



May 25, 2012

Mr. Steven B. Merritt
Federal On-Scene Coordinator
U.S. Environmental Protection Agency, Region 8 Via email and U.S. Mail
1595 Wynkoop Street (8EPR-ER)
Denver, CO 80202

Subject: Whitefish River and Mackinaw Bay Clean-Up
Decontamination of Commercial Vessels

Dear Mr. Merritt:

This letter is in follow-up to our conversation on May 24, 2012 in which we discussed protocols for additional inspection and decontamination protocols for commercial vessels arriving to support remedial activities on the Whitefish River and Mackinaw Bay. Since our conversation, I have discussed the matter in detail with Governor Brian Schweitzer's Office, the Montana Department of Environmental Quality, City officials, the Whitefish Lake Institute, and various members of the scientific community who were involved with this week's inspections. This letter identifies prudent protocols necessary to protect Whitefish Lake which all stakeholders, including the EPA and BNSF, should agree are required before any commercial vessels are launched from the City's public park at City Beach.

One of the key stakeholders necessary to resolve these issues is the City of Whitefish. On July 26, 2005, the State of Montana, Department of Natural Resources and Conservation granted its consent to annexation, and, the City of Whitefish annexed Whitefish Lake up to the low water mark, by Resolution No. 05-25, on August 15, 2005. Upon annexation, the City of Whitefish extended its jurisdictional land use and zoning authority for the purpose of ensuring the health and general welfare of the jurisdictional area, including Whitefish Lake. In addition, Montana's Constitution ensures the public's right to a clean and healthy environment.

As a result, we trust you can appreciate the City's responsibilities to employ these precautionary measures to help prevent the introduction of aquatic invasive species to Whitefish Lake. The City of Whitefish and various developments including Iron Horse rely upon Whitefish Lake as a source of their municipal water supply, and recreation. In

addition, Whitefish Lake is one of the key economic assets to our community, which we believe as City officials, must be protected in perpetuity for existing and future generations of Montanans.

As you are aware, zebra mussel shell fragments and suspect biological materials were discovered on several vessels during both the Level I and Level II inspections conducted this week by Montana Fish, Wildlife & Parks and the Flathead Basin Commission's consultant. Based on these finding, launching of several vessels was delayed, and additional decontamination and quarantine protocols were implemented. In addition, the City requested vessel inspection records for all boats being launched on the Whitefish River and Whitefish Lake. This information was received on May 24th.

The City understands that additional commercial vessels (flexi-floats barge sections) are en route from Idaho to Whitefish and are planned to be deployed next Wednesday at City Beach. In the spirit of minimizing the risk of aquatic nuisance species introductions, the City on behalf of the multi-jurisdictional stakeholders is requesting the following protocols be implemented prior to launching at our facility:

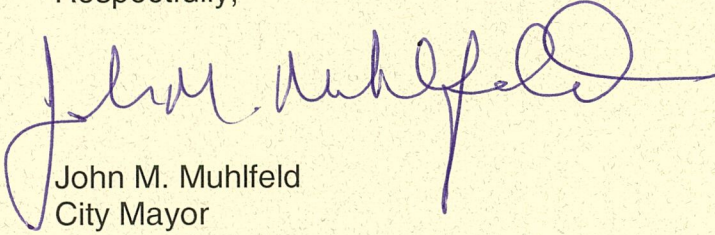
1. Vessels and all apparatus shall be visually inspected and thoroughly decontaminated using established protocols.
2. A Level I inspection shall be conducted by Montana Fish, Wildlife & Parks.
3. A Level II inspection shall be conducted if any suspect biological matter is discovered during the Level I inspection.
4. In addition, proper quarantine time shall be required of all vessels prior to deployment to the lake and river to ensure full desiccation of mussels and other biological materials, if present.
5. The Whitefish Lake Institute will serve as the City's liaison during the Level I and Level II (if required) inspections. Mr. Koopal shall be given advanced notice of the inspection times.
6. We request receipt of timely and regular updates from the EPA or its representatives as vessels arrive and inspections proceed next week addressed to the attention of:

John Muhlfeld, Mayor
City of Whitefish
jmuhlfeld@cityofwhitefish.org; jmuhlfeld@riverdesigngroup.net
Cell (406) 250-9301.

In closing, the City wholeheartedly appreciates the efforts of the EPA, BNSF and their consultants. We look forward to working with you in the implementation of the protocols prior to the launching of vessels required for the EPA compliance work in Whitefish

Lake and the Whitefish River. If you should have any questions, please do not hesitate to contact me directly at (406) 250-9301. We appreciate your continued cooperation with the City and all involved stakeholders on this important matter.

Respectfully,



John M. Muhlfeld
City Mayor

cc: Honorable Governor Schweitzer
Rob Hagler, Kennedy Jenks
Mike Koopal, Whitefish Lake Institute
Whitefish City Council
Chuck Stearns, City Manager
Mary VanBuskirk, City Attorney
Karl Cozad, Director of Parks and Recreation
John Wilson, Director of Public Works