MOUNT SENTINEL

TOMMY MARTINO PHOTOS, MISSOULIAN

Members of the Missoula Fire Department Rescue Team and Two Bear Air Rescue members participate in a mountain rescue training exercise over Mount Sentinel on Thursday. The crew airlifted two people off the north face of the mountain.

Hovering helicopter

Missoula rescue team, Two Bear Air pair for emergency training

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Hikers on Mount Sentinel were in for a sight Thursday afternoon.

With a familiar low rumble, that whop-whop-whop sound sped up by a thousand, a dark dot in the sky to the west slowly took the shape of a helicopter.

The bright blue twin-engine Bell 429, with red and white stripes on the side, flew up and over the heads of those on the trail, disappearing behind the northwestern shoulder of the mountain, the rotor quieting.

Rounding the corner, the helicopter hovered almost at eye level, sitting still in the air over the north face of Mount Sentinel as a firefighter pulled his compatriot up to the open door.

The Missoula Fire Department rescue team conducted two exercises with Kalispell-based Two Bear Air early in the afternoon.

Jordan White, left, of Two Bear Air helps strap in the person before being hoisted into the helicopter from the side of Mount Sentinel.

The mock emergency scenarios depicted the rescue of an injured man on the face of the mountain, in which a firefighter was lowered to about 10 other crew members waiting with the "package."

Tying the limp-limbed man, wearing a rock-climbing helmet, to his harness, the firefighter was pulled to the helicopter, hanging in the air above the mouth of Hell Gate Canyon, I-90 traffic streaming by far below.

The aircraft then slowly rotated and flew back the way it had come.

Flathead County Sheriff Chuck Curry sat in the open door of Two Bear Air's helicopter, parked at Missoula Fire Station #4, about an hour before the

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SMURFIT SITE

Officials critique delayed cleanup

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Missoula County officials issued a blistering critique Thursday of the federal cleanup process at the 3,200-acre former Smurfit-Stone pulp mill site in Frenchtown.

Although officials from the Environmental Protection Agency said that roughly 1,200 acres of agricultural land surrounding the former pulp mill are free from unsafe levels of contaminants, county commissioners said they are disappointed in the progress of the cleanup at the more polluted portions of the site and the opaqueness of the process.

The other 2,000 acres of the former mill, the areas closer to the Clark Fork River where the core industrial activities took place, have yet to be fully investigated for their levels of toxic metals and compounds.

All three Missoula County Commissioners called for an immediate investigation into what contaminants are present at the portions of the site next to the river and what threats they pose to humans and the environment, information they believe has been inappropriately withheld or not investigated in a timely fashion.

The commissioners say the EPA seems to be allowing the corporate owners of the site to exert undue influence. They also hinted that the attention on the less polluted agricultural lands may have been done to expedite commercial development and ignores the serious threat posed by sludge ponds and landfills, which could be full of toxic dioxins and metals and are separated from the Clark Fork River by only gravel berms.

"We would like to see the data beforehand instead of being told what has already been decided," Missoula County Commissioner Cola Rowley told Sara Sparks, a remedial program manager for the EPA. "We are disappointed with the progress at the site and the lack of transparency."

The 3,200-acre site, 11 miles

Please see SMURFIT, Page B2

MINNEAPOLIS FED

Chief: 'Too big to fail' a necessary evil

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The infamous "Too Big To Fail" program, in which billions of taxpayer dollars were given to huge financial institutions to prevent further economic crisis in the wake of the Great Recession, was a necessary evil.

That's according to Neel Kashkari, president and CEO of the Federal Reserve Bank of Minneapolis, who hosted a town hall discussion about the economy and the role of the Federal Reserve on Thursday night at the University of Montana.

Kashkari was working for the U.S. Treasury Department during the financial crisis, and he admits that he's "the guy that bailed out the banks." The Toxic Asset Relief Program, in which bad investments made by banks were purchased by the government, was signed into law in late 2008.

"We hated that we had to do it, but we were faced with the choice of that or allowing the economy to collapse and turn it into a Great Depression instead of a Great Recession," he said.

Please see FED, Page B3

MISSOULA

Secret supports secured for street trees

TOMMY MARTINO, MISSOULIAN

Grant Keller of Terrabella prepares the ground for a grid of 60 three-foot-tall black tubes in Missoula's future Art Park on Thursday. The dirt between the tubes will provide a fertile root bed for a Pacific sunset maple tree and support a concrete patio without compacting the roots below.

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If a magician can rest comfortably on a bed of nails, why couldn't a tree?

That may sound like nonsense, but it just happened in both principle and practice at the corner of Pattee and Pine streets. On Thursday, excavators dug a special hole in the middle of downtown Missoula's future Art Park and buried a grid of 60 three-foot-tall black tubes. The dirt between the tubes will provide a fertile root bed for a Pacific sunset maple tree. The tubes themselves, like the bed of nails, will support a concrete patio strong enough to hold up a fire truck without compacting the roots below.

"See those honey locusts?" Karen Sippy asked, pointing to some 20-foot-tall street trees next to the Missoula Art Museum. "They should be 50 feet tall. But they're growing in holes this big."

Sippy held her hands together, barely framing her face. She's the director of the volunteer group Trees for Missoula, which helped raise more than $12,000 for the underground supports. Instead of a narrow hole surrounded by compacted gravel, that coming maple will have more than 900 cubic feet of loose soil in which to grow.

"This is my third installation this week," said Pat Greeley of DeepRoot Green Infrastructure, the company that makes the SilvaCell tubes. "These are going in Seattle, the Bay Area, Boise, Des Moines; Lincoln, Nebraska, even in Texas."

Please see TREES, Page B2

Grizzlies RB resolves court case in Lake County

Counts asks judge to dismiss related case in Missoula County

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A University of Montana Grizzlies running back has resolved an arrest in Lake County from this summer, and asked a judge to dismiss a related case in Missoula.

Joseph Paul Counts, 23, was arrested July 15 and charged with a misdemeanor DUI after being pulled over on Highway 93 north of St. Ignatius, according to his citation.

Lake County Attorney Steve Eschenbacher said that as part of a plea agreement, Counts pleaded guilty to an amended charge of careless driving.

Eschenbacher said Counts had been driving on the center line of the road, and after being stopped, was unable to blow enough to collect a breath sample, so there was not enough evidence to show the influence of alcohol.

"I'm a Griz fan, and it would have been really easy to be really hard on him to show how independent I am," Eschenbacher said. " If this was anybody else, this would have been the same outcome."

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TOMMY MARTINO, MISSOULIAN

It takes about 25 minutes for the $8,000,000 helicopter to fly from Kalispell to Missoula.

Training

From B1

training flights.

Each time they fly, a harnessed Curry said, three checklists are completed pre-flight.

During the flight, he'll describe in detail what's happening below the helicopter; where the rescue team member is at and where the "package" is at all times, for the sake of the pilot, who can't crane his neck to look while keeping the aircraft steady.

"Everything is always done exactly the same, every time," he said.

The helicopter is owned by Whitefish philanthropist Mike Goguen as part of his rescue operation started in 2011.

Thursday was the first time Missoula Fire Department worked with Two Bear Air, rescue team paramedic Philip Keating said.

"We do utilize medical helicopters when we can for search and rescue, but they're all so busy," Keating said. The fire department trained with Life Flight on Waterworks Hill a few years ago.

The training helps, "so if we ever have the need to work together, it's a seamless operation," he said.

Keating is part of the 20-person Missoula Fire rescue team, made up of instructors who can use what they learn for wider operational training in their departments.

Two Bear Air's helicopter can make it to Missoula in about 25 minutes, Keating said, with a max speed of 172 miles per hour, making it the first responder if a situation like the ones played out Thursday actually occurred.

Jordan White, Two Bear Air executive director, said training with the more than 200 agencies they serve is all about communication, making sure they know how the other works in an emergency situation.

"We'd rather see the people in this environment than in an emergency for the first time," Chief Pilot Jim Pierce said.

Trees

From B1

The tubes and their bases look like oversize versions of the disposable planters found at garden nurseries. They feel almost as flimsy. But placed properly and supported by loose soil, the tubes can distribute the weight of thousands of pounds of sidewalk, pedestrians, vehicles and activity.

The tree itself will go in a separate hole tucked into the corner of the L-shaped SilvaCell network. Greeley explained that trees don't need symmetrical growing space – their roots will seek out any source of water and nutrients. That's why boulevard trees often tunnel under (and buckle) sidewalks to partake of the more generous watering and fertilizing residents put on their lawns. Greeley said street trees that grow healthier than their neighbors often have tapped into a distant pocket of "heritage soil" left undisturbed by urban paving and development.

When finished, the $900,000 Art Park will fill the former intersection with landscaped grounds, changing sculpture exhibits and other public activities. A consortium of local businesses, private donors, Adventure Cycling, the city of Missoula, Montana Department of Commerce and Department of Natural Resources and Conservation all provided parts of the budget. It should be finished in early November.

Meanwhile, city arborists and volunteers have been scrambling to finish other tree projects before fall weather gets too cold. On Thursday afternoon, students from the University of Montana College of Forestry and Conservation transplanted about 55 new oak, crabapple, sycamore and maple trees from their nursery home at the Wastewater Treatment Plant to new homes at Wapikiya and Whitaker parks. More new trees have been placed along Third Street West, Playfair Park and Russell Park West.

Help expand Missoula's urban forest

The Missoula Urban Forestry Division offers Cost Share Tree Planting and Memorial Tree programs. Trees are purchased in March of each year for planting in the spring. Urban Forestry staff will help residents select the right species and location for their tree. Visit *ci.missoula.mt.us/234/Plant-a-Tree* for more information. To learn more about Trees for Missoula, visit *treesformissoula.org/*.

Counts

From B1

On Sept. 12, Lake County Justice of the Peace Randy Owens deferred sentencing in Counts' case for three months, meaning he will be eligible to have the crime taken off his record if he obeys court conditions for that period. Eschenbacher said because Counts did not provide a breath sample when he was arrested, his driver's license was also suspended for six months.

The Lake County arrest came less than a year after Counts and two other Grizzlies football players pleaded guilty to a misdemeanor charge of criminal trespassing in November after they broke into a family's house on the 200 block of Pattee Canyon Drive.

In that case, Counts was sentenced to six months in jail, all of which was suspended, with a deferral period of a year after which he could have the crime cleared from his record if he met certain conditions. After his Lake County arrest, Missoula prosecutors filed a petition to revoke his sentence, saying he failed to abide by conditions that he not consume alcohol and follow all laws during that year deferral period.

In early September, Counts' attorneys asked Justice of the Peace Landee Holloway to dismiss the Missoula petition, taking issue with the way prosecutors had interpreted his sentence.

Defense attorney Nick Brooke wrote in a court filing that the oral sentence issued by Acting Justice of the Peace Shane Vannatta in November had been for a suspended, not deferred sentence, and that it would have expired after six months were over in May. Therefore, Counts' attorney said prosecutors could not file a petition to revoke his sentence two months after that point.

Brooke wrote that a deferral note Vannatta wrote at the bottom of Counts' sentence allowing for the dismissal after a year "may be confusing, and is likely illegal."

"The State is picking and choosing which lines it prefers, ignoring the Court's clearly articulated sentence and instead emphasizing an ending footnote as controlling the entire sentence," Brooke wrote.

The Missoula County Attorney's Office had until Oct. 7 to respond to Counts' request for dismissal, but didn't file such a response. Chief Deputy County Attorney Jason Marks said Wednesday they received another extension to the deadline.

But clerks at Missoula County Justice Court said they did not receive such a request for an extension, and that after prosecutors didn't file a response on Friday, the motion to dismiss was sent to Holloway for consideration without a rebuttal. No decision had been made about it as of Thursday.

Counts and two other members of the football team were suspended for a game after being convicted in November. Under the UM student-athlete code of conduct, a second misdemeanor conviction – as in the Lake County case –means a player must be suspended from 30 percent of games. Counts was inactive during the first three games of the current 11-game season before playing partway into the fourth.

On Thursday, UM Athletic Director Kent Haslam said he did not know the specifics of how Counts' court cases were handled, but that he was suspended from the games for the conduct code infraction.

Violating a condition of probation or parole, the subject of the Missoula matter, could constitute a third Category II offense in the code of conduct, which means a player must be dismissed from the team.

Haslam said the school would rely on what happened in the Missoula court proceeding to determine if any further punishment was appropriate, but said it also was possible the arrest in Lake County and alleged probation violation in Missoula could be tied together as one violation, not two.

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Smurfit

From B1

northwest of Missoula, was a paper pulp mill from 1957 until 2010. Various hazardous chemicals were used or produced there, and more than 900 acres consists of unlined ponds used to store treated and untreated wastewater and sludge from the mill.

Missoula County requested that the Montana Department of Environmental Quality and the EPA initiate an investigation and cleanup in 2011. Montana Fish, Wildlife and Parks was forced to issue a "do not eat" advisory for northern pike and a "four meal per month" limit for rainbow trout caught downstream from the Bitterroot River due to the presence of toxic materials in the water.

In May of 2013, the EPA proposed adding the site to the National Priorities List of Superfund sites, but that process has not been finalized. An agreement between the EPA and M2Green, the current owner of the site, along with former owners International Paper and West Rock, took years to reach. Sampling for toxic metals, dioxins, furans and other hazardous materials began in November 2015.

Susan Griffin, a Superfund toxicologist with the EPA, announced that the results of the sampling indicate that all contaminants at the Operational Unit 1, the agricultural lands surrounding the site, were below acceptable risk standards or below the normal background levels found throughout Montana.

The EPA has concluded that the ag lands do not pose a risk to current and future users of the land, including agricultural, commercial, recreational and construction users. She also said the ag lands would be safe for residential use.

"Operational Unit 1 does not pose a human health concern for either current or future users of the site," she said.

Dan Wall of the EPA also said there is an "acceptable" level of risk from the level of copper found in the ag lands because, from a toxicology standpoint, the level of copper is no higher than in other natural sites in Montana.

He said the level of selenium poses a "possible but unlikely" threat to cause adverse effects in plants and small mammals, so no further action is recommended.

Sparks said the EPA is likely to remove the 1,200 acres of ag land surrounding the site from the Superfund process and allow it to be developed or used in whatever way the landowners choose.

The ag lands were never used for industrial activities.

That leaves the remaining 2,000 acres, called Operational Units 2 and 3, which is where the county is at odds with the EPA and the DEQ.

"The EPA and DEQ have focused thus far on the less contaminated portions of the site, with the intent of fostering site redevelopment," reads a letter from all three county commissioners: Rowley, Jean Curtiss and Stacy Rye. "This assessment is a first step. However, Missoula County's priority is that the primary public health and environmental risks be evaluated and remedied. We therefore believe that the focus should be on the 140-acre area of landfills that were buried in groundwater near the river."

The commissioners told the EPA that the public process has been limited to a "few public meetings" and email updates that have not provided detailed information or results. They believe that they have been kept out of providing comments on work plans for the site investigation.

"The length of time that it has taken to get the investigation initiated, results released and further work conducted to clean up the site has been disappointing," the letter continued. "Unfortunately, the process that has unfolded at the Smurfit site is substandard compared to what we were expecting after our experience with the Milltown process."

Commissioners also hinted that the EPA is letting the corporations that ran the mill in the past and the current owners have too much control.

"We believe that West Rock and International Paper, along with M2Green, are exerting substantial control over work at the site, with little or no public review," their letter states.

The commission also included a list of requests, including that they immediately release all available site data for review. The commission also wants full characterization of the compounds present in the 140-acre area of landfills and sludge impoundments at the site and the risks they pose to groundwater and surface waters. They also want the landfills removed, including those that contain sludge and fly ash, with the contents disposed of in proper containers to isolate it from ground and surface water.

"The landfills contain contaminants of concern and pose a risk to human health and the environment," the letter states. "EPA's Hazard Ranking System document indicates that the sludge pond dikes have already breached in two locations, releasing materials to adjacent ponds. The landfills must be properly regulated, monitored, managed and closed in accordance with state and federal laws and regulations.

"The landfills constitute open dumps which violate federal and state regulations, including the Resource Conservation and Recovery Act, the Clean Water Act, and the Solid Waste Management Act."

The commissioners oppose the closure of the landfills in their current form, and called for an investigation into the stability of the gravel berms that separate the landfills and sludge impoundments from the river. The commission also called for an investigation into "alleged disposal of drums of waste materials adjacent to the landfills."

The EPA is set to install two deep groundwater wells to test the groundwater at OU2 and OU3 in the coming months. EPA officials did not respond to the county's demands or criticism at Thursday's meeting, saying it was an informational meeting only.

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Cold Springs Site Selection Election

Missoula County Public Schools will have a Cold Springs Site Selection election on the November 8th ballot.

All voters residing within the elementary district boundaries will see this question on their ballots.

Don't forget to vote!

Ballots will be mailed to voters in mid-October and must be returned by 8 p.m., Tuesday, November 8th. Ballots can be returned by mail or dropped off.

- Missoula County Fairgrounds (enter from South Avenue and watch for signs)
- Missoula County Courthouse Annex (office located on second floor)

Missoula County Public Schools
www.mcpsmt.org
406-728-2400, ext. 1024

Smart Schools 2020
Building for Missoula's Future

This is a zero cost question. MCPS has to ask voters for permission to locate a school on this site in Lower Miller Creek.

MCPS Trustees contemplated the acquisition of land for a new Cold Springs Elementary school as part of the November 2015 bond already passed by voters. In this election, city voters will have a chance to grant permission to acquire the site identified by MCPS.

For more information and detailed site maps, visit: http://www.mcpsmt.org/cssmartschools2020

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