and years and years, draining the kit, the kitty dry because someone's numbers looked perfect for a spot. But they didn't realize, okay, well, 20 years later we're still in a lawsuit and now we've got six bucks to move this material. So I just really hope that everybody looks at this from a common sense approach and realizes that if they don't do this right, it is gonna end up in court, not by me, but by a lot of other people, and they're not doing it because they're out to get the government. They're doing it protect, to protect what's theirs, and it does affect everybody from the top all the way down to Missoula. Oh, I mean a lot further than that, and we don't want to have contaminated river ruin what, our pristine valley. We don't want the material to stay where it is in its state, but there's gotta be that fine common ground, and please listen to these people. Listen to George Kornac. Do what's right. Don't put us in a spot where we're tying this up for 20 years and we're sitting here with ten bucks to try and move this. Let's use our heads and, and be logical about this. Look at everything. Yeah, there's a rush, but how big a rush you wanta get into. So that's all I have to say.

[applause]

**HEARING OFFICER:** Other comments? Any other comments?

**UNIDENTIFIED MAN:** I just still, one additional thing. Relative to the possibility Zach has said that

**HEARING OFFICER:** Would you, would you state your name just for record.

**JOHN MCINNIS:** Okay. John McInnis, resident, permanent resident of Missoula. I've spoke here previously. Uh, Zach has mentioned before and he mentioned in a community council meeting one night about the only two people that have talked – I am a retired lawyer, not an active lawyer. I'm a retired lawyer, and that's, no, whatever, that's over the hill somewhere. But anyway, uh, the only two people that are in a position - I am in a position, I suppose, to hire a lawyer, but you are all, too. So is the government obviously. The only two people that made mention about litigating is Mike Grimes and me. All Mike's got - he's filthy rich, but besides [laughter] but he's a damn Republican. [laughter and applause] So anyway, uh, but I have said, you know, if we talk about litigation, apparently it would be, I don't know who else would, you know, you would – apparently it would be Mike Grimes and myself, and I'm retired, and I got destroyed by the recession, and I've been cutting bug-killed trees for five years in a row now and I'm cutting two loggin' outfits right now. But it would be Mike and I against the State of Montana, the federal government, and, uh, Baucus family. Now somebody said, well you gotta, uh, have a level playing field. Well, folks, that isn't a level playing field, and I'm appalled as I said before. I am appalled at this whole thing, that, the, the withholding of truth, the confusion, the lack of details, the lack of public information, the, the – anyway, it goes on and on and on. So I'm appalled.

**HEARING OFFICER:** Thank you. Are there any other comments?

**GARY LINDSTRAND:** I can't do it.

**JOHN MCINNIS:** Do it. Go.

**GARY LINDSTRAND:** I hesitate in doing this because I cannot speak publically, but, I, I

**HEARING OFFICER:** Would you please state your name?

**GARY LINDSTRAND:** My name is Gary Lindstrand. I happen to be a neighbor of Grimes. Uh, and I am financially involved with what's going on, also. But this whole situation started, I feel very clandestine if, uh, it was by accident that we found that area 35 was being looked at as a deposit dump, uh, for the Mike Horse, uh, tailings. Um, since then I, I think that we've – pardon me, but I think there's been a big dog and pony show going on to convince everybody that area 35 should be the place that we go. I do not and I have not seen any other evidence that anybody has been against any other area other than area 35. Yet we spent money just recently with an engineer to certify the fact that that's the place to go. I hope that you would re-evaluate and think about what we're trying to say is that area 35 is not the place to put these, uh, contaminant, uh, soils. Uh, there's alto..., alternatives. I would hope that we'd just leave 'em where they're at, seal it up, and forget it. Thank you.

[applause]

**HEARING OFFICER:** Any comments?

**MIKE GRIMES:** I'll make one more comment. I've never admitted to being a Republican.

[laughter]

**HEARING OFFICER:** Please state your name.

**MIKE GRIMES:** This is Mike Grimes again. Yeah, Jack has accused me of this forever. Both parties are fatally flawed.

**THIRD UNIDENTIFIED MAN:** True.

**MIKE GRIMES:** Uh, the other area that, uh, the word I question is when the Mike Horse superfund site was first declared. I think it was in 1995. I'm not sure of the date. Uh, it was, it was a good sized area and included all of the area around the Mike Horse Mine. When you folks started looking at the Stimson land trade in 2006, I'm pretty well convinced you already had excluded, uh, Horsefly Gulch. You expanded that area in 2007 to include all of the private property owners in the entire area – about a two mile wide swath, about 9000 acres, I believe. I haven't calculated it exactly. But anyway, I, I have a hard time imagining how you could have justified, uh, expanding that area to that extent without any public hearings and none of the landowners were informed. I didn't know I was living in a superfund area. At least half of my property is. Half of Jack's property is. Part of Audie Solvie's property is. Everybody's property all the way to the top of the Continental Divide are now included in a superfund area. We didn't know that, and it was done specifically to in, to bring about the CERCLA rules so you could get this stuff under the rules of CERCLA, which allows you to cut an awful lot of corners, uh, when it comes to the rights of the property owners. So that's the first thing that I'm going to question legally is I think that should be invalidated. I don't know what the process is. I don't know how difficult it's going to be, but I'm going to try to do it because I, I think that was an extremely broad brushstroke. It was a unilateral decision. I think it was made by the Forest Service. I don't think DEQ had, had the authority. But it's obvious how it was done, and if you look at the, where the line ends across Highway 200. It ends at about Alice Creek. Everything that I'd ever heard or read about the, the blowout of the Mike Horse Mine said that it went at least to Lander's Fork, the confluence with Lander's Fork. So you have to wonder why did that line get drawn through Audie's property, through Jack's property, through my property, upstream. Somehow the contaminants I guess went upstream, a mile, a half mile onto my property. Then it took a right-hand turn amazingly and went up, uh, alongside of Nora Gulch and Nora Creek, and then they took another turn and went, went back, went back down to the Blackfoot River, and all, it was so obvious it was done to encap, to encompass the repository site. This was done in 2007. So I think that whole logic has to be questioned, and I think what's not included in that is also needs to be questioned. All Baucus' land is not included. Just short of it. Uh, all of the area for the, the McDonald Meadows project and the gold mine, all of the section of ground that was going to be, is, is owned by the school trust fund that was going to be where the pit was going to be in the gold mine, in the McDonald gold mine. All of that is excluded. I think that whole thing needs to be looked at. That, that, that sounds like a really underhanded backdoor deal at that how you folks expanded that area without even talking to anybody up there, and I don't want my land to be included in a superfund site. I'm 67 years old next month. This month. God, this month. I'll be 79 when this project is over. I probably won't be here. I'm not gonna to have my

family here fighting this battle when I'm gone. So I'm gonna to fight this battle now. So that's all I have to say. Thank you.

[applause]

**HEARING OFFICER:** Other comments? Okay, seeing no more comments, I'll conclude this hearing. Uh, it's just about 8:00 o'clock. So thank you all for coming this evening and participating and we still have plenty of, uh, uh, treats back here and, and goodies. So please help yourself.