APPENDIX C - PUBLIC COMMENTS AND RESPONSES

This Appendix C presents the substantive comments received on the Repository Siting Study and the agency responses to them.

Table 1 includes the list of the commenters who provided written comment on the Repository Siting Study during the comment period and the abbreviated way that their name is used on the comment responses (Table 2). This helps the commenter find their comments and the agency responses.

Table 2 includes the comments extracted from the text of comment letters and emails sent to the Forest Service and/or DEQ during the initial through the extended comment period on the Repository Siting Study. Table 2 is organized by comment subject so that similar comments could be considered and addressed together. Commenters are identified in the first column under the subject of their comments. Column two, entitled 'Comment,' includes the substance or actual text of the comment, and column three, 'Agency Response,' is the agency response to the comment that was made.

Comments received on a given subject are either quoted or paraphrased in Column 2. Where several commenters made similar comments, one or more representative comments are presented in Column 2, and those who made similar comments are also listed in Column 1.

Table 3 identifies those who provided comments during the public hearing on the Repository Siting Study held on October 4, 2011. The substantive comments from the hearing and the responses to those comments are presented in Table 4.

Comments were also submitted by petition (submitted by the Worden-Thane law firm). Those who signed the petition are identified in Table 5, and separate individual comments submitted with the petition are identified and addressed in Table 6.

The full text of each comment letter and email, the transcript of the public hearing, and a copy of the petition are included in the administrative record. All of these were posted during the comment period and currently remain available for review on the Helena National Forest website at http://www.fs.fed.us/r1/helena/index_page/MikeHorse/MikeHorse.shtml.

Contents of Appendix C:

TABLE 1

List of Commenters who provided written letters or email comments on the Repository Siting Study and identifying name used in Table 2. Response to Public Comments

Comment Date	Name of Commenter/Table 2 Identifier	Address (Note blank addresses are comments received via email only)
09/24/2011	Grimes, Barb / B. Grimes	PO Box 189, Lincoln, MT 59639
09/25/2011	Fuller, Stuart / S. Fuller	1355 Lariat, Helena, MT 59602
09/27/2011	Meek, Barbara / B. Meek	
09/30/2011 10/25/2011	Fisher, Maureen Dineen / M. Fisher	5718 MT Hwy 279, Lincoln, MT 59639
09/30/2011 11/16/2011	Bordeleau, Denis and Linda / D. and L. Bordeleau	13708 Hwy 200 E, Lincoln, MT 59639
10/02/2011	Gary (no last name given) / Gary	
10/03/2011	Smith, Jeff / J. Smith	
10/04/2011	Stinson, Andrea / A. Stinson	
10/05/2011	Vallance, Darrell B and Sharon / D. and S. Vallance	
10/05/2011	War, T William / W. War	
10/07/2011 10/14/2011	Sholder, Brian / B. Sholder	PO Box 355, Lincoln, MT 59639
10/7/2011 11/18/2011	Gary and Carol Lindstrand / G. and C. Lindstrand	5724 Highway 279 Lincoln, MT 59639
10/10/2011	Sherman, Charles A / C. Sherman	2600 Lincoln Sp Drive, Lincoln, MT 59639
10/11/2011 10/21/2011 10/29/2011 12/09/2011	Grimes, Mike / M. Grimes	PO Box 189, Lincoln, MT 59639
10/11/2011	Aquino, Joy / J. Aquino	
10/11/2011	Zuelke, Robert and Kathleen / R. and K. Zuelke	
10/12/2011	Greiner, Emily / E. Greiner	Lincoln, MT
10/13/2011	Meyer, Stanley F / S. Meyer	3417 14th Avenue South, Great Falls, MT 59405
10/17/2011	Heinen, Doug / D. Heinen	106 Wilmot Road MS1620, Deerfield, IL 60015

10/18/2011	Riley, Jean A P.E., Montana Department of Transportation / MDT	2701 Prospect Avenue, Helena, MT 59620
10/18/2011 12/07/2011	Kloetzel, Steven / S. Kloetzel	PO Box 107, Ovando, MT 59854
10/18/2011	Brown, Derek, Murray, Michael, Hunthausen, Andy / L&C Commission	316 North Park, Helena, MT 59623
10/21/2011 10/25/2011	Smith, Mark and Lisa / M. and L. Smith	PO Box 64, Lincoln, MT 59602
10/20/2011 10/20/2011	Brick, Christine; Clark Fork Coalition / CFC	PO Box 7539, Missoula, MT 59807
10/20/2011	Frisbee, Bill; Upper Blackfoot Valley Community Council / B. Frisbee and UBVCC	
10/20/2011	Bryson, Eric / E. Bryson	316 North Park, Helena, MT 59623
10/20/2011	Grimes, Russ / R. Grimes	
10/20/2011	Christian, Mark / M. Christian	PO Box 758, Lincoln, MT 59639
10/20/2011	Farling, Bruce; Trout Unlimited / TU	PO Box 7186, Missoula, MT 59807
10/20/2011	Aitken, Gary / G. Aitken	Ovando, MT
10/20/2011	Dowdall, Colleen M. / Dowdall/Worden-Thane	111 N Higgins Avenue, Suite 600, Missoula, MT 59806
10/21/2011	Cox, Lowell D / L. Cox	8991 Cadotte Creek Road, Lincoln, MT 59639
10/21/2011	Caton, Elaine / E. Caton	PO Box 92, Ovando, MT 59854
10/21/2011	Hayler, Shelly / S. Hayler	
10/21/2011 10/24/2011	McInnis, Logan, PE / L. McInnis	1110 Hiberta Street, Missoula, MT 59804
10/21/2011	Johnson, Robert / R. Johnson	
10/21/2011	O'Connell, Jerry / J. O'Connell	
10/21/2011	Long, Mack; Montana Fish, Wildlife and Parks / MFWP	3201 Spurgin Road, Missoula, MT 59804
10/21/2011	Smith, Mark C & Lisa MR / M. and L. Smith	PO Box 64, Lincoln, MT 59639
10/21/2011	Wilcox, Andrew / A. Wilcox	
10/21/2011	Browning, Greg / G. Browning	4018 139th PL SE, Mill Creek, WA 98012
10/21/2011	Browning, Autumn / A. Browning	4018 139th Place SE
10/21/2011	Johnston, Rachel / R. Johnston	
10/21/2011	Grimes, Mike / M. Grimes	5730 HWY 279, Lincoln, MT 59639
10/21/2011	Roos, Paul S / P. Roos	2388 N. Beaver Creek Road, Lincoln, MT 59639
10/23/2011	Peetz, Terry / T. Peetz	1996 Patterson Prairie, Lincoln, MT 59639
10/23/2011	Aitken, Gary / G. Aitken	
10/11/2011 12/08/2011	Zuelke, Robert and Kathleen / R. and K. Zuelke	
11/18/2011	Lindstrand, Gary and Carol / G. and C. Lindstrand	5724 HWY 279, Lincoln, MT 59639
11/21/2011	Peterson, Lisa / L. Peterson	
11/24/2011	Schroeder, Rolf and Sylvia / R. and S. Schroeder	

11/30/2011	Burns, Jerry / J. Burns	PO Box 116, Lincoln, MT 59639
12/01/2011	Whidden, HB / H. Whidden	
12/3/2011	Smith, Justin / J. Smith	
12/04/2011	Taylor, Jennifer / J. Taylor	1020 South Avenue West, Missoula, MT 59801
12/05/2011	Poett, Cindy / C. Poett	Ovando, MT 59854
12/05/2011	Grady, Ed / E. Grady	9768 Lincoln Road W, Canyon Creek, MT 59633
12/06/2011	Brown, Claudia S. / C. Brown	520 Dearborn, Missoula, MT 59801
12/06/2011	Kiely, Donald E / D. Kiely	
12/07/2011	Burns, Laura / L. Burns	PO Box 116, Lincoln, MT 59639
12/07/2011	Bosshardt, Jim / J. Bosshardt	PO Box 31, Lincoln, MT 59639
12/07/2011	Foster, Robin / R. Foster	500 Sloway Frontage Road W, Saint Regis
12/07/2011	Williams, DeWayne / D. Williams	
12/07/2011	O'Connor, Roy / R. O'Connor	Ovando, MT
	Burgess, Guy R Jr. / G. Burgess	
	Burgess, Sharon Y. / S. Burgess	
	Shelden, J. / J. Shelden	
12/07/2011	Dove, Kathie / K. Dove	
12/07/2011	Watson, Vicki / V. Watson	
12/07/2011	Richie, Deborah / D. Richie	
12/07/2011	McDowell, Will / W. McDowell	4660 Spurgin Rd, Missoula, MT 59804
12/08/2011	Frisbee, Bill; Upper Blackfoot Valley Community Council/UBVCC	
12/09/2011	Conroy, Sandi / S. Conroy	PO Box 36, Lincoln, MT 59639
12/09/2011	Howsman, Susan / S. Howsmon	Lincoln, MT
12/09/2011	Matthews, Robin / R. Mathews	
12/09/2011	Grimes, Mike / M. Grimes	PO Box 189, Lincoln, MT 59639
12/09/2011	Conroy, Lyndon / L. Conroy	PO Box 36, 506 Main Street, Lincoln, MT 59639
12/10/2011	Smith, Lisa / L. Smith	PO Box 64, Lincoln, MT 59639
12/11/2011	Cashman, Wayne and Ann / W. Cashman	

TABLE 2

Public Comments and Responses on Repository Siting Study that was prepared by Pioneer Technical Services, Inc. for Montana DEQ and U.S. Forest Service

CONTENTS

Comments are grouped into the following categories so that comments on a particular topic may be viewed and addressed together.

COMMENT SUBJECT AND COMMENTER(S)	COMMENT	AGENCY RESPONSE TO COMMENT
I. AGENCY PUBLIC PROCESS		
B. Sholder	The Blackfoot Valley Community Council was promised back in May 2011 that we would receive a formal report from the DEQ and Forest Service. This complex report was not released to us until the last week of September 2011. We were also promised by the Forest Service that they would present this report in a forum that we could understand and have open discussions on the proposed site. The meeting on Tuesday 10-4-2011 from 4-7 pm by the Forest Service was not conducted in an open public forum as promised, but instead involved private individual discussions, followed by a comment period without answering our questions directly. This has angered the	The Repository Siting Study, including an Executive Summary, was released for public comment on September 20, 2011. The Executive Summary (memorandum) was prepared as a synthesis of the information and analysis in the Repository Siting Study to provide an overview of the analysis for those who did not want to read through the entire Repository Siting Study. Copies of the Executive Summary were distributed directly to over 300 people who were on the Upper Blackfoot Mining Complex (UBMC) mailing list at the beginning of the comment period. The mailing list is comprised of both physical and email addresses, so that recipients may choose how they want to receive notifications regarding the UBMC. The full Repository Siting Study was made available online at http://www.fs.fed.us/r1/helena/index_page/MikeHorse/MikeHorse.shtml and at several document repositories in Helena and Lincoln.

	citizens of Lincoln and the Blackfoot Valley and will only create delays. I would like to propose that the format of the emergency meeting be held in open format similar to the Tuesday 10-11-2011 meeting that the Forest Service and the DEQ held, while lobbying the support from the board of directors of the Blackfoot Valley Chapter of Trout Unlimited. This open discussion was rather helpful in deciphering this complex report. Let us set a date and sit down with total transparency, and get the Blackfoot Valley Community Council, the citizens of Lincoln and the Blackfoot Valley on board with a plan.	The comment period was announced in legal ads in the Blackfoot Valley Dispatch, Helena Independent Record, and Missoulian, and paid ads in the Blackfoot Valley Dispatch, Helena Independent Record (IR), Great Falls Tribune, and the Missoulian. A press release was issued by the Forest Service that went to 16 newspapers and the Associated Press, as well as various television and radio stations. News articles appeared in the Blackfoot Valley Dispatch (September 29, October 13, and October 20, 2011), the Helena Independent Record, (September, 22, 2011), the Missoulian (September 27, 2011), and the Missoula Independent (September 29, 2011). The extension of the comment period was announced with legal and paid ads in the same newspapers as the original comment period, along with another press release. News articles relating to the extension appeared in the Blackfoot Valley Dispatch (October 27, November 24, December 1, and December 8, 2011), the Helena IR (October 26 and November 30, 2011), the Missoulian (November 6 and November 30, 2011), and the Great Falls Tribune (November 13 and November 22, 2011). Early in the comment period, on October 1, 2011, the agencies held a public field trip during which they discussed the Repository Siting Study and answered questions from the public while actually viewing some of the locations being discussed. Twelve people attended the field trip. The public meeting in Lincoln on October 4, 2011, started with an 'open house' format from 4:00 – 7:00 p.m. that provided an opportunity for community members to ask questions and visit one on one in an informal setting with agency managers, legal staff, project leaders, and the engineer/author of the Repository Siting Study. Nine community members attended the open house. Following the open house was a public hearing, which provided the opportunity for formal submission of verbal comments. The public hearing was transcribed, and comments are addressed in Appendix C, Table 3. In the cover letter distributing the Executive Summary to the UBMC mailing list recipients, and that was posted on the Forest Service's website, the agencies offered to schedule additional meetings or field trips upon request. At the request of Trout Unlimited (TU), agency representatives (B. Ihle,

		USFS; S. Haaland, DEQ) attended a meeting of the Blackfoot Valley Chapter of TU on October 11, 2011. The agencies provided a short summary of the project history and status and responded to questions. The comment addressed here, which was submitted before the initially-scheduled close of the comment period, requested an additional meeting in a format similar to TU's meeting. The agencies worked with the Upper Blackfoot Valley Community Council (UBVCC) to extend the comment period and to attend the Council's November 28, 2011, meeting, adhering to the format the council preferred. The commenter, a member of the council, had input on that format. See also response to Frisbee/UBVCC below.
B. Frisbee/UBVCC C. Roberts B. Sholder	Ask that the comment period be extended on behalf of the Council and residents of the Valley. One of the main reasons we would like the comment period extended is that the memorandum is very lengthy and I don't think the lay person can be expected to decipher it and make an informed decision.	At the request of the UBVCC, the comment period on the Repository Siting Study, which began on September 20, 2011, was extended from October 21, 2011, to December 9, 2011, an additional 49 days. At the request of the UBVCC, the agencies attended a UBVCC meeting on November 28, 2011, in order to answer questions and provide additional information to help the public understand the process and the technical issues of siting a repository. Four informational news articles on different aspects of the project and its history were issued and published by the Blackfoot Valley Dispatch during the extended comment period (November 3, November 10, November 17, and November 24, 2011). See also response to B. Sholder above.
G. Browning G. and C. Lindstrand M. and L. Smith M. Grimes A. Browning B. Sholder	The selection process itself has been opaque, under-handed, and defies common sense. We have been deliberately excluded from the planning process.	The process involved extensive public outreach and opportunity for comment. See responses to B. Sholder and Frisbee/UBVCC above, and D. Williams below. In addition to the formal public process, from June 2010 up to the start of the comment period, the agencies gave at least nine different site tours of the UBMC area; many included Section 35. On these tours, agency personnel described the history of the UBMC, the development and instability of the tailings dam and impoundment, the groundwater and surface water issues, potential repositories identified and evaluated in the Engineering Evaluation/Cost Analysis (EE/CA), and repository investigations conducted since the EE/CA. Agency personnel also responded to questions by tour members. Many of these tours were put together in coordination with citizens and community groups (Trout

		Unlimited, Clark Fork Coalition, Upper Blackfoot Valley Community Council, Blackfoot Challenge), as well as county environmental health personnel and commissioners, and state senators and representatives. These early tours also helped identify additional alternatives to be considered. During the June 29, 2010, tour, the agencies agreed to look at the cost of hauling to a site east of the Continental Divide in response to a request from community members. Also, in response to citizen concerns that potential sites might have been overlooked, the engineering consultant retained to prepare the Repository Siting Study was tasked with taking a "fresh look" for potential new repository sites. Several new locations were considered in the Repository Siting Study. See the Repository Siting Study, Section 2 and Appendix A, the March 25, 2011, Upper Blackfoot Mining Complex Repository Selection Process, Fresh Look at Potential Repository Locations. See also response to D. Williams below.
D. Williams	The way you have prepared documentation for this study and clearly stated what was proposed is to be commended. Involving so many stake holders in this process is also commendable. Please pass my regards on to whomever designed and published the Mike Horse Messenger. It shows the public is certainly getting its value from our public servants.	The agencies appreciate the comment and did try to provide the public information that was clear and concise as well as additional detailed analysis for those that were looking for the full documentation. The Mike Horse Messenger is a newsletter the agencies use to inform the public in a timely manner of project planning and work occurring within the UBMC. For the past two years, it has been published in June and November to coincide with the field season. Copies are mailed directly to over 300 recipients who have signed up for the UBMC mailing list. The Mike Horse Messenger is also posted on DEQ's UBMC website at http://deq.mt.gov/StateSuperfund/UBMC/default.mcpx. Updates on the status of repository investigations were included in the Mike Horse Messengers distributed in June 2010, November 2010, June 2011, and November 2011.
A. Stinson	The agencies had not granted the public a chance to comment on their site selection until the neighborhood and the Lincoln Community Council started questioning their tactics. Beth Ihle [USFS] was quoted in the Helena Independent Record article last October that "the public process won't involve comments	See responses to B. Sholder, Frisbee/UBVCC, G. Browning et al., and D. Williams above. See Section III.A. for the discussion of the Superfund Site and Boundary. This and all public comments are being considered in the selection of a

	…..Under CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) the government chooses the site and the public is allowed to comment on mitigation measures" (page 3 http://www.hstb.net/images/Mike_Horse_IR_Article-Toxic_tailings.pdf.pdf) – now they say "we are committed to the public process." That being said, the public comments must be counted and the proposed site rejected because it is not a suitable site originally requested by the public, nor an EPA compliant plan, as it did not incorporate inclusion of the public comment on expanding the boundaries to justify the DEQ land acquisition for this misplaced site location.	preferred alternative.
M. Grimes	This entire process of evaluating potential alternatives in front of the public should have occurred three years ago after the Federal Bankruptcy Settlement Agreement was issued in 2008.	At the time of the Asarco, LLC settlement in 2008, the Action Memorandum (decision) on the Engineering Evaluation and Cost Assessment (EE/CA) to utilize the Paymaster repository site was thought to be a viable option. The agencies moved quickly to implement the EE/CA decision. Detailed test pits and soil borings were planned and executed in 2009 for design of a repository at the Paymaster. See the November 2010, Final Data Summary Report, Upper Blackfoot Mining Complex, TerraGraphics Environmental Engineering, Inc. The data analysis in the late fall of 2009 and winter of 2010 led to significant concerns about the suitability of the Paymaster for the estimated amount of waste at the UBMC. At that point, two other EE/CA options, First Gulch and Horsefly Creek were revisited. Issues such as the lack of capacity at First Gulch (EE/CA, page 6-6) and the extensive haul to Horsefly Creek (the agencies assumed access from Highway 279) led to a re-evaluation of repository options. The evaluation of alternatives prior to issuance of the 2007 Action Memorandum included two formal public comment periods.
M. Grimes	Mr. Opper defends his agency by stating a meeting occurred on April 21, 2010 at my home. The only reason this meeting took place	Mr. Grimes originally contacted A. Kamps, USFS, regarding the investigation on Section 35. She sent an email to S. Haaland, DEQ, April 19, 2010, requesting Mr. Grimes be contacted. S. Haaland

	is because I demanded it.	contacted Mr. Grimes and said she could come to their homes if that was most convenient. This meeting occurred at Mr. Grimes' home on April 21, 2010, after Mr. Grimes agreed to get his neighbors together. Attending were T. Fisher, M. Fisher, J. McInnis, and for part of the discussion, B. Grimes. Follow up emails with clarifications, requested information, and updates of investigation activity at Section 35 were sent to the neighbors in attendance, as well as to G. and T. Kockler and G. and C. Lindstrand, who were contacted by S. Haaland to ask if they wanted to be included in future correspondence.
M. Fisher	I knew that there is no way to express my opinion as no one listens to any discussion and never allows any answers of satisfaction.	Mrs. Fisher attended the original landowners' meeting at Mr. Grimes' home on April 21, 2010, at which S. Haaland, DEQ, outlined the work done to date and planned investigations for the UBMC. The questions of the landowners, including Mrs. Fisher, were answered at the meeting or via follow up emails. Additionally, S. Haaland spent a significant amount of time with Mrs. Fisher after the November 28, 2011, meeting listening to the concerns she expressed and answering her questions. See also responses to B. Sholder, Frisbee/UBVCC, G. Browning et al., D. Williams, and M. Grimes above.
L&C Commission S. Howsmon	Strong concern from citizens in the Lincoln area regarding the process for selection of a site for the Mike Horse Cleanup. Strong sentiment from the community that their interests are not being adequately considered and that decision may be made for reasons other than the best interest of the upper Blackfoot Valley. Please help us work to ensure that this process is as open as possible and is conducted for the benefit of the residents of the Lincoln area and all others who enjoy the upper Blackfoot Valley	See responses to B. Sholder, Frisbee/UBVCC, G. Browning et al., and D. Williams above. The agencies share an interest in the upper Blackfoot Valley, including the health of the Blackfoot River itself. The purpose of the actions being conducted by the agencies is to clean up and restore the headwaters of the Blackfoot River that have been contaminated by historical mining activities at the UBMC and by the failure of the Mike Horse tailings dam in 1975. The contamination and degradation of the river from these past activities persists to the present. See also responses to R. and S. Schroeder in Section VI.C. and J. Bosshardt in Section XII.
M. and L. Smith	This budget busting plan is being forced upon us and was designed to support a predetermined site without adequate	See responses to B. Sholder, Frisbee/UBVCC, G. Browning et al., D. Williams, and M. Fisher above regarding the opportunities provided for public input.

	consideration to the long-term river health, local expertise and wisdom relative to the site, the impact to private property, location options, and/or advanced technology addressing the contaminants onsite with hi-tech boring and water collection experts, maintenance costs, and actual financial impacts to the valley economy. Please step back from the present timeline and create an independent, democratic format through which we will collectively draft an environmentally sound and economically just solution.	The long-term health and protection of the Blackfoot River is a very high priority for the agencies and is a primary consideration in the cleanup. Choosing the most seismically stable and protective repository site will reduce the long-term maintenance costs after closure. See also the responses in Section XI. The agencies have considered local expertise and wisdom. For example, over the past three years, S. Haaland, DEQ, has spoken frequently with George Kornec, who has lived near the Mike Horse mine most of his life. Mr. Kornec has provided the agencies with valuable information that has aided in the understanding and further investigation of the site. See Sections VI.G and X for discussion of private property impacts, and Sections IV through IX for discussion of the search for repositories and location options. See response to J. Bosshardt in Section V regarding consideration of advanced technology, and Section XII for discussion of impacts to the valley economy. The evaluation and selection of a repository, as part of a response action to be implemented under the federal Comprehensive Environmental Response, Compensation, and Liability Act, and more specifically, as an amendment to a CERCLA Action Memorandum issued by the Forest Service in 2007, is a process which uses certain legally-specified criteria. See Amendment 1 to 2007 Action Memorandum, Section IV.B, Rationale for Selected Action. While the agencies are considering public comments and concerns carefully as part of that process, and new information, ideas, and opinions provided by the public weigh into the decision, it is the responsibility of the agencies to base the decision not only on public input, but on an evaluation of the alternatives under all of the applicable criteria, as discussed in Section IV.B of Action Memorandum Amendment 1.
L. McInnis	I believe that inadequate consideration was given to other alternatives. Two of the 4 “feasible” alternatives shown in Table 2 of the Executive Summary require acquisition of private property (Bouma property provides access to the Horsefly site and the Solvie	The Repository Siting Study includes a description of the tasks given and methodology used for conducting a search for and evaluation of repository options. See Repository Siting Study, pages 4-18. The Repository Siting Study also identified that some sites would have less information than others and identified the assumptions used so that fair comparisons could be made. See Repository Siting Study, pages 17-

	family owns the Alice Creek 7 site). In neither case were the landowners even approached about their willingness to sell those properties. In both cases, the proposed site or access road would essentially be in plain view of their residences.	18. See also Repository Siting Study, Appendix A, for additional details on the search for a repository. Audie Solvie was contacted by telephone on September 29, 2011, by S. Haaland, DEQ, to inform him that Pioneer Technical Services, Inc. had included a site on his property within their analysis of potential repositories for the UBMC. The location of that site, as well as others in the Alice Creek drainage, was discussed. Mr. Solvie also participated in a public field trip on June 29, 2010, regarding repository sites, and he attended the site tour conducted on October 1, 2011, at the beginning of the comment period. While Mr. Solvie was aware of the consideration of his property in the evaluation, it was not necessary to attempt to negotiate a purchase of his property at that time. Similarly, no formal inquiry regarding access has been made regarding the Bouma property. Note that this did not skew the analysis in favor of Section 35, since the Repository Siting Study assumed access could be obtained to both the Horsefly Creek and Alice Creek 7 locations so that all three sites were treated as having similar implementability. See Repository Siting Study, page 69. If either the Horsefly Creek or Alice Creek 7 site were ultimately identified as the preferred alternative, the agencies would initiate negotiations for acquisition of necessary rights and have direct conversations with neighbors regarding access, impacts, and mitigation measures at that time.
L. McInnis	DEQ/USFS predetermined the desired location for the tailings and only seriously studied that site. Furthermore, I believe the cost estimates (ex. Excluding liners, ignoring impacts to the highway system, questionable assumptions about haul costs) were skewed to make this site more attractive.	The agencies specifically tasked Pioneer Technical Services, Inc. (Pioneer) with taking a fresh look for any potential sites that might have been overlooked in earlier studies. This search identified a few new sites that were included in Pioneer's preliminary screening. See the Repository Siting Study, Section 2.4 and 2.5. The Repository Siting Study prepared by Pioneer recommends Section 35 as the most protective and most cost-effective location for a repository based on an extensive analysis of site characteristics and comparison of a number of alternatives. See Repository Siting Study, pages 64-71. The specific issues regarding liners, highway impacts, and haul costs are addressed separately in response to L. McInnis' comments under each of those specific categories below. See also response to G. Browning et al. and L. McInnis above and C.

		Sherman in Section II, L. McInnis in Section III.B., and J. Smith in Section IV.
II. REPOSITORY SITING STUDY METHODOLOGY		
TU	It would increase public confidence in the site selection process and the estimated costs if the agencies consulted with a contractor familiar with process engineering, hauling costs, and project sequencing to affirm whether the agencies' estimates are on the right track. Naturally, to ensure competition once the RFP's are out, it would be preferable if this contractor were not interested in bidding later.	Pioneer Technical Services, Inc., a Montana-based environmental engineering firm, prepared the Repository Siting Study. This firm has been conducting mine site investigations, mine reclamation engineering and oversight, and mining-related Superfund remediation planning, design, and oversight in Montana and other states since 1991. Pioneer has extensive experience in preparing cost estimates and meets the qualifications noted in the comment. The Repository Siting Study cost estimates, found in Appendix C of the Repository Siting Study, are based on standard engineering principles and actual costs on other Montana projects of similar scope and scale. Most of these costs were derived from competitively bid, mining-related construction projects. Similar assumptions were used in the cost estimates for all alternatives to provide a consistent basis of comparison. See Repository Siting Study, page 29. Under its contract with DEQ, Pioneer will not be allowed to bid on or work for another party bidding on the construction contracts for this project.
C. Sherman B. Sholder T. Peetz	I would like to see an independent review by an engineering firm not politically or financially connected in any way to the Asarco, LLC settlement. I am against moving the contaminated materials anywhere close to the Blackfoot River watershed drainage areas without an independent review. I am also proposing an additional engineering firm be appointed by the citizens of Lincoln and the Blackfoot Valley to do studies independent of this initial study, at the DEQ and Forest Service's expense.	Pioneer was chosen to take a fresh look at siting a repository for the wastes at the UBMC because they had substantial experience and expertise in this type of work and had not been involved in the any of the previous work at the UBMC. Pioneer had not previously performed work for either Asarco, LLC or the agencies relating to the UBMC or the Asarco, LLC settlements for the UBMC. The agencies believe that the Repository Siting Study prepared by Pioneer and issued to the public for review and comment did serve to provide an independent look at methodology and potential repository sites. The Task Order directing Pioneer to perform this work specifically provided, "Contractor is being hired to provide expertise and analysis of the possible options for a repository location for these tailings

		impoundment materials. This will involve a review of all information developed to date regarding possible disposal options and locations, as well as an evaluation of whether there are available options that have not previously been identified. Contractor is to take a "fresh look" at possible alternatives and provide the agencies with an evaluation of those alternatives for consideration." DEQ Contract No. 407038, Task Order No. 51, page 1. The contaminated materials are currently in the Blackfoot River and headwater drainages causing substantial harm to the River. See the reports identified in April 4, 2012, memo from D. Bowers, DEQ, to B. Ihle, USFS, regarding Surface Water and Sediment Sampling History for the Blackfoot River at Highway 279. Moving these materials to a protective repository is necessary for the Blackfoot River's health and recovery. Ultimately, the Forest Service must make a decision based on the applicable criteria under CERCLA. See Amendment 1 to the 2007 Action Memorandum, Section IV.B, Rationale for Selected Action. The Forest Service is confident in the independence and expertise provided by Pioneer in its Repository Siting Study. Adequate information is available to make an appropriate decision now, and an additional separate study as proposed in the comment would cause additional expense and delay without substantially assisting the agencies in the required analysis.
III. AGENCY AUTHORITIES, CERCLA, DECISION		
A. Superfund Site/ Boundary		
Dowdall/Worden Thane	In response to a question from one of my clients, Beth Ihle [USFS] was incorrect in stating that the site (boundary) was tied to all	What is included in the Superfund Site or within the Superfund "boundary" is set forth in the regulations which implement CERCLA. These regulations are commonly referred to as the National

	actions that are identified that need to be taken in order to remediate the area of the contaminants (ref letter dated February 3, 2011). Section 35 will only become an area where contaminants are located because the government agencies are choosing to take contaminants off-site to store on Section 35. Section 35 does not belong in the Superfund boundary.	Contingency Plan or NCP. Under 40 CFR Section 300.5, "on-site" means "the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action." Thus the full extent of what is considered "on-site" is not actually determined until the areal extent of contamination has been fully identified and the necessary response actions have been determined. While that process is still ongoing, those areas where the contamination has already been identified in ongoing investigations may clearly be considered "on-site." With respect to Section 35, investigations have shown that the metals contamination from the UBMC has come to be located in that portion of the Blackfoot River that crosses Section 35. See April 4, 2012, Memo from D. Bowers, DEQ, to B. Ihle, USFS, regarding Surface Water and Sediment Sampling History for the Blackfoot River at Highway 279 (Section 35). Thus, this area within Section 35 is clearly within the definition of "on-site." To the extent the remainder of Section 35 is determined necessary for implementation of response actions, the remainder will also clearly be considered "on-site" under the applicable definition.
A. Stinson	In 2007 the Forest Service unilaterally, without public comment and without notification to the property owners, expanded the original Superfund boundary to include all private property from near the top of the Continental Divide all the way to Alice Creek Road in a swath over two miles wide covering approximately 9000 acres. This was done to allow the agencies to use the CERCLA process to select the repository site and eliminate the property owner's ability to object. Some property owners may still not be aware their land is now in a Superfund site.	A lot of confusion has resulted from representations made by various parties about the "Superfund boundary." From the agency perspective, to the extent that a formal "boundary" is ultimately determined, it is defined by the location of the contamination and a determination of what additional areas will be necessary for implementing the response action to address that contamination. See response to Dowdall/Worden Thane above. Initial identification of the area to be investigated to determine the areal extent of contamination may not be the final determination of what is "on-site." The CERCLA process was the process used for the initial selection of the Paymaster repository in the 2007 Action Memorandum. That decision was subsequently reconsidered when design-level data collection revealed concerns about that repository location as well as the volume of wastes to be disposed. The process for reconsidering that location is an amendment to that 2007 Action Memorandum and is thus also a CERCLA process.

M. Grimes	The Upper Blackfoot Mining Complex (UBMC) is specifically defined in the 2008 federal Bankruptcy Settlement Agreement (Document 7538-1 4/25/2008, article 3, page 7, Definition of Site) in which 14 specific sections in Township 15 North, Range 6 West are delineated as the UBMC site. Section 35 is not included in this definition and is therefore not part of the defined area and therefore not included under rules of CERCLA – any further attempt to include Section 35 will require a full EIS. The actual definition of the UBMC was defined in the Bankruptcy Settlement encompassing 8960 acres of the upper Blackfoot Valley including all private property from the top of Rogers' Pass to Alice Creek.	As described above in responses to the previous two comments (Dowdall/Worden Thane and A. Stinson), the definition of what is considered "on-site" is set forth in the NCP, the regulations applicable to CERCLA. The definition of the UBMC site under the bankruptcy settlement agreement, which was negotiated by the parties to define the scope of the settlement, is not necessarily identical to the definition under CERCLA. It is instructive to note, however, that the comment disregards part of the definition of the "site" in the bankruptcy settlement. Subsection (1) of the definition is referenced in the comment and includes 14 specific sections of land. However, subsection (2) of the definition in the settlement agreement expressly extends the definition of the site downstream from the listed sections into any portion of the main stem of the Blackfoot River, its floodplain and associated groundwater systems where the hazardous substances released from the UBMC have come to be located. As noted above, that includes Section 35, since the contaminated portion of the Blackfoot River crosses Section 35.
M. Grimes	Because the purchase of Section 35 involves over $500,000, is not an act of condemnation, involves a disputed purchase of private property, and the land is not included in the UBMC defined area of the 2008 Bankruptcy Settlement Agreement; and therefore, is not covered under the rules of CERCLA – the purchase must be reviewed by the Land Board.	The comment is incorrect in several of its assertions. As discussed in the responses to the comments above, Section 35 is within the UBMC Site as defined in the 2008 Bankruptcy Settlement Agreement and is also within the definition of "on-site' under the definition used for CERCLA. To the extent that Section 35 is selected as the repository location or as a borrow source and is thus necessary for the implementation of the response actions, Section 35 is again expressly within the definition of "on-site" under CERCLA and the NCP. Such possible uses of Section 35 are clearly covered under the rules of CERCLA, and the requirements of CERCLA and the NCP have been followed in the process for selection of the repository. The comments regarding the purchase price, condemnation, and a dispute regarding the purchase are similarly not relevant to whether Land Board approval of the acquisition is necessary. DEQ has authority to acquire property for the purposes of implementing remedial action and has acquired several properties for remedial action, including repositories, without Land Board approval. Under its agreement with the Forest Service, DEQ is the agency charged with implementing the action selected in the Action Memorandum, as

		amended. DEQ has negotiated option agreements under which it can acquire Section 35 for the purpose of implementing remedial action, and Land Board approval is not required for the acquisition of the property. See also Section VI.C for discussion of the Section 35 option agreements.
B. Scope of Environmental Review/NEPA/EIS Issues		
M. and L. Smith M. Christian	The enormous scope of this project, one estimated to last at least 12 years, requires a full blown Environmental Impact Statement (EIS). An EIS would give the public and government officials more complete information and confidence in choosing the final plan and estimating the true cost of this giant project.	Where Environmental Impact Statements are required by the National Environmental Policy Act (NEPA), they ensure that agencies adequately consider the environmental impacts of proposed projects or activities. Often those projects or activities are proposed for some purpose other than just addressing environmental impacts, but NEPA requires that the environmental impacts of those activities be evaluated and considered. It is important to note that the actions proposed here are specifically for the purpose of addressing the environmental impacts of previously conducted activities, i.e., the historic mining activities conducted at the UBMC. The studies, investigations, evaluations, and actions performed by the agencies (or with agency oversight) at the UBMC have been specifically for the purpose of evaluating and addressing the environmental impacts at the site, and included in those evaluations are the potential environmental impacts of the proposed actions. These evaluations serve as the functional equivalent of an EIS, and a separate EIS is not required. Note that the initial EE/CA for this project was prepared with public involvement and released in July 2007, followed by a decision set forth in the 2007 Action Memorandum. See response to J. Bosshardt et al. in Section V for details on the previous public involvement. When modifications to that decision were considered, the Repository Siting Study was prepared as supplemental information describing the potential changes and presenting an analysis of alternatives for public comment before making a decision. The analyses of alternatives and public involvement activities that have been conducted under CERCLA and the NCP in connection with the repository evaluation have been very similar to the process specified under NEPA.

		See also response to A. Stinson in Subsection A.
L. McInnis	I believe the environmental review process for this project has been inadequate at best. This removal action constitutes half of the volume of tailings removed from the Milltown Dam Superfund site, yet the level of environmental review (an 83 page final report which is primarily a review of earlier documents) is not even in the same ballpark as that for Milltown Dam. From my admittedly limited understanding of the NEPA process, I don't believe the environmental review would meet the requirements of NEPA.	See response to M. and L. Smith above. While the Repository Siting Study did include a review of the previous studies, it also included a search for potential sites that might have been overlooked in the previous studies and extensive screening and analysis of the alternatives identified, including detailed comparative cost estimates for most of the alternatives. While the comment compares this study to the level of environmental review conducted for the Milltown Dam Superfund Site, it is important to note that the Repository Siting Study addressed only one aspect of the response action for the UBMC, specifically the location for the repository. Much of the review at the Milltown Site referred to in the comment focused on whether and how to remove the contaminated sediments from the reservoir. The comparable evaluation and decision at the UBMC were the 2007 EE/CA and Action Memorandum issued by the Forest Service determining that the Mike Horse tailings impoundment and other mine wastes needed to be removed. With respect to the evaluations conducted here, the level of environmental review has been appropriate and is not out of proportion to the comparable evaluations conducted for the Milltown project or other mine waste response actions in Montana.
L. McInnis Dowdall/Worden Thane	All I can conclude then is that the USFS/DEQ are hiding behind a "Superfund" designation to complete a much more limited environmental review for this project. It would eliminate the property owners' ability to object to the site and it would avoid a full Environmental Impact Study. If so, where were all these repository sites included in a Superfund boundary and why were adjacent landowners never informed that they were living in or adjacent to a Superfund site?	The CERCLA or "Superfund" process was used for the initial determination that the Mike Horse tailings dam and impoundment needed to be removed and for the initial selection of the Paymaster repository in the 2007 Action Memorandum. To the extent that reconsideration of that repository location involves an amendment to that Action Memorandum, it is necessarily a CERCLA process. With respect to the scope of the environmental review and preparation of an Environmental Impact Statement, see the responses to M. and L. Smith et al. and L. McInnis above. With respect to the inclusion of properties within a "Superfund boundary," see all responses in Section III.A.

IV. GENERAL REPOSITORY SITE COMMENTS, PROCESS FOR SEARCH FOR SITES		
CFC D. Kiely S. Kloetzel K. Dove	Cleanup of the Mike Horse dam and tailings remains a high priority for us – we don't want to see a repeat of the catastrophic release of 1975. The tailings are not safe in the current location. Until they are hauled to a high and dry location, spring runoff will bring close calls. Don't put this off any longer.	The agencies recognize and acknowledge the urgency in moving forward with cleanup of the Blackfoot River, especially the Mike Horse dam and tailings. Under the Watershed Restoration Agreement between the State and the USFS, the agencies agreed that the first action to be taken by DEQ upon receipt of the first settlement payment of $16 million was to remove the Mike Horse dam and tailings impoundment as provided in the Action Memo. Issues regarding the repository identified in the Action Memo have delayed the implementation until an appropriate repository can be selected, but this action remains the first priority of the agencies.
J. Smith	Based on a review of the Technical Memorandum it does not appear there has been a thorough search for alternative locations. It makes no sense to move the tailings further into the Blackfoot watershed. It would be a shame to spend so much to potentially contaminate the same river system. Please consider all possible sites and take the necessary time to ensure the best possible solution is reached, not just the first one that is proposed.	The agencies have ensured that there has been a thorough search for repository locations. The agencies and Pioneer have both done extensive searches for repository locations within the mining area and beyond. These are documented in the Draft EE/CA issued for public comment in July 2006, the Final EE/CA, pages 6-1 through 6-31 and Appendix E, as well as the Repository Siting Study, pages 1-16 and Appendix A. See also response to J. Bosshardt et al. in Section V. The agencies specifically tasked Pioneer with taking a fresh look for any potential sites that might have been overlooked in earlier studies. See response to C. Sherman in Section II. The Repository Siting Study recommends Section 35 as the most protective and most cost-effective location for a repository based on a detailed analysis of site characteristics and screening criteria. See Repository Siting Study, pages 64-71. Although there are comments objecting to use of Section 35, including objections from nearby property owners, no new information is presented in the comments that effectively changes the analysis that Section 35 is the most protective

		and the most cost-effective feasible alternative. See also response to R. Johnson below.
R. Johnson	The property owners are not in agreement with the chosen areas and there needs to be more study done before a final site is selected. I hope you don't make a hasty decision as it may cause irreparable harm to the already fragile Blackfoot River and its feeder streams. Please take more time and weigh other options. Thank you for your help in selecting a suitable site.	The agencies agree that the protection of the Blackfoot River is critical when selecting a suitable repository. The wastes are currently located in the headwater streams and in the Blackfoot River itself, and the agencies' goal, as reflected in the 2007 Action Memorandum and the Repository Siting Study, is to remove them from the river system into a safe repository. Even though the need for action is urgent, the agencies have taken the time to thoroughly review and evaluate the alternatives and to allow substantial public input into the process. See also response to J. Smith above.
W. McDowell	Please keep up the momentum and remove ALL of the Mike Horse mine tailings from their current location at the headwaters of the Big Blackfoot River, and into a safe repository.	The agencies agree that it is critical to address the wastes of the UBMC in a timely fashion, and moving the Mike Horse dam and impounded tailings into a safe location is the agencies' first priority. See response to CFC et al. above.
M. Grimes UBVCC T. Peetz A. Stinson	DEQ's position that Section 35 is the "most protective" of all of the alternatives cannot be substantiated scientifically because no ground water tests were conducted on many of the alternatives, and no site within the Blackfoot Watershed could be more protective than a site outside the watershed.	The Repository Siting Study was conducted in recognition that some potential repository locations would have more information than others. See Repository Siting Study, Appendix A, Memos dated March 25, 2011, and May 2, 2011, for the methodology and rationale. See discussion of comparison-level data vs. design-level data needs in Section III.B.1 of Amendment 1 to the 2007 Action Memorandum. There is enough information to evaluate and determine each site's relative potential and suitability in comparison to other alternatives. A design-level investigation, including groundwater investigation, would need to be conducted at any site selected for a repository in order to make final determinations and ensure the repository can be and is engineered appropriately to fully isolate the waste by providing adequate separation from surface and groundwater and preventing water from entering or exiting the waste. See also response to L. McInnis in Section VI.F. Extensive groundwater studies are not undertaken until the design phase of a project because of the associated cost. During design-level investigations, adequate separation from groundwater is evaluated. If it cannot be achieved at the selected preferred alternative, another would

		be investigated. One advantage Section 35 has over other sites is that its size and topography allow a repository to be engineered in several different locations and/or configurations as needed. The flexibility to move the repository or alter its design increases the ability to provide the necessary separation from groundwater. The protectiveness of any site is not judged solely by its distance from the Blackfoot River or its watershed, but by its overall technical merits that provide protection to human health and the environment at its specific location. The technical merits of each alternative are evaluated and compared in the Repository Siting Study.
D. Heinen S. Howsmon R. Johnson	My desire is that cooler heads will prevail and a better, balanced, and more comprehensive, environmentally sound solution can be presented. I don't believe that DEQ has adequately researched other avenues of the Mike Horse complex for a suitable solution. Please take more time and weigh other options.	The terrain, groundwater, and surface water in the vicinity of the UBMC limit the availability of potentially suitable sites. See responses to J. Smith and R. Johnson above and J. Bosshardt et al. in Section V for descriptions of the previous studies done in search of the most protective and cost-effective location for the wastes of the UBMC.
L. Burns R. O'Connor D. Ritchie	The tailings dam presents the greatest threat to the Blackfoot River than any other point source of pollution in the drainage. It is our responsibility to house the tailings in the safest repository location available. Removal and storage of the tailings is of the utmost concern.	See response to CFC et al. and J. Smith above.
UBVCC	No matter where the waste material ends up, a top and bottom liner should be included in the repository.	The type of liner systems necessary is evaluated based on the conditions at each site. Distance to groundwater, permeability of the soils, and topography are primary drivers when determining the need for a bottom liner. Manufactured liners may be placed under the waste when adequate separation from groundwater cannot be achieved with the native conditions at a site or if Hydrologic Evaluation of Landfill Performance model (HELP model) analysis indicates it is necessary. Design level sampling, analysis, and evaluation will be necessary before final determinations regarding liners are made at any site. If a

		suitable level of protectiveness can be achieved with native conditions and low permeability materials, then a manufactured liner may not be necessary. Use of native conditions and low-permeability soils to separate the wastes from groundwater at a site may offer significant advantages in some locations. For example, a manufactured liner system may create a slip plane which reduces the stability of the repository under seismic conditions. Synthetic liner systems generally consist of more than one layer of soil or natural materials with synthetic materials. Sliding along a geosynthetic interface with either soil or another geosynthetic material can harm the liner system's containment function (http://waste360.com/mag/waste_static_seismic_stability). Using native low-permeability soils can also reduce the risk of manufacturing defects, installation defects, and degradation of synthetic material over time. Final evaluation of such considerations occurs only after collection of design-level data at a specific location.
Dowdall/Worden Thane	Study was designed to support the foregone conclusion to put the mine waste in the middle of my clients' neighborhood. Many of the alternatives received little or no analysis. Compare Section 35 to Alice Creek.	See responses to M. Grimes et al. above and L. McInnis in Section I. The technical merits of both Section 35 and Alice Creek are identified and evaluated in the Repository Siting Study, specifically in Sections 3, 4, and 5.
M. Fisher	Implode the old mine and put it all back whence it came from. This would save tons of money and contain the waste to where it belongs in the first place. Knowing that there is unexploded dynamite in the miles and miles of tunnels that is still lying there, what danger is that putting all of us in that live here and the entire Blackfoot Valley?	The concept of placing the wastes back into the mine is not feasible, protective, or cost-effective. Many of the old workings are collapsed; therefore, not enough of the mine is accessible, and significant safety concerns exist with trying to reopen any area of the mine. The old workings are generally much smaller than the current standard of practice, and smaller equipment would have to be utilized. These issues make reopening the mine for use as a repository unsafe and inordinately costly. Additionally, much of the mine is underwater. There is no way to accurately predict what adding the tailings to the mine would do to the chemistry of the mine water, and it could make matters worse. There is no way to predict where the mine water would seep out of the ground and discharge to surface water. If watercourses within the mine are blocked and water can no longer reach its current controlled discharge point, the mine water would escape the mine at another location and in an uncontrolled manner. This could

		contaminate other areas or drainages. This approach would not provide a solution that is protective of human health and the environment. DEQ retained Larry Hoffman, Blue Range Engineering, a licensed blaster and explosives expert, to remove the only accessible dynamite in the Mike Horse Mine in December 2010. Every precaution was taken to eliminate the explosive risk. See Mr. Hoffman's summary of removal on the December 22, 2010, Blue Range Engineering Invoice. In a call with S. Haaland on April 9, 2012, Mr. Hoffman reported that the nitroglycerine had degraded to the point that the dynamite was just paper and sawdust, and was therefore inert. It is Mr. Hoffman's opinion that any remaining dynamite in the Mike Horse Mine is most likely in the same condition and that the nitroglycerin would no longer have explosive capacity. He also indicated that explosives in an underground mine were generally stored where, in the unlikely event of explosion, the energy would be dissipated before the impact reached the surface, and he believes the remaining risk is negligible.
R. Grimes UBVCC B. Sholder M. Grimes	I would request that a third party be chosen to take a step back and look at the true options and reasons why they would or would not be a wise choice. It is unfortunate that tax dollars are now being spent to try and support a list of options which were flawed from the beginning due to mistakes, money, and what appear to be hidden agendas. I personally believe that the facts remain very apparent and if the people supporting Section 35 were truly looking for the best options, they would have pursued unbiased results and waited for them before making their decision.	A third party, Pioneer Technical Services, Inc., was contracted to take a fresh look at options for repositories for the waste at UBMC. Their evaluation and conclusions are presented in the Repository Siting Study. See response to C. Sherman et al. in Section II. The work being conducted here is not funded with tax dollars. The agencies obtained funding for this work through prosecution of claims against Asarco, LLC and the Atlantic Richfield Company (successor to the Anaconda Company). The use of this money is dictated by the settlement agreement and the Watershed Restoration Agreement (WRA). It is to be used for conducting response and restoration actions for the UBMC. Section 35 was not selected as the repository location until after a full evaluation of potential repository sites was completed and was presented for public comment, and the public comments were fully considered. The decision was based on the applicable selection criteria under law.
Gary	Our primary interest is that the repository	See responses to CFC above and MFWP in Section VI.B.

	minimize the ecological risks associated with mining wastes and the potential for downstream water quality and fisheries. Native trout fisheries in Horse Fly Creek, Alice Creek, Landers Fork, and Shave Gulch elevate concern in those potential areas.	
Dowdall/Worden Thane M. Grimes	It defies common sense to spend $39 million dollars to move a million yards of toxic mine tailings downstream…. to a piece of pristine ground…	Each potential site is judged on the technical merits of the particular location in order to provide protection of human health and the environment. The technical merits of each alternative are evaluated in the Repository Siting Study. The area of Section 35 and surrounding lands has been utilized for road building, timber harvest, mining, grazing, and residential development for many years. Since the paving of Highway 279 in the mid 1960's, development activities have increased. See also MFWP comment in Section VI.B.
Dowdall/Worden Thane	Placing a repository off-site was discouraged in the EA and other subsequent reports	The 2007 EE/CA utilized 'in-drainage' and 'out of drainage' to describe repository options evaluated in that effort (EE/CA, pages 6-8). Ultimately, the EE/CA (pages 6-27 through 6- 31) presented Site-Wide Removal Action Alternatives, including Alternative 5, which identified total waste removal to an out-of-drainage repository site, either First Gulch or Horsefly Creek. The decision document for the EE/CA, the July 2007 Action Memorandum, selected the Site Wide Alternative 4 with the provision that if the Paymaster Repository proved unsuitable an out-of-drainage repository site could be utilized. See pages 13-14 of the 2007 Action Memorandum.
R. Grimes	I would like to formally request that Section 35 be removed from consideration for the Mike Horse mine repository and tailings cleanup. In addition I would like to say that all other options which are on or near a tributary be removed from the list as well.	The terrain, groundwater, and surface water in the vicinity of the UBMC limit the availability of potentially suitable repository sites. To arbitrarily eliminate a site that is the most protective of all the sites would be irresponsible of the agencies.

V. IN PLACE REPOSITORY (Comments supporting stabilizing wastes in place or within the mining area)		
J. Bosshardt M. Christian L. Conroy E. Grady N. Howsmon J. Shelden B. Sholder M. Grimes B. Grimes R. Mathews S. Meyer R. Grimes S. Burgess B. Sholder UBVCC R. Zuelke J. Aquino M. Fisher K.Martin G. and C. Lindstrand A. Stinson	Opposed to moving the contaminants from the Mike Horse location to an off-site location. Containing the contaminants on site is preferred, much less expensive. The best option would be to entomb the mining tailings in place rather than destroying a pristine area and spending millions of dollars spreading it across the country side. What sense does it make to move the waste from one watershed to another watershed? Divert the water, place plastic or other water barrier material and concrete over and around the site sealing it off...if this can contain nuclear leaks, it can surely contain a bit of contaminated soil. This option should be re-evaluated as technology has improved over the years. Many residents believe that a repository vessel can be built to store the contaminated material. One only has to look to the nuclear community for encapsulation solutions. Yes we understand that building a repository capsule would not be inexpensive. However, the monetary savings from eliminating four years of hauling would offset the costs and many of the societal factors would be non-issues.	The agencies have thoroughly reviewed and analyzed repository/waste containment options within the mining area. See response to J. Smith in Section IV for a description of the previous studies done in search of the most protective and cost-effective location for the wastes of the UBMC, inside and outside of the mining area. The alternative of diverting surface flow and containing the wastes of the tailings impoundment in place has been analyzed in various ways. See, for example, 2007 EE/CA, pages 6-3 to 6-5, pages 6-8 to 6-13, and pages 6-15 to 6-31. The cover letter releasing the July 2006 Draft EE/CA for public comment presented two partial removal options as potential preferred options for the Mike Horse Dam and tailings impoundment. One of those options (Option 3) included removal of part of the dam to construct a reinforced channel for Beartrap Creek through the impoundment area. See Draft EE/CA, page 6-6. The material removed would be placed in a repository developed along the west side of the impoundment (West Impoundment Repository). The other partial removal option (Option 4) was similar except more waste material would be removed from the dam and impoundment in order to construct a channel for Beartrap Creek with a functioning floodplain. Material removed would be placed in both the West Impoundment Repository and at the Paymaster Repository. See Draft EE/CA, pages 6-7 and 6-8. A third option was complete removal of the dam and tailings and disposal of the waste material in an undefined repository outside the mining area. See Draft EE/CA, pages 6-8 and 6-9. Comments were received on the Draft EE/CA from July through September 2006. The USFS received 1,958 comments on the Draft EE/CA. Of those, a majority opposed leaving any of the waste in place. Most of the comments supported the option of complete removal with

		disposal at a repository outside the mining area. July 2007 EE/CA, Appendix J. The USFS selected complete removal of the dam and tailings impoundment in the July 2007 Action Memorandum in part because of the potential for the groundwater from the west slope of the impoundment to move into the area of the west impoundment repository and because of the seasonal saturation of the tailings left in place (July 2007 Action Memorandum, page 16). While less expensive than excavating and removing the wastes, the alternatives that left some of the tailings in place were less effective at meeting project objectives (2007 EE/CA, pages 7-1 to 7-4), since groundwater would continue to move through the in-place tailings subsurface, leaching the metals, and then impacting the surface water as well. See response to Dowdall/Worden Thane in Section IV and MFWP in Section VI.B. for land use in Section 35 and the surrounding area. See response to Bordeleau et al. below for information on concrete use and cost. Some of the comments suggest looking to the nuclear industry for solutions. That industry involves different types of wastes ranging from high-level radioactive wastes to lower-level radioactive, but higher volume wastes. Currently, there are no permanent disposal facilities in the United States for high-level nuclear waste. Spent nuclear fuel is stored, currently on a temporary basis, at the nation's nuclear power plants in steel-lined, concrete pools or basins filled with water or in massive, airtight steel or concrete-and-steel canisters. http://www.nei.org/keyissues/nuclearwastedisposal/storageofusednuclearfuel/. According to the Congressional Research Service (using NEI data), there were 62,683 metric tons of commercial spent fuel accumulated in the United States as of the end of 2009. The total increases by 2,000 to 2,400 tons annually. http://www.nrc.gov/waste/spent-fuel-storage/faqs.html. This volume is only a fraction of the volume of mine wastes at the UBMC, and the temporary nature of the storage is not appropriate for the UBMC tailings. Uranium mill tailings are the residues remaining after the processing of natural ore to extract uranium and thorium used in nuclear power

		plants, and are more comparable in volume and type of material to the wastes at the UBMC. Most uranium mill tailings are disposed of in repositories with a barrier of material such as clay on top of the pile to prevent radon from escaping into the atmosphere and a covering of soil, rocks or other materials to prevent erosion. http://www.nrc.gov/reading-rm/doc-collections/nuregs/brochures/br0216/. An earthen repository with an appropriate cap, separation from surface and groundwater, and stormwater controls is the current standard technology for both uranium mill tailings and the type of mine wastes found in the UBMC.
D. Bordeleau B. Sholder	Why can we not treat it in place with current technology, using cement, and mixing it with the contaminants, to make a rock that gets harder over the years, and then to control the possible leaching line the area with bentonite. I saw a letter on the cost of processing these wastes in place, costing over $100 per yard. I would like to see where a amount like that was gotten.	The cost of purchasing and hauling the cement from the nearest plant, located near Helena, then mixing it into the waste is prohibitive. Concrete delivered in the Helena Valley costs over $100/yard (per Helena Sand and Gravel and Capital Concrete). Cement to mix on site would cost approximately $30/yard of treated waste (per Helena Sand & Gravel). Assuming one million cubic yards of tailings need to be disposed, the cost of the cement would be $30,000,000, before factoring in the handling and mixing required to turn the material into concrete. See May 3, 2012, memo from S. Haaland, DEQ to B. Ihle, USFS regarding Cost Estimates for Lime or Concrete Bentonite Amendments. Looking only at adding cement to the impoundment area and lining that area with bentonite, the tailings and dam would have to be removed from the area (approximately 420,000 cubic yards) and stockpiled while bentonite was placed. Approximately 18,810 tons of high-quality bentonite would be required to amend the underlying coarse alluvium material and to sufficiently reduce the hydraulic conductivity. Experience amending similar coarse materials with bentonite has shown that the native material must be excavated, blended, and mixed with the bentonite and then replaced and compacted in order to achieve the thorough mixing needed to adequately reduce the hydraulic conductivity of the layer. The estimated cost to obtain and truck the bentonite to the site is $135/ton for a total material cost of $2,539,350. Installation costs for the bentonite alone would be approximately twice the material costs, for a total estimated cost of $7,618,000. The stockpiled tailings and dam materials would then be mixed with cement and replaced. The cement costs alone would be $12,600,000, for a total cost of $20,217,864, without accounting for the costs to stockpile

		the tailings and dam material, mix them with cement, and place them back in the floodplain. These costs cover less than half the estimated waste at the UBMC, since they do not address the waste in the floodplain below the dam.
W. War	Disturbing the existing waste pile thereby allowing for leaching, transporting with the potential of spills, and relocating to another site which could result in additional contamination are all high risk endeavors. I think the lowest risk and lowest cost alternative would be to encapsulate the waste where it lies. Create a Storage Waste Management Unit by protecting the existing area from leaching. The less the waste pile is disturbed, the lower the risk of additional leaching and contamination. Has there been consideration of this alternative?	Variations of capping the tailings impoundment waste in place were considered in the 2007 EE/CA, pages 6-1 through 6-13 and pages 6-28, 29. However, because of significant groundwater flow through the wastes in the impoundment, this solution is not feasible or protective. The EE/CA identified that these options had a low to moderate effectiveness and permanence, as well as high annual monitoring and maintenance costs. Additionally, there are hundreds of thousands of yards of waste that are in the Blackfoot River and its floodplain as a result of historic mining activities and the dam failure in 1975 that continue to add contaminants to the Blackfoot River. See Section 6.1.9 of the Draft Remedial Investigation. These wastes also need to be addressed. See also response to J. Bosshardt et al. above.
VI. SECTION 35 REPOSITORY SITE		
A. General Opposition to the Section 35 Repository Site		
A. Browning Gary E. Greiner R. Johnston M. and L. Smith B. Meek M. Fisher R. and S. Schroeder S. Hayler	Opposed to Section 35 as the repository site for the Mike Horse Mine tailings due to the horrific impact it will have on the private property owners in close proximity and the threat to the Blackfoot river and its tributaries. Make an environmentally and economically sound decision without destroying people's lives in the process.	Data collection for the Blackfoot River shows nonexistent or reduced fish populations in the upper portion of the river and its tributaries, contaminated surface water, and contaminated stream sediments downstream for many miles – all a result of the historic mining activities and the 1975 tailings blowout from the UBMC. See April 4, 2012, Memo from D. Bowers, DEQ, to B. Ihle, USFS, regarding Surface Water and Sediment Sampling History for the Blackfoot River at Highway 279 (Section 35). The proposed actions, including possible use of Section 35 as a repository, will reduce the threats to the

G. and C. Lindstrand M. Grimes B.Grimes Petition Signers (See Table 5)	Regardless of what public officials have told their supervisors and the press, the vast majority of valley residents understand the Mike Horse contaminants must be stabilized to prevent poisoning our river but are in solidarity against the Section 35 plan. There's been mention of several sites being considered, but the only site getting opposition is Section 35. Yet, after knowing that, you spent $60,000 doing a survey of Section 35. Why?	Blackfoot River and its tributaries, rather than increase them. See also response to G. Browning below, Subsections F and G below, and Section X for impacts on private property owners in close proximity to Section 35. The public comments received on the Repository Siting Study represent a wide range of views. They do not provide a single unified position or clearly represent the vast majority of valley residents as behind one position.
G. Browning	I strongly oppose Section 35 as a repository option for the Mike Horse tailings. My mother- and father-in-law, Mark and Barb Grimes, live directly across the street from Section 35. Who puts a toxic dump in the middle of a neighborhood?	Based on the conceptual design location shown in Figure 4.17 of the Repository Siting Study, only one residence is located within a half-mile of the conceptual repository location on Section 35. That residence is approximately 0.3 miles west across both Highway 279 and the Blackfoot River from the conceptual repository location. The next closest residences are at least half a mile away, including a second residence located southwest across both the Blackfoot River and Highway 279, one residence north across the Blackfoot River and a ridgeline, and three residences approximately 0.7-0.8 miles south across Highway 279 from the conceptual repository location. There are six other residences within two miles, for a total of twelve residences within a two-mile radius from the conceptual repository location. See Figure 3 of Amendment 1. By comparison, there is a year-round resident located less than 0.2 miles from the currently uncontrolled Mike Horse tailings impoundment that is to be addressed by the proposed removal action. The size of the Section 35 parcel and its geographic location creates a greater buffer zone between the likely repository location and the nearest residence than exists at the current unprotected location of the tailings.
B. General Support for the Section 35 Repository Site		

J. Burns L. Burns D. Williams K. Dove R. Foster J.Smith S. Kloetzel	The only site to meet the environmental and budget constants. Mitigate the social and land value concerns of neighboring landowners to the extent possible. Section 35 is supported by preliminary data as the best location for the watershed. Support further study of the site as a first priority.	The agencies agree that current information indicates that Section 35 would provide the most protective repository location. The agencies have also indicated that for Section 35 or any repository site, further study, in the form of a design-level investigation, will be needed prior to final determinations regarding the placement and design of a repository. The agencies will work to mitigate the concerns of neighboring landowners and other affected parties. See response to M. Grimes et al. in Subsection G below.
MFWP	Unless a different option is more fully developed and brought forward, the low-elevation gentle slopes of Section 35, distance from streams/wetlands, and drier and deeper soils all point to Section 35 as a potentially viable option for a repository. MFWP has surveyed fisheries in Section 35 in lower Nora Creek near the proposed repository site. The stream is a very small headwater stream and supports westslope cutthroat trout present in very low densities. The Nora Creek riparian area has a history of stream related disturbance, which includes past timber harvest practices, roads, heavy riparian grazing, and fish passage barriers.	If Section 35 is selected, the area is large enough to avoid all surface water and design a repository to provide a high level of protection to all surface and groundwater. Surface and groundwater protection requirements are ARARs (Applicable or Relevant and Appropriate Requirements) under CERCLA that the agencies must comply with in design and construction of the project. The agencies agree that this area is not pristine. See responses to Dowdall/Worden Thane in Section IV and MFWP in Section VI.B. for land use in Section 35 and the surrounding area.
E. Caton G. Aitken	I support the Section 35 site as the safest, most pragmatic, and cost-effective alternative. Due to the nature of the project—toxic mine waste placement—it is of vital importance to select a site that has little potential to increase contamination to the Blackfoot River and other waterways. This site seems to meet this and other criteria.	The agencies agree that, based on the available data and analysis conducted by the agencies and their consultants, Section 35 is the most protective and cost-effective of the repository options.

C. Section 35 Option to Purchase, Restrictive Easement		
Dowdall/Worden Thane M. Grimes A. Stinson	The entire process of selecting a repository site for placement of the tailings from the Mike Horse Mine has been flawed from the beginning due to an attempt to place these tailings on a piece of property owned by Stimson Lumber. The agencies made a deal with Stimson over four years ago to forgive a large legal debt ($300,000) in exchange for a piece of property to dump these tailings. Section 35 is the last of four alternatives of Stimson owned property considered for use as a repository. The other three sites did not survive the cut when they were not included in the new and expanded 2007 Superfund Boundary. Section 35 is the last opportunity to make an exchange with Stimson. The public discovered this proposed site of Section 35 was selected after a settlement reached between the State and Simpson - the agencies made this deal with Stimson over four years ago to forgive a large legal debt ($300,000) with no public comment on the exchange for a piece of property to store these Mike Horse mining complex tailings. There was no full disclosure of this intent.	In April 2010, DEQ and Stimson entered into an Administrative Order on Consent (AOC) providing for the removal of a PCB-contaminated cooling pond and berm that had been built out into the Blackfoot River at Stimson's lumber mill in Bonner, Montana. In paragraph 101 of that AOC, Stimson agreed, subject to certain conditions, to transfer the Section 35 property to DEQ in exchange for a credit of $300,000 toward certain oversight costs which Stimson was required to reimburse to DEQ. The primary condition identified in paragraph 101 for the transfer of the property is a "Suitability Determination" that the property is suitable for use as part of the remedial action to be conducted for the UBMC. Thus, under the agreement the property would not be transferred unless and until a decision was made that the property is actually suitable for use as part of the UBMC remedial action. That determination would not be made until Section 35 and the other alternatives were evaluated and were presented for public comment. DEQ also entered into a more detailed "Property Transfer and Access Agreement" with Stimson, which provided Stimson's consent for DEQ and its contractors to access section 35 to conduct investigations necessary to determine the suitability of the property. That agreement was initially executed in April 2010, and was extended in September 2011, because the suitability of the property had not yet been determined. While the agreements with Stimson gave DEQ the option of acquiring the property, they did not obligate DEQ to acquire the property. While DEQ published the Stimson AOC for public comment in Missoula County (because the focus of the AOC was a cleanup at the Bonner Mill in that County), DEQ did not publish the Stimson AOC for public comment in Lewis and Clark County. While the Stimson AOC provided DEQ an option to acquire Section 35, it did not include any analysis of the possible uses of Section 35 or the possible alternatives. In order to allow an informed public comment process, including the possible use of Section 35, the agencies provided the Repository Siting Study, so that the public would have detailed information and analysis on the

		repository alternatives to review in providing their comments. See also discussion under Section III.A. regarding the inclusion of repository locations within the Superfund site boundary.
M. Grimes UBVCC S. Howsmon G. Burgess	Restrictive easements placed on Section 35 by Sieben for its benefit and the benefit of the state of Montana and the citizens and residents of the upper Blackfoot Valley prevent use for such a repository. There is no ambiguity as to what is allowed and what is not allowed by those Restrictive Easements. The fact that Section IX Item F only allows amendments to the easement that do not materially affect the conservation values of the original easement make Section 35 and the Horsefly alternative non-viable. The Council requests that Section 35 and any private holdings covered by the Reserved Restrictive Easements recorded under Document Number 607259 at the Lewis and Clark County Clerk and Recorders office be officially removed from consideration as a repository site for toxic mine waste from the UBMC. Furthermore, if the agencies decide the argument regarding the RRE has no merit, the UBVCC requests that Section 35 and those lands known as Horsefly be removed from consideration as a repository based on the above. Are there covenants on this site as we have been told? If there are covenants, is this site exempt from consideration? Is there any record of these covenants being removed or changed? This should also be part of the public record.	When the Sieben Ranch Company conveyed Section 35, along with a number of other properties, to a predecessor of the Stimson Lumber Company in 1999, Sieben Ranch reserved to itself what it refers to as "the development rights" to the property in the Reserved Restrictive Easement referenced in the comments. Although the easement agreement allows Sieben Ranch to convert the easement to a permanent conservation easement by conveying its rights to a qualified conservation easement holder, no such conveyance has been made. Sieben Ranch continues to hold all its rights relating to the easement, including the right to terminate the easement or to modify the terms of the easement by agreement with the surface owner. The Reserved Restrictive Easement would currently prohibit the proposed use of the property as a repository or as a borrow source. Before releasing the Repository Siting Study for public comment, the agencies wanted to verify whether they could actually obtain the necessary rights to use Section 35 and also to establish the cost of obtaining such rights. Accordingly, DEQ entered into an Option Agreement with Sieben Ranch whereby Sieben would modify the Reserved Restrictive Easement to allow these uses of Section 35, if DEQ exercised the option and paid a specified price. This allowed the agencies to obtain public review and input on the proposed alternatives before deciding whether they would actually acquire the rights to use Section 35. It is important to note that ownership by DEQ and use of Section 35 as a repository and/or borrow area would not be inconsistent in the long term with open space/conservation values. See response to R. and S. Schroeder below. Although Sieben Ranch could, if it wished, remove all restrictions on the property, Sieben Ranch Co. required certain assurances and continued restrictions to protect open space/conservation values in future uses of the property. Under paragraph 2.9 of the Option Agreement, DEQ cannot use the property for disposal of wastes or materials from any active mining operation, and the wastes that may be disposed on the property are limited to

		wastes from the UBMC site plus no more that 500,000 yards of other wastes that would pose no greater threat to human health or the environment than the UBMC wastes. In addition, so that Sieben can control certain other future uses of the property, Sieben has a right of first refusal on the sale or disposition of all or any part of the property (Option Agreement, paragraph 3.5). If DEQ exercises the option, DEQ is required to establish and fund with no less than $500,000 an Operation and Maintenance Fund which shall be used for activities such as monitoring and maintenance of any repository placed on the property to ensure that any repository is properly maintained. Option Agreement, paragraph. 3.1.
M. and L. Smith	The fact that the Section 35 site was secured a week before the public comment period on the study even began is evidence of this being a preselected location chosen long before the testing or optional locations were supposedly explored.	See responses to M. Grimes et al. above and L. McInnis in Section II.
G. Browning G. and C. Lindstrand M. and L. Smith M. Grimes A. Browning B. Sholder	If the agencies had simply worked in an open and transparent process instead of trying to operate behind closed doors and keep the Stimson land trade secret – a site would have been found and work would already be underway in resolving the remediation of the Mike Horse tailings.	See response to Dowdall/Worden Thane et al. above. See also discussion in Section I regarding the actions taken by the agencies to provide information and opportunities for public involvement.
R. and S. Schroeder	Currently, Section 26 is in a conservation easement under the Stewardship with Five Valleys Land Trust in Missoula. This was done to protect the land from commercial development. Our family values the land for its rich diversity and wildlife habitat so that present and future people may enjoy its attributes.	The agencies respect and appreciate the conservation efforts noted in the comment. While temporary impacts in the general area, such as increased traffic and noise resulting from construction activities, must be acknowledged, the long-term effect of use of Section 35 as a repository or borrow area would not be incompatible with the open-space, habitat, and conservation values reflected in Section 26. In addition, the Option Agreement with Sieben Ranch imposes certain conditions to preserve open space/conservation values on Section 35. See response to M. Grimes et al. above. The design and reclamation of the repository would be done in such a manner as to protect and enhance habitat and conservation efforts. Since contaminants from the

		mining area continue to impact the Blackfoot River through Section 26 and beyond, the cleanup of the headwaters area would enhance the river reach within Section 26. See April 4, 2012, Memo from D. Bowers, DEQ, to B. Ihle, USFS, regarding Surface Water and Sediment Sampling History for the Blackfoot River at Highway 279 (Section 35). If the mining area is remediated, the wildlife and fisheries throughout the Upper Blackfoot River will be improved.
D. Section 35 Off Highway Haul Route		
S. Kloetzel W. McDowell R. O'Connor H. and C. Poett O'Connell/Riverkeeper K. Dove TU C. Brown R. Foster	To protect public safety and reduce negative impacts to neighbors, tourism, and the highways, you should construct an off-highway haul road using the existing mining/logging roads over Nora Ridge. Any new roads constructed for this effort should be considered temporary, i.e. removed and reclaimed after the several years of tailings hauling. The agencies have estimated construction of this route could cost around $3 million. We have no idea how that estimate was achieved. The agencies should consider the high value of this investment. It would eliminate perhaps the biggest impact to the public and local landowners. However, if it is deemed not worth the investment, the agencies should spell out where that $3 million could be better spent to get a better return on project acceptability or meeting objectives.	Montana's state highways, including those in this area, have been designed and constructed specifically to carry substantial traffic, with the hauling of various products by commercial trucks and public safety in mind. Construction activity and equipment is ubiquitous on Montana's highways, particularly during the summer months. Similarly, these hauling and construction activities would be limited to the available construction season and would be temporary. The agencies agree that removing mine waste hauling activity from public highways would reduce negative impacts for highway travelers. However, there would be a tradeoff in project costs, environmental impacts, and potentially in construction timelines. The safety of construction workers and truck drivers on an off-highway road would also need to be considered. A more detailed evaluation of the potential routes would be completed during preparation of the project's design to better define potential costs, benefits, and other tradeoffs. The $3 million dollar cost was an estimate derived from generalized construction and haul information without design-level data regarding geotechnical properties and other environmental and technical considerations. See discussion of impacts of haul traffic in Sections 4 and 5 of the Repository Siting Study. See also impacts of haul traffic in Section XIII.

CFC	With this in mind, we request the agencies take a harder look at building a new haul road over the Nora Creek divide. We understand that this was considered, but subsequently rejected due to an estimated cost of $3 million dollars. We don't know whether this was evaluated with respect to the real costs of highway hauling (road overlay, construction zone flaggers, lights, etc) but it should be.	The cost estimate allows the agencies to compare an off-road haul to other potential alternatives. A design-level investigation, including geotechnical, surface, and groundwater investigations, as well as an analysis of the most efficient and cost-effective haul would be needed to more accurately estimate costs and determine impacts. See also response to S. Kloetzel et al. above.
E. Section 35 Costs		
R. Mathews	This seems to be a decision that is being made to save a few million dollars—when the settlement that was reached allotted 39 million dollars to be spent to rectify the situation at the Mike Horse. The Section 35 Alternative is estimated at around 7 million dollars to accomplish, the Paymaster/First Gulch Alternative has an estimated cost of around 9 million dollars. Where is the remainder of the 39 million dollars and what has that been spent on? Why is the cheapest alternative the one that seems to be getting the most attention—so that the remainder of the money can be used somewhere else instead of at the Mike Horse where it was intended?	It is incumbent on the agencies to consider project costs at every stage of this project and to do otherwise would be irresponsible. The cost estimates in the Repository Siting Study include hauling, repository construction, land acquisition, and borrow costs only (See Repository Siting Study, page 18 and Appendix C). The components of the work that did not vary based on the repository location such as design, mobilization, excavating the waste and reclaiming the excavated area, clean fill placement, river channel reclamation, etc. are not included in the costs. Costs for those components, as well as other remedial actions to be implemented throughout the UBMC will be funded through the $39 million settlement. Any funds not needed for these actions will be used for restoration activities in the UBMC area in accordance with the Settlement Agreement.
D. Williams	I agree with the recommendation of Section 35 as the best alternative although without a price for the land, it is impossible to determine whether or not it would be the cheapest of the alternatives.	Assumptions regarding land costs were included by the engineer on sites where land acquisition would be required. A flat cost per acre of $1,200 was used to calculate this cost at all sites where acquisition would be necessary. See Appendix C of the Repository Siting Study. This unit cost was used in the Repository Siting Study to provide a fair comparison of each alternative. The actual cost of Section 35 to the UBMC project would vary from this amount to a certain extent but would not significantly affect the cost comparison between this location and

		the other alternatives.
Dowdall/Thane Worden	The study failed to include the cost of land acquisition or the $255,000 payment for the mineral developments.	See response to D. Williams above.
L. McInnis M. and L. Smith	I don't believe the cost estimates for this study were presented in a transparent manner. If you delve into the appendices, you will find unit prices for hauling tailings but no explanation for how those unit prices were determined. Since the haul costs for all alternatives ranged from 10% to over 50% of the total project costs, I think it is reasonable to expect that those unit prices would have been explained somewhere in the report. How, for example, did the report conclude that the unit cost of hauling to the Section 35 site ($4.67/CY) could be cheaper than the unit cost of hauling to the First Gulch site ($4.83/CY). As stated in the report, the Section 35 site is 8.5 miles from the Mike Horse site compared to 6.7 miles to the First Gulch site. Furthermore, the trucks would be returning empty from the First Gulch site because you have included a separate cost item for hauling borrow material from a different site.	Exact haul routes and road conditions for all potential alternatives were not precisely defined at the time of the Repository Siting Study. Haul cost estimates were developed for each alternative using consistent assumptions to provide a reasonable comparative estimate of potential haul costs. See Repository Siting Study, pages 17-18, for assumptions used. Haul times for various segments of the haul routes were estimated using the Caterpillars Fleet Production Program. Over-the-road legal loads and equipment were assumed for all alternatives. See Repository Siting Study, page 18, Assumption 7. Local prevailing wage rates and fuel prices at the time of the Repository Siting Study were also assumed. The program was used to estimate the average haul speed and fuel consumption on various types of road surfaces and conditions including highway, on-site roads, and improved gravel. The average speeds and fuel consumption for the various haul segments for loaded and unloaded conditions were used to estimate cycle times for hauling mine waste to a repository site, empty return trips, and loaded return trips with vegetative backfill (if applicable). The total cost for each trip was then determined based on the hourly equipment rate, labor rate, and estimated fuel consumption for each trip. Certain routes with lower speeds, steeper grades, and loaded uphill hauls may be more expensive per cubic yard than longer trips with predominantly downhill, loaded highway hauls.
L. McInnis	One significant cost factor that was completely ignored in the alternatives analysis was the potential cost relative to highway improvements necessary to accommodate approximately 100,000 fully loaded gravel trucks (tailings hauled one direction, clean fill hauled back the	In verifying with Montana Department of Transportation (MDT) that initial indications in the fall of 2011 were correct, T. Strainer, MDT confirmed in a phone call on April 16, 2012, that it will be the agencies' responsibility to ensure they are following all applicable rules and regulations regarding vehicle weights, keeping the roadways clean, safety, etc. If those regulations are followed, it would not be expected

	other direction). I made one phone call to the District Administrator of the Great Falls District of the Montana Department of Transportation, Mick Johnson, and ascertained that asphalt overlays would likely be needed on these highways to accommodate the impact of this project. I made one additional phone call to an estimator for one of the large asphalt companies and came up with an approximate cost of $250,000 per mile to design and construct a highway overlay. This could easily add $1.25 million to the cost of the Section 35 alternative and perhaps $625K for the First Gulch/Paymaster alternative. The ballpark numbers I presented above would reduce the cost difference between Section 35 and the First Gulch/Paymaster alternative by nearly $2 million and if the underlying haul costs are challenged the cost difference could be even less.	that the project would be billed for overlays. However, maintenance of the highway (potholes, edge breakage, etc) would need to be addressed when necessary to ensure safe highways. During construction, if maintenance is required due to the project's use, DEQ will work with MDT to ensure the work is done to MDT specifications. DEQ also confirmed these understandings with MDT at the Director level and with Mick Johnson, the Great Falls District Administrator referenced in the comment. DEQ does not anticipate that the project will be billed for overlays.
A. Stinson Dowdall/Worden Thane	Section 35 is not significantly closer than Horsefly Creek	Assuming the engineer's proposed routes are used, Section 35 is 2 miles closer than Horsefly Creek from the Mike Horse impoundment utilizing the route identified in the Repository Siting Study, U.S. Highway 200, for access to Horsefly Creek. See Repository Siting Study, pages 39 and 42.
F. Section 35 Hydrology		
CFC K. Dove D. Kiely	It [Section 35] appears to be the driest site with the most flexibility for repository siting. We are concerned with high groundwater levels this spring, although recognizing this issue may be a function of well construction. We agree with all of the recommendations in the September 2011 review by Pioneer Technical Services, especially the recommendation to install	A design-level investigation will be conducted at any location ultimately selected for a repository in order to ensure it can be and is engineered appropriately to fully isolate the waste by providing adequate separation from surface and groundwater and preventing water from entering or exiting the waste. The agencies agree that any site selected as the planned repository location, including Section 35, will require additional information about the groundwater, including the additional investigations noted in the comment, and that data will be collected

	shallow piezometers in region 1 to determine whether groundwater in the underlying fractured rock is truly confined or not. We also agree with the recommendation to carefully map the conductive and non-conductive layers, and build isopach maps of these units to get a better handle on groundwater flow directions through the area.	before final determinations are made regarding the location, design, and construction of a repository. See also response to M. Grimes below for a discussion regarding anticipated confined aquifer conditions on Section 35.
CFC	The [Repository Siting Study] states that there are no down-gradient wells within two miles of the proposed repository site [Section 35]. While this may be true at present, it is important to note that there is private land down-gradient that could be developed in the future.	Your comment is noted. See response to G. Browning et al. below.
G. Browning A. Stinson L. McInnis Dowdall/Thane Worden	My mother and father-in-law, Mike and Barb Grimes, live directly across the street from Section 35. Their property is also directly downstream. They get their drinking water from a well that is hydraulically connected to Section 35. Your executive summary fallaciously claims there are no downgradient residences within 2 miles of the Section 35 site. Father Mac McInnis, Jack and Sandra McInnis, and Louie and Trudy Bouma, all have homes within 2 miles. I would cordially invite you and your consultants to visit our cabin which sits perhaps 400 yards from your proposed repository and at a lower elevation and see if you still conclude that that statement is correct. Even if your Executive Summary meant to state that there are no downgradient water wells, I would challenge you to present data proving that our well is not downgradient of the repository site. While we sit across the Blackfoot River from repository site, I find no data to prove that the	A design-level investigation, including verification of groundwater flow and direction, will be conducted at any site ultimately selected for a repository in order to make final determinations and ensure a repository can be and is engineered appropriately to fully isolate the waste by providing adequate separation from surface and groundwater and preventing water from entering or exiting the waste. A properly designed repository will prevent release of metals to groundwater at the site. Combined with the low permeability soils within Section 35, this will provide a high margin of safety to prevent leaching of metals from the repository into groundwater. Monitoring wells placed downgradient of any potential repository will also allow early detection and mitigation of any un-anticipated contamination before it could migrate off-site and impact the nearest wells.

	river creates a hydraulic divide between our well and the repository site. Furthermore, both my family and the Grimes family own property which is clearly downgradient of the repository site and would clearly be impacted by potential contamination of the groundwater resources.	
M. Grimes Dowdall/Worden Thane	DEQ has stated the primary criteria for a repository are: the land should be "high and dry" - Section 35 fails to meet either of those criteria, it is neither high nor is it dry. This has been proven by the groundwater testing and the site elevation is less than 150 feet above the Blackfoot River.	The parcel referred to as Section 35 is about 362 acres. Of that, 20-30 acres would be needed for a repository (less than 10% of the total parcel). The size of the parcel allows for the flexibility to design a repository that would protect both the Blackfoot River and Nora Gulch, as well as adjacent properties and wells. Initial conceptual designs within Section 35 keep the toe of the repository approximately 800 feet horizontally from the Blackfoot River and over 500 feet from Nora Gulch (see Figure 4.17, Section 35, Option 2 in the Repository Siting Study). These designs assume a 5:1 slope, which will provide a very stable, protective repository. See Figures 4.15 through 4.20 of the Repository Siting Study. Along with the visual indication of less water at Section 35 than at Alice Creek, based on the available data gathered during the determination of suitability, it appears that the generally deep and very low permeability soils at Section 35 will attain adequate separation from groundwater. Design level data will be necessary before designing a repository at any location. During the initial investigations, wells in Section 35 were drilled through multiple types of soils and bedrock. Water levels in those wells rose rapidly in the spring; some came close to the surface or, in one case, was free-flowing from the well. However, that response is consistent with the conditions that create a confined aquifer (the low permeability soils act as a confining layer, keeping the water in more permeable soils or in fractured bedrock). In a confined aquifer, when the wells are drilled through a confining layer, the wells create a path of less resistance, and pressure in the confined aquifer pushes the water up into the wells, even though the water does not rise into the low-permeability soils around the wells. To verify that the rise in water levels within those wells is a function of a confining layer, design level data will be gathered in locations thought to be most suitable for a repository. Piezometers (mini-wells) set in different soil and bedrock layers will allow hydrogeologists to determine the actual water pathways underground and delineate more clearly those specific

		areas where adequate separation from groundwater can be attained. While the presence of a confining layer can provide very favorable conditions for a repository, the available data indicate there are regions within Section 35 that will be suitable for a repository, whether a confining layer exists or not. See the September 27, 2011, Pioneer memo from Michael W. Borduin, P.E. et al. to DEQ – Shellie Haaland et al. and USFS – Beth Ihle. For example, even with the relatively high groundwater measured in spring 2011, one location on Section 35 showed a minimum distance from the surface to groundwater of 69 feet. Another location showed a minimum depth to groundwater of 23.8 feet. See also response to UBVCC in Section IV.
A. Stinson	The proposed Section 35 site defies all design standards for safe storage of hazardous materials by locating a million cubic yards of toxic mine tailings within 300 yards of the river's banks and with the site's hydrology characteristics, its active aquifer and its proximity to Nora Creek wetlands at the base of the site. The site contains a great deal of ground water so shallow that it was streaming out of some of DEQ's monitoring wells in June and July of 2011 http://www.hstb.net/thetestwellsonsection35.html .	Conceptual designs that have been prepared by a reputable engineering firm that has over 20 years of experience with mine waste removal and containment indicate a repository could easily be constructed with 5:1 embankment slopes. The toe of the embankment would be 800 feet horizontally from the Blackfoot River and 500 feet from Nora Gulch. See Figures 4.15 through 4.20 in the Figures section of the Repository Siting Study. See also response to MFWP in Subsection B regarding separation from water. See also response to M. Grimes et al. in Section IV and above for information on the groundwater in Section 35.
D. Bordeleau	In the report I read, I noticed that the year of 2011 was called an abnormally wet year. Check the weather for years back, last year was the norm. The water gushing from the wellheads on Section 35 and Mike Grimes property was a real wake up call. This water continues to the Blackfoot river and beyond.	2011 was considered a wet year based on the SNOTEL data in the area. See http://www.wcc.nrcs.usda.gov/snotel/Montana/montana.html. The nearest SNOTEL site is Nevada Ridge, which recorded its highest snowpack in 2011 since recording began in 1994. With the amount of snowpack, and the soils on Section 35, the response of the water is not surprising. See response to M. Grimes et al. in Section IV and M. Grimes et al. above.
R. and S. Schroeder	The current site for the repository rests between two riparian sources Nora Creek and	One of the advantages of Section 35 compared to some of the other alternatives is the seismic stability of the potential repository locations

	the Blackfoot river. I mention these two sources without details as we are aware of the impact the mine has had on the Blackfoot throughout time and the consequences of dam failures and the impact it has had on the river system downstream. Nora creek is a tributary of the Blackfoot and I believe the impact of the repository and potential failure in the future would be devastating to the Blackfoot and my neighbors to the south and west who own land abutting the river.	on the site, resulting from the more gentle topography and the soils and subsurface materials found within Section 35. See the Repository Siting Study, Section 4.2, pages 18-28, and Section 4.3, page 28. This natural advantage of Section 35 reduces the risk of a significant failure of a repository and increases the flexibility of design to allow the repository to better blend with the natural slopes and contours. Ongoing monitoring at the site will include inspection of the physical condition of the cover material and vegetation to ensure that, if the cover has been compromised in any way, repairs can be made before there are any impacts to the surrounding surface water. See also responses to M. Grimes et al. and A. Stinson above, and MFWP in Subsection B.
R. and S. Schroeder O'Connell/Riverkeeper S. Kloetzel L. McInnis	I understand that the proposed repository doesn't contain a liner, only a top liner to prevent leaching out of the topsoil. As for ground water levels in the area, artesian wells at lower levels were gushing forth this past spring. Therefore, what is to prevent seepage of mineral wastes into the ground water which will eventually seep into these lower wells and ultimately, the Blackfoot? I think it is essential that a synthetic liner be used beneath the fill at the site. Its proximity to the river and tributaries, coupled with clear evidence of periodic high water tables, greatly increases the possibility of infiltration of heavy metals and other toxins into the nearby water table and/or surface waters. To ensure long-term viability, a liner should be installed on the Section 35 repository. Given the lack of understanding of groundwater conditions on site mentioned above, it makes no sense at this stage in the site selection process to not plan for a liner under the	While final design will depend on design-level investigations, the Section 35 repository design is likely to include an engineered cap liner system as described on page 19 of the Repository Siting Study as well as a compacted native material repository foundation. Based on the information the agencies have regarding the permeability of the native materials on Section 35, combined with the results of HELP modeling conducted in the EE/CA, a synthetic bottom liner system is likely not necessary, and this is a reasonable assumption for the level of analysis at the comparison of alternatives stage. Permeabilities at the site range between 10^{-6} and 10^{-7} cm/sec (November 2010, Final Data Summary Report Upper Blackfoot Mining Complex, TerraGraphics Environmental Engineering, Inc.), which is considered very low permeability to impermeable (Table 14-10, 1989 Environmental Science and Engineering, J.G. Henry and G.W. Heinke). Among the alternatives considered, this situation is unique to Section 35 due to the native clays found in the site excavations. This enhances the overall protectiveness of this location compared to other alternatives. During engineering design, a repository on any of the sites would be designed to a level of protectiveness that meets State of Montana requirements for adequate separation from groundwater, see ARM 17.50.1009(1)(a). These requirements are in place for all waste/landfill type facilities to protect against the scenario envisioned in this comment. If, during the course of a design-level investigation, a synthetic bottom liner and leachate collection system is deemed

	repository. It appears that approximately an additional $1.3 million cost should be include in the Section 35 cost estimate to make sure that adequate funds are available to build a repository that is adequately protective of the Blackfoot River provide a liner. This is especially important given your proposed repository site lying within a few hundred feet of both the Blackfoot River and Nora Creek.	necessary to provide a protective repository, one would be included. At the time of the Repository Siting Study it was assumed that Section 35 and several other sites could be designed to meet these requirements without a synthetic bottom liner. See also responses to M. Grimes et al. above and UBVCC in Section IV.
M. and L. Smith	We understand the natural variables before you such as the diversity in the soils and landscapes, the ground and surface waters which fluctuate wildly, especially during wet years such as 2011. And we know that materials placed on sloping areas with ground and surface water issues are prone to being unstable and unpredictable. We also understand what an enormous challenge it is, given our short work season, to actually dig out approximately 1,000,000 yards of wet, caustic contaminants, dry the material, then haul, dump, spread, compact, and seal it securely in place with no threat to the Blackfoot River.	Seismic stability modeling has been done for all of the sites in the Repository Siting Study (Section 4.0). Each site's variables were considered in this modeling. All of the sites can be built to standard factors of safety. However, some sites allow for greater flexibility in design and capacity than others, as well as greater margins of safety. See also response to R. and S. Schroeder above. The agencies have extensive experience in contracting the hauling of this type of material, mine waste in particular, as this area of Montana has been the focus of many mine reclamation projects. Protocols to ensure the safety of the public, the contractor, and the environment during the haul are standard requirements of these types of contracts.
MFWP	If Section 35 were selected as the repository site, more detailed investigations of site conditions will likely be warranted, particularly with respect to potential groundwater interactions. MFWP's primary concern is full containment of the mining waste and full separation between repository waste and groundwater.	A design-level investigation will be conducted at any location ultimately selected for a repository in order to ensure it can be and is engineered appropriately to fully isolate the waste by providing adequate separation from surface and groundwater and preventing water from entering or exiting the waste. The agencies agree that any site selected as the planned repository location, including Section 35, will require additional information about the groundwater, and that data will be collected before final determinations are made regarding the placement, design, and construction of a repository.

MFWP	Minimizing surface disturbance is a concern for both fisheries and wildlife habitat in the area of Section 35. Riparian and perhaps upland restoration actions in the Nora Creek watershed should be incorporated into the project in order to offset disturbance of fish and wildlife habitat during and after construction.	Restoration of the upper Blackfoot River corridor is one of the objectives of the settlement. Any area disturbed by the UBMC remediation efforts will be a priority for restoration work. Any design would incorporate protections for all surface and groundwater. Surface and groundwater protection requirements are ARARs (Applicable or Relevant and Appropriate Requirements) that the agencies must comply with in design and construction of the project. See also responses to R. and S. Schroeder in Subsections C. and F., and M. Fisher in Section XIV.
L. McInnis	Your final report states that further groundwater data will be required to characterize the Section 35 site. This need appears to be driven by the legitimate concern about shallow groundwater at the site (as evidenced by artesian conditions in several wells). I simply cannot comprehend why you would make a final site selection prior to having collected the relevant data and fully characterized groundwater conditions on the site. I don't consider this additional data to be "design level" data, but data critical to determining whether or not Section 35 is an acceptable location for contaminated tailings. Once the final site is selected through your process, I believe it will be nearly impossible to reverse course regardless of what your new groundwater level data says.	See responses to M. Grimes et al. above for groundwater conditions in Section 35 and in Section IV regarding the adequacy of the information for making a determination at this stage of the process. See also discussion of comparison-level data vs. design-level data needs in Section III.B.1 of Amendment 1 to the 2007 Action Memorandum. Full characterization of the conditions at a site is not conducted until design-level investigations. If design-level investigations reveal problems with a location, the agencies can correct course. The willingness of the agencies to change direction based on additional information was demonstrated by the fact that they reevaluated the alternatives when design-level investigations identified issues with the proposed Paymaster repository location. The agencies' previous experience with the Paymaster and the issues that arose during design-level investigations and the natural variability working in the mountains near the Continental Divide led the agencies to encourage input from the public on all of the sites considered in the Repository Siting Study (see, for example, cover letter distributing the Executive Summary, news articles published during the comment period, etc.). If, in the course of evaluating design-level data, the selected alternative is determined to be unsuitable for any reason, the agencies can quickly move to the next viable option.

G. Section 35 Public Health		
M. Grimes B. Grimes G. and C. Lindstrand R. and S. Schroeder	A repository on Section 35 will adversely affect the adjacent property owners jeopardizing their health. Which brings me to the pollution of surrounding land and the impact that blowing dust and dirt; fifty thousand, fifty-five thousand truck loads of loose waste from the mining complex (an uncertain number!) will surely spread out as it is trucked to the site. As our land lies north of this site and prevailing winds are westerly or northwesterly at times, assurances that there will be no dust from DEQ leave me quite skeptical. Can this be assured 100%? I think not. The proximity of the dump to our land boundary leaves little margin for error. Eventually, any dust that settles onto our land will find its way into runoff or seeping ground water which will find its way into the Blackfoot River.	Mitigation measures to reduce dust will be implemented in all seasons until closure ensures the isolation of the wastes and revegetation ensures that dust is no longer an issue. These are standard practices for this type of work. Specific mitigation measures will be determined during design, and in consultation with those most affected by the work. Generally, mitigations will include ensuring contaminants cannot blow out of trucks, compaction of the tailings material, minimizing the amount of ground open at a given time, and cleaning the highways at the entrances.
TU	The agencies should conduct sound tests on the proposed repository sites in Section 35 to determine how far and at what decibel level noise from site construction and hauling will occur. This information could inform development of effective mitigation measures.	All but one of the nearest residences are at least half a mile away from the conceptual repository location identified in Figure 4.17 of the Repository Siting Study. No blasting or extraordinarily noisy conditions are predicted. Section 35 includes enough acreage to provide a substantial buffer zone between construction activities and the nearest residences. Consequently, the agencies do not anticipate that sound tests will be necessary. However, the agencies will consider additional mitigation measures if necessary.
B. Grimes	I do not want to be exposed to contaminated soil and have the possibility of more cancer.	The agencies do not want exposure to occur either and plan to implement dust control and other measures to prevent any such exposure. See response to M. Grimes et al. above regarding implementation of mitigation measures.

VII. PAYMASTER, FIRST GULCH REPOSITORY SITES		
S. Howsmon UBVCC	A second choice for a waste repository would be to use the Paymaster for a portion of the soils and utilize First Gulch for the remainder. This would be lesser traffic impact to those traveling on Hwy. 200 and remove the problems associated with Site 35. The impact to Denis and Linda Bordeleau would be at least, less. I see no way to avoid the impact, destroying their quality of life, with the number of trucks coming out of the Mike Horse complex unless it is all kept onsite. We understand that the agencies are not at all interested in leaving the waste on-site. The next best option for containment of the waste would be to use a combination of Paymaster and First Gulch. By doing so the amount of traffic on Highway 200 could be minimized. There would only be one crossing of the Blackfoot River with contaminated material per haul. Dust and contamination could be kept to a minimum. Disruption of people living along the haul route would be kept at a minimum and property values could be protected as much as possible.	All of the alternatives involve heavy truck traffic on the public roads. The Paymaster Repository option does place less traffic on Highway 200 to haul wastes. This reduction is somewhat offset by the hauling of approximately 180-200,000 cubic yards (Table C1, Appendix C of the Repository Siting Study) of structural backfill for the repository berm and vegetative backfill for the repository cap that are not available within the mine area. Construction of a repository in the Paymaster area would likely require a substantial volume of imported engineered backfill material to build a berm which somewhat offsets the shorter haul distance. See Repository Siting Study, page 69. It is true that there would be fewer trucks overall on Highway 200 near the Bordeleau residence than any of the other repository options. The reduced haul associated with this alternative was balanced against the higher overall costs and other effectiveness concerns in the analysis, and it was determined that the overall effectiveness of the combined Paymaster/First Gulch alternative was lower than the other alternatives. See Repository Siting Study, pages 67-68.
MFWP	We do not believe the Paymaster site is suitable as a repository due to its location relative to the Blackfoot River.	The Paymaster site is not suitable for the entire amount of waste expected at the UBMC, and with its marginal seismic stability, care would have to be taken during design and construction to mitigate risks. See Repository Siting Study, pages 67-69. However, for smaller amounts of waste that would not require a large berm or cutting into the

		native metals-laden soils, the Paymaster could be designed to be a protective repository, as stated in the Repository Siting Study on pages 29-36. Limitations and concerns with the Paymaster site are discussed throughout the Repository Siting Study.
CFC	From our perspective, this site [Paymaster] ranks low with respect to long term protectiveness because the degree of engineering required…and need for substantial and perpetual monitoring and maintenance to ensure integrity. Furthermore the cost of failure is high because the site is directly adjacent to the wetlands of the upper Blackfoot River. There is potential for direct contamination of the Blackfoot River as well as groundwater contamination. The obvious advantage of the Paymaster/First Gulch is its proximity to the Mike Horse dam and USFS ownership, but the need to haul to a second repository site… cancels some of this advantage as does the need to haul borrow material…The short-term protectiveness of this option is likely worse than the other three alternatives because it would involve the most highway hauling.	See response to MFWP above.
S. Fuller	First Gulch should be eliminated from further consideration. The lower Section of First Gulch was considered a location for a replacement campground for the USFS Aspen Grove Campground if the McDonald Gold project was constructed. A preliminary design for that campground was developed and shared with both the USFS and DEQ. The campground would have 25 sites and could be expandable if demand dictated.	First Gulch was identified, evaluated, and found to be a suitable repository location for a portion of the UBMC wastes in the EE/CA and in the Repository Siting Study as a site that could be paired with the Paymaster (pages 36-39), although this combination was not as protective or cost-effective as the use of Section 35. There are currently no plans to develop the McDonald Gold project.
CFC	From an aesthetic perspective, a 50-foot retaining wall would be highly visible from	We agree with your comment that the Paymaster site would be highly visible to travelers on US Highway 200, as is the current repository on

	Highway 200 (ref Paymaster)…we consider this to be less important than proximity to the Blackfoot and lack of long- and short-term protectiveness.	that site. We also agree that protection of the Blackfoot River is a very high priority.
VIII. ALICE CREEK REPOSITORY SITE		
S. Howsmon TU	To comment further on the additional sites, Alice Creek 7 or Horse Fly, the agencies would need to initiate more conversation for how these sites would be accessed, and what impact to neighboring landowners would be involved. It is unclear whether the landowners needed to implement the Alice Creek and Horsefly alternatives are willing to cooperate.	For evaluation purposes, the Repository Siting Study treated these sites as having similar implementability to the Section 35 alternative, effectively assuming that these sites could be accessed or acquired if necessary. See Repository Siting Study, page 69. If either site is ultimately considered the preferred alternative, the agencies would initiate negotiations for acquisition and conversations with neighbors regarding access, impacts, and mitigation measures.
D. Williams	Alice Creek Site 7, which is retained as a standalone alternative, could create more problems if the wetland involved is connected to a navigable waterway. This would require a Corps permit and as you say the work may alter grizzly habitat and need to be mitigated. You may even have to do a Section 7 consultation with the U.S. Fish and Wildlife Service. Additionally if the wetland had to be mitigated by building another wetland, it would be difficult since constructed wetlands have a notorious failure rate. I would say this site should be viewed as a last area to consider.	Selection and implementation of the Alice Creek site would require agreements between the agencies and the landowner and a detailed site investigation prior to design and engineering of a repository. The investigation would include surface and groundwater evaluations, including wetlands. Dialogue with the US Fish and Wildlife Service has been ongoing during the various project activities and stages to date, and will continue through the projects regardless of the selected site. All sites north of Highway 200 are within the Grizzly Bear Recovery Area, and this is an additional concern with respect to this site. The agencies agree special care would need to be taken around any wetland area to protect habitat and conservation values.
Dowdall/Worden Thane M. Grimes	Alice Creek requires the shortest hauling distance. Section 35 costs are less than Alice Creek because Section 35 is the only	Based on the available data, there are areas within Section 35 where the groundwater is not shallow. See response to M. Grimes et al. in Section VI.F. regarding groundwater conditions at Section 35. In

	alternative with shallow groundwater that doesn't require a liner system. [Alice Creek 7]…has a higher price tag than Section 35… because it includes a liner system which adds nearly $2 million to the cost. Section 35 does not have a liner system even with known shallow groundwater and springtime fluctuations as high as 30 feet.	addition, Section 35 is not expected to require a manufactured liner because there are low permeability native materials on Section 35 that should be suitable for use as a liner. See Repository Siting Study, pages 16 and 43. See also responses to UBVCC in Section IV and R. and S. Schroeder et al. in Section VI.F. regarding the use of a manufactured liner. Removing the cost of a bottom liner system from the estimate for the Alice Creek Site 7 reduces the difference between that alternative and Section 35. However, it does not make Alice Creek 7 less expensive than the Section 35 alternative. The bottom liner system for the Alice Creek 7 adds $1,295,400 to the cost estimate for that alternative. See Repository Siting Study, Appendix C, Table C.8, last four items under "Prepare Repository" itemization. Without that cost, that alternative would be estimated at $10,352,416, which is still above the $9,883,270 cost estimate for Section 35. Even though Alice Creek 7 is closer to the Mike Horse dam than Section 35, the haul route to Alice Creek 7 involves less highway haul and more on dirt roads, including a steep climb. These factors increase trip time and fuel consumption, both of which increase costs. Such site-specific factors were considered by Pioneer in developing the cost estimates. See response to L. McInnis et al. in Section VI.E.
TU	Because sites north of the highway such as Alice Creek 7 are in an identified Grizzly Bear recovery zone, it's unclear whether required consultation with the USFWS could result in a jeopardy opinion.	Any selected site will necessitate continuing the agencies' ongoing dialogue with the US Fish and Wildlife Service. Working in the Grizzly Bear Recovery Zone could create additional complications, which could be avoided by staying out of that zone.
TU	Groundwater data for several of these sites [Horsefly Creek and Alice Creek 7] is limited.	There is enough information to evaluate and determine a site's relative potential and suitability in comparison to other alternatives. See discussion of comparison-level data vs. design-level data needs in Section III.B.1 of Amendment 1 to the 2007 Action Memorandum. A design-level investigation, including groundwater investigation, would need to be conducted at any site ultimately selected for a repository in order to make final determinations and ensure it can be and is engineered appropriately to fully isolate the waste by providing adequate separation from surface and groundwater and preventing water from entering or exiting the waste.

M. Grimes	No one from the agencies had contacted them (Audie and Barb Solvie). Solvie's were not aware that the haul route goes through their front yard. No one from the agencies ever set foot on this property during the study period.	See response to L. McInnis in Section I regarding discussions with Mr. Solvie. The agencies did not limit the engineer (Pioneer) to specific landowners or haul routes, so that the engineer could make an objective comparison of sites. Routes the engineer used for comparison purposes would not have to be the routes used during construction. Information relating to several of the evaluation criteria, such as topography, slopes, geologic setting, available area and capacity, accessibility, haul distance, distance from residences, landownership, etc. is generally found through databases (USGS, Montana Cadastral data, etc.) or other reference sources during this type of investigation. For an assessment of criteria such as groundwater and surface water concerns, the engineer inspected this site by helicopter on April 25, 2011. See Appendix D of the Repository Siting Study. In that inspection the engineer identified springs, snow collection areas, wetland vegetation, aspen stands, and other signs of shallow groundwater at this Alice Creek 7 site. The engineer noted that the indicators of shallow groundwater were more marked and consistent over the whole Alice Creek 7 Site than at either Section 35 or Horsefly Creek, which during the same inspection did not show such indicators distributed as broadly through the sites. This approach, relying on available information resources along with a visual inspection and the engineer's best professional judgment, was a reasonable approach for the purpose of comparing alternatives. The engineer determined that the information available was sufficient to make an informed and reasonable decision, see Repository Siting Study, page 17, and the agencies agreed. See also discussion of comparison-level data vs. design-level data needs in Section III.B.1 of Amendment 1 to the 2007 Action Memorandum. See also response to S. Howsman above.
CFC	Both (Horsefly and Alice Creek) depend on access agreements and land purchases that are hypothetical at this stage. Both would likely have significant short-term impacts on neighboring landowners and Highway 200	The agencies recognize the considerations noted in the comment, and the Repository Siting Study also recognizes that all of the sites have unknowns which would be further evaluated in design-level investigations. See also responses to S. Howsman, TU, and M. Grimes above.

	drivers. Both appear to be do-able based primarily on slope, although both are also in close proximity to perennial and seasonal surface water. Neither has enough information with respect to groundwater.	
IX. HORSEFLY CREEK REPOSITORY SITE		
S. Howsmon TU	To comment further on the additional sites, Alice Creek 7 or Horse Fly, the agencies would need to initiate more conversation for how these sites would be accessed, what impact to neighboring landowners would be involved. It is unclear whether the landowners needed to implement the Alice Creek and Horsefly alternatives are willing to cooperate.	For evaluation purposes, the Repository Siting Study treated these sites as having similar implementability to the Section 35 alternative, effectively assuming that these sites could be accessed or acquired if necessary. See Repository Siting Study, page 69. If either site is ultimately considered the preferred alternative, the agencies would initiate negotiations for acquisition and conversations with neighbors regarding access, impacts, and mitigation measures.
CFC	The major disadvantage of the Horsefly site is access. A haul road close to the full time residence on Highway 200 is not acceptable and we don't believe this site is reasonable unless an alternative haul route could be found along Highway 279.	The alternative route to Horsefly Creek off of Highway 279 adds approximately two miles to the haul and would require significant road upgrades. Either route would require agreements with the affected landowners. Mr. Bouma has indicated that there may be routes through the Bouma property that are not as close to the residence.
CFC H. and C. Poett	If this site (Horsefly Creek) is retained for further study, alternative routes to it may be possible and I'd urge a visit with Mr. Bouma to discuss these possibilities. Similar to our previous comments, if it is possible to haul directly over the hill to Highway 279, and from there, cross onto the Horsefly site, this would be preferable to hauling on Highway 200.	See also responses to S. Howsman and CFC above. Horsefly Creek was investigated by DEQ in 2006 prior to issuance of the July 2007 EE/CA. The results are found in Appendix E of the EE/CA. The investigation included getting agreement for access from the landowner, and assessment of the site's development feasibility, soils, geology, accessibility, basic hydrology, potential impacts to neighbors, and aesthetics. Test pits were dug and soil testing was performed. Detailed site investigation would need to be conducted prior to design. One of the primary drawbacks of this site is its distance from the UBMC

	We are very interested to know why more research was not done on the Horsefly Creek option and if there was, why it was not better delineated at the meeting. We came away thinking that Horsefly might be the best option as there seemed to be fewer human and conservation concerns.	site. The initial investigation was enough information to determine the site indicates suitable characteristics for repository construction, pending collection of design-level data on groundwater and subsurface conditions below the test pit depths. July 2007 EE/CA, Appendix E, December 26, 2006, TetraTech letter to D. Bowers, DEQ, Regarding Repository Test Pit Investigation Report – Horsefly Creek Site, Lincoln, Montana. See also discussion of comparison-level data vs. design-level data needs in Section III.B.1 of Amendment 1 to the 2007 Action Memorandum. The Repository Siting Study identified Horsefly Creek as having more seasonal surface water drainages and more permeable soils than Section 35. The conclusion in the Repository Siting Study is that Horsefly Creek is somewhat less protective than Section 35. Horsefly Creek is also more expensive than both Alice Creek 7 and Section 35. See Repository Siting Study, pages 67 and 70.
TU	Groundwater data for several of these sites [Horsefly Creek and Alice Creek 7] is limited.	There is enough information to determine a site's potential and relative suitability; however, a design-level investigation is necessary and will be conducted at any site selected as the preferred alternative for a repository in order to ensure it is engineered appropriately to fully isolate the waste by providing adequate separation for surface and groundwater and preventing water from entering or exiting the waste. See also discussion of comparison-level data vs. design-level data needs in Section III.B.1 of Amendment 1 to the 2007 Action Memorandum.
CFC	Both (Horsefly and Alice Creek) depend on access agreements and land purchases that are hypothetical at this stage. Both would likely have significant short-term impacts on neighboring landowners and Highway 200 drivers. Both appear to be do-able based primarily on slope, although both are also in close proximity to perennial and seasonal surface water. Neither has enough information with respect to groundwater.	The agencies recognize the considerations noted in the comment, and the Repository Siting Study also recognizes that all of the sites have unknowns which would be further evaluated in design-level investigations. See also responses to S. Howsman and TU above.

TU	MFWP reports that the upper reaches of Horsefly Creek have a population of genetically unaltered cutthroat trout. This could be an important population that would require extra protection.	The agencies will coordinate with MFWP during construction planning as they have during other activities of the UBMC. Surface and groundwater protection requirements are ARARs (Applicable or Relevant and Appropriate Requirements) that the agencies must comply with in design and construction of the project.
X. PROPERTY VALUES		
R. Mathews J. Taylor UBVCC Dowdall/Worden Thane M. Grimes B. Grimes A. Stinson K. Martin C. Roberts Gary	It was said that the property values of nearby landowners would not be greatly affected. To these comments, I wholeheartedly disagree. My professional opinion based on 17 years in the real estate industry in the immediate area is that nearby properties will be basically deemed worthless if the Section 35 Alternative is chosen—for sure for the life of the project and to a somewhat lesser degree after the project is complete and the thousands of loads up and down both Highway 200 and 279 are completed. Even at present, the disclosure of the possibility of the project taking place on Section 35 impacts the value of properties in the vicinity significantly. If the thought is prevalent that this project will not affect property values in the area, then no one is thinking about the fact that buyers of property in the Blackfoot Valley are looking for peace and quiet, clean water, little traffic, beautiful scenery, and wildlife. All of these amenities are at stake—not only during the life of the project but after as well. I cannot believe that a buyer looking for property near or adjoining this dumpsite will be	The agencies recognize that buyers of property in the Blackfoot Valley are looking for peace and quiet, clean water, little traffic, beautiful scenery, and wildlife. This is an area with a number of environmental amenities. However, in 1975, the year before the publication of Norman Maclean's "A River Runs through It," which depicted the trout fishery in the Blackfoot, the failure of the Mike Horse tailings dam released mine wastes into the river that decimated that fishery for miles. Impacts from that release continue today. The actions being taken by the agencies will address that environmental damage and help restore some of the environmental amenities for which the area is known. The cleanup will benefit rather than damage properties in the upper Blackfoot River corridor. The agencies understand that construction activities on Section 35 and increased traffic in the area would cause inconvenience and create additional noise for a certain period. However, the sights and sounds of reclamation construction activities are similar to other types of construction activities. The Upper Blackfoot area is no stranger to such sights and sounds. Industrial logging and mining has been conducted on the private and public lands of this area for decades. Reconstruction, widening and paving of Highway 279 in the mid-1960's provided for further ease of development. Aerial photographs show extensive timber harvest activity in the upper Blackfoot River areas and along Highway 279 from the 1960s through the present. Gravel pits, current and former occur along the highway corridors indicating industrial scale mining activities that have occurred on and off in this area. Currently, there are two gravel pits within two miles of Section 35. The substantial

	interested in further pursuit of the property! As a licensed Real Estate Broker in the State of Montana, I would be very concerned listing a property and spending a lot of time and money advertising a property with this stigma.	size of the parcel that would be acquired in Section 35, approximately half a section, will provide a substantial buffer zone which separates the construction activities from the adjacent properties. In short, based on the agencies' experience with these types of activities, the agencies believe the impacts will not be as exceptional and dramatic as the adjacent landowners fear. Moreover, these impacts will be temporary. Property sales and prices in the Lincoln area have declined since 2009 (Lincoln Chamber of Commerce website, March 2012), likely as a result of the national economy. Lincoln's situation is not different from real estate prices and activity across the state. Documented studies of the impacts of a hazardous waste facility or landfill on adjacent property values show mixed impacts, if any. See Brian H. Hurd, Ph.D., "Valuing Superfund Site Cleanup: Evidence of Recovering Stigmatized Property Values," The Appraisal Journal, October 2002; Rachel A. Bouvier et al., "The Effect of Landfills on Rural Residential Property Values: Some Empirical Evidence," The Journal of Regional Analysis & Policy, 2000; Richard C. Ready, "Do Landfills Always Depress Nearby Property Values?" The Northeast Regional Center for Rural Development, Pennsylvania State University, May 2005. The Hurd study looked at the economic consequences that attach to a Superfund designation and the extent to which there are economic effects with respect to real or perceived hazards. This study looked at real estate activity and property values in residential areas over time near a large landfill in Monterey Park California. The results of this study, one of the more well- documented and researched studies of its kind, were that property values recover over time and are directly tied to the understanding that the site is cleaned up. Bouvier et al. evaluated six rural community landfills of different size, operating status, and history of contamination in Massachusetts. Their study found that, in general a landfill, including active and closed landfills, did not result in an effect to nearby property values. Ready found that larger landfills in Pennsylvania decreased nearby property values while a smaller landfill did not. This study states that property value impacts can vary and are in some cases small or nonexistent. This study also recognized that a myriad of factors are

		involved in the valuation of a piece of property. It is important to point out that the mine waste repository contemplated for the UBMC is different from a community landfill as analyzed in the above studies in several ways. The UBMC repository would be exclusively for mine waste solids, which can easily be isolated to prevent release, not the whole range of wastes which are disposed in a landfill, which can include a wide variety of toxic substances, including liquids. It will be utilized for a specific design volume and closed within a finite period, whereas a landfill usually takes a variety of waste types over much longer periods of time. In addition to the substantial buffer zone afforded by the size of the Section 35 parcel, the agencies intend to blend the repository into the landscape. The repository will be capped and revegetated, and trees and the contours of Section 35 will provide a further visual buffer from most adjacent areas as well as the highway. DEQ is setting aside funds for the long-term maintenance of the repository to help ensure that it poses no risk to the adjacent property owners. Based on the factors discussed in the property value studies identified above, such a repository should not have the kind of the significant effect on property values raised in the comments.
R. Mathews L. McInnis	It does not seem that any research has been done to identify the "cost" of the devaluing of these properties to the landowners in question. Have licensed appraisers been consulted on this issue so that those involved in the decision making process are aware of the millions of dollars of loss in property value to the people of the Upper Blackfoot Valley?	A licensed appraiser has not been consulted on this project to evaluate neighboring properties, but the agencies have reviewed and considered a number of relevant studies on property values. See response to R. Mathews et al. above.
J. Taylor	It is my opinion that appropriate disclosure of this repository will be mandatory for any property owners near or adjoining the dumping grounds to any prospective buyer. As the media exposure and possible effects of the dumping site might have on noise levels, dust levels and the water table.	The Repository Siting Study has included a public comment component as well as news articles and detailed maps of the repository sites of interest. The visual and noise impacts will be relatively short-term for the most part and would occur only during the summer construction period. See also response to R. Mathews et al. above and responses regarding dust and the water table under Sections VI.G. and F.

		Disclosure of known environmental conditions affecting property is certainly an appropriate practice. When the mine wastes are brought to a repository location, including Section 35, and are properly isolated, they are not expected to pose any environmental threat to adjacent properties. Actions will be taken during design, construction of the repository, and hauling of the mine waste to prevent contamination of adjacent properties. Thus, the cleanup is not expected to affect adjacent properties and, instead, will address the existing environmental threats to the headwaters of the Blackfoot River, directly benefitting the properties near the Blackfoot River, as well as the river itself.
UBVCC	A handful of people should not have to suffer (loss in property value) at the hands of government due to the failure of that same government to adequately regulate and supervise mining activities.	See response to R. Mathews et al. above. Mining activity at the UBMC began with the discovery of silver, lead, and zinc-bearing ores in the late 1890's. The majority of all mining activity within the UBMC, including the construction of the Mike Horse dam and tailings impoundment, occurred decades prior to the adoption of the types of mining and environmental regulations in effect today.
R. and S. Schroeder	What will happen to our land values from this proposed mine dump? I don't have a crystal ball, but I bet it will be negative.	See response to R. Mathews et al. above.
J. Burns M. and L. Smith	The possible reduction in private land values should be looked into and compensation considered.	See response to R. Mathews et al. above.
A. Stinson	The site is surrounded by ten neighbors who adamantly oppose this plan due to the Inverse Condemnation of their property, the adverse affects of the repository when it has reached its designed longevity and the short-term hazards of toxic dust it will create, the noise, vibration, interference with their daily lives – see the following link: http://en.wikipedia.org/wiki/Inverse_condemnati	Every repository site identified in the Repository Siting Study with the exception of the Paymaster and First Gulch sites has nearby private land and residences. Mitigation measures will be put in place to reduce the impact to the citizens of the Blackfoot Valley. Particular mitigations will be determined after a repository site is chosen so that the specific needs can be identified. In general, mitigation will include ensuring dust does not blow from the trucks or the site, traffic flow is minimally impacted, and the highways are cleaned. See also responses to R. Mathews et al. and J. Taylor above.

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XI. BLACKFOOT RIVER HEALTH, USES		
J. Burns	The situation (with the adjacent private landowners) threatens the entire watershed. Significant private and public funds have been spent to improve the water quality and habitat all along the Blackfoot River. All of this is at great risk. This is a one shot opportunity and the decision must be made for the best possible deposit site.	Significant resources have been expended to find the most protective repository site for the long term. The agencies recognize that it is important to select the most appropriate location, since this is going to be a permanent repository. The decision must consider the best location for the long term.
R. O'Connor	As a land owner along the Blackfoot River, downstream of the Mike Horse Mine, I am very concerned about the vulnerability of these tailings to floods, and the possibility of them once again being deposited into the main Blackfoot. As you are aware the last time this happened the river and the aquatic life were severely impacted. I not only use the Blackfoot for recreation, but to water my hay fields and livestock, so I have valid concerns for protecting the quality of the water.	The agencies share your concern regarding another catastrophic flood event, as well as the continued impacts from the historical mining activities and the 1975 tailings dam breach. This is why the agencies pursued the responsible parties to obtain funds to remediate and restore the headwaters of the Blackfoot River. In the spring of 2011, the agencies pumped nearly 43 million gallons of water around the impoundment and over three million gallons out of the impoundment to prevent another failure of the impoundment dam. Without the pumping, the potential for overtopping or filling, saturating, and collapsing the dam was very high. This effort cost over $300,000. While that cost was small in comparison to the costs associated with another dam failure, it is not sustainable. Funds spent managing the water until the dam is removed are funds that cannot be spent on remediating and restoring the Blackfoot River. Because the agencies anticipated at least two more spring run-off seasons before the dam could be removed, a gravity drain was installed to drain some of the groundwater before it enters the impoundment, and a culvert was installed through the dam to drain water that collects in the impoundment during spring run-off. While these drains help reduce the risk of failure, they are temporary measures and do not

		provide a long-term solution. The goal of the present action is to remove the dam, the impounded tailings, and the wastes that are in the headwater streams and Blackfoot River and place them in a permanent and protective repository to ensure the water used by recreationists and ranchers is protected.
S. Meyer	I have fly fished the BFR behind our cabin for more than 40 years, including on both sides of the '75 flood. Cutthroat fishing (pure DNA Westslope Cutts) is outstanding, perhaps the best in the state except in the Bob Marshall. After run-off clears, whenever that is, there is a 3-4 week period (ending when water levels fall) when a duffer can catch 5 or more Cutts per hour, lots of 12-14-inchers, some larger. Bull trout traverse this stretch enroute to spawn up Copper Creek and Landers Fork. The river is doing just fine, thank you. Leave it alone!	There are no fish in Mike Horse or Beartrap Creeks. There are virtually no fish in the Blackfoot River until it runs through the wetlands that are approximately two miles below the tailings impoundment. The data collected by MFWP over the course of nearly 40 years shows continuing adverse impacts to cutthroat populations as far down as Highway 279. See April 4, 2012, Memo from D. Bowers, DEQ, to B. Ihle, USFS, regarding Surface Water and Sediment Sampling History for the Blackfoot River at Highway 279 (Section 35). These fisheries impacts are a direct result of the mine wastes that are in the headwaters of the Blackfoot River and require intervention to reverse current impacts and prevent even greater impacts that may result if these mine wastes are not actively addressed.
D. and S. Vallance	The waste has settled and is not damaging the Blackfoot River and water purification is already in place.	See response to S. Meyer above. The contamination in the headwaters and Blackfoot River is continually eroding and contributing to the metals content in the water, creating a toxic environment for fish and other aquatics. The water treatment plant only treats water coming out of two mine adits and two mine-related seeps. It is not designed to treat the surface water, nor does it have the capacity to do so.
L. Conroy	Has the DEQ monitored the water in the Blackfoot at Lincoln??? Has the DEQ monitored the water in the Blackfoot at the confluence of Lander's Fork??? Is the water below Mike Horse being filtered naturally through the aquifer already???	DEQ, MFWP, and other state and federal government entities have monitored water quality above and below the Landers Fork confluence with the Blackfoot River and in Lincoln at the Dalton Mountain Road Bridge. Sampling for water quality in these areas has occurred several times between 1968 and 1995. See April 4, 2012, memo from D. Bowers, DEQ, to B. Ihle, USFS, regarding Surface Water Sampling History for the Blackfoot River at Lincoln and Landers Fork. The water below Mike Horse mine is not being filtered naturally through

		the aquifer. The shallow, alluvial groundwater in the areas of Mike Horse Creek, Beartrap Creek and the Blackfoot River down to the upper marsh is intimately interconnected with the streams. These streams lose surface water to the alluvial aquifer system in some reaches and gain water from it in other reaches. Heavy metals (including cadmium, cooper, lead, and zinc) concentrations are found in both the alluvial groundwater and the surface water in these areas. See also responses to S. Meyer and D. and S. Vallance above.
R. Mathews	The Blackfoot River is healing and we cannot take any more chances on spoiling it for the future. We cannot take chances with peoples' lives with the thousands and thousands of truck loads entering and exiting both Highway 200 and 279 during the proposed plan time frame. We should not make another "mess" when we have one on our hands already.	See responses to S. Meyer and D. and S. Vallance above.
XII. LINCOLN AREA ECONOMY		
J. Bosshardt Gary R. Foster K. Dove K. Martin	The financial impact to the Land Owners in that area will be greatly affected and also the commercial interests in Lincoln by the years of truck traffic during the summer months. All this will affect the area in a negative way.	See responses in Section X regarding impacts to landowners. Construction work generally brings economic benefits to retail and hospitality-related businesses in an area. Based on statistics included in the Lincoln Chamber of Commerce website (March 2012, City-Data), Lincoln currently has a much lower median household income than the Montana average, even though unemployment rates are lower in Lincoln. This suggests that many Lincoln wage earners are earning less per hour than in other areas of the State. Construction is the second most important area of employment for Lincoln (14%) but it is lower than the State average for construction (16%). Drivers and truck drivers are also common occupations in Lincoln (8%). A construction project of the magnitude of the UBMC cleanup has the potential to increase the number of higher paid wage earners in the Lincoln area in the kinds of jobs for which they have the skills.

		The Montana Department of Labor and Industry's Research and Analysis Bureau conducted a study on the economic impacts of mine waste cleanup/restoration projects. See Research and Analysis Bureau, Montana Department of Labor and Industry, September 2009, An Estimation of Montana's Restoration Economy (Restoration Economy Report). This report analyzed the economic impact of the cleanup of mine wastes and restoration of Silver Bow Creek between Butte and Anaconda, Montana. The case study indicated that each $1 million spent on such projects "results in an estimated $2.59 million in economic output." See Restoration Economy Report, page 12. The study estimated "the short-term economic impact of restoration-funded projects in terms of the jobs and wages added to the local economy," finding that approximately 10 jobs are created in the restoration industry (primarily construction, environmental consulting, and government jobs) for each $1 million of restoration funds spent. In addition, approximately 20 jobs are created in related industries, retail, or other consumer-based industries because of these additional jobs in restoration. See Restoration Economy Report, pages 2 and 18. In addition, the research identified "employment trends and wage differentials that suggest that most restoration jobs are filled by temporary workers who earn slightly higher wages, but are not required to have a specialized skill set for restoration work." See Restoration Economy Report, page 2. The study specifically examined payroll data from the Silver Bow Creek project and found that many of the construction jobs for the project were performed by a local workforce. Restoration Economy Report, page 13. While the construction jobs are temporary, they would coincide with the increased truck traffic that the comment notes would have a negative effect on commercial interests in the area. Thus these potential negative effects are likely to be offset by some of the positive economic effects of the project. Another portion of the area's economy is tied to fishing and hunting. This indicates the importance of healthy rivers and land to the area economy. Cleanup of the wastes currently entering the Blackfoot River from the UBMC and removing the threat of another major release of wastes from the Mike Horse tailings impoundment will enhance these industries for the long term.

S. Howsmon	The economic impact -- if [Section] 35 is the chosen site -- to the Lincoln community is unknown to DEQ, the Forest Service, and the people who live and do business here. Trucks will surely delay traffic and it has been said that many travelers using Hwy. 200 will choose to re-route around Lincoln to avoid delays and frustration. If that happens, the local economy, which is teetering from year to year anyway, will suffer. It won't take much economic loss to break the camel's back for many businesses here. Four long years of putting up with the traffic delays is certainly a discouraging outlook for Lincoln's business community. We are a struggling community as it is. If [Section] 35 is chosen and we have construction and transport traffic that heavily delays the flow of traffic, I would hope that DEQ and the Forest Service consult with community leaders, the Lincoln Community Council, Lewis and Clark County Commission and the Lincoln Chamber of Commerce to mitigate the impacts to the community. The people brought in to work this project should include a good share of local workers, the local motels, restaurants, RV spots, and home rentals should be a part of the planning process, not merely a workers camp near the site. I would like to see outside workers investing in the Lincoln area as their home (even if temporary), enrolling children in the local school, and conducting business at the local grocery, Co-op, and other businesses over their time in the area. A self-contained workers man-camp, set up close to the project, would simply thumb a nose at the Lincoln community. The major positive impact to local businesses would be seen at the bars in town when workers have time off. That has the potential to cause problems that no one wants	There is no alternative that would result in no highway traffic and still conduct cleanup of the Blackfoot River and its headwaters. Every repository site will include highway truck traffic due to the need to haul borrow materials at a minimum. Highway construction activities are common on Montana's highways in the summer time. To calculate the maximum likely delay for a vehicle traveling from Great Falls to Lincoln, assume that flaggers stop the vehicle to let a haul truck enter the highway just as the vehicle comes to the Mike Horse turnoff/approach. Assume the vehicle has to wait one minute for the truck to enter the highway and the vehicle cannot pass because of traffic and thus has to follow the truck the entire five miles until it turns off at the Highway 279 intersection. If the average speed of the truck for the five mile stretch is 40 mph, the trip would take 7.5 minutes. Had the car been able to travel unimpeded at 70 miles an hour, it would have covered that distance in 4.2 minutes. Thus being stuck behind the truck causes a delay of 3.3 minutes (7.5 minutes minus 4.2 minutes) in addition to the one minute it was stopped waiting for the truck to enter the highway, for a total maximum estimated delay of 4.2 minutes. Traffic going to Lincoln from Helena on Highway 279 would be subject to a much shorter delay because the distance they might have to travel behind a truck is much shorter. Moreover, many vehicles will encounter the haul truck at different points on the route rather than always at the Mike Horse turnoff. Consequently, many vehicles will not be subject to the maximum delay, and the average delay will likely be no more than a few minutes. While any delay is an inconvenience, a five-minute delay is not likely to make vehicles avoid the Lincoln area or route around Lincoln by going through Helena or another route. The UBMC cleanup is a $39 million dollar, multiyear project and Lincoln is the nearest full service community to the project area. Some of the economic impacts to the community will be positive. See response to J. Bosshardt et al. above. The Research and Analysis Bureau's Restoration Economy Report suggests that a mine waste cleanup and restoration project of this type will have positive economic impacts for both the local workforce and local commercial interests. In addition, the cleanup and the restoration of the resources will have permanent and lasting beneficial effects on the river and resources in the area. The agencies look forward to consulting and working with businesses, residents, and community organizations to incorporate mitigations to

	to see happen.	the extent practical into this project.
UBVCC	It is feared that people will lose jobs and they will have no choice other than relocating to another community with their families. The resultant effect of losing families in a community such as Lincoln is wide-ranging. As families are forced to move there is a decline in enrollment at the one and only school. When enrollment drops, there is a commensurate decrease in the number of teachers the school employs, which has a negative multiplying effect on the community.	See responses to J. Bosshardt et al. and S. Howsmon above.
L. Cox	We need the jobs now that moving this would create not 5 years from now and more money wasted from trying to convince the public to Section 35.	The agencies hope to proceed to cleanup as soon as possible. See also responses to S. Howsmon and J. Bosshardt et al. above.
XIII. MINE WASTE HAULING ON HIGHWAY		
MDT	Truck traffic using MT 200 or other state highways must comply with the Montana Motor Carrier Services requirements.	DEQ has been coordinating with MDT to ensure future construction project work is in compliance with all applicable requirements and laws for use of Montana's highways.
MDT	If there are new approaches being proposed the access design and location must be reviewed and approved by MDT. If the routes are using existing approaches these approaches should be evaluated to determine if the design vehicle can safely maneuver without encroachment into other lanes, especially oncoming traffic.	See first response to MDT above. The agencies have already successfully worked with MDT and have completed construction on the new Meadow Creek Road approach to Highway 200. This 2010 project created a safe approach for the UBMC, eliminated one blind approach, and restricted use of another.

MDT	The study does not indicate if the truck loads will be covered during transport.	See first response to MDT above and responses in Section VI.G.
MDT	If haul trucks anticipate using MT 200 or other MDT routes, MDT must be notified of the dates and hours of the hauling.	See first response to MDT above.
MDT	All haul trucks using MDT routes must be free and clean of any debris prior to entering the routes.	See first response to MDT above.
MDT Dowdall/Worden Thane	Roadway damage from the haul trucks must be assessed and should be used in the evaluation of the alternatives.	See response to L. McInnis in Section VI.E.
P. Roos CFC	Assuming that whatever repository site chosen and used is the most protective over time for the waters of the Blackfoot watershed, then it seems the largest concern is the likelihood of impacts associated with hauling on at least Highway 200 and possibly Highway 279. Much more ought to be known regarding periods of the year, days of the week, and hours of the day when hauling occurs, frequency of trucks coming and going, projections of existing and future traffic during proposed haul times, modeling of the potential for accidents, and open consideration of "what's the worst that could happen?"	See first response to MDT above, and responses to J. Bosshardt et al. and S. Howsmon in Section XII.
P. Roos	If Section 35 ultimately flushes out as the repository site, then comparative cost/benefit analysis ought to be done of highway hauls vs. an alternative route. The "what ifs" are really	See first response to MDT above, and responses to J. Bosshardt et al. and S. Howsmon in Section XII. See also response to S. Kloetzel et al. in Section VI.D.

	important here. Traffic counts, wait times, costs of flagging crews are quantifiable, but interaction with the public on a daily basis over time is not. On the highways there will be drunks, human mistakes, equipment failures, and just plain bad, illegal, or dangerous behavior. Counting return trips some projections have truck highway entries at just a little under 2 trucks per minute. Every one of those trucks will have to take time to get up-to-speed and time to slow down for exit. An obvious and important benefit to a non-highway haul route would be significantly fewer impacts to neighbors.	
P. Roos	If a haul road is constructed to S. 35, then a circular route with one-way traffic ought to be explored. Roads can be narrower, safety might be better, trucks might be able to be bigger, the time needed for the project might shorten or at least be more predictable, and narrower roads would be easier to reclaim. Even if a two-way haul road is used for part or all of the route, the types of trucks could be significantly different from highway trucks which could skew any cost/benefit analysis unless that information is explored and considered.	See response to S. Kloetzel et al. in Section VI.D.
A. Stinson	There was no vehicle washes discussed or designed on the current site and proposed site to eliminate hazardous contaminants from transportation vehicles. These are required in Superfund sites where hazardous wastes are being transported off-site, which is the case for the proposed site. The agencies' plan violates EPA regulations for the transportation of these hazardous wastes to ensure decontamination on each of the 60,000	The agencies do not want contamination to be spread from the mining area to the highway(s), roadways, private property, or other areas. The protection of human health and the environment is the primary goal for the agencies in this project. The need for vehicle washes will be determined during the design phase and will be implemented as necessary during construction. See first response to MDT above. See also Section III.A. above regarding what is considered "on-site." Note that mine wastes such as those found at the UBMC are specifically excluded from the definition of "hazardous waste" in the Resource Conservation and Recovery Act, 42 USC § 6901 et seq.,

	trips required to transport this waste outside the contamination site to any repository.	which regulates the generation, storage or disposal of "hazardous wastes." See 42 USC § 6921(b)(3)(A)(ii) and 40 CFR § 261.4(b)(7). While transportation regulations promulgated by EPA and US Department of Transportation for the transportation of "hazardous wastes" are not applicable to the transportation of these materials, the agencies may require that certain substantive requirements in these regulations be observed as ARARs (Applicable or Relevant and Appropriate Requirements). In any event, the actions will comply with all applicable regulations and will meet any additional requirements determined necessary to ensure that any transportation of the materials is conducted in a manner that protects human health and the environment. Final determinations on what requirements must be met will be made as part of the design of the action.
D. Bordeleau	Our home lies directly across the road at the junction of Highway 200 and Meadow Creek. Thousands of loads of contaminants and return loads of cover soil will come by the house, dust flying and jake brakes screaming. I don't think we can possibly put up with several years of hauling by our front door. We just had a sample of what it would be like, 3 weeks of dump trucks hauling bedding material in to the dam for what looks like a bypass culvert. This went on from 7:30 am till 7:30 pm at 5 minute intervals. Beth I. a geologist for the Forest Service said that hauling would be done during normal office hours. What happened there? The access road from Hwy 200 to the Mike Horse project is about 400 ft. from our house. Some of the drivers were courteous and slowed down and didn't use the jake brake, Others took offense when we asked them to do so and it got much worse. A highway junction like this needs to be signed and a speed limit imposed.	The potential for impacts to the daily lives of residents near the UBMC is understood. Once a repository location is selected, the agencies intend to work with residents affected by the construction to identify mitigation measures to reduce these impacts. The agencies will work to ensure the agreed upon mitigations are implemented and effective. As the implementing agency in charge of construction per the Watershed Restoration Agreement, DEQ will incorporate these mitigations into its contracts and identify them during the pre-bid walk-through to ensure contractors on site understand the necessity of these measures and bid the job appropriately.
UBVCC Dowdall/Worden Thane	Traffic volume, the delays on Highway 200 would be horrific. Business owners have voiced	See responses to J. Bosshardt et al. and S. Howsmon in Section XII with respect to economic impacts, including potential beneficial impacts.

Zuelke	concerns over the impact the delays of traffic would have on Lincoln. The disruption of traffic flow on Highway 200 would surely give travelers a reason to choose an alternate travel route. When this happens, businesses in Lincoln will suffer. Disruption to daily lives for twelve years.	See also first response to MDT above and to S. Kloetzel et al. in Section VI.D generally regarding highway haul activities. For a discussion of the likely maximum delay to vehicles traveling to Lincoln, see response to S. Howsmon in Section XII. While the agencies have maintained that the project could take up to 12 years, that timeframe includes all the planning, investigation, design, and closure activities. The waste hauling component of the project is not expected to take 12 years. There are likely four years where heavy hauling activity would take place. See March 14, 2012, memo from S. Haaland, DEQ, to B. Ihle, USFS, regarding UBMC Project Timeline. Haul distances on the highway are limited to 2.42 (First Gulch) to 15.11 (east front, Section 18) miles depending on which alternative is utilized. Most of the sites west of the Continental Divide have highway haul components between five and six miles. In any given haul year, it is expected that there will be approximately 100 days that will be suitable for hauling because of conditions within the remediation area, repository, or on the highway. Once a repository location is chosen, and the neighbors identified, the agencies will work with those people, as well as the community as a whole, to reduce the impact to their daily routines.
UBVCC Dowdall/Worden Thane	Many residents of the community are concerned about the dangers of hauling contaminated material off-site. Those dangers include hauling contaminated material across water bodies multiple times. There are also health concerns for residents who live along a haul route for contaminated materials. Contaminated material will fall off the trucks at all stages of the haul. The residue will find its way into residents' homes and more likely into the water they drink and the food they eat. The contamination will find its way into rivers, streams, ponds and puddles along the haul route. The public should not be subjected to thousands of truckloads of material on state thoroughfares.	See first response to MDT above. See also response to S. Kloetzel et al. under Section VI.D. See also responses in Section VI.G. The majority of water bodies that would have to be crossed are already being adversely affected by the mine wastes which are to be removed through this project. Only a small, controllable risk exists that an accident would occur during a crossing. In any event, the net effect on the water bodies will clearly be positive. Mitigation appropriate to site conditions will be used to reduce or eliminate dust. Examples of possible mitigation include mandating the type of trucks to be used, covering loads, watering the dirt roads or using magnesium chloride to reduce dust, cleaning the highway entrances, etc.

M. Grimes G. and C. Lindstrand	Think about the couple who live a few hundred feet from the intersection of Highway 200 and the haul route. They will suffer 120,000 trips of huge twenty yard trucks covered in dust (some of which will be toxic) for up to 12 years.	See response to D. Bordeleau above.
UBVCC D. Bordeleau	Multiple comments have been received regarding public safety. Entrance to mining complex sits on blind corner…blind corners are a particularly vulnerable area for accidents. The valley is served by an all-volunteer ambulance and Fire Department. The emergency capabilities of the valley will be stretched too thin.	See first response to MDT above. See also response to S. Kloetzel et al. in Section VI.D. See also responses in Section VI.G. The entrance to the UBMC project area was relocated and rebuilt in 2010 to MDT standards to ensure maximum visibility of oncoming traffic from both directions along Highway 200. Montana's highways are built for truck hauls. All applicable laws regarding construction and highway hauling will be observed. Once a repository site has been selected, the agencies will work with MDT, community organizations including volunteer emergency responders and law enforcement to identify and mitigate potential highway safety issues. See also response to UBVCC above. Contractors working on these types of sites are required to develop and adhere to a Health and Safety Plan, which describes procedures that must be followed to avoid safety and health hazards, as well as procedures to be followed in the unlikely event of an emergency situation. Health and safety plans and adherence to the requirements of 29 CFR § 1910.120 (OSHA regulations for hazardous waste operations and emergency response) will be required in the contracts that will be used for the work contemplated here.
Dowdall/Worden Thane	The July 2007 Action Memorandum prepared by the Forest Service recommended against hauling tailings out of the Mike Horse drainage because of the, "…safety concerns of hauling waste out on a public highway and the distance and costs to haul wastes to the repository locations makes this option less feasible…"	The 2007 Action Memorandum identified that should the in-drainage Paymaster Repository prove unsuitable, an out-of-drainage repository site could be considered. 2007 Action Memorandum, pages 13-14. Based on the information at the time, the Paymaster was believed to be an adequately protective alternative. However, design-level data revealed issues with the Paymaster that reduced its protectiveness and feasibility as a repository for the UBMC waste. These issues necessitate hauling at least some of the materials to a repository outside the mining area. Large quantities of materials, including vegetative backfill, streambed substrate, riprap, and other materials will

		be hauled to the site regardless of the repository location.
XIV. OTHER COMMENTS		
E. Grady	The money saved on this project (by keeping wastes onsite) could be used on other sites.	The analysis done shows that keeping the waste within the mining area is more expensive than hauling it to a repository location outside the mining area. See the Repository Siting Study for the technical merits and costs associated with each repository alternative. The use of this money is dictated by the settlement agreement and the Watershed Restoration Agreement. It is to be used for conducting response and restoration actions for the UBMC.
A. Wilcox	Two wetlands complexes are located along the upper Blackfoot River, downstream of the Mike Horse tailings dam and upstream of Highway 279 (the upper one is downstream of Shave Gulch and the lower one is downstream of Cadotte Creek). Moore et al. (1991) documented substantial differences in metals concentrations upstream of the wetlands, where concentrations are high as a result of proximity to the Mike Horse Mine and the area in the path of the 1975 tailings dam failure, versus downstream of the wetlands. Analysis of metals concentrations in water, sediment, macroinvertebrates, and fish by University of Montana researchers in 2009 and 2010 show the same pattern: a substantial reduction in metals concentrations occurs from upstream to downstream of the wetlands (data collected by UM researchers are posted at: https://sites.google.com/site/umupperblackfoot/). The effect of the two wetland complexes in mediating the downstream transfer of sediment and metals is also discussed by Mason et al.	We agree that it is imperative to protect the Blackfoot River in the long term, and be as cost-effective as possible. While wetlands do provide a filter for many natural processes, and even absorbed contaminants released in the 1975 tailings dam breach, the Blackfoot River is still suffering impacts as a result of the flood as far down as Highway 279 and beyond. See April 4, 2012, Memo from D. Bowers, DEQ, to B. Ihle, USFS, regarding Surface Water and Sediment Sampling History for the Blackfoot River at Highway 279 (Section 35). There are no locations above the wetlands that can contain all of the UBMC wastes. Very tight construction parameters would have to be met to make the Paymaster a protective option. However, the standards that would be necessary to make it protective would make the constructability of a repository more difficult (Repository Siting Study, pages 18-36 and pages 64-73). In a catastrophic event, such as an intense earthquake, there exists the potential to once again overwhelm the wetlands and severely impact the Blackfoot River. The Repository Siting Study demonstrates (pages 18-29 and 67-69) that it is more protective of the Blackfoot River to choose a location that can withstand higher seismic events, can have less rigid construction parameters, and can be set farther away from the river and its wetlands.

	(2009). The wetlands create a natural insurance policy against catastrophic downstream contamination, as was illustrated in the 1975 tailings dam failure. This filtering effect of the wetlands is relevant to repository siting, because a number of the proposed repositories, including the preferred alternative, are downstream of the UBMC wetlands. In the event of a catastrophic failure of a repository (e.g., as a result of seismicity), materials released from a repository located upstream of the wetlands (e.g., Paymaster, Shave Gulch) would be trapped and filtered by the UBMC wetlands, as they are currently. Materials released in any such event from a repository downstream of the UBMC wetlands (e.g., Section 35) would not, and would therefore have a greater potential to travel downstream the Blackfoot River. Consideration of the costs and benefits of various sites, and associated risk analysis, may wish to incorporate scientific understanding of the role of the UBMC wetlands.	For example, Section 35 provides a higher seismic stability than the Paymaster, which means it can withstand larger seismic events. Section 35 has a larger area, which means a repository can be placed farther from the Blackfoot River, while Paymaster's topography restricts design to an area very close to the Blackfoot River and its wetlands. See Repository Siting Study, Figures 4.1 through 4.20.
S. Howsmon	The last thing we need with the Mike Horse disposals is to stretch this out in a court of law, which is where it most likely will land if Site 35 is the chosen location. Environmentalists from outside the area will jump on this due to the restrictive covenants that were put in place years ago, along with the neighbors who occupy land adjacent to the site on Hwy. 279. It is important to move this project along as rapidly and safely as possible to best protect the Blackfoot River and the people who live in the Valley.	The agencies agree that it is important to move forward with the most protective option for the long-term health of the river and the areas' citizens. The agencies will base their decision on the applicable criteria and technical evaluations, as well as consideration of public comments. They should not let a threat of litigation lead them to select a repository that is not the most appropriate permanent location for the wastes.
UBVCC	Request that due to the importance of this	All of the officials in the decision-making chain, as identified in

	issue, the decision- maker position for this project must be filled by a person within the State of Montana.	Amendment 1, are located in Montana.
M. and L. Smith	What model is being used to reliably project a budget for 12 years?	The agencies have a number of ongoing remediation projects that are similar in scope and scale to this one. Rather than using a model to project a budget, the agencies base their cost estimates on actual costs from similar projects in Montana. In an evaluation of alternatives such as this comparison of potential repository locations, cost estimates are expected to be accurate only to within a range of +50%/-30%. That allows for a fair comparison of the alternatives, but is not the level of accuracy that is developed later in the project. See Section III.B.1 of Amendment No. 1 to the 2007 Action Memorandum. See also "A Guide to Developing and Documenting Cost Estimates during the Feasibility Study," (EPA, 2000, Publication 540-R-00-002), pages 2-3 through 2-6.
M. and L. Smith	What contractor(s) will take on this massive project without a clause covering unforeseen cost increases due to fuel prices, the weather, forest fires, earthquakes, flooding etc.	Many contractors take on projects of this scale and duration. In comparison to similar type project activities in the Silver Bow Creek watershed, this one is relatively small. Three different Montana contractors have conducted work on a similar scale in the Tenmile watershed west of Helena over the past 10 years. The Department of Environmental Quality receives multiple bids on all of their remediation projects. There are provisions for weather-related work stoppages in all DEQ bid documents. There are also provisions and restrictions for working during fire season. Additionally, depending on the length of time the work in the contract is expected to last, provisions to adjust fuel prices are given as an option. The contractor must identify the bid items that are affected by fuel prices, DEQ must agree with those items, then both parties agree as fuel prices rise and fall, the bid items' prices will rise and fall as well. In this way, both parties accept some risk of market fluctuations.
R. Mathews	Even though it was said at the meeting that a repository on Section 35 will "only be able to be seen from the highway for a few seconds coming from either direction"—that is too much! We already look at the Paymaster	The only repository sites that would not be visible to travelers on either Highways 200 or 279 are First Gulch, Horsefly Creek, Alice Creek 4, and McDonald Meadows 3. The topography and seismic stability of each site dictates how flexible

	Repository.	the design can be in order to blend a repository more with the contours of the land. For instance, at the Paymaster, the steeper slopes and lower seismic stability restrict the design to a specific size and shape to provide an adequate level of protection. The Paymaster is also very obvious because the surrounding landscape is treed, while the repository is not. In contrast, Section 35 has a more benched topography and greater seismic stability which allow several variations in the design that can help the repository look more like the natural topography after closure. The mix of trees, shrub land, and grass land will also reduce the contrast between the reclaimed repository and the natural landscape. See also response to M. Fisher below.
L. Cox	The poor decision to move the tailing pond has already been made by the USFS. There is little or no opposition to the Paymaster and First Gulch site. The only one opposing it being the USFS. How much of the 5 million difference is going to be wasted in litigation and delays cause by the opposition to sec. 35?	The Forest Service made its decision to remove the Mike Horse dam and impounded tailings in 2007 and selected the Paymaster Repository Site. The Repository Siting Study affirms the Paymaster and First Gulch sites as being 'feasible,' albeit for a lower volume of wastes. The suitability and cost tradeoffs associated with utilizing the Paymaster and First Gulch sites, including a stability analysis are described in the Repository Siting Study on pages 18-38. The overall protectiveness of these repositories is lower than the stand alone repositories. See also response to J. Bosshardt et al. in Section V. See response to S. Howsman above regarding the threat of litigation.
Dowdall/Worden Thane	Other studies discouraged use of sites that were in proximity to residences. Section 35 is close to five residences. Further, the haul route passes even more residences.	Section 35 is large enough to provide flexibility for the location of the repository and also provide a significant buffer zone separating the repository from adjacent landowners. Approximately 10% or less of the total acreage of Section 35 would be needed for the repository footprint. See response to G. Browning et al. in Section VI.A. regarding the distance to residences.
TU	It is unclear exactly where backhaul material will be stored during excavation and hauling of wastes from the mining areas.	Storage of backhaul materials will not be determined until the design phase of the project. However, the goal of a backhaul will be to immediately place the material at or near its final position, to avoid double-handling and storage.

TU	It is also unclear how remediation can be sequenced with restoration, an issue that could affect storage of backfill materials and lower project costs.	Sequencing of remediation and restoration will be determined in the design phase of the project. It is the goal of the agencies to contract in such a way that contractors, equipment, and labor can be utilized in order to seamlessly coordinate remediation and restoration. The agencies intend to have remediation and restoration as part of the same construction contracts, so that the two are integrated into the same project, rather than two distinct, sequenced events. This has been implemented with great success at Silver Bow Creek, leading to greater cost efficiencies and restoring the landscape faster.
TU	It would facilitate our comfort with several of the alternatives if we had more information such as: Overall project budget and estimates of restoration costs, design, monitoring, and contingencies not associated with repository siting and hauling.	The agency provided some additional budget information to the commenter during the comment period. Typically, the cost for a repository relative to all other work (including design, oversight, and contingency) on similar construction projects generally runs 30-45% of the costs. For instance, if repository costs are estimated at $10M, and you assume the relative cost of the repository will be 40%, the total cost of the project is estimated at $25M. This is a generalized cost estimation (though fairly consistent among the projects the engineer reviewed), and there are several factors that can affect the relative percentage of costs. See also discussion of comparison-level data vs. design-level data needs in Section III.B.1 of Amendment 1 to the 2007 Action Memorandum.
M. Fisher	This (Section 35 repository site) will become another source of neglect, an eyesore for all who travel through, and disturbing of a pristine wild land for the golden and American eagles, moose, elk, deer, bear, and numerous other wildlife.	Any repository will be blended with the existing topography as much as practical and revegetated with native vegetation to help blend the repository with the surrounding landscape. Once reclaimed it will provide similar wildlife habitat as the surrounding area. See response to Dowdall/Worden Thane in Section IV for land use in Section 35 and the surrounding area. A long-term monitoring and maintenance plan will be developed to ensure proper weed control, eliminate erosion, and ensure the proper function of the repository. Under the Option Agreement with Sieben Ranch, DEQ is committed to setting aside money from the Asarco, LLC settlement to ensure that actions such as long-term monitoring and maintenance of the repository are funded for the long term. See response to M. Grimes in Section VI.C.

		See also responses to R. and S. Schroeder in Section VI.C. and MFWP in Section VI.F.
S. Meyer	If the money for this enormous operation were not readily in hand, would you go to the Montana Legislature, or any other elected body, and request it?	Prior to the settlement, the Montana Legislature was approached and did provide funding for remedial investigation and related activities for the mine wastes not located on NFS lands. The purpose of the settlements pursued by the agencies was to obtain funding from those responsible for the contamination so that the cleanup and restoration could hopefully be accomplished without further need for tax dollars.

TABLE 3

LIST OF COMMENTERS FROM OCTOBER 4, 2011, PUBLIC HEARING
LINCOLN RANGER DISTRICT, LINCOLN, MONTANA

NAME
Mike Grimes
Logan McGinnis
Rolf Schroeder
Lonny Cox
Jack McInnis
Rick Ripley
Jim Bosshardt
Zach Muse
Gary Lindstrand

TABLE 4

COMMENTS FROM OCTOBER 4, 2011, PUBLIC HEARING LINCOLN RANGER DISTRICT, LINCOLN, MONTANA AND RESPONSES

COMMENTER	COMMENTS	RESPONSE TO COMMENT OR REFERENCE TO LOCATION WHERE COMMENT IS ADDRESSED
	Note: The comments below include the substantive information provided in the comment. The verbatim transcript of the hearing is available in the Administrative Record located in Lincoln, Montana, at the Lincoln Ranger District, or by request to the Helena National Forest. The full transcript is also available under the "Comments" link on the Region 1 Website at: http://www.fs.fed.us/r1/helena/index_page/MikeHorse/MikeHorse.shtml	
M. Grimes	I feel that this study was done intentionally because we got some support. Otherwise I don't think you'd be having this hearing tonight to be quite honest with you. At least that's not what I understood from what Beth Ihle was quoted last October in the Independent Record is she said under the rules of CERCLA, the agencies will set the site and then the public will have the opportunity to comment on the mitigation measures. So there were no public comments planned at that point in time.	See responses to G. Browning et al. and A. Stinson in Section I of Table 2.
	I asked Amber Kamps and I tried to organize some public meetings and tried to get some meetings held on the other side of the pass, so some of those landowners who might have 700 foot groundwater dry land could have been involved and could have heard what you required. And the large landowners here in the valley could have heard what was required and maybe might have wanted to participate in this whole thing, but unfortunately the people in charge of this have chosen to act underhandedly as far as I'm concerned, in secrecy.	See responses to B. Sholder, G. Browning, and L. McInnis in Section I of Table 2.
	They started looking at this thing, this Stimson land trade, which was not publicly announced properly. The only thing that anybody ever heard or knew about the Stimson land trade was what was in a report from the DEQ that was, the title of it was the Bonner Cooling Pond Cleanup. Had nothing to do with Stimson or the Mike	See response to Dowdall/Worden Thane et al. in Section VI.C of Table 2.

	Horse Mine. No one would have read that knowing that it had anything to do with selecting a site for this repository. It was never made public up here.	
	I live across the street from it (Section 35 repository site), and you're going to destroy my property value, and you're going to destroy the property value of all my neighbors.	See response to R. Mathews et al. in Section X of Table 2.
	I think the site (Section 35 repository site) is wrong for many reasons. Ecological reasons, too. Now I guess we can, we can look at all the data and say we can build a site right next to a river or a tributary or in high groundwater and we can guarantee you. I don't think so. I don't think you'll guarantee me. I don't think you'll put up a bond to guarantee me that you'll never pollute my ground or my water.	See response to A. Browning et al. in Section VI.A. and response to G. Browning et al. in Section VI.F. of Table 2.
	I think Section 35 is a stupid decision, and I hope that, that you really actually do have some intention of listening to the public comments tonight. I think Pioneer did a good job with the data they were given. But I think what they were given there was, the conclusion was, was inevitable. Section 35 was meant to be the lowest price. I don't think lowest price is the right answer.	See response to second L. McInnis comment in Section I.
	I don't think you should even be moving this stuff. You should be trying to remediate it in, in place.	See response to J. Bosshardt et al in Section V of Table 2.
	I question when the Mike Horse superfund site was first declared. I think it was in 1995. It was a good sized area and included all of the area around the Mike Horse Mine. When you folks started looking at the Stimson land trade in 2006, I'm pretty well convinced you already had excluded Horsefly Gulch. You expanded that area in 2007 to include all of the private property owners in the entire area – about a two mile wide swath, about 9000 acres. I have a hard time imagining how you could have justified expanding that area to that extent without any public hearings and none of the landowners were informed. I didn't know I was living in a superfund area. At least half of my property is. Half of Jack's property is. Part of Audie Solvie's property is. Everybody's property all the way to the top of the Continental Divide are now included in a superfund area. We didn't know that, and it was done specifically to in, to bring about the CERCLA rules so you could get this stuff under the rules of CERCLA, which allows you to cut an awful lot of corners when it comes to the rights of the property owners. I don't want my land to be included in a superfund site. I think that should be invalidated.	See responses in Section III.A of Table 2.
	I think that was an extremely broad brushstroke. It was a unilateral decision. I think it was made by the Forest Service. I don't think DEQ had the authority. But it's	See responses in Section III.A of Table 2.

	obvious how it was done, and if you look at where the line ends across Highway 200, it ends at about Alice Creek. Everything that I'd ever heard or read about the blowout of the Mike Horse Mine said that it went at least to Lander's Fork, the confluence with Lander's Fork. So you have to wonder why did that line get drawn through Audie's property, through Jack's property, through my property, upstream. Somehow the contaminants I guess went upstream, a mile, a half mile onto my property. Then it took a right-hand turn amazingly and went up alongside of Nora Gulch and Nora Creek, and then they took another turn and went back down to the Blackfoot River. It was so obvious it was done to encompass the repository site (Section 35 repository site). This was done in 2007. All Baucus' land is not included. Just short of it. All of the area of the McDonald Meadows project and the gold mine, owned by the school trust fund, is excluded. I think that whole thing needs to be looked at.	
L. McInnis	It is pretty apparent to me that the review process in getting to the point of selecting the tailings repository has been piecemeal at best. Over the years most components have been completed by mining company consultants. The U. S. Forest Service got involved a few years ago in looking at options for the tailings that were on its property. Then recently the State got involved in writing the final plan which appears to be a review of previous information with a fresh look as it's called into options for siting the repository. This fresh look identified several new options including the recommended Section 35 option, and provided what appears to me at best a cursory review that made no consideration of the impact on nearby residents.	See response to J. Smith in Section IV of Table 2.
	Cost appears to have been the only factor considered in selecting the preferred alternative.	See discussion of applicable criteria in Section IV.B of Amendment 1.
	The level of technical investigation, data gathering, and citizen and agency input to this project isn't even in the same ballpark as the level of review for the Milltown Dam project. Yet the scope for this project, which is the removal of a million yards of, of tailings is nearly half the size in terms of the removal volume proposed in the Record of Decision for the Milltown Dam. For the Mike Horse project, no formal analysis was given to other criteria such as community acceptance and other types of criteria that occurred in the Milltown Dam removal project.	See response to L. McInnis in Section III.B of Table 2.
	Where is the detailed consideration of alternatives to appropriately balance the cost of alternatives with their impacts on the environmental and social resources.	See response to M. and L. Smith et al. in Section III.B of Table 2.
	I can't even find data on the various websites that I scoured showing that putting	See response to M. Fisher in Section

	tailings back in the mine shaft was ever actually analyzed, only that it was considered in course.	IV of Table 2.
	I'm sure someone in here can give me a technically correct answer into why a more complete environmental review has not been completed for this project. I suppose it has something to do with the area's designation as a superfund site. However, nowhere can I find a document showing me that all of these sites being considered are formally part of the superfund boundary. Regardless, I believe that this incomplete review process doesn't meet the spirit of our state or federal environmental laws.	See responses to Dowdall/Worden Thane and A. Stinson in Section III.A and responses to M. and L. Smith and L. McInnis et al. in Section III.B of Table 2.
	Now citizens are being given a few weeks to review documents that at best provide a summary of the data that's available. To date, no detailed cost, groundwater, or soil data are, are even available on the website for the Section 35 site, only the sort of a summary that can be found in the repository study… There're no detailed cost estimates in the appendices or even on the website that I could see…As of this morning the link to the page where public comments could be submitted wasn't even working, at least on my home and work computers, and I think that I'm not a total idiot about computers.	The comment period was extended to allow more time for review and comment. See response to B. Frisbee et al. in Section I of Table 2. Mr. McInnis pointed out a problem with the website, which was soon corrected to make the information available.
	The report itself concludes that further groundwater level information will be required to understand the selected Section 35 site. How can you finalize an important decision like this without having collected all the necessary data? How can you expect citizens to make intelligent comments when not all the data has been obtained?	See responses to CFC et al. and L. McInnis in Section VI.F of Table 2.
	I find it stated in one section that the Section 35 site is the lowest cost because no liner is required. I can't even tell from the available documents why a liner isn't needed at that site or whether this is the only option not requiring a liner. For all I can tell from the available information, a liner was excluded from the site to force it to be the cheapest alternative. I can't understand why the MEIC, the Clark Fork Coalition, and others are willing to stand by and let the government save a few bucks by placing mine tailings in a unlined repository a few hundred feet or less, depending on which option is chosen at Section 35, from a tributary of the Blackfoot River. This is the kind of solution I would expect the mining companies to come up with, not our government.	See response to R. and S. Schroeder et al. in Section VI.F of Table 2.
	I believe that locations east of the Divide, far from critical water resources, should be strongly considered even if they cost more.	See response to G. Browning et al. in Section I of Table 2. See also Repository Siting Study, pages 58-66.

R. Schroeder	I'm a member of the family that is the owner of Section 26, directly adjacent to Section 35. I'm a part-time resident of that section. I live in Helena, 1214 Eighth Avenue. The land that my family owns has been in the family since the early 20s if not earlier than that - in the late teens. We have been vacationing there for generations since then. My mother is the owner… We've faced adversity before with the people from the Mike Horse Complex, in previous ownership, wanting to run a slough down the Blackfoot River back in the 70s, early, late 60s, early 70s, and that didn't go through partly because of the efforts of my mother at the time to see that it didn't happen.	This background information is appreciated.
	I'm opposed to it (Section 35 repository site), of course, because it's right next to my section. I will, I'm concerned about dust particles drifting over onto the section that will pollute Section 26.	See response to M. Grimes et al. in Section VI.G of Table 2 regarding dust issues.
	Section 26 is under a conservation easement, with Five Valleys Land Trust and our goal is to keep it that way.	See response to R. and S. Schroeder in Section VI.C of Table 2.
	I believe that groundwater analysis has been either not forthwith provided or, just incomplete. I know that there's groundwater on our land, probably at the same elevations, and it's spring fed. There's a pond on our land that the wild animals like to use. I believe there's a fair amount of water there. Common sense will tell me that, that there is probably a connection at some point.	See response to M. Grimes et al. in Section VI.F of Table 2.
	I don't know why, I just heard this tonight – no liner would be provided. That makes no sense at all. I don't know why you wouldn't put a liner in it. Even if you did put a liner in, the water's pretty powerful stuff. I don't know why a liner would last for as long as they say it would. I think it would probably breach and then have heavy minerals flow into the source of the Blackfoot into Nora Creek.	See response to R. and S. Schroeder et al. in Section VI.F of Table 2.
	I don't understand why you take tailings out of a river system that's only about seven miles away, and put it back into the same river system. That makes no sense to me at all, when you can find either a location closer to that which would be cheaper, such as the old mine shafts at the mine where it could be deposited or trucked over the divide to dry areas of land.	See discussion in Section IV.B of Amendment 1. See also response to M. Fisher in Section IV of Table 2 with respect to placing wastes back in the mine.
	I know that there was going to be a study done after the heavy rains in this past spring here in 2011, and I'm not convinced, as there was more water than I've ever seen on our land. I'm not convinced that I have all of the details about water levels	See responses to M. Grimes et al. in Sections IV and VI.F of Table 2.

	at where the proposed mine dump would be. I think that this (Section 35 repository site) would really diminish the value of the property, not only for me, but for my neighbors. I don't believe that all the resources have been analyzed carefully, and I don't believe that the alternatives have been analyzed carefully, and we should consider other resources for removing these mine tailings and putting it somewhere else besides Section 35.	 See Section X of Table 2. See response to J. Smith in Section IV of Table 2.
L. Cox	If it has to be moved, I prefer Paymaster and First Gulch, and I think that the reason that First Gulch and Paymaster would be better, maybe even part of Second Gulch, because there's less groundwater, there's a shorter distance to haul it, less people live right there. If there's a catastrophic event, earthquake or something, the chances of it going into the river are pretty minimal.	See responses to S. Howsmon and S. Fuller in Section VII of Table 2.
J. McInnis	I own both sides of the Blackfoot River for about one mile downstream from Highway 279, from Highway 279 to the Bouma Post Yards. We have two residences there. One is occupied by my brother. They're both owned by me, and our house is located on a bank about 300 yards downstream from Highway 279, and our house is located approximately 75 feet from the river. I have suggested several times to take the tailings east of the mountains. I have been told that there are ranchers over there, there is a vast plains over there that is far removed from any road or from any stream whatsoever. Principally off to the right side after you go down and cross the, the fork of the Dearborn. I have been told that those property people are willing to deal. I understand that the reason that option wasn't chosen is because of safety factors, and that seems to me pretty silly when I see these 225 feet long, 565 thousand pound loads, 200 of them, going over the pass, and, and that doesn't present a safety factor apparently. I've been told it's because of a matter of cost, because we would have to haul the tailings over the mountain, dig a trench over there and dump the tailings in. Then we have to have something to cover up where we took the tailings from, so we would have to haul all the dirt back from the other side. Well, that's not the case. Fact is you would have to haul the tailings from the Mike Horse up to the top of Roger's Pass. That's a pretty gradual slope on this side. It is very steep on the other side. You could obviously use gravity. You wouldn't be using an engine. You would be using your brakes until you got down to wherever that site was. So they say, well, that's going	This background information is appreciated. Potential alternatives east of the Divide we evaluated in the Repository Siting Study. See Repository Siting Study, pages 58-66. For the specific cost calculations for those alternatives, see Tables C.11 and C.12 in Appendix C of the Repository Siting Study. For the kinds of factors considered in estimating the haul costs, see response to L. McInnis et al. in Section VI.E of Table 2. Even with a much less expensive borrow source, these alternatives would be significantly more expensive than the recommended alternative without significantly enhancing protectiveness.

	to be too expensive to haul the material back over. So you don't have to, you wouldn't have to haul the material over because I have asked Mr. Solvie, who is here, if he would be willing, he owns land in Bartlett Creek on both sides of Highway 279. He has said that he would be pleased to negotiate with the State for purchasing dirt from his land which is right at the base of Mike Horse Mine. So you could bring the truck, you could haul the tailings over, bring the truck back empty, stop at Mr. Solvie's place, fill the truck up, and you've got about a mile and a half up to the mine, and that's not an expensive option as far as I can see… His land sits within five miles of that mine, and it sits there, and he's got, he's got a whole bunch of it. What is the difference between hauling the dirt back over the mountain versus buying the dirt right at the mountain site so to speak?	
	The last piece of information I have been given, I haven't verified this, is that the Baucus family, the Sieben Ranch or Sieben Livestock, whichever, sold Section 35 to Stimson Lumber Company several years ago. In that transaction the Baucus family, the Sieben Company, retained what's called, I believe, a development right. I have the documents. I haven't had a chance to review it, but I think I know what it says. It says, as I understand, that Mr. Baucus, John Baucus has the right to veto or approve anything that Stimson Lumber Company proposes to do with that property. Now I understand that the proposed transaction is that Stimson Lumber Company will transfer 330 acres of that land to the Department of Environmental Quality in satisfaction of a debt that Stimson owes to DEQ relative to the Bonner Tailings Pond, and that there's going to be a trade of land to remove the debt. But that still leaves Mr. Baucus without any money, and so that's been a question that I have never heard. The only issue remaining was how much money was going to be paid. My latest information, which I obtained from Mike Grimes about three days ago, is that, Mr. Baucus has said that the DEQ is going to pay him $255,000 for his approval of this site. Now I submit that $255,000 is either exactly equal to or exceeds the total value of the land where this site's gonna be. This site isn't gonna occupy 330 acres. It's gonna occupy 20 or 40, something like that. The difference between the 40 and the 330 is that because DEQ has a $300,000 debt owed from Stimson, so they decided to extinguish the debt, and just throw in an extra, extra land.	See response to Dowdall/Worden et al. and M. Grimes et al. in Section VI.C of Table 2.
	It should be put up at Horsefly Creek, which was once said to be out of the picture. Now the documents I see now, Horsefly Creek is back in the picture again. That's one of the cheaper alternatives. There are no published details of the cost.	The Horsefly Creek alternative, including the cost estimate, appears in Sections 4.4.4, 5.0, and Table C.4 of the Repository Siting Study.
	Anyway, I am appalled by the lack of detail, and I am appalled by the decision that	See response to G. Browning et al. in

	has obviously been made. I am appalled at this whole thing, that the withholding of truth, the confusion, the lack of details, the lack of public information.	Section I of Table 2.
R. Ripley	The question that I would like to ask is when will you respond in writing to the testimony that has been given tonight? Will it be in time to submit formal testimony by October 21st? I would like to encourage both the Department and the, the Forest Service to respond to the questions that have arose this evening prior to the final comment period so that everybody can submit further testimony after receiving those questions. I think it's been evident tonight through the testimony that there is a lot of concern about the pending decision and how the decision will affect families and the environment.	See responses to B. Sholder and B. Frisbee/UBVCC et al. in Section I of Table 2.
	I, too, have read the study, felt that it was incomplete, it did not go into details, and in many cases was not accurate, especially where it said that there were no people living downstream. There are people living downstream.	See response to G. Browning in Section VI.F of Table 2.
	I think we need to look at, at the effect it will have on their property values and those families downstream.	See response to R. Mathews et al. in Section X of Table 2.
	I don't think it was complete in addressing what's gonna happen to the environment.	See response to A. Browning et al. in Section VI.A of Table 2.
	I toured the site, but I have not been on the repository site. Where I did participate, the Paymaster site looked like a viable option to me. It may not be, but there's many other options that have come up tonight that haven't been investigated.	See responses to S. Howsmon et al. and MFWP in Section VII of Table 2. See response to J. Smith in Section IV of Table 2.
	I would hope that we would continue to look into some other alternatives, or at least accurately and completely, give the date, details on, the other alternatives that you have looked into so that people can be better informed, myself in particular, and submit further testimony at a later time.	See response to J. Smith in Section IV and responses to B. Sholder and B. Frisbee/UBVCC in Section I of Table 2.
J. Bosshardt	I've been following the e-mail information concerning the proposed movement of the contaminated soil, and I have vested interest because I fish a lot up here on the upper Blackfoot and east of 279 on that stretch, and so I know what's in the stream, and it's a delight to use. I've been doing it for about six years now.	See response to S. Meyer in Section XI of Table 2.
	I haven't seen much of any serious research put into not even moving the	See responses to J. Bosshardt et al.

	contaminated soil. You know there's been so many historical cases where when you move contaminated soil, you end up doing a lot of contamination further downstream. It just seems that it would be ill advised to do whereas if you could work and engineer it so that you could remove the dam, and then prepare the site so that the soil is not moved but actually stays in a secure location. That's what I would encourage the interested parties to do concerning the soil there at Mike Horse Dam. I applaud the efforts of, of people wanting to clean the site up and totally support it, but, but stirring it up and moving it, I think you just compound or increase the risk of compounding the problem.	and W. War in Section V of Table 2.
Z. Muse	I hunt and fish here, and live here. I don't have property that is being affected like some of these folks. So, I don't feel like I should comment so much on 35 because I don't live there… The fact of the matter is that if you guys don't take a common sense approach to this. I mean too many times the government doesn't think sometimes. But there's too much lack of, for lack of a better word, common sense used. There's too much, oh, the numbers look good; the computer models look good, and, unfortunately they don't look at how it affects the big picture. The lawsuits that are, as I've talked to Shellie about when we went on a tour, it, it's inevitable. If you pick the wrong spot, there's only so much money involved, or that's, that's allowed for this, and yes, it's gotta be a long-term deal. You've got somebody that lives up there that, yeah, he doesn't have ten years' worth of college degrees and know how to operate computers and this and that, but he's got a wealth of information, and I understand you talked to him, but maybe you might want to talk to him a little bit more and take some more of his advice. And I just hate, I know you guys gotta get this done, and the longer it takes, the more money it costs, but if you do it wrong, as with a lot of stuff that the government gets involved with, it, the lawsuits end up happening, and I hate for something to get tied up for years and years and years, draining the kitty dry because someone's numbers looked perfect for a spot. But they didn't realize, okay, well, 20 years later we're still in a lawsuit and now we've got six bucks to move this material. So I just really hope that everybody looks at this from a common sense approach and realizes that if they don't do this right, it is gonna end up in court… We don't want the material to stay where it is in its state, but there's gotta be that fine common ground, and please listen to these people. Listen to George Kornec. Do what's right. Don't put us in a spot where we're tying this up for 20 years and we're sitting here with ten bucks to try and move this. Let's use our heads and, and be logical about this. Look at everything. Yeah, there's a rush, but how big a rush you wanta get into. So that's all I have to say.	See responses to L &C Commission et al. and M. and L. Smith in Section I, response to C. Sherman et al. in Section II, and response to S. Howsmon in Section XIV of Table 2.

G. Lindstrand	This whole situation started, I feel, very clandestine. It was by accident that we found that area 35 was being looked at as a deposit dump for the Mike Horse tailings. Since then I think that there's been a big dog and pony show going on to convince everybody that area 35 should be the place that we go. I do not and I have not seen any other evidence that anybody has been against any other area other than area 35. Yet we spent money just recently with an engineer to certify the fact that that's the place to go. I hope that you would re-evaluate and think about what we're trying to say is that area 35 is not the place to put these contaminated soils. There's other alternatives. I would hope that we'd just leave 'em where they're at, seal it up, and forget it.	See response to G. Browning et al. in Section I and response to second comment by M. Grimes in Section I of Table 2. See response to A. Browning et al. in Section VI. See also responses to TU and C. Sherman et al. in Section II, and to J. Smith and R. Johnson in Section IV of Table 2.

TABLE 5

COMMENTERS ON PETITION SUBMITTED BY C. DOWDALL OF WORDEN-THANE, P.C.

Petition Summary

Colleen M. Dowdall of the law firm Worden Thane P.C. was retained to represent clients interested in the repository siting activities for the UBMC. Ms. Dowdall submitted the petition to the agencies on October 14, 2011, during the comment period. The petition was part of a website found at http://www.helpsavetheblackfoot.net, and signatures were collected electronically through the website. The petition stated as follows:

> "We the undersigned do not agree with plans by the US Forest Service and Montana Department of Environmental Quality to locate an enormous mine waste repository at Section 35 (Township 15, Range 7 West) on the banks and in the watershed of the Blackfoot River near Lincoln, Montana. The contaminated mine tailings from the abandoned Mike Horse mine need to be away from all water ways and watersheds including the Blackfoot River. Details available at: http://www.helpsavetheblackfoot.net – so say we all:"

There are 153 numbered commenters on the petition. These names are listed in Table 5 below. Most of the petition signers did not register a separate comment. Any separate petition comments of substance are transcribed in Table 6 below and include a response or a reference to a response in Table 2.

Name	Address
Mike Grimes	PO Box 189, Lincoln, MT 59639
Barbara Grimes	PO Box 189, Lincoln, MT 59639
Michael Dommermuth	4421 Sume Lane, Littleton, CO 80123
Autumn Browning	4018 139th Pl SE, Mill Creek, WA 98012
Alan Kelly	2532 Valley View Rd., Lincoln, MT 59639
Maureen Dahl	368 Best Place Road, Helena, MT 59602
Jim Dahl	368 Best Place Road, Helena, MT 59602
Janet E Bloom	1808 East Sixth Avenue, Helena, MT 59601
Kelly Parks	146 25th Avenue, E M, IL 61244
Lance Heavirland	830 Birch Point Dr., Whitefish, MT 59937
Chuck Swenson	101 Churn, Bozeman, MT 59715
Lori Tillman	10107 Siamese Court, Las Vegas, NV 89166
Faye Graves	59401
John Graves	59401
Blake Bussmann	220 West 2nd Street, 64105
Russ Grimes	13925 S Summit St, Olathe, KS 66062
Stephanie Lovell	Ketchikan, AK 99901
Rachel Johnston	13925 S Summit St., Olathe, KS 66062
Sara Graff-Daugherty	22496 St. Francis St., Spring Hill, KS 66083
Greg Browning	98012

Michelle Wark	910 Walnut, Wamego, KS 66547
Terry Wark	910 Walnut, Wamego, KS 66547
Randie Brady	PO Box 849, Lincoln, MT 59639
Jaime Johnson	233 1st Avenue, Lincoln, MT 59639
Erin Browning	3555 Jack Dr., Missoula, MT 59803
Niels Maumenee	3219 Cummins Way, 59802
Misti Robertson	4940 Shoshoni Trail, 59106
Tommy Kleinpeter	16443 George O'Neal Rd., Baton Rouge, LA 70817
Barbara Meek	710 5th Ave. S., 59405
Lu Gardella	PO Box 877, Lincoln, MT 59639
Jennifer McNichols	Lenexa, KS 66215
Allyson Mangum	Austin, TX 78739
Brian Mangum	5835 Back Bay Ln., 78739
Jan Mangum	3514 Riverwood Park Dr., Kingwood, TX 77345
Denis Bordeleau	13708 Hwy 200 E, Lincoln, MT 59639
Beth Huddleston	615 Elm Street, 66547
Trudy & John Hawe	5725 Shannon Ct., Helena, MT
Jennifer Childers	217 Sitka Court, Richland, WA 99352
Leslie Healy	2100 Arbor Ln. #4, 66547
Karen Knapp	1620 Camas Road, 59823
Tawnya Ritchie	66547
Shauna Ward	Ireland
Jennie R Brickley	3915 W 14th St. Rd, Greeley, CO 80634
Clifford Herseim	77382
Michelle Gadush	2106 Surrender Ave, 78728
Cara Svendsen	59711
Allison Naugle	78745
Sandee	65648
Richard M Herseim	77382
Cindy Lindstrand	361 State Street, Groveton, NH 03582
Rachel Bloom	03229
Jennifer Hawkes	3514 Riverwood Park Dr., 77345
Rolf Schroeder	Section 26 Upper Blackfoot Valley
Alex Blaine	160 Stevens Hill Road, Colebrook, NH 03576
Maria Neal	03593
Lyn Eschenbacher	4813 E Mt. Hwy 200, Lincoln, MT 59639
John M Lar	72034
Jack Carlson	4935 Arrowhead Dr., Helena, MT 59602
Kristan Amdahl	3733 Dudley East, Helena, MT 59635

Connie L Lange	14213 SE 78th Way, Newcastle, WA 98059
Carol Lindstrand	5724 Mt Hwy 279, Lincoln, MT 59639
Gary Lindstrand	5724 Mt Hwy 279, Lincoln, MT 59639
Douglas Heinen	558 S Swain Ave., Elmhurst, IL 60126-3830
Sindie Kennedy	121 Grandview Way, Missoula 59803
Mackenzie Heinen	307 N Prairie View Rd., 61853
Casey Sommer	61853
Saint Rogers	60555
Wayne Maccabe	280A Richardson Rd, Hiram, ME 04041
Lowell (Lonny) D Cox	8991 Cadotte Creek Rd., Lincoln, MT 59639
Jerome Cain	PO Box 1057, Lincoln, MT 59639-1057
Gene A Meek	435 Mineral Street, Shelby, MT
Brennan Meek	59474
Dan & Juanita	13071 Hwy 200 E, Lincoln, MT
Mandie Cox	59639
Joli Bland	43713
Wynona Judy Penland	2611 Katy Village, Fairmont, WV 26554
Matthew Newman	32822
Jeanie Falcone	355 Parkview Ter #J11, Vallejo, CA 94589
Gayle M Laufer	4989 Joewood Dr., 33957
Kisa VannMiller	59601
Nvya Usdi	59635
Heidi Parker	59601
Rose M Maples	72011
Sue Rheal	43713
David D Hoover-Adams	1125 E Ave. R, Apt D-4, Palmdale, CA 93550-1409
Joan Britz	3327 N Jackson Ave, Odessa, TX 79762
Dale Ward	503 Crooked Creek Road, 75117
Rose Hope	1406 Dumont Dr., Valrico, FL 33596
Cindy Coulombe	58 Cedar Pond Dr., Milan, NH 03588
Raymond M Coulombe	03588
Rev. Barbara Boule	46385
Tina Marcum	303 Thurman
Amy Gorman	11 James Road, Reading, MA 01867
Littlefawn	45385
David Dresser	Lunenburg, VT 05906
Theresa Carey	01887
Janet Herseim	77382
Wayne & Ann Cashman	2101 S Flying Q Lane, Tucson, AZ 85713

Kristine Kirsch	541 S Canvasback Way, 83642
Jennifer Whittenberg	11727 E Mt Hwy 200, Lincoln, MT 59639
Patty Moss	PO Box 201, Lincoln, MT 59639
Ace Sommerfeld	312 Margaret St., Eau Claire, WA 84701
Felicia Hunter	60163
Sean McCormick	1365 Clarkia Lane, 59802
Elizabeth Ellen Wright	315 San Francisco, CA 94118
Katherine Enneper	6613 Wheelbarrow Peak Drive 89108
William Garrett Wertz	Sleepy Hollow Lane, Lincoln, MT 59639
Lauren Gilligan	345 Lake Ave., Suite A, Santa Cruz, CA 95062
Adam Steffen	2327 NW Northrup, Portland, OR 97210
Marilyn Heckendorn	83843
Robin Englehardt	PO Box 4939, Ketchum, ID 83340
Andrea Stinson	241 Stemple Pass Road, Lincoln, MT 59639
Philip Nontell	699 Accademy St, Apt BB, 10034
Michael Harding	118 N Clark St., Elkhart, IN 46516
Marlana Shears	37821
Greg Gussler	440 79th Way N. St., Petersburg, FL 33709
Stanley Meyer	3417 14th Ave S., Great Falls, MT 59405
Roberta Jane Meyer	3417 14th Ave S., Great Falls, MT 59405
Jennifer Taylor	59801
William War	59601
Thomas J McDaniel	7235 Priest Pass, Helena, MT 59601
Janet Sholder	PO Box 355 Lincoln, MT 59639
Greg Kockler	5556 Hwy 279, Lincoln, MT 59639
Brian Sholder	PO Box 355 Lincoln, MT 59639
Lisa MR Smith	PO Box 64, Lincoln, MT 59639
Mark C Smith	PO Box 64, Lincoln, MT 59639
Donald J Rakow	4545 Scott Allen Dr., Missoula, MT 59803
Bruce Baker	PO Box 396
Linda Pope	PO Box 396
Trever Asher	PO Box 1174, Lincoln, MT 59639
Lyle R. Grimes	5014 Larch Lane, Missoula, MT 59801
Norm Bellows	3655 Kinsey Road, Miles City, MT 59301
Tom Kockler	43 El Dorado So, LHC , AZ
Eloise Kochler	43 El Dorado So, LAC, AZ
D. Chris Rakow	4545 Scott Allen Dr, Missoula, MT 59803
Paul Bucci	740 Howard St, Marina Del Rey, CA 90292
Hanna Glantz	1609 Sunset Dr, Wamego, KS 66547

Anne Seaman	59804
Gerald L Collins	3030 8th Ave So., Great Falls, MT 59405
Carol I Collins	3030 8th Ave So., Great Falls MT 59405
Steve Woodhouse	1260 West Cooper Lake, Ovando, MT 59854
Priscilla Kay Brickley	350 50th Ave Pl., Greeley, CO 80634
Robert Lindner	1408 Sherwood St. #11, Missoula, MT 59802
Latitia B Cockerham	Alice Creek Rd., Lincoln, MT 59639
Bill Whittenberg	11727 E MT Highway 200, 59639
Jennifer Hess	4325 Comanche Dr., Laramie, WA 82072
Emily Greiner	59639
Nick Corvinus	274 Water Street, Newburyport, Mass, 01950
Robert Bellows	59715
Jennie Brickley	3915 14th St Rd, Greeley, CO 80634
Camilla Fecteau	04084
Katie Mitchell	98002

TABLE 6

COMMENTS FROM PETITION SUBMITTED BY C. DOWDALL OF WORDEN-THANE, P.C., AND RESPONSES

NAME	COMMENT	RESPONSE TO COMMENT OR REFERENCE TO LOCATION WHERE COMMENT IS ADDRESSED
Text of Petition	We the undersigned do not agree with plans by the US Forest Service and Montana Department of Environmental Quality to locate an enormous mine waste repository at Section 35 (Township 15, Range 7 West) on the banks and in the watershed of the Blackfoot River near Lincoln, Montana. The contaminated mine tailings from the abandoned Mike Horse mine need to be away from all water ways and watersheds including the Blackfoot River. Details available at: http://www.helpsavetheblackfoot.net – so say we all;	See response to A. Browning et al. in Section VI.A of Table 2. See also discussion of rationale for selected action in Section IV.B of Amendment 1.
D. C. Rakow	I suggest you find a more suitable site to deposit the tailings or else leave them where they are at.	See response to J. Smith in Section IV and response to J. Bosshardt et al. in Section V of Table 2.
L. R. Grimes	$ spent should = decreased risk to watershed not increased or status quo	See response to R. Johnson in Section IV and response to A. Browning et al. in Section VI.A of Table 2.
D. J. Rakow	I do not believe that all options regarding the latest sophisticated underground boring and directional drilling technology have been fully considered in the treatment of the contaminated waste at the Mike Horse site. How can a budget be realistically projected over 12 years considering the volatile energy costs and geologic activity we are currently experiencing.	See responses to TU and C. Sherman in Section II and response to J. Bosshardt et al. in Section V of Table 2. See response to first comment by M. and L. Smith in Section XIV of Table 2.

B. Sholder	Mike Horse mine repository must be kept out of the Blackfoot Watershed for many reasons:	
	1. Groundwater in Lincoln is only 6 feet deep;	See response to G. Browning et al. in Section VI.F of Table 2.
	2. The repository (35) is close to tributaries and the Blackfoot;	See response to M. Grimes et al. in Section VI.F of Table 2.
	3. Many people in Lincoln have sand point wells and cannot afford to redo their wells;	See response to G. Browning et al. in Section VI.F of Table 2.
	4. Many people in Lincoln have contracted cancer from potential issues associated with the Mike Horse mine;	If true, this would be all the more reason to get the mine wastes placed into the most protective repository location available.
	5. There is absolutely no reason to contaminate 2 sites within the Blackfoot watershed;	See response to J. Bosshardt et al. in Section V of Table 2.
	6. There are too many variables as far as time frame to complete this project in 12 years due to the weather and very short seasonal working timeframes;	See responses to UBVCC et al. in Section XIII and to M. and L. Smith in Section XIV of Table 2.
	7. The cost of containing two sites during the remediation period would be very expensive;	The cost estimates in the Repository Siting Study rate Section 35 as the most cost-effective alternative. See Repository Siting Study, page 66.
	8. The cost of indefinite monitoring and maintaining the water treatment plants would be very expensive and ongoing.	The goal of placing the mine wastes in a protective repository is to isolate them so that water treatment is not necessary. The more protective the repository location, the lower future monitoring costs will be.
A. Stinson	As repositories have a lifecycle as any engineered project, it would be best to invest in the full removal of the hazardous waste material from the Blackfoot River watershed which has been contaminated by the mis-managed mining standards by allowing these tailings and adits to be located within creeks and floodplains of creeks instead of returned to the mine and adits diverted to the	With respect to the lifecycle of an engineered project, see discussion of advantages of low-permeability materials found on Section 35 over a synthetic liner in response to UBVCC in Section IV of Table

	water treatment plant. These hazardous materials require an onsite vehicle wash in order to transport and deposit the hazardous waste into an existing landfill like Opportunity by truck and rail. Construct a repository on the east side of the Continental Divide where there are formations which tolerate and will retain these materials without influencing a critical watershed like the Blackfoot River.	2. See response to A. Stinson in Section XIII of Table 2. For the evaluation of alternatives on the east side of the Divide, see Repository Siting Study, pages 58-66.
M. Heckendorn	Some who support the development project cite the need for jobs in the area as a reason to not sign this petition. Jobs can be generated in many ways that allow our environment to remain uncontaminated.	There is the potential for construction-related jobs for area residents as a result of a project of this magnitude. See response to J. Bosshardt et al. in Section XII of Table 2. Moreover, these jobs will address the contamination and improve, rather than harm, the environment in the upper Blackfoot River corridor.
D. and J. Gilmore	The hazardous waste should be above the treatment plant.	See response to J. Bosshardt et al. in Section V of Table 2. The water treatment plant only treats water coming out of two mine adits and two mine-related seeps. It is not designed to treat all water coming down the drainage, nor does it have the capacity to do so.
L. Cox	Hydrometrics gave these people good solid alternatives to this section 35 deal, that they chose to ignore for whatever reason, some of which were more economical and sensible.	Hydrometrics was Asarco, LLC's contractor for the 2006-2007 EE/CA process, and the alternatives developed by Hydrometrics were evaluated in the EE/CA and the 2007 Action Memorandum. See response to J. Bosshardt et al. in Section V of Table 2. See also responses in Section II of Table 2.
G. Lindstrand	Makes no sense to redeposit the contaminated soil in a place (Section 35)	See responses in Section VI.F in Table 2.

	that will flush right back into the Blackfoot.	
J. M. Lar	The potential for toxic contaminants to find their way into these exceptional fishing waters is high and this has the potential to destroy this exceptional fishery. Why risk contaminating and destroying a valuable natural resource to save company money?	See responses in Section VI.F and in Section XI of Table 2.
D. Bordeleau	What about highway 200 road damage? Noise Pollution? Dust from these trucks, tarping does not cover all the airborne dust. I live at the junction of Highway 200 and Meadow Creek Road. Last summer it was reconstructed, the dust, noise and dirt gave us headaches and dirt in our home.	See response to S. Howsmon et al. in Section VII and response to D. Bordeleau in Section VIII of Table 2. With respect to road damage, see response to second L. McInnis comment in Section VI.E of Table 2.
L. Tillman	I own property in Lincoln which has the river running through it. I have a lot invested in this property and I don't want to see my investment washed away.	See response to R. Mathews et al. in Section X of Table 2.