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SUBJECT: NTCRA Libby – **Public Meeting #2 Notes**, May 2024, Contract W9128F20D0019, Task Order W9128F23F0120

Ms. Laidlaw:

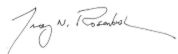
North Wind Advantage JV, LLC is pleased to submit the following deliverable.

- **Public Meeting #1 Notes** – PDF format

A *certified* transcript comprises the meeting notes.

Feel free to reach out with any questions.

Sincerely,



Troy N. Rosenbush  
Project Manager

Enclosure

cc: Mandy Rockwell, Forest Service  
Nathan Gassmann, Forest Service  
Colleen O'Hara, Forest Service  
Sarah Miller, USACE  
Connor Kelley, CDM Smith  
Allie Leber, North Wind

USDA FOREST SERVICE  
KOOTENAI NATIONAL FOREST, LIBBY DISTRICT

Non-Time-Critical Removal Action for Fuels Management  
Adjacent to Outside Operable Unit 3

Draft Final Engineering Evaluation/Cost Analysis  
in the Mitchell Jackson Project Area

Presented by: Nathan Gassman  
Gary Hazen  
Mandy Rockwell

TRANSCRIPT OF PUBLIC MEETING #2  
TAKEN AT KOOTENAI NATIONAL FOREST SUPERVISOR'S OFFICE  
31374 U.S. HIGHWAY 2  
LIBBY, MONTANA  
WEDNESDAY, MAY 29, 2024

REPORTED BY: EMILY K. NILES, RMR, CBC, CRR  
WA CCR #2794; NV CCR #782

LIBBY, MONTANA, WEDNESDAY, MAY 29, 2024;

5:33 P.M.

-oOo-

MR. GASSMANN: This is the discussion presentation for the environmental -- or excuse me, the engineering evaluation/cost analysis for the Mitchell Jackson Project that surrounds the 10,000 acres of the former vermiculite mine site.

So introductions. Nate Gassmann, district ranger. I think I recognize everybody.

And then we'll just go around.

MR. HAZEN: My name's Gary Hazen. I'm with the Advantage JV CDM Smith, supporting the Forest Service and the EE/CA activities.

MS. ROCKWELL: Hi. I'm Mandy Rockwell. Work here at the supervisor's office and working as team lead for this project.

MR. ROSENBUSH: And I'm Troy Rosenbush. I'm also with the Advantage JV who's helping administer this project.

MR. GASSMANN: And as part of the CERCLA process, we have to have the meeting recorded, so we have our very own recorder for this. And so if you guys have questions later on, or if you make some statements or anything like that, please just say your name, and

1 then we have to put that into the record. So ...

2 MS. LAIDLAW: Good evening. Jennifer Laidlaw.  
3 I work with the United States Army Corps of Engineers,  
4 Omaha District. So we actually hold the contract with  
5 NorthWind-CDM Advantage JV, working on behalf of the  
6 Forest Service.

7 MR. GASSMANN: Yeah. That's a great summary.  
8 So the Forest Service normally doesn't do EE/CAs. We  
9 don't usually engage in the CERCLA process, the CERCLA  
10 authorities that we have. In 1970, whenever the -- when  
11 the legislation was passed, all the federal agencies had  
12 their own regulations that were established post that.  
13 So the Forest Service does have some of those things  
14 sometimes, but traditionally, no, we're not doing that.  
15 So we had to reach out and get more support on what this  
16 is.

17 And so I'm not sure if you guys have had the  
18 chance, but it is published by the -- you can find the  
19 EE/CA document on the project site. You can find the  
20 maps, the supporting maps, and you can find the  
21 supporting documentation. There's how many different  
22 components for that. But it's all out there for what  
23 this is.

24 Jodi. We know her too. That's Jodi.

25 JODI: Hi.

1           MR. GASSMANN: If you have any questions later  
2 on, we're just getting started, but we are recording  
3 this. And so if you say your name before you speak  
4 later on, they would appreciate it.

5           So without any further ado, we're going to  
6 start getting into a little bit more details. And this  
7 is a pretty high-level look at what this is. We can  
8 give you some time frames and we'll get into some of  
9 those details. But please, as you -- as we go through  
10 these slides, if you have questions, just ask.

11           Gary?

12           MR. HAZEN: Sure. So as this indicates, this  
13 is a presentation about the engineering evaluation/cost  
14 analysis, or EE/CA for short, for the Mitchell Jackson  
15 Project Area. It's to support a non-time-critical  
16 removal action, which is a fancy term for implementing  
17 the action that this represents under CERCLA authorities  
18 that the Forest Service has.

19           So we can go on to the next slide.

20           You know, the key messages regarding this  
21 non-time-critical removal action is that US EPA Region 8  
22 had defined a human health risk for firefighters inside  
23 Operable Unit 3, which is the former Libby vermiculite  
24 mine portion of the overall Superfund site during  
25 certain firefighting activities. So, you know, how this

1 affects our non-time-critical removal action factors  
2 into this is that reducing fuels, meaning vegetative  
3 fuels, in the Mitchell Jackson Project Area could help  
4 reduce the potential for wildfires to move into that  
5 Operable Unit 3, the former Libby vermiculite mine, by  
6 improving the effectiveness of those fire suppression  
7 tactics.

8           And also in conjunction with that, road system  
9 management in the Mitchell Jackson Project Area also  
10 helps access for that fire suppression. And by reducing  
11 those fuels, you'll reduce the flame length and the  
12 ability to attack -- direct attack, by the ground crews.

13           So the point being, there's a potential  
14 benefit in doing this work outside of Operable Unit 3  
15 for the risks inside OU3 to wildland fight fighters.

16           MR. GASSMANN: I think that's the key message,  
17 that when you guys go out and people start asking you  
18 about this project, keep telling them this is not  
19 occurring inside the zone; that is the EPA's  
20 responsibilities. This is outside that. And in the  
21 maps -- well, which map? I mean, it's everything  
22 outside of the zone.

23           MR. HAZEN: And it's really, as we'll get into  
24 it, meant to, you know, supplement or enhance what's  
25 being done inside the zone or inside OU3. EPA and

1 W.R. Grace are working on a separate action specifically  
2 for that. This is meant to enhance reliability and  
3 long-term effectiveness outside for the conditions  
4 inside.

5 MR. GASSMANN: Right. But the actions that  
6 we're going to be taking outside will not affect  
7 negatively anything that has the potential to violate  
8 the feasibility and the remedial actions as part of the  
9 mine site activities.

10 MR. HAZEN: So next slide.

11 So this is just a little diagram showing the  
12 NTCRA process under CERCLA. There was authorization to  
13 do the EE/CA which was done in approval memorandum. I  
14 believe that's also available on the Web site.

15 MR. GASSMANN: Yep. It's posted up there.

16 MR. HAZEN: Basically just shows the  
17 justification for conducting the NTCRA and doing an  
18 EE/CA to support. Then there was an analysis altering  
19 the EE/CA, which is the subject of this meeting. We're  
20 at the third point right now, which is public comment  
21 and decisions. So the public comment period I believe  
22 has started and --

23 MR. GASSMANN: Today. First day. Day one.

24 MR. HAZEN: -- and there's 30 days' minimum  
25 public comment period under CERCLA. And then that will

1 culminate once the Forest Service has looked at those  
2 comments and, you know, created an action memorandum to  
3 basically memorialize the decision on which alternative  
4 that was presented to EE/CA to move forward with. And  
5 then there's the actual implementation of the work,  
6 which we'll file.

7 MR. GASSMANN: Yep.

8 MR. HAZEN: So when we say "site location"  
9 here, again, we're talking about the Mitchell Jackson  
10 Project Area, not, you know, the Libby Asbestos  
11 Superfund Site. So the site is that darker shade  
12 surrounding Operable Unit 3, basically is where you see  
13 sort of the doughnut hole; and the Mitchell Jackson  
14 Project Area is sort of the doughnut that surrounds  
15 Operable Unit 3 on every side, except for maybe the  
16 south side, where you have the river. But essentially  
17 it's that darker shade all the way around Operable  
18 Unit 3, and it extends, obviously, from Lake Koocanusa  
19 on the east to, you know, pretty close to Libby on the  
20 west side and, you know, bounds along the Kootenai River  
21 from Lake Kootenai. So almost to Libby.

22 Next slide.

23 So a little bit of the history of the overall  
24 Superfund site. There was eight operable units. You  
25 know, most of the cleanup, I think as many are aware,



1 has already occurred, particularly in the towns of Libby  
2 and Troy and along the river. Operable Unit 3, which we  
3 have been discussing, is sort of the remaining operable  
4 unit that doesn't have a decision under the EPA  
5 Superfund process yet. The feasibility study for that  
6 work's under prior -- in progress, and there will a  
7 suite of alternatives that address the forested area  
8 within Operable Unit 3 and then the mine footprint  
9 within Operable Unit 3. But again, that's in progress,  
10 and EPA is working with W.R. Grace on that right now.

11 Next slide.

12 So this is a map showing site features. I  
13 know it's sort of hard to see with the colors, but we do  
14 have, you know, maps along the walls, too, that you can  
15 look at a little bit later.

16 I think the important things are the bright  
17 yellow boundaries. The inner boundary is Operable  
18 Unit 3, so EPA's operable unit for the Libby Asbestos  
19 Superfund Site. And then the outer boundary is the  
20 outer edge of the Mitchell Jackson Project Area, and  
21 Nate or Mandy could probably speak a little bit more  
22 about exactly how that was selected. But it's basically  
23 a combination of topography and ownership and a few  
24 other features that help define that outer boundary.

25 MR. GASSMANN: Yeah. And Mandy, I'll -- make

1 sure I don't misspeak.

2 A couple other site features I want to make  
3 sure you're aware of.

4 This greenish, with these dashed green lines,  
5 neon green lines, that's the inventoried wilderness  
6 area. We've got the private lands are delineated in  
7 that little dopple, you know, dots. So you can see  
8 there is a fair portion of lands that reside as private,  
9 and most of those lands are essentially lands that have  
10 been harvested and activities over the past ten years  
11 have taken place on.

12 And then the only other private lands that are  
13 nonindustrial on this Tubb Gulch side are some more  
14 Grace property components.

15 But everything else is National Forest. And  
16 I'm going to speak in rough numbers -- I always round  
17 up, usually by a little bit more than you probably  
18 should, but I'll still round up. So we're looking at  
19 total acreage-wise around 20,000 acres. That includes  
20 everything that is encompassing the site around it. And  
21 that's private, that's Forest Service, that's Grace,  
22 that's all lands.

23 And then when you break out the Forest Service  
24 lands only and you include the wilderness area, you're  
25 looking at about 15,000 issued acres. Take out the

1 wilderness area, you lose about 5. So roughly  
2 10,000 acres of National Forest that surround that.  
3 Again, you have to go to the EE/CA to get the actual  
4 numbers, but roughly, for simplicity, that's what we're  
5 talking about.

6           How do we get to the outer boundary? We  
7 evaluated the topography. We considered past fire  
8 history. We considered -- we did some rough modeling  
9 and some ideas of what it meant for fire activities to  
10 occur in and around the mine site back in 2016, I  
11 believe. Some folks were actually involved -- well,  
12 nobody directly yet, but some folks might remember that.  
13 We had a fire team come in and help do some modeling and  
14 some initial runs from that effort, which built upon  
15 some efforts back in probably like 2008 to try to narrow  
16 in what is going on here in the event of fires. So we  
17 used that information. Fire spread was a big component  
18 to it and, you know, that and how far out we went,  
19 that's how we ended up with about a 2-mile -- mile and a  
20 half, 2-mile ring around the site.

21           Road systems. Long-established road systems,  
22 and we can get into some more of those details later,  
23 but in reasons why we're working road systems are: In  
24 the Tubb Gulch side, probably less than standard that we  
25 would like to see, and so we can talk about some of

1 those things. The Jackson Creek, Alexander Creek side  
2 is more robust and probably a newer system of roads that  
3 is residing in there.

4           You do have a lot of -- intermixed with the  
5 lands with the private lands -- different easements and  
6 different accesses that the private landowners have that  
7 would continue, no matter this project or not.

8           Army Corps is aware of the project. You know,  
9 that's why some of these little pieces down here by the  
10 dam don't show up as treatment -- those corp -- Army  
11 Corps property stuff there.

12           The inside component to this project is the  
13 EPA boundary. And we stay out of that. So there's a  
14 few exceptions where we had to put some roads into that  
15 for short segments to make grades and things coming  
16 together to get to the outside. But that is the only  
17 exception that we were -- we followed through on.

18           Anything else you want to touch on the site?  
19 On our side?

20           MR. HAZEN: I think the one other thing would  
21 be just because private lands are included within the  
22 Mitchell Jackson Project Area doesn't mean work's being  
23 performed on private land.

24           MR. GASSMANN: This decision, this action is  
25 only being performed in the National Forest.

1 Anything else?

2 MS. ROCKWELL: No, I think that covers it.

3 MR. GASSMANN: Perspective of fire starts.

4 This is one of the components that we have been using to  
5 try to describe and utilize for what it means for fires  
6 to occur in and around the zone. This is 1986 to 2021.  
7 You can see where we've had different fires. Last year,  
8 we actually can add to this probably three more. We had  
9 one just up Rainy Creek and just on the ridge of that  
10 line, that yellow line, come off at about a hundred  
11 yards. So that should be dead on the fire zone, and  
12 then two more just to the south of that yellow one,  
13 so ...

14 That's where the -- that's where we've had  
15 lightning and fire starts pretty much.

16 Removal action objectives. Gary, you want to  
17 touch on what a removable -- removal action objective  
18 is?

19 MR. HAZEN: Yeah. So the basis of any CERCLA  
20 action is the action objectives, and in this case,  
21 because it's under the removal authority under CERCLA,  
22 they're called removal action objectives. But  
23 basically, they're risk-related objectives or source  
24 control-related objectives to provide adequate  
25 protection within the environment. That's CERCLA's

1 mandate, and that's the authority that the  
2 Forest Service is using here.

3           So, again, we touched on it at the beginning,  
4 but we're trying to reduce the fuels, meaning the  
5 vegetative fuels, at the Mitchell Jackson Project Area  
6 using vegetative management activities and modifying the  
7 road networks to limit those human-caused fire starts  
8 and/or maintain or improve our firefighter access to  
9 those areas for response.

10           And ultimately the goal and the reason it's an  
11 objective under CERCLA is to reduce or lower that  
12 wildland fire intensity spread in the adjacent Operable  
13 Unit 3. Again, the exposure risks to Libby Amphibole  
14 asbestos are within Operable Unit 3. This action's  
15 intended to complement what work is done inside the  
16 zone -- or OU3 -- to provide better long-term protecting  
17 this inadequate protection within OU3.

18           So the risks that it's addressing are, you  
19 know, the wildland fires in OU3 that, you know, cause  
20 exposures to wildland firefighters, and that's from that  
21 Libby Amphibole asbestos being released in soil duff,  
22 ash that occurs if a fire occurs within Operable Unit 3.  
23 And it's also source control in that, if those materials  
24 burn, they can liberate that asbestos into streams and  
25 then migrate within Operable Unit 3.

1           So the intention of this action is, again, to  
2 improve the conditions surrounding OU3 to lessen the  
3 potential for these unacceptable conditions in OU3.  
4 Again, the direct addressing of that's going to be done  
5 by EPA within OU3 and working with W.R. Grace.

6           MR. GASSMANN: So, really, do you want to  
7 start to think about -- in our normal vernacular --  
8 removal action objectives, purpose and need statements,  
9 those sorts of things is kind of what these are  
10 capturing and actions to follow through with and why?

11           We have two alternatives that we evaluated  
12 based on those removal action objectives. They're  
13 similar. We affect the vegetation, we affect the roads.  
14 And so for alternative one, we didn't add or take away  
15 any of the road systems that were out there. We were  
16 going to do work to the roads to potentially improve,  
17 you know, through best management practices, bigger  
18 culverts, those sorts of things. But we weren't -- we  
19 didn't add anything to what was already there.

20           Mandy?

21           MS. ROCKWELL: Focusing use on the open and  
22 gated roads. So they're already drivable motorized  
23 routes.

24           MR. GASSMANN: Yep.

25           So the idea that if the road existed just

1 because there's a two-track there, we didn't have a  
2 system that was open and gated. So you've got -- over  
3 the course of time now, most people haven't been in  
4 there for 20, 25 years, because the county had  
5 previously had that area closed. So we were utilizing  
6 areas that had roads that were open traditionally and  
7 that had the gates on them under our former system of  
8 opening and closing roads. And I don't remember the  
9 mileage. I'm not even going to guess on that one.

10 For Alternative 2, we did make changes to the  
11 road system to accommodate and address areas of desired  
12 and more effective treatments to respond to fire. And  
13 primarily we were looking at areas in the Tubb Gulch  
14 area to add those additional mileages and locations for  
15 road changes. Tubb Gulch being the place, drier site,  
16 spread of fire, all those sorts of things that we are  
17 looking at, moving across and into the zone itself on  
18 that Tubb Gulch, that westerly side.

19 So another difference here in the alternatives  
20 is up in the -- basically the ridge system that creates  
21 the Rainy Creek drainage itself up along the rim. We  
22 had additional treatments that we got proposed up in  
23 there. And then a few more, I guess kind of towards  
24 that Jackson Creek side to access a little bit more.  
25 That gets you into the -- closer into the zone than we



1 would if we hadn't already had a road there.

2 MS. ROCKWELL: So new roads, but then this  
3 will also open up barriered roads during project access,  
4 some additional areas. So existing road system, but  
5 those that are currently closed to motorized use to be  
6 opened temporarily for access.

7 Yeah?

8 MR. CASTANEDA: Question. It's Bob Castaneda  
9 with Kootenai Forest Stakeholders.

10 Is Alternative 2 somewhat close to the maximum  
11 acres that could have been treated?

12 MR. GASSMANN: I would say that Alternative 2  
13 is probably closer, but definitely not all of it. We  
14 didn't do any -- we did not add in any additional roads  
15 into the wilderness area, and we didn't do any  
16 prescriptive actions other than vegetation treatments  
17 with getting the weeds under control, especially the  
18 horse range, basically, that talks about the cheatgrass  
19 component and drying out sooner, so that if you get  
20 something started off the road -- off the highway,  
21 progresses up and then into the zone. So we didn't go  
22 in and maximize that. We didn't -- we could have added  
23 definitely more roads that would have gotten to every  
24 acre. We considered what that would look like. And  
25 some of those trade-offs were then in violation of

1 forest flame compliance, which we've listed as an ARAR,  
2 which means --

3 MR. HAZEN: Yeah. So it's a regulatory  
4 consideration, I guess the way I'll put it.

5 So there's different categories of ARARs which  
6 are applicable, or relevant and appropriate  
7 requirements; and then there's what's called TBCs or "to  
8 be considered," and that may have been actually a TBC.

9 But the point being, there's regulatory  
10 considerations under CERCLA that you either have to  
11 consider or comply with, or waive. And like the  
12 Forest Service said, to meet the objectives, the CERCLA  
13 objectives, of providing that risk reduction --  
14 potential risk reduction within Operable Unit 3, we  
15 didn't necessarily look at the entire universe of forest  
16 within that Mitchell Jackson Project Area to accomplish  
17 those objectives; we talked about it.

18 MS. ROCKWELL: And then there were some places  
19 that required roads, and with engineering folks looking  
20 at them, there's a reason why there hasn't been a road  
21 there. I mean, cliffs and just blasting rock, and -- I  
22 mean, to put a road there would have been a major effort  
23 to get to some of those places.

24 MR. GASSMANN: And we were -- you know, some  
25 of those road additions were going to gain 5 acres,

1 15 acres, and we just -- we did not want to add that to  
2 what is out there. So we scaled it back and considered  
3 something less.

4 Okay. We've got these maps on the wall.  
5 We've got the Alternative 1, both alternative -- they're  
6 the same map, just doubled.

7 And then Alternative 2 over here.

8 So, you know, I think by the time you evaluate  
9 the combination of reduction of -- or, excuse me -- the  
10 road system with the vegetation treatments, we're  
11 definitely going to be reducing fire intensity at the  
12 site. We're going to be reducing the fire spread  
13 potential into the zone. Our transportation management  
14 activities, we still have and will continue to have gate  
15 restrictions and those sorts of things that are out  
16 there that would be continued as part of this. So we  
17 would be looking to still reduce human-caused starts  
18 because of those.

19 And so the last one there is the improvement  
20 of firefighter response. If there's not as many trees  
21 and they aren't as thick and they can get there faster  
22 driving there, we can get a better chance of response  
23 time.

24 MR. HAZEN: And I think one thing to say about  
25 it, and Mandy could probably expand on it, but in the

1 EE/CA itself there's lots of different categories of  
2 vegetation management. There's lots of different  
3 categories of transportation management in terms of the  
4 road classifications, the block classifications, and so  
5 forth. And there's a lot of nuance and detail regarding  
6 each of those vegetation management treatment approaches  
7 and the road management approaches. So really, to --  
8 you probably need to read the EE/CA to look at the  
9 details or nuance for any given location.

10 But I think the point is, when working  
11 together, all of those vegetation management approaches  
12 for all those different locations down the road,  
13 management approaches, again achieve those objectives  
14 for CERCLA inside the Mitchell Jackson Project Area,  
15 which is going to help Operable Unit 3, or is intended  
16 to.

17 MR. GASSMANN: Yeah, we didn't -- on the maps,  
18 on these maps, in the EE/CA they're different. There's  
19 a few different maps. But these maps are more  
20 broad-scale applications of treatment types.

21 Anything else, Mandy?

22 MS. ROCKWELL: No.

23 MR. GASSMANN: Again, this doesn't quite show  
24 up, but different locations highlighted a little  
25 differently to show you the differences in where we

1 wanted to have more roads and more treatments to be more  
2 effective in reaching those objectives that we talked  
3 about earlier.

4 And again, I think that when you start to look  
5 at the difference in the maps, there will be subtleties,  
6 and I think you'll be able to see them. But really,  
7 it's that Tubb Gulch area is going to be the bigger  
8 change, and then up on that Rainy Creek rim.

9 MS. ROCKWELL: Kind of -- there's more --  
10 definitely more into this piece and along that upper  
11 edge.

12 MR. GASSMANN: Really trying to draw that  
13 harder line by adding more roads to get to them.

14 MR. HAZEN: And then there is a little bit of  
15 additional vegetation management. There's a couple  
16 blocks, I think on the southwest side, that were added  
17 for Alternative 2. And then my understanding is, along  
18 the north edge, inner edge, which is the -- you know,  
19 the Operable Unit 3 boundary, there's some --

20 MS. ROCKWELL: Field treatment on the rim,  
21 mm-hmm.

22 MR. GASSMANN: Yeah. We do have some  
23 treatments pretty much right through here that come off  
24 the ridge. You guys hike the trail. It's right up the  
25 trail. Come in a couple hundred feet and we've got some

1 slashing and piling that we were going to conduct up in  
2 there.

3           And again, like Gary and Mandy said, this band  
4 right through here is really the differences you're  
5 going to find from the overall vegetation plan. Jackson  
6 Creek, Alexander Creek were fairly static between the  
7 two alternatives.

8           You can see some of the fire modeling.

9           We got the Johnson report posted, right?

10          MS. ROCKWELL: It's an appendix in EE/CA.

11          MR. GASSMANN: It's an appendix in EE/CA. So  
12 our field specialist, Eric Johnson, he ran whatever that  
13 thing is called that he does for his demonstration of  
14 effects for fire spread and those sorts of different  
15 metrics. And there will be an appendix in EE/CA that --  
16 that you can reference for what that looks like between  
17 the two alternatives.

18           Yeah, I would just say they're similar.  
19 The -- there is a difference in cost between 1 and 2,  
20 obviously. And that ends up being substantial, I guess  
21 you would start to call it. Talks about substantial  
22 cost differences when you add more roads in more  
23 difficult areas, which is that Tubb Gulch side. So  
24 that's a bigger difference in cost 2.

25           And do you want to touch on the cost

1 components to this, since it is part of the title of it,  
2 the significance of it?

3 MR. HAZEN: Yeah. So costs are order of  
4 magnitude, and they're for -- the purpose is to compare  
5 alternatives. They're not meant to be a budgetary  
6 number. The expected accuracy is plus 50 percent to  
7 minus 30 percent of the actual cost of implementation.  
8 So it can vary, you know, within that range once you go  
9 to designing and implementing the action. But the point  
10 being: Using a similar cost basis for both of the  
11 alternatives meets the CERCLA objectives of comparing  
12 and contrasting alternatives to make sure the right  
13 decision related to cost is factored into it.

14 As Nate mentioned, it's not the only thing  
15 that you look at in evaluating the selection or the  
16 recommendation of a removal action alternative. There's  
17 some other categories of effectiveness and  
18 implementability that also factor in to that decision.  
19 So the bullets up here are meant to represent some of  
20 that decision logic in recommending Alternative 2.

21 But getting back to the cost point: Even  
22 though there's a few additional roads, overall it's not  
23 that significant relative to all the roads that are  
24 being, you know, I guess, maintained and, you know,  
25 improved for purposes of implementing the action within

1 the Mitchell Jackson Project Area. So it doesn't add  
2 that much of a cost differential. I think the other  
3 main cost component that's different is some  
4 reforestation activities related to some of the fuels  
5 management work, particularly in Alternative 2.

6 But the point being, like Nate said, a lot of  
7 the action is similar between the two, so you don't see  
8 much of a cost differential within that accuracy range  
9 indicated. But you do see, you know, some significant  
10 benefits in terms of the effectiveness and permanence of  
11 the action by doing the work under Alternative 2. Even  
12 though it's a small amount of additional acreage, it's  
13 in a fairly strategic location relative to fire spread,  
14 particularly the southwest area of the Mitchell Jackson  
15 Project Area. So Forest Service believes there's a lot  
16 of additional benefit for the small additional acreage  
17 and road addition.

18 MR. CASTANEDA: A follow-up question. Maybe  
19 you answered it. Maybe I didn't hear it correctly. Are  
20 the costs offset by economic benefits?

21 MR. HAZEN: So what they do in an EE/CA -- and  
22 this is typical for all CERCLA work -- they use constant  
23 dollar analysis, which means that you don't take into  
24 account, for instance, effects of inflation in the  
25 future. It's averaged out: A dollar a day is a



1 dollar -- worth a dollar tomorrow. So there is present  
2 value analysis which does discount that, meaning that  
3 you assume money is put in trust and pays for it over  
4 time. And again, this action's a fairly short duration  
5 action in the scheme of CERCLA, so there's not much of  
6 an effect from present value analysis. But the point is  
7 it doesn't necessarily reflect all of the economic  
8 analyses that you would do in designing this action.  
9 And that's part of why the accuracy range is wider. You  
10 know, plus/minus 50/-30 is a more simplistic analysis of  
11 cost.

12           Having said that, Forest Service has put a lot  
13 of work into making sure that the unit costs used for  
14 vegetation management and road building is the very best  
15 information that they're using to design the -- this  
16 kind of work. So it takes into account, you know,  
17 inflation to date for the unit cost. It's just not  
18 necessarily forecasting the inflation into the future in  
19 making this decision now.

20           But as part of the removal action, design and  
21 implementation, there would be a more critical look at  
22 cost and the refining of the costs beyond what was  
23 presented in the EE/CA.

24           I guess, Nate, anything to add to that?

25           MR. GASSMANN: [No response.]

1 MR. HAZEN: Okay.

2 And I don't know if I answered your question.  
3 But it's a more simplistic analysis. It doesn't take  
4 into account every aspect of economic analysis that  
5 could be done --

6 MR. CASTANEDA: I could understand --

7 MR. HAZEN: -- because CERCLA said it's not  
8 necessary.

9 MR. CASTANEDA: -- the cost that it would take  
10 to implement the alternatives. But say that there is  
11 removal of timber and there's value to the timber, that  
12 value --

13 MR. HAZEN: Oh, you're saying --

14 MR. CASTANEDA: -- of the timber offsets the  
15 cost.

16 MR. HAZEN: -- an offset.

17 MR. GASSMANN: So we have -- the EE/CA doesn't  
18 determine that. That's the implementation strategy that  
19 we are developing. And so we, the Forest Service, have  
20 to account for the federal property, which are the trees  
21 and the roads. So this EE/CA did not do that for us.

22 MS. ROCKWELL: Because it's considered  
23 differently, right? It's considered --

24 MR. HAZEN: CERCLA, you know, it's atypical, I  
25 guess I'll say, for CERCLA to account sort of, I guess

1 I'll say, salvage value, is what they would call it  
2 under CERCLA. It's not to say that you can't consider  
3 it, but it's highly speculative. And so for purposes of  
4 determining a remedy moving forward, we have to assume  
5 that it's potentially not salvageable for any reason.

6 MR. GASSMANN: And to be clear, he's using  
7 "salvage" in a much different way than we would  
8 traditionally use --

9 MR. CASTANEDA: Right.

10 MR. GASSMANN: -- the word "salvage" under  
11 Forest Service rules.

12 MR. CASTANEDA: Right.

13 MR. HAZEN: The more typical situation in  
14 CERCLA is an industrial facility that has a lot of scrap  
15 metal, and you might be able to recycle the scrap metal  
16 and get some money out of it. But in CERCLA that can  
17 often be contaminated, and the cost of decontaminating  
18 it may outweigh the salvage value, and it's a wash. I  
19 know it's a little different with timber, but obviously  
20 the timber that we're targeting here is timber -- and we  
21 didn't touch on this much -- but a lot of it is timber  
22 that's susceptible to fire, so it's already diseased or  
23 has, you know, stressed or maybe has bugs. So maybe  
24 it's not the optimal timber for harvest, typically. You  
25 would have to speak to that more.

1           But I think that was some of the reason, along  
2 with those sort of CERCLA reasons, to say for this  
3 action let's exclude that value of timber which CERCLA  
4 would consider a salvage value for making a decision.  
5 Again, particularly since the footprint doesn't vary  
6 much. So even if you took that into account, it  
7 wouldn't make that much of a difference in selecting an  
8 alternative. But obviously, moving into actually  
9 implementing this, the Forest Service is going to work  
10 with that.

11           MR. GASSMANN: Yeah. I mean we have to. I  
12 mean, we're bridging two worlds with the CERCLA  
13 regulations and our other traditional regulations. And  
14 so the -- if we were to implement a portion of this with  
15 the timber sale, we would consider the value of the  
16 timber sale and go through the whole, you know,  
17 valuation of what that is. If we're doing a mastication  
18 contract, we'll evaluate cost breaker and implement  
19 through an IDOQ contract or other ways to implement the  
20 project.

21           Does that get to what you're looking for, Bob?  
22 For now?

23           MR. CASTANEDA: [No response.]

24           MR. GASSMANN: Okay.

25           MR. HAZEN: So we touched on this earlier, but

1 you're here on the process, that red box. So that's  
2 what this meeting is, is to facilitate public comment,  
3 give you more information. Again, you have a 30-day  
4 calendar period to provide comment, orally or in  
5 writing. You know, Nate and Mandy can talk about that a  
6 little more. And then based on that feedback, along  
7 with information Forest Service has already developed,  
8 an action memorandum will be created to actually  
9 formally select the removal action alternative. And  
10 right now, the recommended alternative is Alternative 2.

11 MR. GASSMANN: So we're recommending  
12 Alternative 2.

13 And to comment, a couple of different ways.  
14 Mandy did these, so you can take this one home. You've  
15 also got the project site in an e-mail that I'm pretty  
16 sure most everybody received. You can go to there. And  
17 then still want to keep pushing this, GovDelivery  
18 system, where you go in and you select on all the  
19 projects that you think you might be interested in. And  
20 it's pretty easy. But if you have any questions or it's  
21 not coming through, just let me know and we can work  
22 through it together.

23 But again, you can take these home. Or in  
24 some of the e-mails I'm pretty sure some folks received,  
25 it will direct you to the project site, which then also

1 directs you to how to comment on there too.

2           So if we're here, how do we get to  
3 implementation? I don't think that's on the next slide,  
4 though.

5           So why don't we close out with that.

6           Next slide.

7           See? Okay.

8           Next question is how do we get to  
9 implementing? We are expecting 30 days here. We're  
10 going to be drafting and working through the  
11 non-time-critical action memo, and once we complete  
12 that, we're looking at, you know, sometime in that  
13 September time frame for a signature. And then we get  
14 signature, we're able to implement.

15           So that gives you kind of an idea of where  
16 we're at with actually doing something on the ground.

17           MR. CASTANEDA: Maybe it's a course on  
18 semantics, but why do you call it noncritical time?

19           MR. GASSMANN: Non-time-critical action?

20           MR. CASTANEDA: Yeah. Seems like this is  
21 something that's important to get done right away. The  
22 words "noncritical" suggest that this is not too  
23 important.

24           MR. HAZEN: Well, so it has a formal CERCLA  
25 definition. And, again, Forest Service is using that

1 authority. Basically, "non-time-critical" means that  
2 you have more than six months of planning to implement  
3 the action. It doesn't mean it's not important. In  
4 fact, in the CERCLA process, removal authority is  
5 typically more important. There's more of an impetus to  
6 doing work sooner than remedial action. But the point  
7 is, it's relatively quick in the CERCLA process. If you  
8 look at the overall Libby cleanup that EPA has done or  
9 even the Operable Unit 3 cleanup that EPA is conducting  
10 now, that's going on a fairly long time compared to how  
11 quickly, you know, Forest Service is intending to  
12 implement this action in that area. So, I mean, I could  
13 get more into detail on all the specifics of  
14 non-time-critical removal action, but --

15 MR. CASTANEDA: That's a different authority.  
16 I can understand that.

17 MR. HAZEN: But it's still important relative  
18 to remedial action, which is an authority that  
19 Forest Service could have used but typically doesn't  
20 use. And for this action, it's more important to get it  
21 done sooner.

22 MR. GASSMANN: Right. Non-time-critical does  
23 not mean it's not important.

24 MR. HAZEN: Yeah.

25 Yeah, Brent?

1 MR. TESKE: Brent Teske, Lincoln County  
2 Commissioner.

3 Is there a long-term maintenance plan, and  
4 what authority will that fall under in the future? I  
5 mean, what happens 15, 20, 30, 50 years from now?

6 MR. GASSMANN: So the time that this is being  
7 applied to, is it 15 years?

8 MS. ROCKWELL: Mm-hmm.

9 MR. GASSMANN: Right.

10 MR. TESKE: Okay.

11 MR. GASSMANN: So this action is good for 15  
12 years. So we expect to -- in a perfect world, we get  
13 this thing signed, and we got this action signed on  
14 September 1st, 2024. That starts the 15-year time  
15 frame. You can imagine, just knowing how this takes --  
16 how long it takes to get certain things done -- road  
17 building and all sorts of things, that's why we have to  
18 bound it by time. So 15 years for this. At the end of  
19 that 15 year -- or every year, then we report out what  
20 we've achieved through that year. And at the end of 15  
21 years, it doesn't go away, but it doesn't continue.  
22 There would have to be another EE/CA or something else,  
23 maybe, at the time. Who knows 15 years from now what  
24 that might be? But we would be evaluating it.

25 I mean, we didn't go out 50 years, because it



1 has -- how did that work with the time component,  
2 though? We had to -- we were -- we had to be certain  
3 that we could achieve the actionable items within a time  
4 frame was a bigger factor. So 50 years from now, too  
5 many variables.

6 MR. HAZEN: Removal actions are generally more  
7 short-term, and there's no defined time, like if it goes  
8 beyond this point it can't be a removal action. But  
9 typically if it's going to go much beyond a decade or  
10 two, you would shift to remedial authority, which again  
11 the Forest Service doesn't typically use.

12 But again, getting back to a point we made  
13 earlier, this is meant to complement the EPA-led action  
14 in Operable Unit 3 with W.R. Grace. And the point  
15 being, and maybe it's optimistic, but that  
16 Forest Service is, like, we can provide this action now  
17 to help complement what work will be done in OU3, and  
18 presumably in 15 years EPA will have made the decision  
19 and work with W.R. Grace to implement the action in the  
20 forested area around the mine, and that by then it would  
21 lessen the need to continue work in the Mitchell Jackson  
22 Project Area under CERCLA.

23 MS. ROCKWELL: And give a different  
24 perspective of what you're looking at, at that point,  
25 based on what's happening inside.

1 MR. VINCENT: Bruce Vincent with Environomics.

2 The -- I think what Brent's trying to get to,  
3 and for community discussions it will become important,  
4 but usually in a removal you're removing, and it's a  
5 permanent removal. The steel doesn't grow back. By the  
6 time we're done with this round, it will be time for the  
7 early entry areas to have another entry for  
8 precommercial or to continue to reduce the fire danger,  
9 because as soon as we're done with this removal action,  
10 the need for the next removal starts growing. So is  
11 future planning going to be under CERCLA?

12 MR. HAZEN: And see that's going to --

13 MR. GASSMANN: Yeah. So the idea that the  
14 trees don't stop growing, some of the silviculture  
15 prescriptions that we're looking at, some of the  
16 specific treatments that you're going to find in the  
17 document, touch on more sustainable species of trees,  
18 spacing of those trees, those sorts of things that you  
19 kind of typically see. But, yeah, at the end of 15  
20 years, there's a different evaluation, like Mandy said.  
21 Maybe there's something else that affected it in a  
22 different place. Maybe we had another fire that we were  
23 able to catch and corral 5,000 acres and not have to go  
24 into OU3. That takes on a different analysis in  
25 consideration of what happens over there.

1           So again it's like it -- we don't want the  
2 trees to stop growing. We want to promote and have the  
3 trees in places that we want the species compositions,  
4 those sorts of things that provide that resiliency to  
5 insect, disease and fire. And that's what you're going  
6 to see as part of the overall implementation of it. But  
7 in 15 years from now, I mean, we just cannot say for  
8 certain that that's going to be anything different. So  
9 15 years we felt very confident that we can achieve all  
10 the different activities -- the road building, the  
11 domestication, the harvesting, all those sorts of  
12 things -- in 15 years. That's kind of what we settled  
13 on. So, yeah, it will be there. It's not going to go  
14 away.

15           MR. TESKE: Well, and some of the other OUs,  
16 you know, when they were -- when they went into  
17 operational maintenance phase and the five-year review,  
18 you know, I didn't know if there would be something  
19 established similar to that in the future to say, okay,  
20 you know, we've got this, we're going to do a five-year  
21 review. And we need to do some vegetation maintenance  
22 in this section. You know, how's that going to be  
23 evaluated in the future?

24           MR. HAZEN: So part of the reason or  
25 justification to do a five-year review is, if you don't

1 have unlimited use or unrestricted exposure scenarios --  
2 and I know that's sort of a fancy term; we acronym it as  
3 UUEE. But the point is, we're not addressing  
4 contamination in the Mitchell Jackson Project Area like  
5 a typical CERCLA Superfund site. So it already is UUEE.  
6 What we're affecting is conditions that affect the  
7 adjacent Operable Unit 3. So from that perspective  
8 there is no need to do a five-year review and --

9 MR. TESKE: I'm saying something similar with  
10 the intent of deciding whether or not there needs to be  
11 additional maintenance and work, so ...

12 MR. HAZEN: Yeah, I think that's something, as  
13 Nate and Mandy mentioned, have to be assessed at a later  
14 date once the work's complete and --

15 MR. GASSMANN: Right.

16 MR. HAZEN: -- see how the vegetation is  
17 performing in terms of, you know, the reforestation.

18 MR. GASSMANN: I mean, we still can't get away  
19 from reforestation requirements part of the --

20 MR. TESKE: I get that.

21 MR. GASSMANN: We still have to do that. So  
22 anything that we would prescribe as regeneration  
23 prescription would have to be planned.

24 Now, we're still then looking at species  
25 composition for that. We're still looking at tree

1 spacing for that. So it's not a five-year review; it's  
2 a yearly disclosure of what has occurred. Are we on  
3 track? Did we get waylaid by something else that we  
4 didn't get something done? I mean, those things can be  
5 talked about and maybe massaged and those sorts of  
6 things. But we're still looking for that 15-year time  
7 frame to be completed. And, yeah, I mean, we should be  
8 on the idea of the trajectory of what we set out to do,  
9 to know were we successful. I think we'll see that  
10 evolve over time for sure.

11 MR. HAZEN: And ultimately CERCLA is about  
12 protection of human health and environment from  
13 contamination. So if the Operable Unit 3 action that  
14 the EPA is working on addresses that in a sufficient  
15 manner, there wouldn't necessarily be a justification  
16 for future removal action in Mitchell Jackson. It's  
17 not -- the CERCLA action isn't to mitigate fire; it's to  
18 mitigate fire spread that causes those exposure risks to  
19 the asbestos. So a little bit of a different slant than  
20 the normal --

21 MR. GASSMANN: Yeah.

22 MR. HAZEN: -- Forest Service management of  
23 the forest.

24 MR. GASSMANN: Yeah, that's a good point.  
25 Very good point.

1           MR. VINCENT: What's the health of the forest  
2 inside those inventoried roads? You know, that's some  
3 rough country.

4           MS. ROCKWELL: Mm-hmm.

5           MR. VINCENT: That's why it has not been. Do  
6 you know what condition it's in?

7           MR. GASSMANN: I mean, I don't recall  
8 specifically of what it was. I don't, no. I could find  
9 out, but I don't -- I don't know. And how it relates to  
10 the other components that we are trying to prescribe  
11 having treatments on. I don't.

12          MR. HAZEN: And, Nate, you can -- and Mandy  
13 can probably speak to it, but I believe part of the  
14 reason there's not an emphasis on there beyond the fact  
15 it's roadless is those fire models were tending to  
16 indicate the southwest edge and more of the western edge  
17 than the southeastern edge in terms of an importance for  
18 fire spread into OU3. Isn't that --

19          MR. GASSMANN: Yeah.

20          MR. HAZEN: -- generally correct?

21          MR. GASSMANN: Generally speaking, we have  
22 been around here long enough that they've seen multiple  
23 fire seasons coming from the southwest generally, and a  
24 bunch of lightning, and continue to push everything to  
25 the northeast. And that's why, you know, when we're

1 looking at taking action, that's that Tubb Gulch, that  
2 side, up and over to Jackson Creek, basically. That  
3 side of the project area is really the starting point  
4 for anchors for keeping fire to spread into and have the  
5 cause of asbestos concerns to the firefighters inside  
6 the zone. It didn't typically show up down in that --  
7 in that wilderness area.

8           Still, trying to address things through this  
9 EE/CA, though, is the cheatgrass component. I mean,  
10 we've got different prescriptions for how we can address  
11 some of the -- hopefully address some of the cheatgrass  
12 and get some more native species on site and those sorts  
13 of things so that we don't see those things drying out  
14 as fast at the beginning of the year, causing different  
15 scenarios for fires to start up sooner.

16           MS. ROCKWELL: We did consider prescribed fire  
17 in the IRA, some big burns earlier on, but our field  
18 folks felt that presents its own risk, you know, not  
19 having solid control lines to keep it from going over  
20 the top into the OU3 itself. So we looked at it, talked  
21 about it, but decided that was not the -- probably the  
22 best way to go.

23           MR. PECK: Probably a fairly short  
24 conversation.

25           MR. VINCENT: Alternative 2, which looks like

1 the way to go, more treated acres, eight additional road  
2 miles. Is there a road density? Are we in a BMU, or is  
3 that going to require roads being addressed outside the  
4 area to meet density requirements? Or is that separate?

5 MR. GASSMANN: So just the Endangered Species  
6 Act applies. So we had to produce a biological  
7 assessment for the project and we've submitted that  
8 already. And then so BMUs --

9 MS. ROCKWELL: Bores.

10 MR. GASSMANN: Bores, thank you.

11 Take it. Go.

12 MS. ROCKWELL: So West Kootenai bores.

13 MR. GASSMANN: Go on. Just go through the  
14 whole idea. You know, we --

15 MS. ROCKWELL: So it's not road density, but  
16 the linear miles for open roads, total roads, gated  
17 roads. So that was part of the road management of  
18 what's open, what's gated. So most of our new roads for  
19 Alternative 2 will have a gate on it to help keep the  
20 open roads down. So it will allow our management and  
21 fire responsibility, but it will keep -- public won't  
22 have the use of some of those new routes.

23 But we were able to do the offset and the work  
24 all within the project area. So it didn't extend beyond  
25 the project area to the greater bores area. Yeah.



1           MR. GASSMANN: Still, we considered the  
2 wolverine, we considered the lynx.

3           MS. ROCKWELL: Lynx critical habitat. Yeah.

4           MR. GASSMANN: So this is a good map. Shows  
5 the difference -- the different road system components  
6 that are part of the alternative. And you can tell  
7 there's -- I mean --

8           MR. HAZEN: And they have a CERCLA purpose.  
9 Again, to do this under the removal action authority,  
10 there needs to be a CERCLA purpose form so that the  
11 roads indicated, you know, are either needed to  
12 implement the vegetative management for various blocks  
13 of land or it's to help with firefighter response  
14 related to, you know, that vegetation management.

15           MR. GASSMANN: Usually those two complement  
16 each other pretty well.

17           MR. HAZEN: Mm-hmm.

18           But that's part of why you've identified the  
19 road maps you have and which ones are closed to the  
20 public is to limit those human-caused fire starts but  
21 allow that fire response when needed to those trails.

22           MS. ROCKWELL: So this is Alternative 1. So  
23 some of the new roads are up in this area. So there  
24 will be kind of the connection through here rather than  
25 having to go up one side or up through the other.

1 They'll be connected. And there's some roads up through  
2 here to get up towards that OU3 boundary to get up to  
3 that edge.

4 MR. ROSENBUSH: And let me show that figure.  
5 I can scroll down on that one.

6 There you go.

7 MR. HAZEN: Yeah, the ones that have the  
8 white -- it's sort of hard to see, but the white dots  
9 within are the new roads, typically, under  
10 Alternative 2. And the others are existing.

11 And existing roads, you know, under this  
12 action could be realigned within.

13 MS. ROCKWELL: Yes.

14 MR. HAZEN: So there could be improvements to  
15 them, but they're not necessarily new roads.

16 MS. ROCKWELL: Right. So the main one, that's  
17 that, and y'all are familiar with Tubb Gulch. And this  
18 is for both alternatives. But Rainy Creek, you've got  
19 Tubb Gulch. And there's this lower Rainy road. It  
20 actually starts right here. Because right now it --  
21 folks are saying it takes like five-point turnaround  
22 even for a pickup to make that turn to get up on that  
23 road, and then it's really steep. So that is going to  
24 be realigned in both alternatives to actually make it  
25 accessible to large equipment, getting a lowboy up there

1 so folks can actually respond, rather than just like  
2 ATVs or that sort of thing. So -- but that is meaning  
3 new road-building for realignment is in -- within OU3.  
4 So that's a component of the project.

5 MR. GASSMANN: Mandy just touched on something  
6 that we just -- so the idea of I think the logging truck  
7 getting there is different than a lowboy getting there  
8 with a dozer. So those are the considerations on how,  
9 like Mandy mentioned, that first big switchback off --  
10 coming off of Rainy Creek Road is -- the road's there,  
11 but we're realigning that road. We're going to do a lot  
12 of work to that road to get it so that you can make the  
13 corner and keep going on a lowboy.

14 MS. ROCKWELL: Yeah, our engineer is very  
15 pleased with his --

16 MR. GASSMANN: He should be.

17 MS. ROCKWELL: -- his engineering on that one  
18 to make it happen. It was something he had to work  
19 through a lot to figure it out and get it to work.

20 MR. HAZEN: And one point to make -- or  
21 reiterate is on the vegetation management, it's all  
22 outside of Operable Unit 3. But we are touching on the  
23 fact that there is some potential road improvement  
24 within Operable Unit 3, Tubb Gulch area, and there's a  
25 little segue right here too.

1 MS. ROCKWELL: Yeah.

2 MR. HAZEN: That work is going to be  
3 coordinated with EPA and W.R. Grace because it's in OU3.  
4 So that's indicated in the EE/CA that there will be that  
5 coordination occurring. And there will be the proper  
6 protective measures for the workers doing that road  
7 improvement work within Operable Unit 3.

8 MR. CASTANEDA: Bob Castaneda again.

9 CERCLA is pretty new to a lot of us, so a  
10 couple questions.

11 The preferred Alternative 2, was it required  
12 to look at more than one?

13 MR. HAZEN: It's desirable to look at more  
14 than one. I wouldn't say it's required, but it also  
15 calls into question whether it was an objective review  
16 of an action. So typically there's at least two.

17 MR. CASTANEDA: Okay. So the follow-up  
18 question: So the objective of the proposal is to  
19 improve firefighter safety, reduce fire intensity,  
20 reduce greater spread and those kind of things. The  
21 disclosure of the cost, does that -- is that relevant to  
22 making a decision?

23 MR. HAZEN: Yes.

24 MR. CASTANEDA: And how does that fit with the  
25 benefits of improving firefighter safety and fire --

1 reducing fire intensity and those things?

2 MR. HAZEN: So it is a requirement of CERCLA  
3 and the NCP. NCP is the implementing regulations for  
4 CERCLA to look at cost. Again, it's not a full economic  
5 analysis; it's a more focused analysis specific to  
6 comparing alternatives. It's one of many factors that  
7 are looked at, and I could go through the whole list,  
8 but there's basically seven or so factors beyond cost  
9 that are in the EE/CA that are looked at: But it has to  
10 do with the effectiveness and permanence of this action;  
11 short-term risk to workers and the environment and the  
12 public from implementing it; the actual implementation  
13 challenges of the work, both administrative and  
14 technical in doing the work. And there's a few other  
15 factors that aren't really relevant to this action,  
16 because again we're doing work outside the zone of  
17 contamination that normally would be assessed.

18 But the point is, all of those have weight in  
19 determining, you know, what action is the best action  
20 under CERCLA. And cost is just one of those. They call  
21 it a balancing factor. So it's one factor among some of  
22 the others that are compared to make the best decision.

23 MR. GASSMANN: Does that help?

24 MR. CASTANEDA: It's kind of vague.

25 MR. HAZEN: I mean, usually you would -- you

1 know, you would have very different alternatives under  
2 the CERCLA process. Like you might excavate and take to  
3 a landfill waste versus cap it in place. And so there  
4 might be a very different spread of cost to where cost  
5 becomes more of an important consideration. Here, the  
6 majority of the work is similar between the two  
7 alternatives, so it's not as critical a factor as it is  
8 for some other removal actions under CERCLA.

9 MR. CASTANEDA: Who's going to be the  
10 presiding officer?

11 MR. GASSMANN: Regional forester.

12 He's been briefed.

13 Mark?

14 MR. PECK: Mark Peck with Lincoln County Port  
15 Authority.

16 And this is just because there's so much  
17 trying to figure out how to handle timber within OU3,  
18 even though the risk assessment says that it's okay.  
19 But I was just wondering if you've got plans -- you're  
20 not going to log inside OU3, but there's going to be  
21 right-of-away timber. And have you thought about the  
22 disposal of that? Are you going to try to sell it? Are  
23 you going to ...

24 MR. GASSMANN: We have thought about it, but  
25 we didn't decide yet on what we're going to do with it.

1 MR. PECK: Okay. I just wondered for --

2 MR. HAZEN: If it's in OU3, then EPA and  
3 W.R. Grace are going to have a say in what happens with  
4 it, as well as Montana DEQ.

5 MR. GASSMANN: And it's not much, considering  
6 what --

7 MR. PECK: Oh, no.

8 MR. GASSMANN: And to be clear, there is no  
9 risk of asbestos outside where we're working.

10 MR. PECK: Oh, yeah, no, that's ...

11 MR. CASTANEDA: One more?

12 MR. GASSMANN: Yeah.

13 MR. CASTANEDA: Taking up all the questions.

14 Are you going to be able to quantify the  
15 benefits of this? So the objective being improve  
16 firefighter safety, so you do that by reducing fire  
17 intensity, fire spread, flame length. So are you going  
18 to be able to show in a quantitative fashion, not just a  
19 narrative way but in quantitative fashion, how this is  
20 an improvement over no action and how the two  
21 alternatives vary in those same measures?

22 You talked about fire modeling, and there's an  
23 array of tools. But are you going to be able to show  
24 somehow numerically the differences between doing  
25 nothing, doing 1, and doing 2?

1           MR. GASSMANN: So the doing nothing part, we  
2 did not evaluate this project for the no-action  
3 component, right?

4           MR. HAZEN: Right.

5           MS. ROCKWELL: And Eric -- Eric would have his  
6 existing condition in his fuels report.

7           MR. GASSMANN: So there's going to be the --  
8 you're going to be able to see in what Eric produced,  
9 the field specialist, for the differences. There's --  
10 I'm guessing, but I think there's like six or eight  
11 different criteria that he ran these models for. So the  
12 existing condition didn't change in Alternative 1 and  
13 Alternative 2. The existing condition was the same  
14 because he had to keep that the same. And then it spits  
15 out the different metrics of percent this and that  
16 acres. So you'll see the difference in that. But that  
17 doesn't paint the entire picture, but it does get more  
18 into the discussion about where it is as much as how  
19 much is going on.

20           So that's where the two alternatives in how we  
21 describe it in EE/CA, but we bring in Eric's supporting  
22 documentation into EE/CA to help narrate why  
23 Alternative 2 is preferred over Alternative 1.

24           I never feel like I'm getting you answers.

25           MR. CASTANEDA: No, I -- because all these



1 fuel reduction projects that were taken across the  
2 forest, the objective is very similar in all of them.  
3 We want to reduce fire risk. We want to protect  
4 communities. But it becomes more difficult when you try  
5 to put a comparison on those different alternatives,  
6 because what we are good at, what you're good at, is  
7 talking about the differences in a narrative way: Yes,  
8 we're going to reduce this, we're going to improve  
9 forest health, but doing that in a way that's more  
10 quantitative.

11           Here's my very simple wish that we could do,  
12 is say that right now the risk is 10. If we do nothing  
13 up there, it's a high-risk area. If we do  
14 Alternative 1, do we reduce that risk by five? Is  
15 Alternative 2 reducing that risk by two? That's what I  
16 was hoping at some point we could be able to show on  
17 documents, because the public can understand that  
18 improvement a whole lot easier than they can  
19 understanding flame length, rate of spread, fire  
20 intensity.

21           MR. GASSMANN: Okay. I understand a lot  
22 better. It's not coming out like that in this report.  
23 But red is usually bad. Red is usually like, you know,  
24 danger, and that's what you're going to see in the  
25 reports is that it goes from red to, I think it's like a

1 yellow and bluish-greenish color. The green good, red  
2 bad is kind of that spread of how you can demonstrate  
3 the differences. But again, it's evaluating it based on  
4 fire spread, you know, those sorts of components are  
5 what it's more stovepipe to respond from. So it's --  
6 again, the narrative is important because it collects  
7 all that to describe why, when you do all of it or you  
8 do one piece of it, it's not as good as everything else.  
9 So that helps. I appreciate that.

10           You've asked it before and I just -- that  
11 definition of like 1, 2, 3, 4, that I -- you know, I can  
12 use that.

13           MR. VINCENT: Green good, red bad. That  
14 works.

15           MR. PECK: Mark again.

16           I think we also need to make sure on the  
17 talking points that we go beyond firefighter safety and,  
18 you know, normal, because this isn't normal. And that's  
19 the reason for the CERCLA is that we're trying to  
20 mitigate the possibility of fire getting into an area  
21 that is contaminated. And the primary release vehicle  
22 for that is -- you know, we get a plume-dominated fire  
23 inside OU3, and we've got a hundred-mile-an-hour treetop  
24 uplift winds sucking all that duff off the forest floor  
25 and throwing it 10-, 15,000 feet in the air, and it all

1 lands back in Libby, that's a whole different threat  
2 than, you know, not that -- but that's what makes this  
3 unique over normal wildland urban interface type of  
4 language and management, I guess.

5 MR. GASSMANN: It does. But bringing it back  
6 to the EE/CA, what we had to evaluate is the firefighter  
7 that's going to put on the respirator, go into the zone,  
8 into the fire.

9 MR. PECK: Oh, no. Absolutely. Sure.

10 MR. GASSMANN: That's been -- that's the risk  
11 part that we're trying to reduce for, as well as the  
12 other components for getting into the streams,  
13 potentially, you know, moving it from the site.

14 MR. HAZEN: Yeah. And to be a little more  
15 specific, this is based on EPA's human health risk  
16 assessment that was performed in OU3. So some of the  
17 risks that you're talking about aren't necessarily the  
18 ones that this is based on, like, you know, spread over  
19 the valley isn't a risk that we're mitigating; it's that  
20 the wildland firefighter doing mop-up in duff and ash  
21 and soil that's contaminated with asbestos in OU3. And  
22 so this is affecting fire spread that could, you know,  
23 create those conditions in OU3 that are unacceptable for  
24 the human health risk assessment. And then, as you  
25 mentioned separately, there's also a need for control

1 of, you know, post-fire ash that contains LA moving into  
2 streams and causing migration through streams. And  
3 again, EPA, W.R. Grace are working on that through OU3.  
4 But if you have fire move in, there's more of a  
5 potential than if there isn't.

6           So this is all sort of probabilities. You  
7 know, we're reducing the probability of that occurring  
8 in OU3. We're not eliminating it. We're not -- we  
9 can't demonstrate exactly what risk reduction would  
10 happen in OU3. That's really more for EPA and  
11 W.R. Grace to figure out. But this can only help the  
12 conditions that cause this unacceptable risk in OU3. It  
13 wouldn't exacerbate them.

14           MR. GASSMANN: So really, you're not going to  
15 find what -- the concern, and it is a really concern,  
16 but --

17           MR. PECK: But say from a county standpoint,  
18 that's a huge concern. I mean, EmKayan Village right  
19 there having that smoke laying in on -- but anyway,  
20 yeah, that's ...

21           That's not to belittle what the firefighter  
22 aspect to it is, either.

23           MR. GASSMANN: It isn't. But then again,  
24 like, you know, when Gary said that about the, you know,  
25 there's the rock hounder and the firefighter and the

1 person in the woods, you know, conducting the logging  
2 activities, those are the -- that's what we're  
3 responding to as part of this project.

4 Thinking, John?

5 MR. CRAIG: Yeah.

6 As far as this project's concerned, has there  
7 been any coordination with EPA and W.R. Grace within the  
8 doughnut hole that will complement your treatments  
9 outside of it? Because lightning is going to strike in  
10 that doughnut hole and has for several years, and I can  
11 attest to that, having been out there. So what -- is  
12 there any coordination that will complement what you're  
13 doing inside that doughnut hole with EPA and Grace?

14 MR. GASSMANN: So, completely different  
15 processes, just to start off with. So with the remedial  
16 actions that are being evaluated -- right, remedial  
17 actions, we have been participating in that because  
18 we've got -- the doughnut hole's 10,000-acre site, the  
19 Forest Service has about 5,000 acres up there; the rest  
20 is Grace properties. So, yes, we have been progressing  
21 through and working with the EPA, Grace, DEQ to  
22 understand what it means to take remedial actions  
23 through those feasibility study alternatives.

24 So the EPA is working through the feasibility  
25 study, with Grace as a responsible party. The

1 Forest Service has participated in the development, in  
2 the progression of this alternative over that  
3 alternative and, you know, all those sorts of gyrations  
4 that are occurring inside the zone.

5 Does Grace know about this project? Yeah,  
6 they know about it. They got notice of it. EPA knew  
7 about the project. DEQ knows about the project. You  
8 know, I think this is probably the first time that, you  
9 know, the whole picture came into light and then how  
10 we're looking at things. That's probably true. But as  
11 far as the Forest Service knowing and how -- and where  
12 some of the actions might be taking place inside the  
13 zone, that's where we feel more comfortable saying that.  
14 We're working out here, and we feel comfortable saying  
15 that the actions inside, no matter what they end up  
16 being, are complementing what is that alternative may be  
17 selected for.

18 MR. HAZEN: And then the other thing that  
19 factors into it is because it's based on the human  
20 health risk assessment for OU3, meaning the Mitchell  
21 Jackson work, you know, some of the consideration  
22 identifying the vegetation management areas took into  
23 account where there was elevated asbestos within  
24 Operable Unit 3. So it's not to say that it's complete  
25 coordination, but it's consistent. And that's what

1 CERCLA requires them doing: removal action that will be  
2 consistent with future remedial actions. And so it may  
3 not be fully integrated or complementary, but it's  
4 consistent. And that's what's important in CERCLA is to  
5 make sure you're not doing something contradictory that  
6 would defeat the work inside OU3. But we're relatively  
7 confident that's not the case here. I believe that  
8 you're only helping the conditions in OU3, not hurting  
9 them, by doing this work.

10 MR. CRAIG: I realize you're not hurting  
11 anything, but when you're talking about fuels and  
12 breaking up the continuity of fuels, it would be nice,  
13 if you have a puzzle piece on your side of the ridge,  
14 there could be something that could be done on the  
15 EPA/Grace's side that would complement, not -- the work  
16 you're doing. And that's what I'm looking at: Is there  
17 an overall plan that puts the pieces together in the  
18 end?

19 MR. GASSMANN: I think the plans are  
20 developing at two different time scales, and so we're  
21 getting out first. And so if there are opportunities to  
22 connect those puzzle pieces, there's potential for that  
23 to occur. There is. Will it occur? There's no answer  
24 to "Will it occur?" because all those decisions and  
25 processes still have to go forward. Inside the zone.

1           MR. CRAIG: That's not how my head works, but  
2 that's fine.

3           MR. GASSMANN: In a perfect world, yeah, I  
4 think it would be much easier to say that these things  
5 don't have a line. They'll bleed it across both sides.  
6 But that's not where we're at.

7           MR. CRAIG: One last question. Is there -- I  
8 heard there was an RFP out for working with W.R. Grace  
9 within that CERCLA request for proposals?

10          MR. GASSMANN: Inside the zone?

11          MR. CRAIG: Mm-hmm.

12          MR. GASSMANN: I have not heard of that. I'm  
13 not saying it's true or not. I just haven't heard.

14          MR. CRAIG: Oh, it's true. I have heard that.  
15 I know some people who have submitted proposals for work  
16 within that. And I was just wondering if you had heard  
17 anything about it through the DEQ?

18          MR. GASSMANN: I haven't heard anything about  
19 that. I mean, if that is a thing, then you'll  
20 need -- you know, that's the EPA's. That's what they  
21 have to take care of, so ...

22          MR. CRAIG: I just thought there might have  
23 been some coordination there.

24          MR. GASSMANN: There is -- there have been at  
25 times RFPs put out that were considered, and we were



1 providing some consultation on some of those aspects.  
2 But I haven't heard anything recently.

3 MR. CRAIG: Thanks.

4 MR. GASSMANN: Somebody had their hand up over  
5 here. I think it was Bob.

6 MR. CASTANEDA: Has anyone from EPA or the  
7 Forest Service or together contacted W.R. Grace to sit  
8 down at the table and say: This is what the  
9 Forest Service is proposing to do under CERCLA. We'd  
10 like to find out from W.R. Grace, what are your future  
11 plans up here? Has anybody tried to arrange a  
12 discussion of that nature?

13 MR. CRAIG: That's what I said. Bob's just  
14 saying the same thing I did.

15 MR. CASTANEDA: I can understand you're  
16 talking about coordinating, letting them know what's  
17 going on. But I think the question is: Is there  
18 something more direct being done with W.R. Grace to get  
19 them to do something?

20 MR. GASSMANN: The Forest Service works weekly  
21 in coordination with W.R. Grace, the EPA, DEQ to see  
22 actions and progress through their feasibility study to  
23 ultimately get to a decision to say this is what we are  
24 going to do. We're there. We're exercising our CERCLA  
25 authorities through the EPA in that instance inside the

1 zone. So we are not the lead. EPA is. And Grace is  
2 the responsible party. Yeah, that's occurring. It's  
3 just not on the same scale. It's not on the same time  
4 scale for what we're trying to achieve with this  
5 project.

6 And there's -- quite honestly, there's  
7 different criteria being evaluated. There's  
8 similarities, but they're not the same. And the  
9 differences may seem subtle, but they're significant.  
10 So it's not happening together. It's the different  
11 place for different reasons. So we're not not doing it;  
12 it just isn't there yet. That's why we feel confident  
13 by these actions under this project, no matter what the  
14 feasibility ends up being, to get to the decision and  
15 all those other words I can't remember right now, we're  
16 not going to impact negatively Mitchell Jackson to the  
17 remedy that's going to be established for inside the  
18 zone.

19 When the recorder's stretching her fingers,  
20 you know we've put some time in.

21 You guys feel like we got a good start to dive  
22 into the document in more detail? It's not going to  
23 read like a Forest Service document. It's going to have  
24 all the different vernacular that's -- I mean, Troy had  
25 it up here earlier. I mean, it's -- it doesn't look

1 like a Forest Service document. So it's going to take  
2 some time to get there.

3 MR. HAZEN: There is a lot of technical  
4 information, including quantitative information, though,  
5 in the cost estimates, with backup for acreages and  
6 quantities, you know, in the modeling. So, you know,  
7 there is a lot of technical and quantitative information  
8 supporting the analysis of the two alternatives.

9 MR. GASSMANN: A lot of the appendices are  
10 just as -- almost as long as the document in total.

11 MR. HAZEN: Right.

12 MS. ROCKWELL: I think it is, actually, yeah.

13 MR. GASSMANN: Quite a bit.

14 All right. Mark's hungry. I can see it.

15 No?

16 MR. PECK: Thirsty, maybe.

17 MR. GASSMANN: Thirsty? Okay.

18 I guess with that, with no more other  
19 questions, we'll stick around a little bit longer.  
20 We're here. So if you've got something else, just let  
21 us know, but with that, thanks for coming. Appreciate  
22 you guys being here.

23 (Whereupon, the proceeding  
24 concluded at 6:49 p.m.)

25

## CERTIFICATE OF REPORTER

STATE OF MONTANA       )  
                                  ) ss.  
COUNTY OF               )

I, Emily K. Niles, Registered Merit Reporter,  
do hereby certify:

That I reported in shorthand (Stenotype) the  
proceedings had in the above-entitled matter at the  
place and date indicated.

That I thereafter transcribed my said  
shorthand notes into typewriting, and that the  
typewritten transcript is a complete, true and accurate  
transcription of my said shorthand notes to the best of  
my ability.

IN WITNESS WHEREOF, under penalty of perjury,  
I have set my hand in my office in the County of  
Gallatin, State of Montana, this 17th day of June, 2024.



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EMILY K. NILES, RMR, CRR

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