

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

EXHIBIT 2  
DATE 4-24-07  
HB 116



BRIAN SCHWEITZER, GOVERNOR

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STATE OF MONTANA

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**TO:** Amy Sassano  
Office of Budget and Program Planning

**FROM:** Patricia Schiltz, Chief  
Fiscal Bureau

**DATE:** February 21, 2007

**SUBJECT:** Environmental Contingency Account (02107)

Please find attached a financial report for the Environmental Contingency Account as of December 31, 2006. The Unreserved fund balance in the account is \$405,545.

Let me know if you need further information. I can be reached at extension 6735.

Enclosures

cc: Eileen Rose, OBPP  
Barbara Smith, LFD  
Ann Bauchman, DNRC  
Anna Miller, DNRC  
Alice Stanley, DNRC  
Bob Fischer, DNRC

ENVIRONMENTAL CONTINGENCY ACCOUNT FUND 02107  
 FINANCIAL REPORT  
 JULY 1, 1989 THROUGH JUNE 30, 2006

ENVIRONMENTAL CONTINGENCY ACCOUNT(02107)	FY89	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07
Beginning Cash Balance	\$337,865	\$332,922	\$437,362	\$437,362	\$611,362	\$611,362	\$730,820	\$399,994	\$570,493	\$395,493	\$545,493	\$407,522	\$456,881	\$366,211	\$507,316	\$504,335	\$642,884	\$542,884	\$613,145
Transfer-in from Fund 02458	-	175,000	-	175,000	-	138,658	-	175,000	-	175,000	-	175,000	-	175,000	-	175,000	-	175,000	57,116
Misc. Revenue	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4,021
<b>Total Available Resources</b>	<b>337,865</b>	<b>507,922</b>	<b>437,362</b>	<b>612,362</b>	<b>611,362</b>	<b>750,020</b>	<b>730,820</b>	<b>574,994</b>	<b>570,493</b>	<b>570,493</b>	<b>545,493</b>	<b>592,522</b>	<b>456,881</b>	<b>543,211</b>	<b>507,316</b>	<b>679,335</b>	<b>642,884</b>	<b>779,021</b>	<b>613,145</b>
<b>USES OF RESOURCES:</b>																			
<b>STATE LANDS EXPENDITURES:</b>																			
-Butte Rising Star Mine	4,945	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Backfill Abandoned Mine Shaft	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Walkerville Allie Brown & Angela Mines	-	4,692	-	-	-	19,200	-	-	110,000	-	-	-	-	-	-	-	-	-	-
-Backfill Abandoned Mine Shafts	-	-	-	-	-	-	-	-	30,000	-	-	-	-	-	-	-	-	-	-
<b>DEPT NATURAL RESOURCES &amp; CONSERVATION</b>																			
-Powder River County	-	-	-	1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Plug Leaking Oil Well	-	43,940	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Superior School District #43	-	21,928	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Park County	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Bypass for Leaking Sewer Line	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-East Fork Dam Rehab.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Westside Canal Emerg. Grant	-	-	-	-	-	-	-	-	-	25,000	-	-	-	-	-	-	-	-	-
-Cut Bank Wastewater Treatment Lagoon	-	-	-	-	-	-	-	-	-	-	30,600	-	-	-	-	-	-	-	-
-Cove Irrigation Company Ditch	-	-	-	-	-	-	-	-	-	-	35,636	-	-	-	-	-	-	-	-
-Town of Ophelim Public Water Supply Contamination	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-St. Mary's Diversion Facilities-Investigate Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Lower Missouri River Dredging Project	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Deadmans Basin Supply	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-No. Cheyenne Tribe Contract Water	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>DEPT. FISH, WILDLIFE &amp; PARKS:</b>																			
-Big Hole River: stockwater tanks due to closure of three diversions.	-	-	-	-	-	7,143	50,488	4,501	-	-	-	-	1,630	-	-	-	-	-	-
-Parrot Ditch assistance to Jefferson River streamflows	-	-	-	-	-	-	-	-	-	-	-	-	40,000	-	-	-	-	-	-
-In-situ Windmill aerators at Bynum Reservoir for fishery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-NE Montana storm haystack impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Aeration of Bean Lake	-	-	-	-	-	-	-	-	-	-	-	-	-	1,832	-	-	-	-	-
<b>MONTANA BUREAU OF MINES AND GEOLOGY:</b>																			
-Interim funding Groundwater Assessment Program	-	-	-	-	-	-	262,186	-	-	-	-	-	-	-	-	-	-	-	-
<b>DEPT. OF ENVIRONMENTAL QUALITY</b>																			
-Lockwood Water Users Association	-	-	-	-	-	-	10,998	-	-	-	-	-	-	-	-	-	-	-	-
-Benzene and Solvent contamination to wr supply	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Remediation of Pony Gold Mine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Remediation of Pony Millsite Tailings	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Repayment of Remediation of Pony Millsite Tailings	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Butte Streamside Tailing Operable Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Repayment-Butte Streamside Tailing Operable Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Hardem Equity Co-Op Petroleum Release	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Town of Nashua Sewer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Bearnoth Hospital Day Care Soil Cleanup	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>DEPT. OF LIVESTOCK</b>																			
-Kestler Game Farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>DEPT. OF MILITARY AFFAIRS</b>																			
-Lewistown HazMat	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>DEPT. OF PUBLIC HEALTH &amp; HUMAN SERVICES</b>																			
-Disposal of Hazardous Chemicals-Cogswell	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Uses of Resources</b>	<b>4,945</b>	<b>70,560</b>	<b>437,362</b>	<b>612,362</b>	<b>611,362</b>	<b>730,820</b>	<b>399,994</b>	<b>570,493</b>	<b>570,493</b>	<b>545,493</b>	<b>407,522</b>	<b>456,881</b>	<b>368,211</b>	<b>507,316</b>	<b>504,335</b>	<b>642,884</b>	<b>542,884</b>	<b>613,145</b>	<b>605,545</b>
<b>ADJUSTMENTS:</b>																			
-Accrual for ECA-Equity Co-Op, Harlem	-	-	-	-	-	19,200	330,826	4,501	-	-	-	-	-	-	-	-	-	-	-
-Accrual for Town of Ophelim	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Accrual for Lewistown HazMat	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Accrual for Lower Missouri River Dredging Project	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Ending Cash Balance</b>	<b>\$332,922</b>	<b>\$437,362</b>	<b>\$437,362</b>	<b>\$612,362</b>	<b>\$611,362</b>	<b>\$730,020</b>	<b>\$399,994</b>	<b>\$570,493</b>	<b>\$395,493</b>	<b>\$545,493</b>	<b>\$407,522</b>	<b>\$456,881</b>	<b>\$368,211</b>	<b>\$507,316</b>	<b>\$504,335</b>	<b>\$642,884</b>	<b>\$542,884</b>	<b>\$613,145</b>	<b>\$605,545</b>
<b>CASH RESERVED FOR PROJECTS</b>																			
Reserved for Whirlwind Disease Accrual (FWP)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reserved for Cut Bank Wastewater Treatment Lagoon (DEO)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reserved for Harlem Equity Co-Op Petroleum Release (DEO)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reserved for Town of Nashua Sewer (DEO)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reserved for Kestler Game Farm (DOL)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reserved for Parrot Ditch for Jefferson River streamflows (FWP)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reserved for Aeration of Bean Lake (FWP)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reserved for Restoration in Stillwater & Sweet Grass Counties (DNRC)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Cash Reserved for Projects</b>	<b>\$0</b>	<b>\$1,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$800</b>	<b>\$4,500</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$115,620</b>	<b>\$82,326.08</b>	<b>\$68,951</b>	<b>\$30,439.02</b>	<b>\$27,519.90</b>	<b>\$27,519</b>	<b>\$27,519</b>	<b>\$200,000</b>
<b>Unreserved Ending Cash Balance</b>	<b>\$332,922</b>	<b>\$436,362</b>	<b>\$437,362</b>	<b>\$611,362</b>	<b>\$611,362</b>	<b>\$730,020</b>	<b>\$395,494</b>	<b>\$570,493</b>	<b>\$370,493</b>	<b>\$545,493</b>	<b>\$407,522</b>	<b>\$341,251</b>	<b>\$275,885</b>	<b>\$438,365</b>	<b>\$473,896</b>	<b>\$615,365</b>	<b>\$515,365</b>	<b>\$613,145</b>	<b>\$405,545</b>

\*The No. Cheyenne Tribe Contract Water project has been completed and the balance of the funds required for this project will not be used--No need to reserve any further funds.  
 \*\*The settlement of the lawsuit with Arco provides the balance of the funds required for this project--No need to reserve any further funds.

## ENVIRONMENTAL CONTINGENCY GRANT PROGRAM

Funded by interest income from the Resource Indemnity Trust Fund, the Environmental Contingency Grant program makes available funds for projects that exhibit emergency or imminent need in the areas of water development, renewable resources, mineral development and hazardous wastes or materials. Each biennium \$175,000 is allocated to this account with the unobligated cash balance not to exceed \$750,000. As of December 31, 2006, the Environmental Contingency Account (02107) has an unreserved cash balance of \$405,545. The governor controls the account and authorizes use of these funds.

Following is a list of all authorization and expenditures since the inception of this program.

### Authorizations Prior To This Report Period:

1. **February 9, 1987** DHES was authorized an amount not to exceed \$30,000 to plug an abandoned oil (Simerro #1) located in the town of Cut Bank, Montana. The flowing well exhibited significant concentrations of hydrogen sulfide gas that is both toxic and explosive at high concentrations. Although the 1987 Montana Legislature appropriated \$19,951 for the plugging using Reclamation and Development Grants Program (RDGP) funds, such funds were not available until after June 30, 1987. Consequently, Environmental Contingency Account funds were expended. The contingency account was later reimbursed with RDGP funds for this expenditure.
2. **April 22, 1987** DHES was authorized an amount not to exceed \$7,000 to plug an abandoned, leaking gas well (Huso Lease No. 4143-44) located in a residential area of Cut Bank, Montana.
3. **April 27, 1987** DHES was authorized an additional amount not to exceed \$5,000 for the Huso Lease No. 4143-55 abandoned.
4. **September 18, 1987** DHES was authorized an amount not to exceed \$60,000 to implement safety and cleanup measure for a gasoline spill originating at a gasoline service station in Livingston, Montana. Federal funds were received to cover the cost of cleanup, thus eliminating the need for contingency account funds.
5. **May 20, 1988** DSL was authorized an amount no to exceed \$5,000 to backfill a collapsed and abandoned mine shaft located int he abandoned Blaine School playground in Butte, Montana.
6. **May 27, 1988** DHES was authorized an amount no to exceed \$15,000 to implement safety and cleanup measures relating to oil found in ground water within and adjacent to the city of Cut Bank, Montana.
7. **April 13, 1989** DSL was authorized an amount not to exceed \$5,000 to backfill a collapsed and abandoned mine shaft (Rising Star Mine) located within Walkerville, Montana.

8. **July 10, 1989** DSL was authorized an amount not exceed \$5,000 to backfill two collapsed and abandoned mine shafts (Allie Brown and Angela Mines) located within a Walkerville, Montana residential area. Of this amount, \$4,692 was used to pay the contractor.
9. **December 6, 1989 and January 10, 1990** The Board of Oil and Gas Conservation was authorized an amount not to exceed \$25,000 to plug an abandoned oil exploration well located in Powder River County, Montana. Several bids were received by plugging contractors, all exceeding the amount authorized. On January 10, 1990, the Board was authorized an additional \$25,000 to plug this well. This increase reflected the bids received. Of the total amount of \$50,000 authorized for this project, \$43,940 was used to pay the contractor.
10. **June 19, 1990** Superior School District #3 was authorized the amount of \$21,928 to investigate and cleanup a leaking fuel oil underground storage tank at Superior High School in Mineral County, Montana. The leak presented an imminent threat to the area groundwater and the environment.
11. **August 5, 1993** Park County was granted \$20,000 to install a temporary pipeline to bypass a leaking sewer line in the Yellowstone River. \$19,200 was expended on this project.
12. **September 2, 1994** The Department of Fish, Wildlife & Parks was authorized to spend \$7,245 to purchase stock water tanks, install them, and deliver water to the tanks on two ranches in the upper Big Hole basin in exchange for closure of three diversions from the Big Hole River.
13. **September 30, 1994** The Montana Bureau of Mines and Geology was authorized \$262,186 to provide interim funding for the Groundwater Assessment Program to allow for continued monitoring of existing well sites and allow expansion of the monitoring system.
14. **May 22, 1995** Lockwood Water Users Association and DHES was authorized an amount not to exceed \$11,000 for cleanup of the benzene and solvent contamination of the Lockwood Water Supply. \$10,998.34 was expended on this project.
15. **June 20, 1995** The Dept. Of Fish, wildlife and Parks was authorized an amount not to exceed \$55,000 to respond to the Whirling disease emergency. \$50,498.15 was expended in fiscal year 1995 and \$4,501 was expended in fiscal year 1996.
16. **July 10, 1996** The Dept. Of Natural Resources and Conservation was authorized \$30,000 for the construction of a temporary earthfill diversion around an inverted siphon on the West Side Canal that washed out in early June near Dillon, Montana.

17. **July 28, 1996** The Dept. Of Natural Resources and Conservation was authorized \$110,000 for design and exploratory construction to address an emergency caused by the failed condition of the East Fork of Rock Creek Dam.
18. **August 8, 1996** The Dept. of Environmental Quality was authorized \$35,000 to cover a portion of the cost of reclamation work which involves restoration of site security, decontamination of the mill buildings, revegetation of easily eroded areas, and disposal of waste water in the impoundment through land application at the Pony Gold Mill.
- 19.. **May 6, 1997** The Dept. Of Natural Resources & Conservation was authorized an amount no to exceed \$25,000 for repair of a dike at the City of Cut Bank wastewater treat lagoon. Complete dike failure would have released over 150 acre-feet of untreated water into Cut Bank Creek, and would have caused downstream property damage from flooding and erosion. This grant was in conjunction to a \$105,000 loan for the same project.
20. **June 10, 1998** The Department of Environmental Quality was authorized an amount not to exceed \$100,000 for the Streamside Tailing Operable Unit, a facility utilized to reclamate the flood plain and channel of Silver Bow Creek west of Butte. The stream is devoid of aquatic life and contains highly elevated concentrations of mobilized heavy metals. These monies serve as 10% state match monies to an EPA grant for \$900,000. Of the total amount authorized, \$17,371.74 has been spent. The balance of these funds(\$82,628.26) will not be spent since the settlement of the lawsuit with Arco will provide funding to complete this project.
21. **June 15, 1998** The Department of Environmental Quality was authorized an amount of \$90,000 in order to complete the destruction of cyanide compounds at the Pony Millsite Tailings Impoundment Reclamation project. Continued leakage of cyanide-contaminated waste poses an additional threat to persons, property, and the environment. These monies will be used in conjunction with \$10,000 of U.S. Department of Interior Surface Mining funds, \$100,000 of EPA carryover funds, and \$50,000 of CERCA funds.
22. **September 2, 1998** The Department of Natural Resources and Conservation was authorized an amount of \$30,600 to cover the costs of emergency repair of the Cove Irrigation Company Ditch. These monies will be used to pay for emergency concrete repairs and emergency site access costs. A portion of the ditch's concrete wall collapsed, rendering the ditch unusable. The ditch provides water to 148 irrigators farming 8,762 acres.
23. **June 25, 1999** The Department of Natural Resources and Conservation was authorized \$36,000 for exploratory drilling and testing to find an alternative to the contaminated well that serves the public water supply for the Town of Opheim. The contaminated well is no longer in use, resulting in the availability of only one approved well for Opheim's public water supply.

24. **August 13, 1999** The Department of Environmental Quality (DEQ) was authorized \$63,000 for emergency repair of a sewer main which posed a significant health risk to the residents of Nashua. The grant will be used for the installation of four new manholes, 390 feet of sewer pipe, and the surveying and engineering costs for the project.
25. **January 4, 2000** The Department of Livestock was authorized \$60,000 for the purpose of incinerating 80 exposed or infected game farm elk. The elk were exposed or infected with Chronic Wasting Disease(CWD) on the Kesler Game Farm outside of Philipsburg.
26. **February 2, 2000** The Department of Environmental Quality was authorized \$100,000 for cleanup at the Equity Co-Op bulk plant in Harlem. Groundwater contamination resulted from leaking gasoline and diesel tanks. Funds will be used to recover the petroleum product and remove petroleum-contaminated soil that is acting as a source of groundwater pollution.
27. **September 27, 2000** The Department of Fish, Wildlife, and Parks was authorized \$5,600 for two projects. The first was reimbursement of \$3,600 to the Parrot Ditch Company for assisting in providing water flow to the Jefferson River so it did not go dry. The second project for \$2,000 purchases and places two windmill-type apparatus into Bynum Reservoir for aeration through the winter. Due to present low water levels in the reservoir, winter fishery survival is very questionable. This will help prevent winterkill of fish.
28. **January 8, 2001** The Department of Environmental Quality was authorized \$25,500 for cleanup at the Beartooth Hospital and Health Centering Facility in Red Lodge. Surface contamination was present in the soil including arsenic, cadmium, chromium, and lead. The contamination resulted from leaks from automobiles as a used car dealership once operated there. Contamination levels were a concern because of the day care center that would be operated at this site. Funds will be used to dig up to three feet of contaminated soil, dispose of it, and replace with clean soil.
29. **March 2, 2001** The Department of Fish, Wildlife, and Parks was authorized \$40,000 for game damage compensation as a result of the two major storms that hit Northeast Montana in November 2000. This compensation will cover landowner's losses to haystacks due to deer as a result of these storms.
30. **October 29, 2001** The Department of Public Health and Human Services was authorized up to \$25,000 for disposal of hazardous materials stored in the Cogswell Building on the Capitol Complex. The cleanup, removal and disposal proposal has gone out to bid and the DPHHS plan is to contract with a specialized hazardous materials disposal company.

31. **November 2, 2001** The Dept. of Fish, Wildlife & Parks was authorized up to \$2,000 on expenses for enhanced aeration of Bean Lake due to the continuing drought. The prairie pothole lake, a popular recreational fishery along the Rocky Mountain Front, is in danger of losing a mature fishery many years in the making without additional oxygenation.
32. **June 18, 2004** The Department of Natural Resources and Conservation was authorized up to \$100,000 for necessary investigations into the repair of the St. Mary Diversion Facilities. Local matching funds of an equal amount are required as a condition for use of these funds. The \$100,000 in Environmental Contingency Funds should focus on analyses and to prepare a report prior to next Legislative session as to the critical steps necessary to move forward on the replacement of this important infrastructure.
33. **April 7, 2005** The Department of Natural Resources and Conservation was authorized up to \$30,000 for the partial cost of purchase of a small, shallow draft, hydraulic dredge for the Lower Missouri River Dredging Project. This will allow irrigators to keep pumping facilities in operation without the use of heavy earth-moving equipment, thereby providing for the protection of property and of vegetation, fish, wildlife, and other resources during imminent emergency low-water situations.
34. **May 25, 2005** The Department of Military Affairs was authorized \$4,020.94 for reimbursement under the Emergency Hazmat Plan. This reimbursement allowed the Great Falls Hazmat Unit to assist the Lewistown Hazmat Unit in response to a incident involving a truck-trailer on the truck bypass in Lewistown.
35. **September 26, 2005** The Department of Natural Resources and Conservation was authorized up to \$100,000 for use on repairs to the Deadmans Basin Supply Canal. The canal was heavily damaged in a storm on June 27, 2005. Repairs must be made to allow for average flows through the canal by the spring of 2006.

**Authorizations for this Report Period:**

1. **August 22, 2006** The Department of Natural Resources and Conservation was authorized up to \$30,000 to purchase water from the Northern Cheyenne Tribe to mitigate some of the damage that will occur due to record lows of the Southeast Montana rivers.
2. **January 4, 2007** The Department of Natural Resources and Conservation was authorized up to \$200,000 erosion control in Stillwater and Sweet Grass Counties due to exposed soil and loss of vegetation as a result of past fires.

**Town of Brockton** **\$10,000**  
**Water Transmission Main Emergency Repair**  
**March, 2007**

On February 20, 2007, the water system for the Town of Brockton lost pressure and failed, leaving the town without water. A line failure was discovered where the 4" main passed under the BNSF tracks. A local contractor was hired to replace about 80' of line and system operation was restored on February 22.

**Jefferson Valley Conservation District** **\$30,000**  
**Emergency Removal of Abandoned Milwaukee Railroad Bridge**  
**March, 2007**

An abandoned railroad bridge spanning the Jefferson River near Cardwell partially failed during 2006. Total failure during spring runoff would have resulted in local flooding including the Cardwell School and Highway 359. A local contractor was hired and the bridge is in the process of being removed.