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Silver Bow Creek: Good News but More Questions

An Opinion Column to *The Montana Standard*

By Evan Barrett and Mick Ringsak

[Recent “good news” from an independent, EPA-funded, feasibility review](#) has “concluded that no design/construction considerations preclude the future restoration of a lined, meandering, Silver Bow Creek corridor in its historic upper reaches from Continental/Shields Avenue to Blacktail Creek near the KOA Campground.” Elizabeth Erickson, lead hydrologist and partner at [WET \(Water & Environmental Technologies\)](#) which conducted the review, noted “I think it’s not only doable, but it’s a great recreational opportunity in the middle of our town.”

That truly is good news to all of Butte, [including the 3500 folks who signed petitions in support of the effort during the initial public comment period](#). Good news because Silver Bow Creek east of Montana Street (the “first mile”) was completely decimated by a century-plus of mining and smelting. Good news because if, in the long-term, the creek lining should eventually become unnecessary, a “natural” restored Silver Bow Creek could flow along that first mile corridor.

But that good news brings with it many more questions that should remain the focus of Butte folks. The WET feasibility study was based upon available data and also upon what is presumed to be the product of the long-negotiated Consent Decree (CD) for the Butte hill that is expected to be announced very soon. The people of Butte need to be focused on that CD to make sure there are no conditions in it that could thwart the WET analysis or other recommendations in it that are not in the interest of Butte.

The announced CD will usher in [a public participation process to be conducted by Butte-Silver Bow](#) as a way of letting the public inform the Council of Commissioners of their thoughts before the Council votes to accept, reject or suggest modifications to the CD as negotiated to this point. Now is the time to pay attention to both the broad strokes and the details in the CD.

Since, under Superfund law, BP/ARCO is the responsible party for remediation of the Butte hill and the restoration of the lost Silver Bow Creek resource, Butte folks need to make sure that the CD includes plans, commitment, and resources (funding) to complete the remedy and restoration, to wit:

COMMITMENT TO A CREEK - The parties to the CD (BP/ARCO, EPA, State of Montana and Butte Silver Bow local government) have long-stated that the CD remedy will not preclude a future Silver Bow Creek restoration. Now that the WET analysis says that can happen, will there be a commitment to the creek from those parties in the CD and will it be sufficient?

AMENITIES - BP/ARCO has previously committed to designing, constructing and paying for amenities in the corridor below Casey Street. In the CD will they do the same above Casey Street to the beginning point behind the Civic Center?

CONSTRUCTION & MANAGEMENT - The taxpayers of Butte should not bear any financial burden in the construction, operations and maintenance of the creek corridor. We need to watch the CD to see what it provides for the construction and management of the area and resulting creek and amenities and how that is to be financed.

FINANCING - We need to see how much of the estimated \$9.3 to \$15 million construction cost for creek restoration is provided for in the CD. We are told there could be a "trust fund" for multiple purposes, but is there a guaranteed amount for creek restoration in the CD?

WATER COMMITMENT - A water study done over two years ago established that there was more than enough water available through various sources to guarantee the needed flow to a restored Silver Bow Creek. The strongest proponent for water for creek flow has been Montana Resources. They are currently releasing water from the polishing plant through a pipeline, though it should flow down a creek instead of in a pipe. But the CD parties need to collectively guarantee that from those various water sources not less than 10 cfs of water will be made available to flow into the first mile of Silver Bow Creek, a level commensurate with the average annual flow rate for Blacktail Creek.

So, keep an eye on the CD when announced. Pay attention to and participate in the Butte Silver Bow public processes. And don't accept what is offered if it is not enough for the overall good of Butte Silver Bow and for the restored Silver Bow Creek corridor in particular.

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