

Draft Response to Project Abstracts and Public Comments on the 2015 Update to the UCFRB Aquatic and Terrestrial Resources Restoration Plans

**Includes Draft Update to the UCFRB Aquatic and
Terrestrial Resources Restoration Plans, 2012**

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Section I. Introduction

On February 23, 2015, the Natural Resource Damage Program (NRDP) released the 2015 Update, Solicitation of New Restoration Action Concepts and Potential Revisions for the Final Upper Clark Fork River Basin (UCFRB) Aquatic and Terrestrial Resources Restoration Plans (hereafter referred to collectively as Restoration Plans) for public solicitation of additional conceptual restoration proposals specific to aquatic and terrestrial resource priority areas and revisions to the Restoration Plans. The NRDP sent notices of this opportunity to 427 individual/entities on its mailing lists, issued a press release, and placed display ads in four basin-area newspapers. The NRDP also summarized this public solicitation for project abstracts/comment process at the January 21, 2015 meeting of the UCFRB Remediation and Restoration Advisory Council (Advisory Council).

The NRDP received four conceptual restoration proposals and three letters proposing updates to the Restoration Plans during the public solicitation/comment period. See Appendix 1 for a list of conceptual restoration proposals/commenters, identified by a specific number that serves as a reference to the comment throughout this document. Appendix 1 also provides the conceptual restoration proposals/comment letters, which are also available on the NRDP website at: <https://doj.mt.gov/lands/ucfrb-restoration-plans/>.

This document further summarizes the conceptual restoration proposals and comments received and provides the State's responses. The State's responses discuss which conceptual restoration proposals and revisions to the Restoration Plans are incorporated into the draft update and why certain conceptual restoration proposals or suggested changes are not incorporated. Section IV provides the State's recommended update to the Restoration Plans.

The State's draft 2015 Update to the Restoration Plans will be presented at the April 22, 2015 meeting of the Advisory Council and a meeting of the Trustee Restoration Council (May 13, 2015). Both councils will consider the staff's proposed draft 2015 Update to the Restoration Plans and consider the staff's recommendation to request public comment on this draft 2015 Update to the Restoration Plans during a 30-day public comment period. Following consideration of public comment and the recommendations of these two councils, the Governor will make the final decision on the 2015 Update to the Restoration Plans. The State proposes to begin a second Restoration Plan update and revision process two years following the Governor's decision.

Section II. Conceptual Restoration Proposals Submitted:

1) Frost Creek, Philipsburg, Montana: an urban trout habitat and riparian zone enhancement concept.

This project abstract proposes to accomplish the goals of improving the health of Frost Creek, a tributary to Flint Creek, and provide new educational and recreational opportunities for visitors and residents of Granite County. The objectives of the proposed action are to restore the natural hydrologic features by adding meanders, falls, pools, and correcting streambed incision; restore native riparian plants along the course of the creek in the restoration area; install nest boxes for mountain blue birds; construct an interpretive nature walk along the corridor; and enhance the natural corridor that the creek provides by removing obstacles and refuse wherever possible.

Response: The Restoration Plans address Priority 1 and 2 aquatic priority areas. The UCFRB prioritization document, Prioritization of Areas in the Upper Clark Fork River Basin for Fishery Enhancement (Aquatic Prioritization Plan)(December 2011),¹ provided the basis for the determination of Priority 1 and 2 aquatic priority areas for the Restoration Plans. Frost Creek is not listed as a priority stream in the Aquatic Prioritization Plan. This is reflected in Section 3.2.2.7 of the Restoration Plan, Flint Creek Watershed, which identifies Flint Creek and Boulder Creek as the priority tributaries with proposed restoration actions.

The Aquatic Prioritization Plan was subject to substantial public consideration over an 18 month period prior to being finalized in 2011. The Aquatic Prioritization Plan will be periodically revised as new information becomes available, with significant changes being subject to public comment. The State will take into account any changes due to any later updates of the Aquatic Prioritization Plan.

Because Frost Creek is not a prioritized stream, the State has not included this Frost Creek project in the 2015 Update of the Restoration Plans.

2) Zeke's Meadow, Granite County, Montana

This project abstract proposes to conserve approximately 800 acres of habitat in the headwaters of Rock Creek, known as Zeke's Meadow, namely Moose Meadows Creek and intermittent streams contributing to the Ross Fork of Rock Creek. Moose Creek contains a population of westslope cutthroat trout, and Ross Fork of Rock Creek is designated bull trout critical habitat. This proposal would permanently protect and maintain this terrestrial and aquatic habitat by incorporating the lands into the Beaverhead Deer Lodge National Forest. Approximately 640 acres of this project are located within the Phillipsburg West Landscape Area, with 160 acres of riparian habitat located along Ross Fork and Rock Creek, outside of the Phillipsburg West Landscape Area, although more than 25% of the 160 acre parcel is within Priority 1 riparian area.

¹ Available from the NRDP website at: <http://doj.mt.gov/lands/prioritizing-aquatic-and-terrestrial-resources>.

Response: These lands are within or adjacent to the Phillipsburg West Landscape Area, and meets the criteria to be considered for funding from the Restoration Plans, Terrestrial Resources Plan. The project abstract will be identified and included as part of Section 4.2.4.1, Proposed Actions for Phillipsburg West Landscape. The State will work with project partners to fully evaluate this project. See Section IV of document.

3) Deer Lodge Valley Parks/Trail Master Plan

In this project abstract, Powell County proposes to compose a plan to create linkage between existing recreational opportunities in and around the City of Deer Lodge, along the Clark Fork River, and connect to the trail system at the Grant-Kohrs National Park. This is a planning proposal integral to the Deer Lodge Trestle Park project funded in the Restoration Plans.

Response: This project abstract seeks funding for a recreational project. The Restoration Plans allocated \$6.5 million to recreation projects. This \$6.5 million was allocated to six projects within the UCFRB, including the Deer Lodge Trestle Park project for \$1.4 million. Rather than include this project as a separate recreational project, the State will work with Powell County to integrate this project into Powell County's current Trestle Park project, as there are funds available. The project abstract will be identified in Section 5.2.1, Recreational Enhancements in Injured Areas, under the Deer Lodge Trestle Community Park heading.

4) YT Timber, Anaconda, Montana

This project proposes to acquire from YT Timber two parcels of land that are adjacent to the Garrity Mountain Wildlife Management Area and US Forest Service property, totaling 223 acres. The properties are a bighorn sheep migration corridor between the Blue-eyed Nellie WMA and the Garrity Mountain WMA. Warm Springs Creek and Barker Creek, both Priority 1 streams, run through parts of these properties. Public access would be preserved for fishing, hunting, hiking, and wildlife viewing.

Response: These lands are within the Anaconda Landscape Area and meet the criteria to be considered for funding from the Restoration Plans, Terrestrial Resources Plan. The project abstract will be identified and included as part of Section 4.2.4.7, Anaconda Priority Landscape. The State will work with project partners to fully evaluate this project. See Section IV of document.

Section III. Comment Summary and State Response

Comment 1: Consideration of flow restoration without receiving a DNRC change authorization.

Comments: Two comments indicated a desire for more flexibility to accomplish the desired flow restoration goals listed in Section 3.2.1 of the Restoration Plans. The two commenters suggested a variety of tools be considered to meet these goals. These tools include short-term and long-term water right leases, sources switches, diversion reduction or forbearance agreements, irrigation efficiency projects, split-season leases, minimum flow agreements, single season agreements, or other flow management agreements that enhance flow (Comment Letters #1 and 3).

Response: The State addressed a similar comment in the Final Response to Public Comments on the Draft UCFRB Aquatic and Terrestrial Resources Restoration Plans (December 2012) 2012 Response to Comments:² “One comment urges flexibility in providing up-front investment in unique circumstances of some water right purchases/leases (Comment #107d).”

The State’s 2012 Response to Comments states:

Since the comment is urging flexibility in a hypothetical situation, it is difficult to determine what kind of flexibility would be needed for a potential project or the likelihood it would ever occur at some time in the future. As proposed in the Draft Aquatic Plan, after completion of project development efforts, which include a DNRC change process determination, each flow project has to be approved by the Trustee, following consideration of input from the public, Advisory Council, and Trustee Restoration Council. Based on its negative experience with the up-front funding approach to the Racetrack project, and because the unique circumstances might be considered to exist with any one project, the State does not propose to change this requirement. *As the State gains more experience in the next two years with development of flow projects, it can reconsider this issue as part of its review associated with the planned review of the 2012 Final Restoration Plans two years after their approval by the Governor that is provided for in the 2012 Process Plan.* (Emphasis added.)

Over the past two years, the State has seen firsthand the formidable task of advancing instream flow applications through the DNRC process. The State agrees with the commenters that further tools may assist in realizing instream flow benefits. The State therefore proposes to modify the Restoration Plans, Section 3.2.1, to allow for the use of alternative methods as part of the project development costs to achieve the flow goals of the Restoration Plans. This process would allow the State, in appropriate circumstances, and working with its partners, the ability to directly fund up to \$50,000 per project for short-term agreements, not to exceed two years. Funded projects would serve as a supplement to the DNRC process, assisting the State in defining potential benefits of a long-term acquisition, while also establishing a working relationship with landowners. Appropriate agreements would also help landowners understand what could be

²Available from the NRDP website at: <http://doj.mt.gov/lands/prioritizing-aquatic-and-terrestrial-resources>.

expected if entering into a longer term water deal. Price would be based on the data gathered by the State on similar transactions within the State. The State proposes funding of these short-term agreements directly, without going through the normal flow restoration funding process, since the State would consider these types of agreements part of the due diligence of project development activities, and similar to technical services contracting. The State would report the funding of any of these types of projects during its normal reporting requirements.

Proposed new language is included in Section IV.

Comment 2: Comments specific to leveraging outside funding to maximize opportunities.

Comment: One comment expressed an opinion that contributions from outside partners such as Columbia Basin Water Transaction Program (CBWTP) can complement NRDP's funds to share costs necessary to bring instream flow transactions to fruition. The commenter noted that NRDP has developed a good line of communication with CBWTP; the commenter encouraged NRDP to more fully develop that relationship, and to also explore similar opportunities with other entities such as FWP's Future Fisheries Program. Another comment encouraged the State to continue to develop partnerships with multiple state and federal agencies, local governments, and private entities that share an interest in aquatic habitat and fish passage restoration, stating that the collaboration not only strengthens projects, but can bring other funding that will maximize the impact of the State funds (Comment Letter #3).

Response: The Restoration Plans, Section 6.0, Project Development and Design, recognizes the opportunities to work with project partners to obtain additional matching funds to increase project cost-effectiveness. Several projects implemented by the State and its partners have included matching funds. The State will continue to look for opportunities to obtain matching funds whenever possible.

No revision to the Restoration Plans is necessary.

Comment 3: Comment on developing Group 2 and Group 3 flow projects.

Comments: One comment expressed an opinion that the Restoration Plans constrain flow restoration projects through the rigid priority system that precludes consideration of flow projects outside of Group 1 until all Group 1 projects are completed. The commenter requested a change that would allow the funding of Group 2 and Group 3 projects under some circumstances. The commenter suggested that certain projects and opportunities may arise outside of the Restoration Plans priority scheme that could provide significant flow restoration and leverage outside funding, (Comment Letter #3).

Response: The State acknowledges this comment, but references the Restoration Plans, Section 3.2.1, page 3-13: "The State realizes that under the sequenced, prioritization approach, some projects may not be funded due to timeframe or funding issues. But earlier funding of a lower priority project would inappropriately raise the risk of not having adequate funds available to fund the highest priorities."

The State addressed a similar comment in the 2012 Response to Public Comments on the Restoration Plans:

With respect to the comments suggesting that flow augmentation is equally important on the tributaries as the Clark Fork River mainstem, it should be understood that restoration of the mainstem Clark Fork River and Silver Bow Creek fisheries is the primary aquatic restoration goal and the goals for tributary restoration are aimed at how best to achieve restoration of mainstem fisheries, as further explained in the aquatic goals section of the Draft Plans (section 3.1.1). The prioritization of the flow projects (e.g., Group 1, 2, 3) (section 3.2.1) was done to focus the initial flow augmentation efforts and funding on the highest priority areas, and is based on this overarching goal for the mainstem trout fishery. Consistent with the identification of flow augmentation on the mainstem as the highest priority in the 2011 Aquatic Prioritization Plan, the Group 1 projects entail those that are located on, or have a high likelihood of providing flow to, the dewatered reach of the Clark Fork River between Galen and Deer Lodge.

The State acknowledges that Group 2 projects have the potential to provide positive benefits to the UCFRB; however, the State maintains that the Group 2 projects are not likely to have as high a cost:benefit ratio for instream flow when compared to Group 1 projects, because Group 1 projects have the greatest potential to supply instream flows to the area of the Clark Fork River between Galen and Deer Lodge, thereby giving Group 1 projects the highest priority in the Restoration Plans. Though most of the Group 1 projects have been initiated and are moving through the Restoration Plans' process to determine their viability and possible implementation, most are a year or more from a funding decision. Though there are projects that have either stalled or are otherwise no longer viable (e.g., Silver Lake Project, Clark Fork Meadows Project, and Racetrack Pipeline Project), additional efforts continue with the ongoing projects as well as those projects under the "Above Deer Lodge Project" listing. The State believes these Group 1 projects need to continue through the process before starting Group 2 projects, as the Group 1 projects continue to have the strongest potential to supply instream flows to the area of the Clark Fork River between Galen and Deer Lodge, in order to best achieve restoration of mainstem fisheries.

The State does not recommend funding Group 2 or Group 3 projects at this time. The State has proposed another update and revision to the Restoration Plan in 2017, at which time this comment can be resubmitted and considered.

No revision to the Restoration Plans is necessary.

Comment 4: Consider Incentives for riparian habitat projects on private lands.

Comment: One comment stated that one of the primary impediments to developing riparian protection and management projects on working private lands is the reluctance of landowners to take valuable bottom land out of production. The commenter believed that the Restoration Plan could address this by compensating landowners who are willing to modify their land use in a way that improves riparian and stream habitats on private lands. The variety of these types of compensations could be included in tributary plans and budgets. In addition, the commenter

believed some consideration should be given to integrating terrestrial project funding for projects that also meet the wildlife objectives of the Terrestrial Plan (Comment Letter #3).

Response: The State acknowledges that almost all the work to be implemented associated with the Restoration Plans is located on private lands and that without landowner cooperation, very few projects would be possible. The State believes that restoration projects do provide compensation to landowners in most cases. For example, new irrigation diversions built to allow fish passage decrease landowner maintenance. Streambank stabilization projects decrease sediment to streams and improve stream habitat as well as decrease erosion into fields and pastures. In some cases, there may not be equal compensation, and the Restoration Plans allow the State to compensate landowners accordingly, for example by providing off stream water, assisting with the purchase of irrigation equipment, or purchase of feed in lieu of producing hay or grazing.

The State also acknowledges that the integration of terrestrial and aquatic restoration has high net benefits to the natural resources, as well as to private property owners. The State and its partners are implementing the terrestrial plan's habitat enhancement actions in the priority landscape areas (Section 4.2.2) with an emphasis on work within watersheds that are both priority aquatic and terrestrial areas. Emphasis is also given to work in priority terrestrial areas adjacent to landscapes where restoration activities are being implemented by others, e.g., East Deer Lodge Valley Landscape Restoration Project, led by the USFS. These types of terrestrial projects, when integrated with aquatic projects, will provide the landowner with additional benefits as well as help enhance the natural resources of the entire watershed or landscape, not just one element of the landscape.

No revision to the Restoration Plans is necessary.

Comment 5: Integrate flow restoration with fish passage and habitat projects where possible.

Comment: One comment encouraged the State to work with its partners to integrate flow restoration and other habitat restoration as much as possible. The commenter stated that in certain cases, it could be more beneficial and efficient for the State to fund lower priority flow restoration while high priority habitat restoration is underway (Comment Letter #3).

Response: The State addressed this comment in the 2012 Response to Public Comments on the Restoration Plans:

With respect to the comments suggesting that flow augmentation is equally important on the tributaries as the Clark Fork River mainstem, it should be understood that restoration of the mainstem Clark Fork River and Silver Bow Creek fisheries is the primary aquatic restoration goal and the goals for tributary restoration are aimed at how best to achieve restoration of mainstem fisheries, as further explained in the aquatic goals section of the Draft Plans (section 3.1.1). The prioritization of the flow projects (e.g., Group 1, 2, 3) (section 3.2.1) was done to focus the initial flow augmentation efforts and funding on the highest priority areas, and is based on this overarching goal for the mainstem trout fishery. Consistent with the identification of flow augmentation on the mainstem as the

highest priority in the 2011 Aquatic Prioritization Plan, the Group 1 projects entail those that are located on, or have a high likelihood of providing flow to, the dewatered reach of the Clark Fork River between Galen and Deer Lodge.

The Draft Aquatic Plan also recognizes that tributary restoration is an important part of restoring the Clark Fork River fishery, and that flow is a key part of several of the tributary projects. As such, it specifies that in some watersheds (Mill Creek, Willow Creek, Dempsey Creek, and Lost Creek) instream flow needs must be met prior to funding/implementation of other non-flow restoration actions. For these areas, flow augmentation is the significant limiting factor to the fishery, and unless flow augmentation is obtained first, funding for the development and implementation of non-flow enhancement or protection actions would not have the desired benefits. For the remaining priority watersheds, the State determined that non-flow projects are worth implementing, even though flow augmentation may be delayed or not possible. In this way, funds will be expended for flow augmentation where flow is needed most and the proposed restoration actions will derive the greatest benefits.

The Restoration Plans allow for implementation of watershed restoration actions which may incidentally result in increased flow. For example, a new diversion structure designed to allow for year-round fish passage may also result in additional flow in the stream. A water right change may or may not be necessary with this type of project but results in water savings left instream. These types of projects will be funded by the specific watershed funds.

No revision to the Restoration Plans is necessary.

Comment 6: Consider terrestrial projects that are outside Priority 1 or 2 areas.

Comment: One comment requests that the State consider terrestrial project proposals that meet the criteria of the narrative format that may fall just outside the Priority area depicted on the associated prioritization maps (Comment Letter #2).

Response: This comment is addressed in Section 4.2.1, Terrestrial Landscape Areas, page 4-10, allowing the consideration of projects adjacent to the priority area boundaries to be considered for action.

Landscape area boundaries are simplified due to the groupings of Priority 1 and Priority 2 areas, and are approximate. As a result, landscape areas may include within their boundaries some housing developments, ranch homesteads, irrigated agriculture, or features not eligible or targeted for terrestrial actions. *In addition, some small areas of Priority 1 or Priority 2 habitats may fall outside the landscape area boundaries (such as small patches or stringers of riparian and wetland habitats), but still eligible for action. As the boundaries are approximate, areas adjacent to boundaries may still be included for action based on cost effectiveness and contribution to restoration goals.* (Emphasis added.)

No revision to the Restoration Plans is necessary.

Section IV. Summary of the Recommended Updates to the Restoration Plans

The State proposes the following update to the Final Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans, 2012 (Restoration Plans). These revisions include corrections to the Restoration Plans document, changes that the State believes will improve the implementation of restoration actions, and changes resulting from the solicitation of additional conceptual restoration proposals specific to aquatic and terrestrial resource priority areas and revisions to the Restoration Plans.

Original text from the Restoration Plans is provided along with the redline of revisions that are proposed to illustrate each change. Revisions also include the addition of the three project abstracts, as noted in Section II.

Section 3.0 Aquatic Resources Restoration Plan - Revisions:

Consistent with the State's response to Comment 1, Section 3.2.1, under the heading Instream Flow Project Implementation Process on page 3-12, first four paragraphs, would be revised as follows:

Section 3.2.1 Instream Flow Project Implementation Process

Obtaining water for protectable instream flow is technically and legally challenging, and efforts usually take several years to accomplish. In some cases, the full amount of water anticipated for instream flow is not available for purchase or lease, and/or cannot be protected as far downstream as originally anticipated. Valuation of water for instream flow varies greatly based on the ability of water to be delivered where and when needed. Therefore, the following process will be followed for all instream flow projects:

Projects that may supply instream flows to the area of the Clark Fork River between Galen and Deer Lodge receive the highest priority, as they have the highest likelihood of providing water to the most dewatered reach of the river and, thus, supply the best overall benefits to the restoration of the UCFRB. Second in priority are those projects that do not meet the Group 1 criterion but are in either Priority 1 areas or in Priority 2 areas that are also injured areas. Third in priority are flow projects in Priority 2 areas that are outside injured areas.

Only Group 1 projects' development costs will be funded at this time. Development costs include those necessary to sufficiently develop the projects in order to adequately document, through the development steps set forth below: 1) the instream flow amount; 2) the protectable reach of the water body; and 3) that the funding amount sought is less than or equal to the fair market value for instream flow use. This information will be used in seeking a final funding decision by the Governor. No other funding for Group 1 projects will occur in advance of the Governor's project funding decision. In special situations, a project's development costs may include up to an additional \$50,000 in costs for a short-term agreement with a landowner(s), to help inform DNRC's Change of Use Process. A short-term agreement with landowners could be a water right lease, diversion

reduction or forbearance agreement, split-season lease, minimum flow agreement, single season agreement or other flow management agreement. Short-term agreements are limited to funding of up to \$50,000 per project, and may not exceed two years. The cost for any such agreement will be based on the data gathered by the State for similar transactions within the State, must be at or below the fair market value for use as instream flow, and would be applied toward any later transaction. The State will report on project development costs as part of its normal reporting requirements as provided in Section 6.0.

The project development phase will require due diligence, and require that each project successfully go through the DNRC's Change of Use Process for conversion to instream flow, as set forth below...

Section 3.2.2 Aquatic Priority Area Specific Plans - Revisions

Section 3.2.2.2 Summary of Proposed Actions and Funding in Priority Tributary Areas

The sum total of all Aquatic Priority Specific Plans, including contingency, has not changed. However, the Table 6-1 total was not accurately reflected in the text. To correct this error, as well as to accurately reflect the changes to Table 6-1 described below in the Section 6.0 revisions, Section 3.2.2.2 on page 3-22, last paragraph, 2nd sentence would be revised as follows:

The State is allocating 50% of the Aquatic Priority Fund, or approximately \$20.4 million to the development and implementation of restoration actions on the Clark Fork River and Silver Bow Creek mainstems and the twelve watersheds that include the Priority 1 and 2 streams (listed above). The cost to plan and implement the Aquatic Priority Specific Plans mainstem and watershed actions is approximately \$13.1million. The State is allocating ~~20% (or \$2.62.8 million) of the \$20.4 million~~ for contingency for the Aquatic Priority Specific Plans mainstem and watershed actions because of the conceptual nature of these actions as well as the uncertainties associated with these types of actions. This budget also includes \$1.5 million for monitoring and maintenance of these actions, as further explained in Section 3.2.3 on aquatic resource monitoring.

As outlined in Section 6.0 revisions below, "Project Management" is being changed to "Project Administration" to provide the project partners the necessary funds to develop and manage projects. This clarification would also be reflected in Section 3.2.2.2, Summary of Proposed Actions and Funding in Priority Tributary Watersheds, page 3-24, as follows:

Project ~~Management~~ Administration Costs: A 5% project ~~management~~ administrative budget was assigned to eleven of the twelve watersheds, except Lost Creek.

In addition, all the Watershed Tables: pages 3-52, 3-61, 3-68, 3-76, 3-81 would change from "Project Management" to "Project Administration" to address the 5%/\$25,000 limit on project administration costs.

Section 4.0 UCFRB Terrestrial Resources Restoration Plan Revisions:

Ability to Purchase Conservation Easements or Acquire Fee Title:

Section 4.2.2, Terrestrial Actions, page 4-14, makes clear the importance of conservation easements and acquisitions in meeting restoration goals: “The protection of high priority lands through perpetual conservation easements or public acquisitions is the clear dominant component of the terrestrial restoration alternative, with an estimated 75% of all terrestrial restoration funding.” However, some of the Priority Landscape Area Plans limit consideration to projects listed in abstracts or GAP projects, while other Priority Landscape Area Plans allow for broader consideration. This inconsistency was unintentional. The State proposes to revise Section 4.2.2, item 1, page, 4-14, as follows:

1. Protection of high priority lands through perpetual conservation easements or public acquisitions. In portions of the UCFRB, wildlife habitat is threatened by development, primarily residential subdivision, and the conversion of native grasslands to crop production. Perpetual conservation measures can conserve large blocks of high priority habitats and maintain landscape connectivity, provide replacement of resources by offsetting future losses from development. Gaining access for wildlife-related recreational use is also important.

The State may perform project development efforts for Priority Landscape Area Plans projects that the State believes may meet the established criteria. For most proposed easement or acquisition efforts included in this plan, significant project development efforts are still needed in order to accomplish such projects. This includes completion of natural resource inventories, other necessary due diligence, title work, and State appraisals for all potential easement/acquisition parcels. Unless otherwise indicated in this Plan, project development efforts for the proposed easement and acquisition efforts would be funded. However, a subsequent funding decision on project implementation would be subject of public comment, consideration by the Advisory Council and Trustee Restoration Council, and final approval by the Governor, as indicated in Section 6 on Restoration Plan Implementation. The majority of terrestrial actions will fall under this category.

This clarification would also be reflected in the following Priority Landscape Area Plans: Philipsburg West (page 4-20), Lower Flint Creek (page 4-22), Garnet (page 4-24), Avon North (page 4-27), Deer Lodge South (page 4-31), and East Flint (page 4-36).

2015 Conceptual Restoration Projects

Section 4.2.4.1 Philipsburg West Priority Landscape Area

The concept proposals submitted by the public for this area included riparian habitat protection and enhancement along Flint Creek (abstract #8); the development and implementation of conservation easements, or acquisitions, in the John Long Mountains (abstract #49); and the improvement of wildlife winter range through removal of conifers and weed control (abstract

#74), and Zeke’s Meadow acquisition proposed by the Rocky Mountain Elk Foundation (2015 abstract). The State’s proposed actions cover the concepts suggested in two of these abstracts (abstracts #8 and 49), but with lower costs and allocation of effort than proposed. These concepts fit well with the State’s priorities and guidance.

Section 4.2.4.7 Anaconda Priority Landscape Area

Anaconda-Deer Lodge County estimated that \$6.7 million for re-vegetation of smelter impacted lands is needed here (abstract #69). Restoration needs in the area are expected to be covered by 2008 settlement funding for the Smelter Hill Area Uplands injured area, as discussed above. A State identified gap in restoration planning is purchase of 88 acres of private land adjoining the Blue-eyed Nellie WMA (abstract #G12). Acquisition of this parcel, would protect NRDP’s investment in the Blue-eyed Nellie WMA by avoiding development of bighorn sheep winter range adjoining an existing WMA, and maintain connectivity through this area in the face of increasing housing development. The Montana Wild Sheep Foundation propose to acquire 224 acres from YT Timber adjacent to the Garrity Mountain WMA (2015 abstract).

Section 6.0 Restoration Plan Implementation, Revisions:

Section 6, Table 6-1, Cost Summary of Proposed Actions would be revised as follows:

- “Other Aquatic Projects” changed to “Aquatic Priority Specific Plans” in order to be consistent with Section 3.2.2;
- Aquatic Priority Specific Plans section revised to correct the Lost Creek cost. The only restoration action proposed for Lost Creek is for flow, and \$770,854 was erroneously allocated to Lost Creek in the Watershed section. Instead, Lost Creek should have \$0.00 non-flow funds allocated. The State proposes to move the \$770,854 Lost Creek allocation to the Aquatic Priority Specific Plans contingency. The Aquatic Priority Specific Plans contingency will therefore increase to \$2,816,614;
- “15% Contingency” changed to “Contingency;”
- Aquatic Priority Specific Plans section revised to correct the Racetrack Creek cost. The Racetrack Creek cost of \$770,860 is changed to \$734,960 to be consistent with Table 3-10, page 3-80, for Racetrack Creek. This change is also made to Section 3.2.2.13 text.

A redlined and clean version of Table 6-1 is attached as Appendix 2.

Section 6.0, page 6-1, indicates that “Project Management will be capped at \$25,000 or 5% of the total estimated project development and design costs, whichever is less.” The State proposes to change “Project Management” to “Project Administration” to provide the project partners the necessary funds to develop and manage projects, limited to \$25,000 or 5%, whichever is less. Section 6, under the Project Development and Design heading, second bullet, would be revised as follows:

Consistent with past guidance approved by the Trustee Restoration Council, the project ~~management~~ administration activities will be capped at \$25,000 or 5% of the total estimated project development and design costs, whichever is less.

Section 6.0 text under the Restoration Plan Revisions and Updates heading would be revised as follows:

The Aquatic and Terrestrial Restoration Plans will be reviewed and revised two years after the Governor's approval, and two years after approval of the 2015 Update. The frequency of later reviews/revisions ~~after this initial two-year review~~ can be addressed in subsequent plans. The revisions to the restoration plans will include a public solicitation of conceptual restoration proposals.

Table 6-1 Cost Summary of Proposed Actions

Date Revised April 9, 2015

Action	% Split Aquatic/Terrest	Aquatic Fund		Terrestrial Fund
Aquatic Flow				
Flow		\$ 20,000,000.00		
Monitoring / Maintenance		\$ 500,000.00		
Total Flow		\$ 20,500,000.00		
Aquatic Priority Area Specific Plans				
Watersheds				
Silver Bow Creek		\$ 250,000.00		
Cottonwood Creek		\$ 1,686,636.00		
Blacktail Creek		\$ 957,245.00		
Browns Gulch		\$ 773,403.00		
Flint Creek	*50/50	\$ 2,280,750.00		
Harvey Creek		\$ 286,902.00		
Little Blackfoot River	*50/50	\$ 2,707,029.00		
Lost Creek		\$ -		
Dempsey Creek		\$ 716,550.00		
German Gulch		\$ 429,242.00		
Mill / Willow Creek		\$ 662,730.00		
Racetrack Creek		\$ 734,960.00		
Warm Springs Creek		\$ 1,611,366.00		
Contingency		\$ 2,816,614.00		
Total Watershed		\$ 15,913,427.00		
Mainstem CFR				
CFR Mainstem (inc study Flint - Rock Cr. and actions)		\$ 1,500,000.00		
Milltown Monitoring	**75/25	\$ 300,000.00		
CFR Meadows	**50/50	\$ 389,074.00		
Confluence Project	**20/80	\$ 80,000.00		
Dry Cottonwood	**35/65	\$ 595,000.00		
Monitoring / Maintenance		\$ 1,500,000.00		
Total Mainstem CFR		\$ 4,364,074.00		
Aquatic Priority Area Specific Plans				
Total Watershed		\$ 15,913,427.00		
Total Mainstem CFR		\$ 4,364,074.00		
Total Aquatic Priority Area Specific Plans		\$ 20,277,501.00		
Aquatic Totals				
Total Flow		\$ 20,500,000.00		
Total Aquatic Priority Area Specific Plans		\$ 20,277,501.00		
Total Aquatic		\$ 40,777,501.00		

*Aquatic/Terrestrial Split for Riparian Enhancement only

** Aquatic/Terrestrial Split

Terrestrial Restoration

Landscape Projects	% Split Aquatic/Terrest	Aquatic Fund		Terrestrial Fund
West Philipsburg (inc. 1/2 of riparian habitat protection for Flint Creek \$127,500*)				\$ 3,200,000.00
North Avon (inc. 1/2 Little BFR riparian habitat protection \$360,000*)				\$ 1,400,000.00
Garnetts (inc. 1/2 Little BFR riparian habitat protection \$360,000*)				\$ 2,200,000.00
Lower Flint Creek (inc. 1/2 of riparian habitat protection for Flint Creek \$127,500*)				\$ 1,400,000.00
Anaconda Area				\$ 1,000,000.00
Deer Lodge South				\$ 1,400,000.00
Deer Lodge North				\$ 1,200,000.00
Flints East Face				\$ 1,400,000.00
CFR Mainstem (inc. CFR Meadows, Confluence acquisition)	See Aquatic Mainstem Split			\$ 2,500,000.00
Habitat Enhancement / Monitoring (inc. Milltown monitoring split**)				\$ 2,360,000.00
Total Terrestrial				\$ 18,060,000.00

*Aquatic/Terrestrial Split for Riparian Enhancement only

** Aquatic/Terrestrial Split

Recreation	% Split Aquatic/Terrest	Aquatic Fund		Terrestrial Fund	Total
Milltown State Park	75/25	\$ 1,837,500.00		\$ 612,500.00	\$ 2,450,000.00
Bonner Dam Removal		\$ 50,000.00			\$ 50,000.00
CFR Mainstem FAS		\$ 1,000,000.00			\$ 1,000,000.00
Deer Lodge Trestle Park	75/25	\$ 1,050,000.00		\$ 350,000.00	\$ 1,400,000.00
Drummond Park, Riverside Park	50/50	\$ 50,000.00		\$ 50,000.00	\$ 100,000.00
Washoe / Hafner Dam Parks	50/50	\$ 750,000.00		\$ 750,000.00	\$ 1,500,000.00
	Subtotal	\$ 4,737,500.00		\$ 1,762,500.00	
Recreation Total					\$ 6,500,000.00

Priority Totals	\$ 45,515,001.00	\$ 19,822,500.00
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Restoration Plan Total	\$ 65,337,501.00
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Table 6-1 Cost Summary of Proposed Actions

Date Revised April 9, 2015

Action	% Split Aquatic/Terrest	Aquatic Fund		Terrestrial Fund
Aquatic Flow				
Flow		\$ 20,000,000.00		
Monitoring / Maintenance		\$ 500,000.00		
Total Flow		\$ 20,500,000.00		
Other Aquatic Projects Aquatic Priority Area Specific Plans				
Watersheds				
Silver Bow Creek		\$ 250,000.00		
Cottonwood Creek		\$ 1,686,636.00		
Blacktail Creek		\$ 957,245.00		
Browns Gulch		\$ 773,403.00		
Flint Creek	*50/50	\$ 2,280,750.00		
Harvey Creek		\$ 286,902.00		
Little Blackfoot River	*50/50	\$ 2,707,029.00		
Lost Creek		\$ 770,860.00		
Dempsey Creek		\$ 716,550.00		
German Gulch		\$ 429,242.00		
Mill / Willow Creek		\$ 662,730.00		
Racetrack Creek		\$770860 \$734960		
Warm Springs Creek		\$ 1,611,366.00		
-15% Contingency		\$200985 \$2816614		
Total Watershed		\$ 15,913,427.00		
Mainstem CFR				
CFR Mainstem (inc study Flint - Rock Cr. and actions)		\$ 1,500,000.00		
Milltown Monitoring	**75/25	\$ 300,000.00		
CFR Meadows	**50/50	\$ 389,074.00		
Confluence Project	**20/80	\$ 80,000.00		
Dry Cottonwood	**35/65	\$ 595,000.00		
Monitoring / Maintenance		\$ 1,500,000.00		
Total Mainstem CFR		\$ 4,364,074.00		
Aquatic Priority Area Specific Plans		Aquatic Fund		
Total Watershed		\$ 15,913,427.00		
Total Mainstem CFR		\$ 4,364,074.00		
Total Aquatic Priority Area Specific Plans		\$ 20,277,501.00		
Aquatic Totals				
Total Flow		\$ 20,500,000.00		
Total Aquatic Priority Area Specific Plans		\$ 20,227,501.00		
Total Aquatic		\$ 40,727,501.00		

*Aquatic/Terrestrial Split for Riparian Enhancement only

** Aquatic/Terrestrial Split

Terrestrial Restoration

Landscape Projects	% Split Aquatic/Terrest	Aquatic Fund		Terrestrial Fund
West Philipsburg (inc. 1/2 of riparian habitat protection for Flint Creek \$127,500*)				\$ 3,200,000.00
North Avon (inc. 1/2 Little BFR riparian habitat protection \$360,000*)				\$ 1,400,000.00
Garnetts (inc. 1/2 Little BFR riparian habitat protection \$360,000*)				\$ 2,200,000.00
Lower Flint Creek (inc. 1/2 of riparian habitat protection for Flint Creek \$127,500*)				\$ 1,400,000.00
Anaconda Area				\$ 1,000,000.00
Deer Lodge South				\$ 1,400,000.00
Deer Lodge North				\$ 1,200,000.00
Flints East Face				\$ 1,400,000.00
CFR Mainstem (inc. CFR Meadows, Confluence acquisition)	See Aquatic Mainstem Split			\$ 2,500,000.00
Habitat Enhancement / Monitoring (inc. Milltown monitoring split**)				\$ 2,360,000.00
Total Terrestrial				\$ 18,060,000.00

*Aquatic/Terrestrial Split for Riparian Enhancement only

** Aquatic/Terrestrial Split

Recreation	% Split Aquatic/Terrest	Aquatic Fund		Terrestrial Fund	Total
Milltown State Park	75/25	\$ 1,837,500.00		\$ 612,500.00	\$ 2,450,000.00
Bonner Dam Removal		\$ 50,000.00			\$ 50,000.00
CFR Mainstem FAS		\$ 1,000,000.00			\$ 1,000,000.00
Deer Lodge Trestle Park	75/25	\$ 1,050,000.00		\$ 350,000.00	\$ 1,400,000.00
Drummond Park, Riverside Park	50/50	\$ 50,000.00		\$ 50,000.00	\$ 100,000.00
Washoe / Hafner Dam Parks	50/50	\$ 750,000.00		\$ 750,000.00	\$ 1,500,000.00
	Subtotal	\$ 4,737,500.00		\$ 1,762,500.00	
Recreation Total					\$ 6,500,000.00

Priority Totals	\$ 45,515,001.00	\$ 19,822,500.00
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Restoration Plan Total	\$ 65,337,501.00
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