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In Memoriam: Phil Tourangeau

Sally Johnson¹

While the Public Land Law Conference was considering the national policy implications of the Clark Fork River Basin Natural Resource Damages Program, Phillip C. (Phil) Tourangeau, scientist, long-standing advocate for, and friend of the Basin was dying. Phil died on Thursday, September 28, 2006 from the complications associated with a massive heart attack.

“It is the spirit and not the form of law that keeps justice alive.”² Engaged and knowledgeable citizens like Phil Tourangeau, have embodied the spirit of the Superfund law in the Clark Fork Basin, shaping the Basin’s future. The best reward for these efforts would be that future generations will be inspired by the Basin’s story, and understand why Phil and others would care so much.

Phil was involved in the Clark Fork River Superfund Site from its inception. He served as Acting Director of the University’s Clancy Gordon Environmental Science Laboratory when it first analyzed samples of sediments from the Milltown Reservoir and found elevated levels of arsenic.³ These results assisted University of Montana researchers in identifying the sources of contamination, which, in turn led to the designation of the Milltown Reservoir Sediments Operable Unit on the Clark Fork River Superfund Site.⁴

“Phil dedicated himself to gathering reliable information to share with the public regarding environmental conditions at Clark Fork River Superfund sites.”⁵ As a staff scientist for the fledgling Clark-Fork Pend O’reille Coalition, Phil chaired the Milltown EPA Superfund Site Committee (the aptly named MESS Committee)⁶ as it reviewed and gave public comment on the numerous technical documents generated regarding the Basin.⁷ “Phil’s detail oriented personality and technical skills opened the door to

1. Senior Counsel, Rocky Mountain Elk Foundation. B.A. 1978 U. of Mont.; M.A. 1981 Northwestern U.; J.D. 1994 U. of Mont. The author sat on the Upper Clark Fork Remediation and Restoration Advisory Council with Phil Tourangeau.

2. R. William Ide, III, *Wisconsin’s Journey to Just Solutions*, 80 Marq. L. Rev. 737, 737 (Spring 1997) (citing C.J. Earl Warren, *The Law and the Future*, Fortune Mag., 106, 224 (Nov. 1955)).

3. Telephone Interview with Vicki Watson, Prof., Dept. of Envtl. Stud., U. of Mont. (Feb. 28, 2007). Tourangeau also analyzed fish and crayfish samples from the Clark Fork River for the Montana Department of Fish, Wildlife and Parks, finding heavy metals. *Id.*

4. Telephone Interview with William Woessner, Prof., Dept. of Geology, U. of Mont. (Feb. 28, 2007). “The Superfund Site extends approximately 120 miles upstream from the project site to Butte, Montana. The reach of the Clark Fork River therein is contaminated by arsenic, copper, zinc, and other heavy metals, which have leached from now-closed mines in the vicinity of Butte.” 70 Fed. Reg. 3919, 3920 (Jan. 27, 2005).

5. Clark Fork Coalition Staff, *Currents* (newsletter of the Clark Fork Coalition) 2 (Winter 2006).

6. MESS was a predecessor of the Milltown Technical Advisory Committee and the Clark Fork River Technical Advisory Committee.

7. Telephone Interview with Peter Nielson, Envtl. Health Supervisor, Missoula City-County Health Dept., Missoula, Mont. (Feb. 28, 2007).

the public in the Superfund process.”⁸ Tourangeau “was a determined force behind the work to clean up and restore these [Clark Fork Superfund] sites. Phil was a particularly effective ally in the campaign to remove Milltown Dam.”⁹

Phil chose to work for organizations whose interests aligned with the River. He served for years (until his death) as Natural Resources Damages Coordinator for the Confederated Salish and Kootenai Tribes and more briefly for the National Park Service – Grant Kohrs Ranch. Reflecting on Tourangeau’s service and its impact, Montana Attorney General, Mike McGrath stated:

He represented the Tribes well in [Upper Clark Fork River Basin Remediation and Restoration Advisory] Council matters, assuring that the Tribes’ views were effectively voiced and addressed. He consistently and constantly sought protective and effective remediation and restoration of natural resources in the Clark Fork Basin. He brought his valuable technical expertise to the Council and a strong dedication to the tribal and public principles embodied in the Clark Fork natural resource damage litigation and settlement. He challenged us to keep those principles at the forefront of our decision-making and engaged us in insightful dialogue. He did so in a quiet, respectful and professional manner, often working behind the scenes to help resolve conflicts. He contributed greatly to the decisions and achievements of the Council.

Phil also provided valuable assistance in coordinating tribal support of the natural resource damage litigation at trial and when it was threatened, and he helped bring the parties together to reach the settlement that led to the restoration activities of the Program and Council. In addition, he was instrumental in the Milltown settlement and planning for the restoration of the two rivers. He was a faithful environmental advocate in his life’s pursuits. We will sorely miss him.¹⁰

8. *Id.*

9. *Supra* n. 4.

10. Ltr. from Mike McGrath, Mont. Atty. Gen., to James Steele, Jr., Chairman, Confederated Salish & Kootenai Tribes, (Oct. 10, 2006) (copy on file with Nat. Resource Damage Program, Mont. Dept. of Just.).