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SUBJECT: NTCRA Libby – **Final Public Meeting #1 Notes**, August 2023, Contract W9128F20D0019,  
Task Order W9128F23F0120

Ms. Laidlaw:

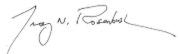
North Wind Advantage JV, LLC is pleased to submit the following deliverable for government review and comment.

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

A formal *certified* transcript comprises the meeting notes.

Feel free to reach out with any questions.

Sincerely,



Troy N. Rosenbush  
Project Manager

Enclosure

cc: Pamela Baltz, Forest Service  
Mandy Rockwell, Forest Service  
Nathan Gassmann, Forest Service  
Sarah Miller, USACE  
Connor Kelley, CDM Smith  
Elizabeth Helvey, North Wind

USDA FOREST SERVICE

KOOTENAI NATIONAL FOREST, LIBBY DISTRICT

FUELS AND FOREST SERVICE MANAGEMENT ADJACENT TO THE  
LIBBY ASBESTOS SUPERFUND SITE OPERABLE UNIT 3

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

TRANSCRIPT OF THE INFORMATIONAL MEETING

Presented by: Nathan Gassmann  
Gary Hazen  
Mandy Rockwell

Heard at the Forest Supervisor's Office  
31374 US Hwy 2  
Libby, Montana

September 18, 2023  
5:07 P.M. - 6:46 P.M.

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1           WHEREUPON, the proceedings were had as follows:

2           MR. GASSMANN: Good evening. My name is  
3 Nathan Gassmann, the district ranger in Libby. And  
4 hopefully everybody is here to talk about the forest  
5 around what is called Operable Unit 3. Is that correct?  
6 Different meetings? Different halls? Okay.

7           We're going to be talking about the non-time critical  
8 removal action that the Forest Service is going to  
9 undertake, and so we've got some other support here.

10          This meeting is being recorded, I guess, by a court  
11 recorder, but don't worry, this is not court. So if you  
12 speak during the question-and-answers or at any time, just  
13 make sure that you speak loud enough so that she can hear  
14 you so she can keep track of what's going on. We've got  
15 Gary Hazen. He'll be presenting about half the content  
16 here; him and I will be trading off and talking about what  
17 is a non-time critical removal action, NTCRA for short.

18          So with that, I think we'll get started.

19          Some key messages that we want to capture here, why  
20 are we here, why are we doing some work in this area, and  
21 that's a human health risk assessment.

22          Gary, do you want to touch on that just a little bit?

23          MR. HAZEN: Yes. U.S. EPA, as a part of the  
24 overall Libby Asbestos Superfund Site, did human health  
25 risk assessments and determined that there were

1 unacceptable risks to wildland firefighters as part of  
2 exposures to Libby amphibole asbestos within Operable  
3 Unit 3, which is sort of centered, but over the former  
4 Libby Vermiculite Mine that W.R. Grace owns.

5 MR. GASSMANN: So that's what brought us here,  
6 was all the mining activities and the asbestos and some of  
7 that fallout stuff. So the firefighters are listed in  
8 that as the human health risk as a part of that.

9 Hazardous fuels reduction is the discussion that we're  
10 here today to talk about; vegetation work, trees, brush,  
11 grasses. And we'll get into some of the maps here in a  
12 bit, but what can we do. That talks about the fire that's  
13 going to be spread around there. In order to address the  
14 hazardous fuels, we have to have roads. And so the  
15 quantities of roads, types of roads, that's also going to  
16 be part of this non-time critical removal action.

17 Getting into more specifics, I guess the idea here,  
18 end result, trying to keep the fire from spreading,  
19 smaller fire, smaller flame lengths, gives guys like Brent  
20 back there a chance to get out and put the fire out. So  
21 fire spread, flame lengths, those sort of discussions we  
22 can get into just a little bit.

23 Gary is going to touch on the time critical removal  
24 process. And just to be clear, this is a non-time  
25 critical removal the Forest Service is going to undertake

1 under our CERCLA authorities.

2 MR. HAZEN: So as Nate mentioned, the  
3 U.S. Forest Service has the authority to use removal  
4 actions under CERCLA, which is the Comprehensive  
5 Environmental Response Compensation and Liability Act. In  
6 doing so, they can address issues related to unacceptable  
7 exposures. And in this case, as Nate mentioned, it's  
8 related to reducing fire impacts within Operable Unit 3.

9 So what you see on the screen is a chart that shows  
10 the process that's used to do a non-time critical removal  
11 action, or NTCRA, as Nate mentioned. There's an initial  
12 authorization, which, you know, determines the need for a  
13 removal action, and, if so, what kind of removal action.  
14 The Forest Service has determined that a non-time critical  
15 removal action is warranted for this. And the technical  
16 form of documentation is an EE/CA approval memorandum.  
17 EE/CA stands for Engineering Evaluation/Cost Analysis.  
18 And so that's in the process of being documented.

19 And then there's an analysis of alternatives. And  
20 again, Nate will speak about those in a few minutes, about  
21 what the Forest Service is contemplating in terms of  
22 alternatives to address the fuels issues outside of OU3.  
23 And the document that analyzes those alternatives, as I  
24 mentioned, is called an Engineering Evaluation/Cost  
25 Analysis or EE/CA. And so there will be an EE/CA report

1 developed.

2 After the draft EE/CA is developed, there's a period  
3 where that draft EE/CA is available for public review and  
4 comment. There's a public comment period where comment  
5 can occur and, you know, questions or comments can be  
6 provided to the Forest Service and considered in  
7 addressing the action that the Forest Service is going to  
8 take.

9 And then the decision that's made, after that public  
10 comment and consideration of public comment, is documented  
11 in what's called an action memorandum. And so that would  
12 formally document the decision the Forest Service is  
13 making in moving forward with this action. And then once  
14 we move into implementation, then there's basically work  
15 to actually get the crews together to do the action; in  
16 this case, the fuels management work.

17 So in short, it's a very streamlined process because  
18 of the immediacy of the situation, but it does involve  
19 public input and comment, as indicated in that third box  
20 of the process.

21 Next slide.

22 And so with respect to the time frame of this project,  
23 you know, we've already been involved in the planning and  
24 data gathering, some of which you see on the posters with  
25 the alternatives that are identified. Obviously, public

1 engagement activities, like the meeting tonight, where we  
2 can inform you what we're moving forward in terms of  
3 evaluation of alternatives.

4 we're in the process of developing the EE/CA report  
5 that will analyze those alternatives. And then in the  
6 very near future, as mentioned, there will be the ability  
7 to review that EE/CA report and provide comment on it  
8 during that public comment period.

9 And then after that, the action memorandum would be  
10 developed and published. That would include a response to  
11 the comments that are provided during that public comment  
12 period, identifies the selected action, which, again, Nate  
13 is going to talk about here in a few minutes, and that  
14 would all be published in the administrative record, which  
15 will be available in various forms to the public.

16 So with that, Nate.

17 MR. GASSMANN: How many people know about the  
18 OU3 site itself? Does everybody understand what that is?  
19 We don't need to get into that; right? Okay.

20 So we're dealing with the National Forest lands only.  
21 This doesn't show the ownerships of the private lands and  
22 everything else that's not National Forest, but we're  
23 dealing with the National Forest lands that's highlighted  
24 in this green part for this non-time critical removal  
25 action.

1           Since we're developing the environmental -- the EE/CA,  
2           environmental/cost analysis components, tonight is to get  
3           things out in front of you. So we're not taking comments  
4           about this. This is not a proposal. This is not making  
5           it so that nothing changes, but this is to get the  
6           concepts out there.

7           We've got basically two different management types for  
8           the trees that we're going to be dealing with; we've got  
9           basically the pre-commercial aspect of things, and we've  
10          got the commercial aspect of things, and it's highlighted  
11          in the brown and the green up here.

12          And then we also -- which you can't quite see, but  
13          you'll see up here (indicating) when we get broken out.  
14          You guys can take a look on the maps here of the roads.  
15          We've got a different road system for alternatives that  
16          we're considering and what it means.

17          So we've got, again, the ideas of what's being done,  
18          not the specifics of or really hammering into the details  
19          of what that means when we get down to the nitty-gritty.  
20          That's going to be coming out with the EE/CA, and that's  
21          what everybody will be able to comment on.

22          So Mandy is going to touch on just some of the  
23          concepts that we have coming forward so far.

24                 MS. ROCKWELL: So we might go back one slide.

25                 So the first alternative -- we had specialists go out



1 last season to take a look at opportunities for treatment  
2 throughout the project area last summer. You know, and  
3 obviously, as we're considering treatment areas, it's  
4 already also considering what access we have, other  
5 considerations like the big area at the bottom,  
6 inventoried roadless areas. So that kind of limits some  
7 of what we would look at doing for both alternatives.

8 But where we started with is utilizing our existing  
9 basically forest system roads. There are some other road  
10 jurisdictions in there, but what could be accessed by our  
11 yearlong open or seasonally open, and those are roads that  
12 are open to public use, public motorized use, and then our  
13 yearlong gated roads that are administrative use. So  
14 trying to stick with our existing drivable road system.  
15 And so what you see up there in the green are harvest  
16 units that can be accessed by our existing road system.

17 we'd also consider temporary road use, but no new road  
18 construction under this alternative. And then vegetation  
19 treatments other than harvest can use the roads but don't  
20 require. So there might be PCT units that folks can walk  
21 in a short distance; they don't need that road access to  
22 get into those units.

23 So that's kind of the first alternative. And then the  
24 next one is kind of taking the step noticing that there  
25 were certain gaps in areas, especially considering the

1 west side, where our predominant winds come from, and  
2 trying to treat more along that west side and considering  
3 a little broader use of our road system. So including  
4 some of our barriered roads; those are roads with berms --  
5 generally berms in place that are closed to all motorized  
6 use, opening those up for access as well as considering  
7 new roads.

8 MR. GASSMANN: I guess for a little bit of  
9 reference: This is Em Kayan Village right here,  
10 Rainy Creek up in here, Grace properties, and then  
11 Canoe Gulch Ranger Station down here (indicating).

12 MS. ROCKWELL: So adding these roads and trying  
13 to be really considerate of use of them, where they went  
14 to and what it might get us to add new roads, both for the  
15 treatment access but also fire suppression access. So it  
16 added more along the west side. And you can look a little  
17 bit more on the smaller maps. And then we also added,  
18 there is a non-harvest treatment, kind of that brown line.  
19 Along the northern boundary up along the ridge is a slash  
20 treatment kind of as a fuel break along the ridge line.

21 MR. GASSMANN: So basically the Rainy Creek Rim,  
22 just off that trail that's up in there.

23 MS. ROCKWELL: So those are the two proposals  
24 brought forward.

25 MR. GASSMANN: Yeah. So pretty short and sweet,

1 as you can tell, but the idea here is to get it out.

2 So, like, pretty sure you guys aren't at Em Kayan, or  
3 are you guys at Em Kayan? You guys are in the...

4 UNIDENTIFIED SPEAKER: Big Bend.

5 MR. GASSMANN: Thank you. Big Bend.

6 So you can kind of start to see how some of these  
7 treatments and things that might come forward might affect  
8 what you have going on. Maybe we didn't hit the right  
9 spots, maybe you've got some other ideas that may come  
10 forward out of that. But that's when you get into the  
11 analysis that we're going to send out in the EE/CA  
12 document. That's where you get to see all of the stuff  
13 that's being incorporated with the roads, the vegetation  
14 treatments, if we're doing anything else outside those  
15 vegetation treatments.

16 This is the start of it. So I hope we're meeting your  
17 expectations of what you're trying to find out. We're  
18 still developing things as they come forward in some of  
19 the other pieces that are being brought forward with Gary.  
20 Gary is actually the contractor who is working for the  
21 Forest Service to help develop the environmental/cost  
22 analysis, the EE/CA itself.

23 Because the Forest Service -- and I know I'm missing a  
24 few letters in there, but EE/CA. The Forest Service  
25 doesn't typically do these types of documents. We're more

1 inclined to do drafting of the different NEPA documents  
2 that you may have thought you were coming to hear about,  
3 but that's not tonight.

4 Questions?

5 Q. Nate, the analysis or the process that you went  
6 through to determine that this area fits CERCLA, that's  
7 been completed?

8 MR. GASSMANN: It's being, it's being finalized,  
9 but yes. It will be completed --

10 If you want to go back a couple of slides. Gary, help  
11 me out. What's that thing called again?

12 MR. HAZEN: The EE/CA approval memorandum.

13 So there's a memorandum that basically documents the  
14 Forest Service's decision to use non-time critical removal  
15 action authority and the basis for that. And so the  
16 Forest Service has developed that, but we're in the  
17 process of finalizing it, like Nate mentioned.

18 Q. So will that be published, then?

19 MR. GASSMANN: It gets published. Yes. It's  
20 going to be part of the record of the project.

21 Q. Whose decision is that?

22 MR. GASSMANN: The regional forester has the  
23 decision space to make all the decisions for all the  
24 documents that are coming out of this project. But it's  
25 not going to get published in the sense that it gets

1 published to then be reviewed previous to the EE/CA being  
2 drafted as well. So it's part of all the different facets  
3 of the documentation.

4 Did I get your question answered? Yeah? Okay.

5 More questions, please.

6 Q. What does non-time critical removal actually  
7 mean? What does that phrase mean?

8 MR. GASSMANN: It means that an agency or an  
9 entity will be taking action to abate a hazard.

10 Right, Gary?

11 MR. HAZEN: And, in particular, contamination  
12 related hazard under CERCLA.

13 MR. GASSMANN: What does it mean to us here now?

14 Q. Well, I think it's --

15 MS. ROCKWELL: It's got a time frame to it to be  
16 critical or non-time critical; right?

17 Q. Thank you. That's kind of what I was...

18 MR. HAZEN: There's certain decisions that the  
19 Forest Service, as the lead agency, made in determining,  
20 number one, should removal authority be used. The other  
21 type of authority is remedial authority, and that's what,  
22 for instance, U.S. EPA has been using, you know, for the  
23 greater Libby area. I think you're aware here in town.

24 So there is certain criteria within CERCLA to say we  
25 can use removal authority, and it has to do with the

1 urgency of the situation and the types of hazards from the  
2 contamination that can occur. And then, within that, you  
3 can do different levels of removal actions. There is  
4 emergency removal action; and many of you might remember  
5 very early on in Libby that was used to abate some of the  
6 exposures here in town.

7 There is time critical removal action, and then  
8 there's non-time critical removal action. And as Mandy  
9 mentioned, there's durations associated with it to decide  
10 is it time critical or non-time critical. So it's the  
11 least urgent of the removal authority, which is, you know,  
12 typically an urgent situation. But there's more  
13 documentation and public input than if it was an emergency  
14 or time critical removal action.

15 So the Forest Service is trying to balance the urgency  
16 of the situation to get these fuels handled to protect the  
17 firefighters but also trying to pick the process that has  
18 the most public involvement within the removal action.

19 Anything you want to add, Nate?

20 Q. I have another question. Within the actual  
21 OU3 boundary, in the private lands in there, CERCLA was  
22 used previously to take care of some of the similar fuels  
23 problems. Has all the work in there been completed?

24 MR. GASSMANN: So the stuff that is OU3 is not  
25 going to be a part of this project, just to be very clear.

1           Q.     I know. But is anything left in there to take  
2     care of?

3           MR. GASSMANN: There is still the remedial action  
4     that Gary is referencing. That decision still needs to be  
5     finalized. So there still is the potential for more work  
6     to be done inside the zone.

7           Q.     And does this meet the requirements for  
8     non-critical removal action and the EE/CA memo that's  
9     coming out -- It meets that level of emergency not because  
10    of the actual area that's being treated, but because of  
11    the potential of that area igniting the OU3 treatment  
12    area?

13          MR. GASSMANN: And that is some of the rationale  
14    that we're trying to finalize, how those connected actions  
15    are a part of this non-time critical. So the stuff that's  
16    in OU3 is the concern. The 10,000 acres that is the zone  
17    is the concern. So in order to get and address the  
18    concerns about fire in that zone, we're going outside of  
19    that zone. Yes.

20          MR. HAZEN: And just to clarify, it's more of an  
21    urgent situation than an emergency; because, otherwise,  
22    they would be using the emergency removal action  
23    authority, and there wouldn't be any public involvement  
24    process. It would go straight to an action memorandum and  
25    they would do the work.

1           Q.     Would the decision-making that's going on right  
2 now right on BORZ, if there are new -- Which BORZ unit is  
3 this going to be in? And will additional work -- If the  
4 modified road use alternative is chosen and we're adding  
5 open miles, will we then be closing miles elsewhere?

6           MR. GASSMANN: So I'll start, and then Mandy will  
7 help me. Got a lot of help up here. It's needed.

8           So this area is part of what maybe some of you have  
9 seen about the forest plan doing an amendment to its plan  
10 to add more areas into what's called the Bears Outside of  
11 Recovery Zone.

12          MS. ROCKWELL: Or BORZ, B-O-R-Z.

13          MR. GASSMANN: That all is going forward. Under  
14 CERCLA, we still have to meet and be in compliance with  
15 the Endangered Species Act. So we will continue to seek  
16 that, only it's going to be very specific to this project.  
17 So you're going to have the forest plan stuff going  
18 forward on this path; this project and its consultations  
19 and workings with the Fish & Wildlife Service will be a  
20 different path. So we still have to meet the intent  
21 behind Endangered Species.

22          Q.     When we come to discussing the alternatives for  
23 this non-time critical action, its impact on other  
24 management options through the use of roads or the use of  
25 existing roads or the modified alternative is going to be



1 important for the public to know. They might be on  
2 separate tracks, but they're going to be acting in unison  
3 on impact on the ground in the future.

4 MR. GASSMANN: So whatever we do as part of this  
5 action won't be on an island, it will just be on different  
6 paths. So the road system is the road system after the  
7 decision is signed. Does that make sense? Am I answering  
8 it?

9 Q. Well, kind of. Just to note when it comes to  
10 public comment on the two alternatives, the different  
11 approaches, it will be important to explain that adding  
12 additional roads in any forested area if the amendment  
13 goes through, which the BORZ discussion is going to play  
14 into how the community determines which alternative might  
15 work best.

16 MS. ROCKWELL: Yeah. So we'll describe our  
17 access management plan. So, you know, like the first  
18 alternative, it's using those existing open and gated, so  
19 pretty much stays as is.

20 Q. Stays baseline.

21 MS. ROCKWELL: Right. So the second one would  
22 probably be for opening a barriered road; it would  
23 probably go back to being a barriered road afterwards.  
24 We'd have that temporary use for the project and then go  
25 back to the existing. I think that's really a lot of it.

1 I mean, that will be detailed and described. But if there  
2 is some change of gated roads -- I think it's mostly with  
3 the gated roads. I don't think we're thinking right now  
4 we need much change as far as the open routes.

5 MR. GASSMANN: And to be clear, it's going to  
6 look different, and that's where Gary, in drafting that  
7 document -- It's evaluated on different criteria for the  
8 action itself. So if it's going to cost \$50 million to  
9 punch in 4 miles of road, that's what it is. I mean, the  
10 decision maker can make the decision, but that gets based  
11 on --

12 Is there six criteria or seven criteria for the EE/CA?

13 MR. HAZEN: Three main ones, and then there's  
14 sub-criteria within it: Effectiveness, implementability,  
15 and cost. And it's related to the action to provide  
16 protection to human health and the environment. So, you  
17 know, some other aspects of it, while important overall  
18 for the Forest Service and the community, might be more  
19 the evaluations of that separate parallel path that Nate  
20 has been mentioning, which is more the NEPA process. The  
21 CERCLA action is very focused in terms of what it looks at  
22 in terms of the impacts, and particularly to the ecosystem  
23 and the road network.

24 MR. GASSMANN: Good question.

25 Q. How about timing, the milestones and the timing?

1 Do you have timing assigned to each one of these  
2 milestones?

3 MR. GASSMANN: We have some internal timing  
4 established. We are working through -- with Gary, the  
5 contracting, some of those things kind of get balled up,  
6 and I get balled up too, but the idea is that we're going  
7 to try to have a draft provided to the agency, we're going  
8 to try to have that drafted up in November, early  
9 December. So we won't be going out with that, but that's  
10 when we're looking to get it back.

11 So with that, you know, we're going to try and look at  
12 it from that perspective, when are we realistically going  
13 to get this out to the public. So don't have a solid  
14 answer for you on that. But we're looking really hard to  
15 get the draft for us to review from Gary's crew in that  
16 November, early December time frame.

17 So good question; not a very solid, definite this is  
18 what we're looking at.

19 Q. When the management regimes are being discussed,  
20 is there -- And I know we're early in this, but will the  
21 management look like a traditional logging/fuel management  
22 approach, or will there be the hazard component that  
23 exists inside the OU3?

24 MR. GASSMANN: You had me right up until you said  
25 "inside the OU3."

1           Q.     Inside OU3 is a completely different management  
2 regime.

3           MR. GASSMANN:   When you say "management regime,"  
4 what are you --

5           Q.     If loggers are going to go in there, I would  
6 assume there's going to be some kind of protections needed  
7 in some areas.  It's an old Superfund site, so it's --

8           MR. GASSMANN:   I gotcha.

9           Q.     This is not a Superfund site.

10          MR. GASSMANN:   No.

11          Q.     So it's action being taken to protect the  
12 community from what could happen with the Superfund site  
13 if it ignites.

14          MR. GASSMANN:   Yes.  So if you're asking if the  
15 Forest Service would put any restrictions on people going  
16 in there, you know, with chainsaws and doing the  
17 pre-commercial thinning or going in there and conducting  
18 what we would consider a timber sale, this is outside of  
19 the designated 10,000 acres that is OU3, so no.  There  
20 wouldn't be provisions or other management considerations  
21 for people doing work around this spot.

22          Q.     Cool.  That was my question:  Were we going to be  
23 hazmat suited up and do it -- and, if so, what was the  
24 why.  But I get you.

25          MR. GASSMANN:   No.  We're not thinking that, no.

1 I say that, and there is potential that there is some road  
2 that might loop into that 10,000 acres, and then if it  
3 goes into the zone, that's a different story. But there  
4 is a potential that a road -- just how the geography is  
5 and the hills and the dales and everything else, that  
6 there is potential that roads might intersect with and  
7 through that zone. That changes, though. That line is  
8 there for a reason, and that's what we're going to follow.

9 Q. What's the likelihood that this will be stopped  
10 by a lawsuit?

11 MR. GASSMANN: So it's a federal action, and it  
12 can be litigated. What's the likelihood? I have no idea.

13 Q. I mean, I didn't know if CERCLA put it into a  
14 different category than just a regular --

15 MR. GASSMANN: CERCLA is -- Yeah. So CERCLA is  
16 its own authorities and it has all the different  
17 regulations that are a part of it. So it's not NEPA. So  
18 if it's not NEPA, whoever is going to litigate it has to  
19 challenge it on its CERCLA merits.

20 MR. HAZEN: And the timing of lawsuits differs  
21 too. You can't make pre-decisional lawsuits, so you can  
22 only sue after the decision has been made.

23 Q. Oh. That's interesting. Okay.

24 MR. GASSMANN: That's it? That's record time.

25 Q. I've got a question. Lincoln County is a

1 cooperating agency with the Kootenai on forest management  
2 decisions. Does CERCLA -- does that application apply to  
3 this decision-making process when the Forest Service is  
4 working under CERCLA and not NEPA?

5 MR. GASSMANN: So the County had requested that,  
6 and they were provided very specifically from a NEPA  
7 standpoint. I don't think that precludes the County  
8 asking other questions outside of the process that is  
9 CERCLA to participate in something.

10 You know, as far as the County, the County's wildfire  
11 Protection Plan is pretty much included in all of this.  
12 There's some pieces that aren't. But we're including  
13 actions, potentially actions that are not even part of  
14 that, so we're still including more.

15 There's the state fire plan thing, I can't remember  
16 what that one is called, and this takes in a pretty good  
17 chunk of what that is. There's the county air shed map,  
18 and this is mostly inside that, except, again, back to  
19 that north side. So all of the County's considerations  
20 and state considerations are accounted for in some  
21 potential actions that we already are seeing.

22 So if there's other things that are hanging out  
23 there -- I don't know what it is, but if there are, yeah,  
24 there's opportunities to provide comments and  
25 opportunities to consider what that might be.

1           MR. HAZEN: And those agencies can make comment  
2 during the public comment period, just as anybody else, if  
3 they have concerns. But I would imagine the  
4 Forest Service is going to work with them if there's  
5 direct impacts to -- For instance, there may be a county  
6 road that we use as part of the road network. So I would  
7 imagine that there would be some consultation with them.

8           MR. GASSMANN: Or a potential county right-of-way  
9 they didn't know they had until we called them.

10          Q. Can you give us a rough calendar, across the top  
11 up there, of when things would happen?

12          MR. GASSMANN: So the 18th, now, so like the big  
13 star at the mall or whatever, airport, that's where we're  
14 at, and this is getting pretty close to being done. So  
15 EE/CA, again, trying to have -- with Gary's crew, to have  
16 the Forest Service have its draft in that later November,  
17 early December time frame.

18          This (indicating) is where I don't have a good  
19 description of what that is. There's a strong desire to  
20 have things move forward and get things out the door, from  
21 a decision standpoint, in that early winter -- or I should  
22 say late winter, early springtime period.

23          That's a desire. I didn't say we would, if you're  
24 taking notes. But that's the desire, to have something  
25 ready to go for the public to comment on in that time

1 period, with the intent that we would be following through  
2 with actually executing the work from that document in  
3 that summer of '24. Desire.

4 Q. You have a timber sale already marked; right?  
5 The entrance to Em Kayan Village. Where does that fit in  
6 this process?

7 MR. GASSMANN: It's not.

8 Q. Okay. Sooner or later, I would like to know  
9 about that timber sale.

10 MR. GASSMANN: I thought you might be interested  
11 in that. So Em Kayan Village and the Forest Service has  
12 been working with W.R. Grace Company, the responsible  
13 party, inside the zone. I don't know. I didn't have as  
14 big a beard then, and I didn't have gray hair then, but  
15 it's been a while. And we just can't seem to meet up on  
16 actually having something take place on that yet. We do  
17 have some additional discussions tomorrow and Wednesday  
18 and Thursday regarding some of those hopeful pieces to get  
19 done inside the zone. Yes. But it's not final yet.

20 Q. That actually needs to be expanded. Is that the  
21 expansion here, what you have now or through this other  
22 process? In other words, it needs to go further up the  
23 hill and across the draw.

24 MR. GASSMANN: So the considerations -- Like, you  
25 can kind of see where you're talking. There's



1 considerations for --

2 Q. Probably right in there, yeah.

3 MR. GASSMANN: Yeah. It's right there  
4 (indicating). But the idea that we're taking actions to  
5 tie into any potential actions inside the zone, they're  
6 separate. So we're not doing that. We're not saying,  
7 well, inside the zone there's going to be this happening,  
8 so we're going to go outside the zone and do this. We're  
9 not doing that. We can't do that.

10 The remedial work and decisions that's part of inside  
11 the zone just isn't there. It's being worked on. I think  
12 we're talking about a 2025 decision for stuff inside the  
13 zone, but there's still a lot of work that still needs to  
14 be done inside that. We should never have put the paint  
15 on there. That was to help get things going, and then it  
16 did not work.

17 You don't like my answer.

18 Q. Well, I'd like to see something happen. It's  
19 been marked for quite a while.

20 MR. GASSMANN: Coming on probably five years at  
21 least.

22 Q. Probably.

23 MR. GASSMANN: Yes. Very aware of the paint  
24 that's out there and what has not been done.

25 Q. So I just keep hearing this, we keep working on

1 it. For five years, we just keep working on it.

2 MR. GASSMANN: Like I said, at least five years.  
3 Yeah. I don't want to keep saying that, but  
4 unfortunately, that's where some of the authorities are  
5 not. And we have to work with Grace Company and the  
6 State, DEQ, and EPA on making actions happen.

7 Q. But there's no plans to do any expansion of  
8 what's there right now. I think that's what I heard you  
9 say.

10 MR. GASSMANN: As far as --

11 Q. As going -- Making it bigger.

12 MR. GASSMANN: No. No. Again, that's a whole  
13 separate, whole separate process with a lot more of Gary's  
14 time and everybody else in the EPA working through that  
15 stuff.

16 Q. I'll accept your answer.

17 MR. GASSMANN: For now.

18 Q. For now.

19 MR. GASSMANN: Another year goes by and I  
20 think --

21 Q. I got your phone number.

22 MR. GASSMANN: -- maybe not.

23 Q. Nate, about how many acres, scientific wild-ass  
24 guessing, is there being considered for management in the  
25 doughnut?

1 MR. GASSMANN: Oh.

2 Q. Not the hole, the doughnut.

3 MR. GASSMANN: Yeah. Blood sugar is getting low,  
4 you said "doughnut."

5 I purposely don't want to know that answer because we  
6 can't be pre-decisional in what that is. So when folks  
7 are running out there, yeah, they've got their GPSS, yeah,  
8 they're trying to capture things so we don't stumble over  
9 one another and those sorts of pieces and the road mileage  
10 and walking those out and all sorts of things.

11 But that's all housed with Mandy, and she probably  
12 doesn't the know the exact answer yet either, but it's  
13 substantial. I'll just put it that way. It's not small.  
14 It's not enormous, but it's not small. I mean, you can  
15 start adding up sections and get there pretty quick.  
16 Again, these are alternatives, these aren't final. These  
17 are considerations at this point.

18 Did I answer your question without really answering  
19 your question?

20 Q. It was not an answer at all.

21 MR. GASSMANN: Pretty quiet. Is that it? We did  
22 good for the first meeting, the first go?

23 Okay. Appreciate you guys coming out tonight. And I  
24 think everybody, if you haven't, the Gov Delivery is the  
25 new system, I guess you'd say, the Forest Service is

1 asking for people to sign up with. You sign up on this  
2 and then --

3 MS. ROCKWELL: So you can self-subscribe, and  
4 then you can subscribe to whatever. I mean, it can be  
5 Kootenai and it can be any other forest that's part of the  
6 National Forest System. So you can subscribe to the  
7 forest, you get everything that's coming out on the  
8 forest. You can subscribe to the district, if you're just  
9 wanting to be Libby focused. You can subscribe to  
10 specific categories of activities, so recreation or  
11 vegetation. So you can kind of tailor it to what you're  
12 looking for. And then it's automatic; you're part of  
13 whatever gets entered into that system for a project.  
14 Your e-mail is added and you'll get notifications and  
15 you're there.

16 MR. GASSMANN: And then that helps us too,  
17 because then we know who is getting what and it helps just  
18 keep track of who did or didn't get something.

19 MS. ROCKWELL: Or changing from project to  
20 project. Instead of sending out a bunch of mailings to  
21 folks who aren't interested in this particular one, it  
22 will just go to the folks who are interested in that  
23 project.

24 MR. GASSMANN: And it's the same -- that code --  
25 Someone called me the other day and said, "What in the

1 hell are you talking about? what is going on and what is  
2 this little box?" So thank you for calling. But yeah, so  
3 this little box is the QR code that gets you to the site  
4 itself. It's to keep track of things that get posted and  
5 sharing that information. That helps out a lot. We sent  
6 200-ish --

7 MS. ROCKWELL: Like, 220 postcards.

8 MR. GASSMANN: And we have this many people here  
9 tonight. So tell your friends. Tell your neighbors.

10 MS. ROCKWELL: And so if you don't have a phone,  
11 you know, to scan the QR code, if you've got Internet with  
12 a computer, just go to the Kootenai project -- actually,  
13 homepage as well or the project page, and you can just  
14 navigate to it that way as well.

15 Q. So you can do a search for poof?

16 MS. ROCKWELL: For poof? I think Kootenai  
17 National Forest, then get up to the homepage and then  
18 scroll down, or project page. Yep.

19 MR. GASSMANN: All right. Thank you, everybody.  
20 Have a good night.

21 MS. ROCKWELL: And there are the different  
22 stations, if you want to look, and then have questions on  
23 the maps or the process.

24 (The meeting concluded at 6:46 p.m.)  
25

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  ss.  
COUNTY OF LEWIS AND CLARK     )

I, CHERYL ROMSA, Court Reporter, residing in  
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DATED this the 10th day of October, 2023.

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