

Final

YELLOWSTONE RIVER RECREATION PROJECT PRIORITY PLAN

MAY 2018

Prepared By:

THE YELLOWSTONE RIVER RECREATION PROJECT ADVISORY COMMITTEE

AND

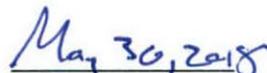
THE STATE OF MONTANA

NATURAL RESOURCE DAMAGE PROGRAM

Now, therefore, I, Steve Bullock, Governor of the State of Montana, hereby, approve these projects for funding out of the 2011 Oil Spill Yellowstone River Recreation Fund, subject to the said funding conditions.



Governor Steve Bullock



Date

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1.0 Introduction and Background

On or about July 1, 2011, a 12-inch diameter pipeline (Silvertip Pipeline) owned by ExxonMobil Pipeline Company ruptured near Laurel, Montana, resulting in the discharge of crude oil into the Yellowstone River and floodplain (Figure 1 – map).

The discharge is estimated to have been approximately 63,000 gallons (about 1,500 barrels) of oil. The discharge occurred during a high-flow event, with oil affecting approximately 85 river miles and associated floodplain. The discharge, along with associated response activities, adversely affected natural resources within the jurisdictions of the United States and the State of Montana, the Yellowstone River and adjoining shorelines, including, but not limited to, the floodplain, shoreline, wetlands and other riparian areas, islands, fields, pastures, bottomlands, grasslands and shrublands.

Overview of Settlement Agreement

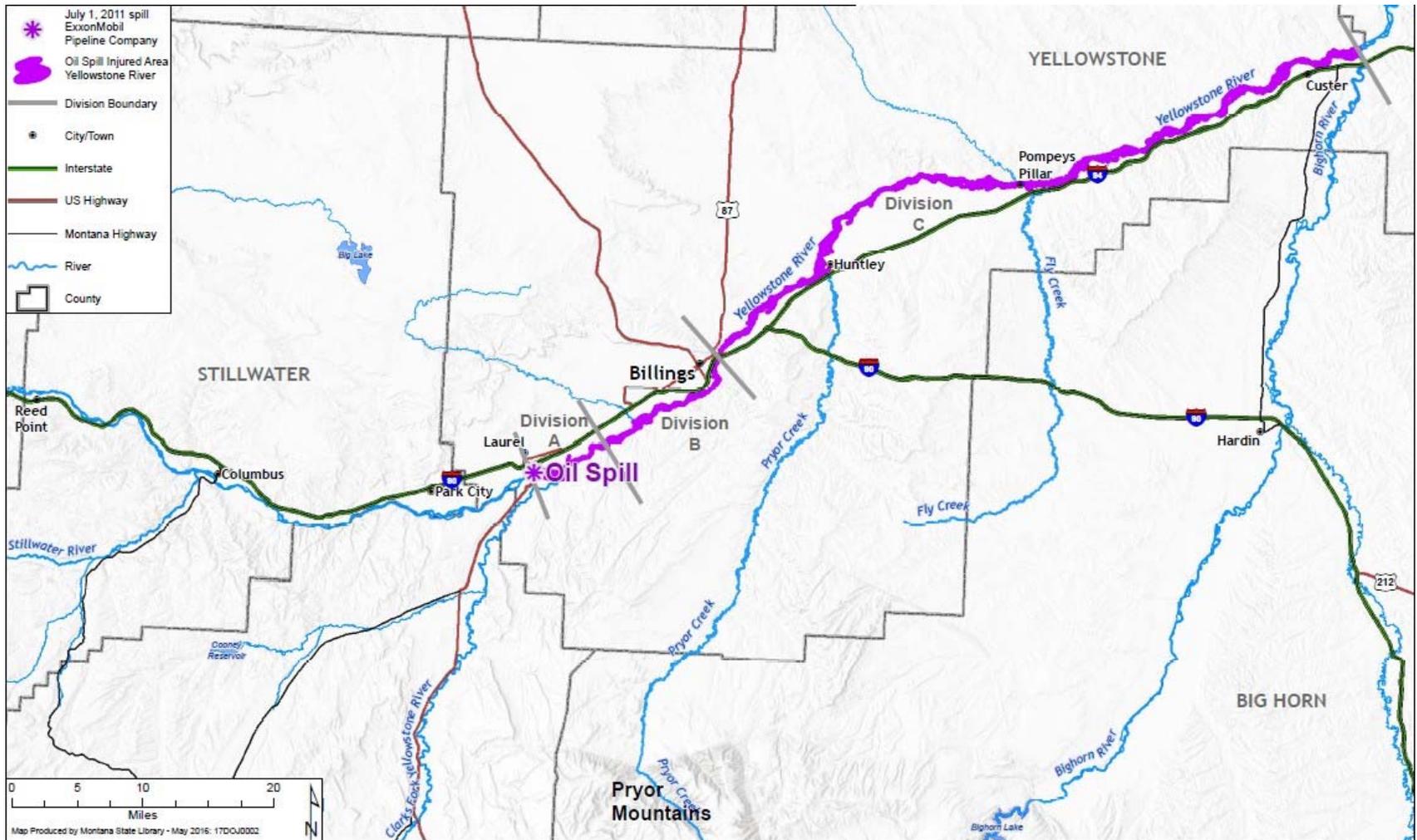
In September 2016, the United States and the State of Montana announced a settlement with ExxonMobil Pipeline Company and the availability of a restoration plan. The final *Programmatic Damage Assessment and Restoration Plan and Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill* (restoration plan) was prepared by the State of Montana and the U.S. Department of the Interior, collectively acting as Trustees for the restoration of natural resources and public use services that were exposed and/or injured by the Yellowstone River oil spill (February 2017). The restoration plan specifically allocated just over \$12 million in natural resource damages, plus interest, to restore, rehabilitate, replace, or acquire the equivalent of injured natural resources from the 2011 Yellowstone River Oil Spill. The Trustees paid particular consideration to the adequacy of the settlement to restore, replace, rehabilitate, or acquire the equivalent of the injured natural resources and services. Sums recovered in settlement, other than reimbursement of Trustees' costs, may only be expended in accordance with the restoration plan.

Injured Resources and Restoration Alternatives

In the restoration plan, the Trustees identified several categories of natural resource injury and human and ecological service losses that occurred because of the spill and response activities. Injuries to the following resources were described in the restoration plan:

- Terrestrial/riparian habitat and supported biota, through exposure to oil and disturbance caused by response and cleanup activities.
- Large woody debris piles, through exposure to oil and disturbance by response and cleanup activities.
- Riverine aquatic habitat and supported biota, including fish injuries, caused by exposure to oil.
- Birds, through exposure to oil and disturbance by response and cleanup activities, specifically injuries to cavity-nesting birds and American white pelican.
- Human use service losses, including recreational angling and park use.

Figure 1. Map of Injured Area



Recreational Human Use Injuries

Major impacts to recreational human uses occurred due to the presence of the spilled oil and because of the closure of facilities and river access for response and cleanup activities. Injuries to recreational human use are described in Section 3.3.5 of the restoration plan. More information about recreation injuries and damages is included in Appendix E of the restoration plan, Recreational Lost Use Analysis. Recreational human uses that were identified in the restoration plan include general recreation activities at parks or other recreation areas along the shoreline: walking, dog walking, running, cycling, nature and wildlife observation, photography, horseback riding, environmental education, hunting, picnicking, camping, and sightseeing. Water-based recreational activities identified in the restoration plan include: recreational fishing, motor-boating, paddling, floating, swimming, and boat-based hunting and trapping. Loss of access to the river, river access sites, and parks was the main reason for these recreational human use services losses.

1.1 Yellowstone River Recreation Project Advisory Committee

In winter 2017, the Natural Resource Damage Program (NRDP) convened a Yellowstone River Recreation Project Advisory Committee (Committee) to prepare a recreation project priority plan, for approval by the Governor. The priority plan would identify how approximately \$2.3 million in natural resource damage settlement funds, earmarked for the recreational human use injury category, will be spent on recreation projects on or along the Yellowstone River related to the spill. The Committee consisted of seven individuals:

Appointed by Billings:	Jim Ronquillo
Appointed by Laurel:	Kenneth E. Olson, Jr.
Appointed by Yellowstone County:	Gary Connelley John Moorhouse Bradley Shoemaker
Appointed by the Governor:	Kathleen Aragon Ted Lovec

1.2 Purpose and Scope of this Recreation Project Priority Plan

This recreation project priority plan identifies preferred projects and funding amounts to meet the restoration plan goal of providing additional recreational human use opportunities to offset those lost due to the oil spill by improving city parks and public lands bordering the Yellowstone River, improving urban fishing opportunities adjacent to the Yellowstone River, and developing additional access locations or preserving existing access on the Yellowstone River.

This recreation project priority plan includes compensatory restoration components for recreational human use service losses that address specific injuries associated with the oil spill. The overall goal of this recreation project priority plan is to identify projects that singly or in combination restore,

rehabilitate, replace, or acquire the equivalent of injured recreational resources. A draft of this recreation project priority plan was available for public comment from March 28 through April 30, 2018. Following consideration of public comment, the Committee and the NRDP recommend this recreation project priority plan for approval by the Governor.

The Governor, as Trustee of the natural resources, after considering public input and the recommendations of the Yellowstone River Recreation Project Advisory Committee and the NRDP, will make the final decision on the recreation project priority plan to be implemented.

This recreation project priority plan is organized as follows:

- This introductory Section 1 describes the purpose and scope of this document and provides background on the site and the restoration planning steps that led to the development of this plan.
- Section 2 describes the process used to develop the recreation project priority plan, the application process, public participation, and lists the selected restoration projects in the order of priority assigned by the Committee. This section also includes a summary of the project evaluation criteria and how they are applied to the projects.
- Section 3 is a summary of the recreation project priority plan implementation process.
- Appendix A includes the criteria evaluations.
- Appendix B includes checklist environmental assessments for each project.
- Appendix C includes a copy of the recreation project application.
- Appendix D includes the responses to comments on the draft recreation project priority plan.

2.0 Development of the Recreation Project Priority Plan

The restoration plan identified the following goal for restoration of recreational human use injuries: Provide additional recreational human use opportunities to offset those lost due to the oil spill. The objectives identified for meeting this goal are:

- Improving city parks and public lands bordering the Yellowstone River.
- Improving urban fishing opportunities adjacent to the Yellowstone River.
- Developing additional access locations or preserving existing access on the Yellowstone River.

Recreational human use restoration project types and examples are discussed in Section 4.6.5 of the restoration plan, and include improving public parks and recreation areas, improving urban fishing opportunities, and increasing fishing access to the Yellowstone River.

2.1 Application Process

The Committee and the NRDP developed an application process for soliciting recreation projects from the community for consideration. The Committee determined that the best way to solicit recreation project ideas was to request a project abstract application. The application is included in Appendix C. The applications were made available to the public on June 23, 2017 and were due on August 25, 2017. Governmental entities, private individuals, non-government private entities, and other private entities were eligible to apply. Applicants were permitted to submit more than one project proposal, but were required to submit a separate application for each project. Entities who proposed a project during the restoration plan comment period were requested to apply using this project abstract process.

Eligible Projects

Before submitting an abstract, applicants were encouraged to attend a project development workshop. The Committee and NRDP hosted three workshops in August 2017, described in more detail in the public participation section below. Eligible projects that were submitted for consideration include projects that are conceptual in nature and some that are ready to implement.

2.2 Public Participation

The Committee and NRDP have engaged the public, local groups and organizations, and State and Federal agencies since starting to prepare this recreation project priority plan. The Committee and NRDP recognize the importance of public input and participation in the restoration planning process to better decision making.

The development of this recreation project priority plan provided multiple opportunities for meaningful public participation. First, because the Committee members represent the community, input from the Committee serves as an avenue of public input. The Committee met six times between May 2017 and February 2018, and held three project workshops in the community, to solicit, evaluate, and

rank the recreation projects included in this recreation project priority plan for submission to the public for consideration and comment.

The Committee held its first introductory meeting on May 15, 2017, at the Yellowstone County Commission offices, with thirteen members of the public attending. The meeting was announced through emails to the NRDP 2011 Yellowstone oil spill project email list and was posted on the NRDP Yellowstone River 2011 Oil Spill web page. The second meeting to discuss how to solicit the public for recreational projects and an application was held on Monday, June 12, 2017, at the Billings Southside Community Center at 901 S. 30th St. The Billings Gazette posted an article about the meeting on June 9, 2017. Eight members of the public attended the meeting on June 12. The meeting was announced with emails to the NRDP 2011 Yellowstone Oil Spill project email list and was posted on the NRDP Yellowstone River 2011 Oil Spill web page.

On June 23, 2017, the Committee and NRDP solicited proposals from the public for a total of 60 days until August 25, 2017, when applications were due. The proposal application is included in Appendix C. Notification of this request for proposals was sent to the NRDP Yellowstone oil spill project email list, was posted on the NRDP Yellowstone River 2011 Oil Spill web page, and the Billings Gazette posted information about the request for proposals on June 26, 2017.

The Committee and NRDP held three workshops at the Billings Southside Community Center, 901 S. 30th St., one on Wednesday, August 9, 2017, from 11:00 AM to 1:00 PM, and two on Tuesday, August 15, from 11:00 AM to 1:00 PM and 4:00 PM to 6:00 PM. These workshops were advertised in the Billings Gazette on August 3 and August 10, the Yellowstone County News on August 4 and August 11, and the Laurel Outlook on August 3 and August 10. The Billings Gazette also announced the workshops in an article on August 8, 2017. The times and dates of the meetings were also posted on the NRDP Yellowstone River 2011 Oil Spill web page.

Thirty-six people attended the three workshops. At all of the meetings NRDP provided an informational presentation about the project proposal process followed by an opportunity for the public to ask questions, with NRDP providing answers and guidance to prospective project applicants. The Committee and NRDP were able to connect some workshop attendees with other entities having similar recreational project interests. In addition, Montana Fish, Wildlife and Parks (FWP) staff attended the meetings and provided helpful information to potential applicants. One or more Committee members attended each of the workshops.

The Committee and NRDP hosted public meetings at the Billings Southside Community Center, 901 S. 30th St. on October 11 and 12, 2017, for applicants to present their project ideas to the Committee and allow the Committee an opportunity to ask questions. These presentation meetings were advertised with legal ads in the Yellowstone County News and the Laurel Outlook on October 5, and the Billings Gazette on October 10. The Billings Gazette also printed a news article about the upcoming presentations on September 27, 2017. The meetings times and dates were also posted on the NRDP Yellowstone River 2011 Oil Spill web page.

More than 41 members of the public attended the presentations on October 11 and 12, 2017. Each applicant was given approximately 15 minutes to present information about their project to the Committee members and the public. The Committee had an opportunity to ask questions of the applicants. In addition, the public was provided time for questions and comments.

The Committee and NRDP hosted another public meeting on February 12, 2018 at the Billings Southside Community Center, 901 S. 30th St., attended by 18 members of the public. At this meeting NRDP presented its project criteria evaluation and funding recommendations. NRDP also presented a Google Earth flyover of all the projects, providing the Committee members and the public with an aerial view of each project location. The meeting was advertised in the Yellowstone County News legal ads on January 26 and February 2, and the Laurel Outlook legal ads on February 1 and February 8. The Billings Gazette published an ad announcing the meeting on February 8. There was an opportunity for public comment.

On Thursday, February 15, 2018, the Committee and NRDP held a public meeting at the Billings Southside Community Center, 901 S. 30th St., attended by 19 members of the public, and determined the priority and recommended funding for the projects. The Committee discussed each project and made priority and funding recommendations. The public was provided an opportunity for comment prior to Committee's voting on each project. The meeting was advertised in the Yellowstone County News legal ads on January 26 and February 2, and the Laurel Outlook legal ads on February 1 and February 8. The Billings Gazette published an ad announcing the meeting on February 8.

The draft recreation project priority plan was released to the public on March 28, 2018. The release of the document was announced through emails to the NRDP 2011 Yellowstone oil spill project email list and was posted on the NRDP Yellowstone River 2011 Oil Spill web page. Notice of the draft document's availability and the upcoming public hearing on April 25 at the Billings Southside Community Center, 901 S. 30th St., was advertised in the Yellowstone County News legal ads on March 30, The Laurel Outlook legal ads on March 29, and the Billings Gazette legal ads on March 29. The Billings Gazette published an article about the availability of the draft recreation project priority plan on April 5, 2018. The oil spill project email list was sent a reminder of the public meeting/hearing on April 23. Seventeen people attended the meeting. The NRDP presented a summary of the recreation project priority plan and the development of the plan, and summarized the proposed projects. The public was provided an opportunity to ask questions about the plan. Five people provided verbal comments.

The public comment period on the draft recreation project priority plan closed at 5:00 PM on April 30. The Committee and the NRDP received a total of 13 letters or emails during the public comment period, and five individuals gave verbal testimony at the public meeting in Billings on April 25, 2018. One comment letter (#10) included a letter and a petition with the signatures of 70 people. One comment letter (#13) was a note card signed by 9 people.

On Thursday, May 24, the Committee's final meeting took place at the Billings Southside Community Center, 901 S. 30th St. The meeting was attended by 6 members of the public. The final meeting was advertised in Yellowstone County News legal ads on May 17 and 24, the Laurel Outlook legal ads on May 17 and 24, and the Billings Gazette legal ads on May 21. At this meeting, the NRDP presented the draft responses to comments on the draft recreation project priority plan and reviewed the recreation project priority plan. The Committee

considered and discussed the draft responses to comments and the draft recreation project priority plan, and the public was provided an opportunity for comment before the Committee voted to recommend both the responses to comments and the recreation project priority plan to the Governor.

The public also had access to information pertaining to this recreation planning and the overall restoration effort via the NRDP web site at <https://dojmt.gov/lands/>. Included on the web site were draft and final documents, status reports, and information related to the Committee meetings, including notices of upcoming meetings. The NRDP also has an electronic mailing address (nrdp@mt.gov) to enhance the public's ability to communicate with the NRDP.

2.3 Criteria for Decision Making

The selection of recreation projects must comply with the Oil Pollution Act regulations. This section identifies and discusses the criteria that were used to analyze recreation projects and to decide on the preferred projects. These criteria are discussed further in Chapters 4 and 7, and in Appendix F of the restoration plan. The criteria are either legal criteria or policy criteria. Criteria 1-7 are legal criteria derived from the Oil Pollution Act natural resource damage assessment regulations. The regulations describe specific project evaluation criteria. Criterion 8 is a policy factor the State has used for funding decisions at other natural resource damage sites in the State of Montana and is consistent with Oil Pollution Act requirements regarding cost-benefit and cost-effectiveness.

In applying these criteria to evaluate proposed recreation projects, the criteria were evaluated qualitatively rather than quantitatively. The importance of each criterion as applied to individual projects varied depending upon the nature of the project and the unique issues it raised. Given the wide array of potential restoration projects, the State and Committee strove to evaluate what is best for the injured recreational resource services. This non-quantitative process in which the criteria and the proposed projects were balanced and ranked against each other allowed greater flexibility in selecting projects with the highest probability of success to address natural resource injuries and impaired services related in the injured area.

The criteria evaluations and NRDP recommendations that were provided to the Committee for review before the project prioritization meeting are included in Appendix A.

Oil Pollution Act Legal Criteria

Natural Resource Damage Assessment regulations under the Oil Pollution Act require consideration of six criteria when evaluating restoration options (15 Code of Federal Regulations 990.54(a) and (b)).

1) Project cost and cost effectiveness

The cost of a project, both implementation cost, long term maintenance, and monitoring were considered against the relative benefits of a project to the injured natural resource service losses. The NRDP and Committee evaluated whether the project would accomplish its goal in the most cost-effective way possible. Projects that return the greatest and longest lasting benefits for the cost will be preferred. The NRDP and Committee considered the time necessary before the project benefits are achieved, and the sustainability of those benefits. Using the Committee and the Montana

Environmental Policy Act public review process, projects will be reviewed for their public acceptance and support. Additional consideration was given to projects that leverage other financial resources.

Implementation Cost: This information was provided by the applicants.

Long term maintenance and monitoring cost: This information was provided by the applicants

Benefits to Service Losses:

- Net Benefits: The project benefits are clearly related to the recreational services losses caused by the oil spill.
- Uncertain: There are some uncertainties to the project that make it difficult to tell if the stated benefits will occur to the recreational service losses.

Cost Effectiveness:

- Cost effective: The applicant provided enough information to determine that the selected alternative is most cost-effective.
- Likely cost effective: Although the applicant only provided a limited analysis of alternatives, based on available information, the State concludes that the selected alternative is likely to be cost effective.
- Potentially cost effective: There are some unknowns regarding the project such that the State cannot definitively conclude whether it is or is not cost-effective, but the applicant proposed an adequate approach to reach a cost-effective alternative.
- Uncertain cost effectiveness: Insufficient information is available to conclude that the selected alternative is likely to be cost-effective.

Time to achieve benefits and sustainability: The applicants provided the expected schedule information.

Public Acceptance: This analysis describes how projects were vetted by the applicants and sponsors in the community, public comment at restoration plan meetings, and public comment letters submitted to or received by NRDP.

Leveraged Financial Resources: Describes matching funds and in-kind support and the expected percent match contribution.

2) Project goals and objectives

This criterion considers the extent to which each restoration project helps to compensate for interim service losses. Projects should demonstrate a clear relationship to the recreational use services lost. Projects located within the area affected by the spill are preferred, but projects located within the Yellowstone River watershed that provide benefit to the resource services lost in the affected area were also considered.

Relationship to services lost: The goals of each proposed project were compared to the restoration plan goals to see how they aligned.

Location: The restoration plan identified the injured area. All projects were evaluated to determine if they were in the injured area or not.

3) Likelihood of project success

The State and Committee considered the technical feasibility of each project in achieving the restoration project goals, including the likelihood the project will be implemented as proposed, and the risk of failure or uncertainty that the goals can be met and sustained. The State trustee will generally not support projects or techniques that are unproven or projects that are designed primarily to test or demonstrate unproven technology.

Technical feasibility in achieving restoration plan goals:

- Reasonably feasible methods: There is a reasonable degree of confidence that the project methods can be applied to achieve the project goals. The project sponsor demonstrates the management skills needed to implement the project.
- Uncertain outcome: Some projects have not fully defined the methods that will be used to complete the projects or the methods defined are unproven. The technical feasibility of these projects is unknown and therefore uncertain.

Risk of failure:

- Low: Risk of failure is considered low if the sponsor has proposed reasonable methods to accomplish and maintain the goals, the project is likely to be implemented as proposed, and the project has support in the community.
- Medium: If the project has proposed reasonable methods but has some uncertainties because of project unknowns regarding the capacity of the sponsor or the project plans.
- High: If the project has too many uncertainties or technical difficulties to determine its likely outcome.

Certainty that goals can be met and maintained:

- High: If the project methods are technically feasible, the sponsor has the capacity to complete the project, the community supports the project, and there is an acceptable plan for long-term maintenance.
- Medium: If there are uncertainties about the methods, the sponsor's capacity, community support, or long-term plans.
- Low: The project has technical difficulties that would make it impossible to meet the goals.
- Uncertain: There are too many unknowns to determine if project goals can be met and maintained.

4) Avoidance of Adverse Impact

Projects were evaluated for the extent to which they prevent future injury because of the oil spill and avoid collateral injury as a result of implementing the alternative. All projects shall be lawful and likely to receive any necessary permits or other approvals prior to implementation.

Prevent future injury as a result of the spill: The recreation projects compensate for losses during the spill and response, but do not prevent future injury.

Collateral injury: Each project is evaluated for the possibility of negative impacts during implementation.

5) Multiple Resource and Service Benefits

Projects that provide benefits that address multiple resource injuries or service losses, or that provide ancillary benefits to other resources or resource uses are preferred.

6) Public Health and Safety

This criterion is used to ensure that the projects will not pose unacceptable risks to public health and safety.

Other Legal Considerations

7) Policies, Rules, and Laws

Oil Pollution Act regulations require compliance with worker safety and natural resource protection laws. The NRDP and Committee considered the degree to which each project is consistent with applicable policies of the State of Montana. In addition, projects must be implemented in compliance with all applicable laws and rules, including the consent decree.

Montana Policy Criteria

8) Normal Government Function

The NRDP will not fund activities for which a governmental agency would normally be responsible or that would receive funding in the normal course of events. With this criterion, the NRDP evaluated whether an alternative would be implemented if recovered natural resource damages were not available. The settlement funds may be used to augment funds normally available to government agencies to perform a particular action if such cost sharing would result in the implementation of a restoration action that would not otherwise occur through normal agency function.

Land Acquisition Criteria: Any property acquisitions must be at or below fair market value. The NRDP must determine if the land, easements, or other property interests proposed to be acquired are being offered for sale at or below fair market value. The NRDP will make this determination before proceeding with any acquisitions set forth in the recreation project priority plan.

2.4 Submitted Projects

As described above in Section 2.2, the Committee solicited recreation project ideas from the greater community during the summer of 2017. Twenty-eight project abstracts, listed in **Table 2, Applications Submitted for Consideration**, were submitted for consideration.

The goal of the restoration plan recreation projects is to provide additional recreational human use opportunities to offset those lost due to the oil spill. Projects were reviewed according to the criteria described in Section 2.3. Each project was assigned into the broad objectives identified in the restoration plan:

- Improve public parks and recreation areas
- Improve urban fishing opportunities
- Increase fishing access to the Yellowstone River

Broad project types that were proposed under those objectives include: developing and improving boat launch sites, development of new fishing access sites, urban fishing opportunity improvement, nature trails, and other park improvements.

Three projects did not meet the minimum qualifications of legal and/or location thresholds:

- City of Billings Fire Department - Rescue Watercraft River Access
- YRPA - John H Dover Memorial Park caretaker cabin
- Brennan's Wave - Recreational and Stability Enhancement Project

After the proposal presentations from the applicants on 26 projects, the NRDP worked with the project applicants to gather additional information and consolidate the abstracts where there was overlap in

project goals and locations. Examples of consolidated projects are listed below.

- Matthew Sather’s proposed project for a River Front Park Boat Ramp is now included in the City of Billings Riverfront Park Hand Launch project.
- LuAnne Engh’s proposal to address the access road at Buffalo Mirage is now included in the Montana FWP proposal Yellowstone River Fishing Access Site (FAS) Acquisition and Development.
- Pheasant Forever’s proposal for improvements to terrestrial acquisitions is now included in the Montana FWP proposal Yellowstone River Fishing Access Site (FAS) Acquisition and Development.
- Woody Wood’s proposal for a fishing access site development and trail at Arrow Island was withdrawn.

Table 2. Applications Submitted for Consideration

Applicant	Project Title	Amount Requested
Big Sky Economic Development	Coulson Park Infrastructure	\$500,000
Big Sky Economic Development	Coulson Park Master Planning	\$30,000
Billings Chamber of Commerce	William Clark Recreation Area	\$762,905
Billings, City of	Coulson Park Improvement	\$110,000
Billings, City of	Josephine Lake Fishing Habitat Improvement	\$150,000
Billings, City of	Riverfront Park Hand launch	\$100,000
Billings, City of	Riverfront Park Multiuse Trail	\$800,000
Billings, City of, Fire Department	Rescue Watercraft River Access	\$50,000
Brennan's Wave	Recreational and Stability Enhancement Project	\$1,300,000
Engh, LuAnne	Buffalo Mirage access, Park City	\$20,000
Laurel, City of	Riverside Park Campground & Boat ramp	\$400,000
Laurel, City of	Riverside Park Vault Toilets	\$37,000
Laurel, City of and Lion's Club	Lion Family Park	\$80,000
Montana Audubon Center	Billings Urban River Trail	\$40,000
Montana FWP	Yellowstone River Fishing Access Site (FAS) Acquisition and Development	\$500,000
Our Montana	Clarks Crossing Fishing Access Site	\$65,000
Our Montana	Explore the Yellowstone River	\$18,000
Our Montana	Two Bridges Fishing Access Site	\$200,000
Our Montana	Yellowstone River Private Islands	\$140,000
Pheasants Forever	Improvements to Terrestrial Acquisitions	\$40,000
Sather, Matthew D.	River Front Park Boat Ramp	\$20,000
Woods, Woody	Arrow Island -- Hana Hou Trail	\$265,700
Yellowstone County Board of Park Commissioners	Two Moon Park Recreation Hiking and Emergency Access	\$25,000
YRPA	Joel's Pond	\$13,900
YRPA	John H. Dover Memorial Park caretaker cabin	\$50,200
YRPA	Norm's Island	\$96,500
YRPA	Sindelar Ranch Acquisition	\$300,000
YRPA	Washington St. Bridge	\$30,000
Total Request		\$6,144,205

Notes: YRPA – Yellowstone River Parks Association, FWP = Montana Department of Fish, Wildlife and Parks

2.5 Prioritization of Restoration Projects, Funding Recommendations and Contingencies

The NRDP completed detailed project criteria evaluations for each project, included in Appendix A. Each evaluation presents a proposal summary, an evaluation summary, a funding recommendation, and an evaluation of how each project meets the Oil Pollution Act legal criteria, other legal considerations, and Montana policy criteria.

Project proposals that NRDP considered for funding demonstrated strong natural resource-based recreation benefits under the criteria listed in Section 2.3 and demonstrated a clear relationship to the recreation services injured.

On February 12, 2018, the NRDP staff presented criteria evaluations for all the projects and made funding recommendations to the Committee but did not identify priorities. The Committee discussed each project and then each Committee member submitted a preliminary draft ranking of the projects to NRDP. The NRDP averaged those preliminary rankings and prepared a preliminary ranking for Committee discussion on February 15, 2018.

The Committee evaluated, considered and discussed each project at their February 15 meeting. Consideration was given to the OPA criteria, public comment, recreational benefits, matching funds, and timing of implementation. The final Committee priority ranking and funding recommendations are shown in **Table 3**.

The total amount available for recreation project funding is approximately \$2.3 million. It was the Committee's recommendation that if there are any remainder or unused funds from higher ranked projects, after all projects have been funded as recommended in Table 3, the first \$50,000 will be offered to the City of Laurel for Project #1 to complete the campground development. If additional funds are left after that, they would be provided to FWP for fishing access site maintenance in the area, subject to NRDP criteria.

Table 3. Ranking of Projects and Recommended Funding Amounts, in Order of Priority

Priority Rank	Project Applicant/Sponsor	Project Name	Recommended Amount	Cumulative
1	Laurel, City of	Riverside Park Campground	\$350,000	\$350,000
2	Laurel, City of	Riverside Park Vault Toilets	\$37,000	\$387,000
3	Montana FWP	Yellowstone River FAS Acquisition & Development	\$400,000	\$787,000
4	Our Montana	South Billings Bridge	\$160,000	\$947,000
5	Yellowstone River Parks Association	Sindelar Ranch Fishing Access Site	\$160,000	\$1,107,000
6	Laurel, City of & Lions Club	Lion's Family Park (Phase 1)	\$62,000	\$1,169,000
7	Big Sky Economic Development & Billings, City of	Coulson Park Master Plan	\$45,000	\$1,214,000
8	Billings, City of	Josephine Lake Fishing Habitat Improvement (Task 1)	\$50,000	\$1,264,000
9	Billings, City of	Coulson Park Infrastructure	\$250,000	\$1,514,000
10	Yellowstone River Parks Association	Norm's Island Latrines	\$68,500	\$1,582,500
11	Billings, City of	Coulson Park Improvement	\$110,000	\$1,692,500
12	Billings, City of	Riverfront Park Multi-Use Trail	\$420,000	\$2,112,500
13	Our Montana & Montana Audubon	Explore Yellowstone River App & Billings Urban River Trail Combination	\$25,000	\$2,137,500
14	Yellowstone River Parks Association	Washington St. Bridge Acquisition	\$30,000	\$2,167,500
15	Yellowstone River Parks Association	Joel's Pond	\$10,000	\$2,177,500
16	Yellowstone County Parks Board	Two Moon Park Recreational Access	\$8,250	\$2,185,750
17	Laurel, City of & Lions Club	Lion's Family Park (Phase 2)	\$15,000	\$2,200,750
18	Billings, City of	Josephine Lake (Tasks 2-4)	\$100,000	\$2,300,750
19	Billings Chamber of Commerce	William Clark Recreation Area Construction	\$358,953	\$2,659,703

The Committee's final funding recommendations and funding conditions for all projects, in order of priority, are listed below. This list also includes a summary of each project.

Project Rank: 1

Project Sponsor: Laurel, City of

Project Title: Riverside Park Campground

Project Summary: The City of Laurel is the sponsor and the applicant for this project. The application seeks \$400,000 to install a 6-inch heated waterline from the Laurel Treatment Plant or cisterns to accommodate camping in Riverside Park, to create 36 camping/RV sites with hookups for electric, and to replace waterlines throughout the park to current standards. As this project has developed further, the applicant revised the request to \$400,000 for eligible park components such as construction of sanitation facilities, a campground, picnic facilities, parking improvement, a trail, tree and shrub plantings, and lighting. These components are part of the 2018 Master Plan for Riverside Park.

Funding Recommendation: \$350,000

Funding Conditions: NRDP must approve the final project scope of work, schedule, administration, budget and funding package for eligible park improvement projects such as construction of sanitation facilities, a campground, picnic facilities, parking improvement, a trail, tree and shrub plantings, and lighting.

Project Rank: 2

Project Sponsor: Laurel, City of

Project Title: Riverside Park Vault Toilets

Project Summary: The City of Laurel is the sponsor and the applicant for this project. The application seeks \$37,000 to install one or two double stall vault toilets for the river access and boat ramp at Riverside Park.

Funding Recommendation: \$37,000

Funding Conditions: NRDP must approve the final project scope of work, schedule, administration, budget and funding package. The City of Laurel must coordinate with FWP for the installation of the vault toilets.

Project Rank: 3

Project Sponsor: Montana FWP

Project Title: Yellowstone River Fishing Access Site Acquisition and Development

Project Summary: Montana FWP is the sponsor for this project. FWP requested up to \$500,000 to develop fishing access sites along the Yellowstone River between Reed Point and Custer. FWP has identified three priority stretches of river where additional access is a high priority and would strive to locate at least one fishing access site within each stretch, although suitable property acquisitions for new fishing access sites can be very hard to find and complete. The three stretches are: 1-from Columbus to Park City, 2- between Park City and Huntley Dam, and 3- below Huntley Dam to Custer. FWP can acquire land in fee title, acquire easements, or enter into leases for river access. FWP would like the flexibility, if necessary, to use the funds for either fee title purchase of properties, acquisition of recreation easements at properties, development of fishing access site infrastructure, a combination of development and acquisition, or other means to meet the project purpose. All awarded funds would go

to the acquisition and/or development of fishing access sites. Suitable fishing access locations are very hard to find, acquire, and develop.

Working with other project partners, the funds would be used for either fee title purchase of properties, acquisition of recreation easements at properties, development of fishing access site infrastructure, a combination of development and acquisition, or other means to meet the project purpose. All awarded funds would go to the acquisition and/or development of fishing access sites. FWP would also work with a bridge engineer to evaluate the engineering needs for the bridge at Buffalo Mirage Fishing Access Site (proposed by Luanne Engh and sponsored by City of Laurel) or work to preserve access at other existing fishing access locations.

Funding Recommendation: \$400,000

Funding Conditions: FWP must use the funds to acquire and develop three fishing access locations between Columbus and the Big Horn River. FWP will have the flexibility to use the awarded funds for either fee title purchase of properties, acquisition of recreation easements at properties, development of fishing access site infrastructure, a combination of development and acquisition, or other means to meet the project purpose. All awarded funds must go to the acquisition and/or development of fishing access sites or maintenance of existing access. All funding awarded would be contingent on NRDP approval of the final project scope of work, schedule, administration, budget, and funding package. FWP must attempt to maximize the amount of match contributed to these projects. If any funds are used for property acquisition, purchase must follow the NRDP land acquisition process outlined in Section 3, Project Implementation. Funds may also be used for maintaining fishing access at existing fishing access sites.

Project Rank: 4

Project Sponsor: Our Montana/ YRPA/FWP

Project Title: South Billings Bridge

Project Summary: The applicant, Our Montana, seeks \$160,000 to help purchase and develop a new fishing access site with a concrete boat ramp on a 15.13-acre parcel on the south side of the river adjacent to South Billings Bridge. Two entities may sponsor this project. FWP may sponsor this project because the location would be part of the FWP regional fishing access site network, or YRPA may sponsor the project because it is presently working on a deal to purchase the property and is expected to be the property owner. The application originally requested approximately \$65,000 to help purchase and develop the new fishing access site. As this project has developed further, the project sponsor is requesting \$160,000 to help meet the project purpose. Working with FWP and other project partners, such as YRPA, the funds would be used for either fee title purchase of the property (as proposed in the abstract), acquisition of a recreation easement at the property, development of the fishing access site infrastructure, a combination of development and acquisition, or other means to meet the project purpose. All awarded funds would go to the acquisition and/or development of the fishing access site. At this stage of project planning, Our Montana anticipates that the funds would be used for development of the fishing access site.

Funding Recommendation: \$160,000

Funding Conditions: NRDP must approve the final project scope of work, schedule, administration, budget and funding package. If the funds are used for acquisition, the following contingencies would be required: Any land purchase must follow the NRDP land acquisition process outlined in Section 3, Project Implementation

Project Rank: 5

Project Sponsor: YRPA

Project Title: Sindelar Ranch Fishing Access Site

Project Summary: The YRPA is both the project sponsor and the applicant for this project. YRPA requested \$300,000 to make a down payment on purchase of approximately 289 acres (Dover Island) at the Sindelar Ranch in Billings Heights along Five Mile Road and Dover Road, adjacent to John H. Dover Memorial Park. The project purpose is to develop a public park at the property that will be part of the John H. Dover Memorial Park. The proposal was to use the restoration funds as a down payment to buy the ranch and fund the rest of the purchase through fundraising and long-term commitments from local financial institutions. YRPA states that this acquisition is part of an overall John H. Dover Memorial Park development plan that would take 10 to 20 years.

As this project has developed further, YRPA has revised the funding request to \$160,000 to help meet the project purpose by developing a fishing access site at the Sindelar property. At this stage of project planning, YRPA anticipates that the funds would be used for fishing access site development at the Sindelar parcel of the John H. Dover Memorial Park. As a contingency, YRPA would like the flexibility, if necessary, to use the funds for either fee title purchase of the property (as proposed in the abstract), acquisition of a recreation easement at the property, development of the fishing access site infrastructure, a combination of development and acquisition, or other means to meet the project purpose. All awarded funds would go to the acquisition and/or development of the fishing access site.

Funding Recommendation: \$160,000

Funding Conditions: NRDP must approve the final project scope of work, schedule, administration, budget and funding package. The funds for the fishing access shall not be contracted until the YRPA has completed the purchase of the Sindelar Ranch Property, committed in writing to its use as a park accessible to the public, and committed to the construction of a public fishing access at the location. After a more site-specific conceptual plan is drawn up, the award shall be limited to the amount FWP estimates it would cost to develop a fishing access at the site. YRPA must provide a copy of the agreement with FWP to maintain and monitor the property. YRPA has said that it is working with Montana Department of Transportation on a right-of-way agreement for the Billings Bypass project and that the funds used to purchase the right-of-way would be set aside for long-term operations and maintenance of the entire park. YRPA must provide a copy of the agreement with Montana Department of Transportation and document the long-term operations and maintenance plan. If the funds are used for acquisition of the property, the acquisition must follow the NRDP land acquisition process outlined in Section 3, Project Implementation.

Project Rank: 6

Project Sponsor: Laurel, City of

Project Title: Lion's Family Park (Phase 1)

Project Summary: The City of Laurel is the sponsor and applicant for this project and is acting as a sponsor for the Lion's Club. The application seeks \$80,000 to add a handicap 10x20 shaded dock, dredge the pond deeper to improve fish habitat, to add benches, and improve the walking path around the Lions Family Park at South Pond.

Funding Recommendation: \$62,000

Funding Conditions: The Committee recommended two phases of funding for this project. Phase 1 of funding is for the dock, benches, and walking path. The second phase of funding for the dredging is listed below with a priority rank of 17. If the Lions Club is successful in raising funds for the project, the award would be reduced dollar for dollar by grants or other funds received. Match funding received must be documented. NRDP must approve the final project scope of work, schedule, administration, budget, and funding package.

Project Rank: 7

Project Sponsor: Big Sky Economic Development Authority/ Billings

Project Title: Coulson Park Master Plan

Project Summary: The applicant, Big Sky Economic Development Authority (EDA), seeks \$30,000 to \$45,000 to write a master plan for Coulson Park, a 56-acre City of Billings park located on the left (northwestern) bank of the Yellowstone River between the interstate and the river. The City of Billings has agreed to be the sponsor for this project because Coulson Park is a City park. Coulson Park is. The park presently has little development. A 1995 master plan for the park identified the need for parking and sanitary facilities, as well as other park improvements, although these improvements have mostly not been built. The applicant proposes to hire a contractor to write a master plan to identify critical infrastructure needs, to host three public meetings, to host focus group meetings, to create and complete a public use survey, to raise awareness in the community, to prepare a concept design for the park, and to rank priorities for implementation.

Funding Recommendation: \$45,000

Funding Conditions: NRDP must approve the final project scope of work, schedule, administration, budget and funding package. Documentation must be provided for match funding. If the Big Sky Economic Development Trust Fund grant is not received, the City of Billings and Big Sky EDA must demonstrate that the project can be completed with available funding before the restoration plan funds are contracted. The City of Billings' agreement with Big Sky EDA to complete the project must be submitted to NRDP. NRDP shall approve the scope of work for the master plan to ensure scoping of projects that will directly address the lost recreational use services from the oil spill.

Project Rank: 8

Project Sponsor: Billings, City of

Project Title: Josephine Lake Fishing Habitat Improvement (Task 1)

Project Summary: The City of Billings is the sponsor and applicant for this project. The application seeks \$150,000 to improve access to fishing opportunities by implementing the following tasks: 1- installing

an on-lake fishing pier (floating dock) and building trails to additional fishing access points, 2- improving the fishery by increasing water depth, 3- improving water flow into and through the lake, and 4- improving shoreline habitat.

Funding Recommendation: \$50,000

Funding Conditions: The Committee recommended two phases of funding for this project. Phase 1 is funding for Task 1, the on-lake fishing pier and associated fishing trails. Before starting work on the project, the City of Billings must provide a copy of the lease for use of the State land for Lake Josephine, and document that the proposed improvements were part of the 2008 master plan for Riverfront Park, or that the Riverfront Park master plan will be updated. The second phase of funding for tasks 2 through 4 is addressed below with a project priority of 18.

Project Rank: 9

Project Sponsor: Big Sky Economic Development Authority/Billings, City of

Project Title: Coulson Park Infrastructure

Project Summary: The applicant, Big Sky Economic Development Authority (EDA), seeks \$500,000 to construct the priority projects identified in the master plan for Coulson Park. The City of Billings would be the sponsor for this project because Coulson Park is a City park.

Funding Recommendation: \$250,000

Funding Conditions: The City of Billings must document that match funding of 50% for construction has been secured. NRDP shall review the eligibility of projects selected from the master plan for implementation using restoration funds. NRDP must approve the final project scope of work, schedule, administration, budget and funding package.

Project Rank: 10

Project Sponsor: YRPA

Project Title: Norm's Island Latrines

Project Summary: The applicant, YRPA, seeks \$96,500 to purchase and install a permanent double vaulted latrine with handicap concrete access near the Norm's Island trailhead, picnic tables, and a 12x24 shelter at the Montana Audubon Center. The City of Billings is the project sponsor because the improvements would be located on City property.

Funding Recommendation: \$68,500

Funding Conditions: The Committee recommends funding up to the amount of \$68,500 for the double vaulted latrine with handicap concrete access and two picnic shelters, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. The City of Billings must agree to sponsor the project, provide a schedule for updating the park master plan, and a schedule for design and construction. The City of Billings must also provide commitment from the Billings City Council for long-term maintenance funds.

Project Rank: 11

Project Sponsor: Billings, City of

Project Title: Coulson Park Improvement

Project Summary: The City of Billings is the sponsor and applicant for this project. The applicant seeks \$110,000 to reconstruct the Coulson Park boat launch ramp, make it accessible to 2-wheel drive vehicles, install a vault toilet near the ramp, enhance the parking lot to accommodate more vehicles and

trailers, and add picnic facilities at Coulson Park.

Funding Recommendation: \$110,000

Funding Conditions: NRDP must approve the project scope of work, schedule, administration, budget, and funding package. The City of Billings must document that these improvements were part of the 1995 Master Plan. The funds for these park improvements will not be contracted until after the master plan is completed. Volunteer labor identified in the budget must be documented.

Project Rank: 12

Project Sponsor: Billings, City of

Project Title: Riverfront Park Multi-use Trail

Project Summary: The City of Billings is the sponsor and applicant for this project. The application seeks \$800,000 to build and improve 2.4 miles of paved riverfront recreational trail in Riverfront Park from Josephine Crossing subdivision through Riverfront Park to Washington Street.

Funding Recommendation: \$420,000

Funding Conditions: The Committee recommends funding for building and improving 2.4 miles of Riverfront Park trail, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. This amount is calculated based on construction of 2.4 miles of trail at \$33 per linear foot (see discussion in Appendix A about price per linear foot). Restoration plan funds must not be used to protect the river bank from erosion to protect the trail. The City of Billings must document the public's desire for a paved trail versus a trail with a softer surface and the desire to maintain a paved trail. The City of Billings must provide the permit/lease from the Montana DNRC or FWP for the areas where the trail crosses State land.

Project Rank: 13

Project Sponsor: Our Montana and Montana Audubon Center

Project Title: Billings Urban Trail and Explore the Yellowstone River App Combination

Project Summary: The Committee recommended combining two applications. Our Montana submitted an application for up to \$18,000 to produce an "App" and website that would provide the public with recreation information such as access, fishing, boating, camping, wildlife /bird viewing, safe swimming areas, historic trails, museums, points of interest, and other activities on the Yellowstone River from Gardiner to the North Dakota border. Putting all this information in an App would make it easier for people to find and use, thus enhancing their experience. This project is part of an ongoing effort by Our Montana to gather recreation information on the river and produce this App. NRDP is the sponsor for this project for the purposes of contracting the funds for the applicant's use.

The other application, submitted by the Montana Audubon Center, seeks up to \$38,350 to help establish motorized and hand-launch boat ramps and sites including parking, signage, restrooms, etc., to create and distribute a detailed map of boat launch sites including suggested stopover areas, points of interest, recommended routes, hazards and mileage, to develop transportation options for returning to the starting point, and develop and implement facilitated program options like "river rangers" guided canoe float trips, safe boating training, and certification. The applicant also proposes to establish an organization advocating for access and programming on the Yellowstone near Billings, and develop organization goals, objectives and strategies related to conservation and recreational and educational use of the river. The applicant updated the application funding request from \$40,000 to \$38,350. NRDP is the sponsor of this project for the purposes of contracting the funds for the applicant's use.

Funding Recommendation: \$25,000

Funding Conditions: The Committee recommended that Montana Audubon and Our Montana work together on a joint project that includes aspects of both the proposals. The funding includes \$25,000 for preparation of a printed map and signs and an App, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. Our Montana would take the lead on the project.

Project Rank: 14

Project Sponsor: YRPA

Project Title: Washington Street Bridge Acquisition

Project Summary: The YRPA is both the project sponsor and the applicant for this project. The application seeks \$30,000 to purchase six acres at the South Frontage Road at the old location of the Washington Street Bridge. The purchase of the property would secure access to the City of Billings island immediately to the south of the property. The former Washington Street Bridge site is blocked and closed to the public. YRPA intends to deed the property to the City of Billings and make it part of the adjacent island the City of Billings owns.

Funding Recommendation: \$30,000

Funding Conditions: The Committee recommends funding in an amount up to \$30,000 for purchase of the Washington Street Bridge property, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. Before the funds are awarded, YRPA must document that the property owners are willing to sell the property to YRPA. The City of Billings must document that it is willing to accept property from YRPA. If the City of Billings is not willing to accept the property, YRPA must submit to NRDP a commitment to hold and manage the property to meet restoration plan goals. Any land purchase must follow the NRDP land acquisition process outlined in Section 3, Project Implementation. Any remainder funds must be used for trailhead improvements such as signage, gravel parking, trail work and landscaping.

Project Rank: 15

Project Sponsor: YRPA

Project Title: Joel's Pond

Project Summary: The YRPA is the sponsor and applicant for this project. The application seeks \$13,900 to improve the dock ramp handicap accessibility, to import top soil and seed native grasses, and survey and improve the trails at Joel's pond. The project purpose is to continue park build out of this private, publicly-accessible urban pond. As this project developed further, YRPA revised the requested amount to \$16,000 for other components of the park buildout that were described in the application abstract, specifically the trail. Montana Dakota Utilities is contributing concrete for the construction of the Heritage trail to the pond. YRPA would use the requested funds to pay for labor to install the donated concrete, to apply a gravel surface to the remaining trails, to update the master plan and park brochure, and to survey the bridge and trail location.

Funding Recommendation: \$10,000

Funding Conditions: The Committee recommended up to \$10,000 for park buildout components, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. YRPA must document all match received for this project.

Project Rank: 16

Project Sponsor: Yellowstone County Board of Park Commissioners

Project Title: Two Moon Park Recreational Access

Project Summary: The Yellowstone County Board of Park Commissioners is the sponsor and applicant for this project. The application seeks \$25,000 to widen the main trail corridor around Two Moon Park by removing brush and trees for a 12-foot trail corridor around the park, adding some new trail, adding a gate, and raising the parking lot using road mix and gravel. The project is to improve the perimeter trail, so vehicles can access the park.

Funding Recommendation: \$8,250

Funding Conditions: The Committee recommended funding for parking area improvements. NRDP must approve the final project scope of work, schedule, administration, budget and funding package. The County must provide a budget for the parking area improvement.

Project Rank: 17

Project Sponsor: Laurel, City of

Project Title: Lion's Family Park (Phase 2)

Project Summary: The City of Laurel is the sponsor and applicant for this project and is acting as a sponsor for the Lion's Club. The application seeks \$80,000 to add a handicap 10x20 shaded dock, dredge the pond deeper to improve fish habitat, to add benches, and improve the walking path around the Lions Family Park at South Pond.

Funding Recommendation: \$15,000

Funding Conditions: This project is phase 2 of funding for the Lions Family Park projects and is for pond dredging. Phase 1 is addressed above with a project priority of 6. The City of Laurel and Lions Club must develop the task beyond the conceptual phase presented in the abstracts and provide NRDP with a viable final scope of work, schedule, administration, and budget. NRDP must approve the project scope, schedule and budget.

Project Rank: 18

Project Title: Josephine Lake Tasks 2-4

Project Summary: The City of Billings is the sponsor and applicant for this project. The application seeks \$150,000 to improve access to fishing opportunities by implementing the following tasks: 1- installing an on-lake fishing pier (floating dock) and building trails to additional fishing access points, 2- improving the fishery by increasing water depth, 3- improving water flow into and through the lake, and 4- improving shoreline habitat.

Funding Recommendation: \$100,000

Funding Conditions: Funding for Task 1 is addressed above with a project priority of 8. Task 2 - installing an island and increasing the lake depth, Task 3 - improving water flow, and Task 4 - improving shoreline habitat must be developed beyond the conceptual phase presented in the abstracts. The Billings Parks and Recreation Department must provide NRDP with a viable final scope of work, schedule, administration, and budget for each task. Each of these tasks could be completed independent of the others. The City of Billings must provide a copy of the lease for use of the State land for Lake Josephine and document that the proposed improvements were part of the 2008 master plan for Riverfront Park, or that the Riverfront Park master plan will be updated.

Project Rank: 19

Project Sponsor: Billings Chamber of Commerce

Project Title: William Clark Recreation Area Construction

Project Summary: The applicant, Billings Chamber of Commerce, seeks \$762,905 to develop a 47-acre park with 3,800 lineal feet of Yellowstone River frontage. The City of Billings is the sponsor for this project because the City of Billings is the recipient of the easement on the Western Sugar Property and a new park at this location would be a City park. The applicant proposes a new park that would be open to the public and provide greenway trails, scenic overlooks, and river access. In addition to recreation, the site would be an area for education and tourism. Proposed signs would share the story of the agriculture industry in the Yellowstone Valley because of Western Sugar's donation of a land easement. The park would preserve a historical site recognized by the U.S. Geological Survey as a documented location where Captain William Clark led an expedition across the Yellowstone River. Plans included interpretive signs celebrating the historical significance of the Lewis and Clark Expedition with an emphasis on Clark's return voyage. The park could provide recreational and educational opportunities for residents and visitors alike and be a monumental park addition to the City of Billings community.

Funding Recommendation: \$358,953

Funding Conditions: The NRDP had recommended funding for a master plan for the William Clark Recreation Area. The Committee recommended no funding for a master plan. However, the City of Billings will require a master plan for the proposed park. After a master plan is completed using other funds, the City of Billings must confirm it will sponsor the construction project. The NRDP must review and approve the projects selected for construction from the master plan for eligibility using the restoration plan criteria. Eligible project components would restore, rehabilitate, replace, or acquire the equivalent of injured recreational human use services and meet the goal of providing additional recreational human use opportunities to offset those lost due to the 2011 oil spill. Construction funding is recommended upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. Before the funds are contracted, the City of Billings must obtain a permanent easement or fee title on the Western Sugar property and document that the permanent easement or fee title of the property is in the City of Billings' name to protect the investment of public funds. The City of Billings must also provide written documentation of the value of the Western Sugar easement and other committed match with an explanation of how the match will be applied to the project.

Projects not recommended for funding:

Project Sponsor: Billings, City of

Project Title: Riverfront Park Hand Launch

Project Summary: The City of Billings is the sponsor and applicant for this project. The application seeks \$100,000 to build a hand boat launch site, improve the existing access road, and expand the existing parking area in Riverfront Park. This project was also proposed by Matthew Sather, a member of the public.

Funding Recommendation: \$0

Project Sponsor: Our Montana

Project Title: Yellowstone River Private Islands

Project Summary: The applicant, Our Montana, seeks up to \$92,488 to attempt to acquire by donation

islands on the Yellowstone River that are in private ownership. The original application requested up to \$140,000 for this project but was updated in a subsequent submittal. NRDP would be the sponsor for this project for the purposes of contracting the funds for the applicant's use. The process explained in the application starts with selecting priority areas, Billings to Laurel or an area next to Yellowstone River State Park and Wildlife Management Area, because these two areas have already had much technical work done on them and are important environmentally. The applicant intends to hire the technical help of a geomorphologist to prepare an island study and report. The study would look at the fluvial geomorphology over time, patent records, survey records, aerial photos, channel migration, soil characteristics and vegetation. The process described requires a site visit as well as use of online data. A real estate representative would then make landowner contacts and negotiate and complete donations. Appraisals and surveys of the properties may be required.

Funding Recommendation: \$0

3.0 Project Implementation

Upon approval of a recreation project, the project sponsors will be required to enter into a contract agreement with NRDP before any funds can be expended or received. Detailed scopes of works, budgets, and project schedules are required in all agreements, and must be approved by NRDP before any work paid for by Yellowstone River 2011 Oil Spill restoration funds can begin. Expenses incurred by project sponsors before the contract agreement becomes effective will not be reimbursed.

The NRDP will ensure that all approved projects implemented by the project sponsors are consistent with scope and budget of the project as approved. NRDP will not fund aspects of projects that are not consistent with the approved project or Oil Pollution Act requirements.

NRDP will work with project sponsors to make the funds available for approved projects that are within the available funding. NRDP will also use recreation project funds to ensure that projects are monitored sufficiently to meet the Oil Pollution Act requirements. As provided for in the 2016 Consent Decree, NRDP administrative costs incurred by the State related to the implementation of this plan will be funded from Yellowstone recreation funds. These costs will include, as needed, design, implementation, oversight, operation and maintenance, monitoring, permitting, MEPA analysis, integrating the recreation projects with projects for other injured resources and services, and other related activities, to ensure the selected priority recreation projects meet the restoration plan goals.

Other Information for Project Sponsors

- Project sponsor costs for project administration activities will be capped at 5 percent of the total estimated project development and design costs.
- As part of the project development efforts, project sponsors should pursue opportunities to obtain matching funds or in-kind services for the full project to increase the project's cost-effectiveness.
- Procurement for all projects must comply with State procurement requirements, including legal procurement for all environmental consulting, engineering, and design activities.
- If a project is completed under budget, the remainder funds will be used for the same restoration project type. Some projects may not reach implementation phase, depending on the results of the project development phase.
- All restoration work on private or public land will require landowner agreement to protect projects for a specific length of time.
- Specific projects may require additional MEPA review and public participation during project development and implementation.
- Entities contracted for project implementation must obtain all required permits.
- Projects selected will be required to initiate implementation within two years of the plan finalization. The implementation will take place over a period not to exceed five years.
- The implementation will include necessary oversight and review by NRDP, with funds distributed to project partners on a reimbursement basis.

NRDP Land Acquisition Process:

NRDP can provide an outline of the NRDP due diligence checklist that outlines acquisition items that must be addressed for any property purchased using restoration funds.

The purchased price of any property must be at or below fair market value, determined by an appraisal approved by the NRDP. Funds awarded in excess of the price of the property could be used for due diligence costs, such as appraisal and survey. The title of the land proposed for acquisition must not be subject to any restrictions, including third party mineral ownership, that would negatively affect the recreation value or materially encumber the title. Before commissioning any appraisals or surveys, NRDP must be provided with preliminary title commitments and copies of all encumbrances and related documents in the commitment. NRDP must approve the engagement letters and instructions for the appraisal and survey before appraisal and survey are hired. NRDP must review and approve all land transaction documents such as title commitment, surveys, deeds, appraisals and buy/sell agreements before closing. Other due diligence requirements must also be completed, such as a phase 1 environmental site assessment. The property owner must sign a land management instrument that will protect the State's interest in the property.

Montana Environmental Policy Act Compliance

The final restoration plan served as a programmatic environmental assessment under the National Environmental Policy Act (NEPA) (42 USC §§ 4321, *et seq.*) and the Montana Environmental Policy Act (MEPA) (75-1-102, MCA, *et seq.*). This document includes checklist environmental assessments in Appendix B for some projects to address the potential impact of the Trustees' proposed restoration actions on the quality of the physical, biological, and cultural environment. NRDP is accepting public comments on the checklist environmental assessments included in this document simultaneously with the public comment period on this recreation project priority plan.

For other projects, an environmental assessment will be prepared when the projects are further developed.

4.0 References

Billings, City of. 2017. City of Billings Parks, Recreation, and Public Lands Comprehensive Parks & Recreation Master Plan. Prepared by PROS Consulting. September.

Billings, City of. 2008. Riverfront Park Master Plan. Prepared by Peaks to Plains Design PC. December 15.

Billings, City of. 1995. Coulson Park Master Plan Summary Report. Prepared by Wirth Design Associates. February.

Laurel, City of. 2018. *Riverside Park Master Plan*. Prepared by Great West Engineering. February.

State of Montana and U.S. Department of the Interior. 2017. Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill. January.

Yellowstone River Parks Association. 2018. Joel's Pond Master Plan. <http://www.yrpa.org/parks/joels-pond/>

Yellowstone River Parks Association. 2018. John H. Dover Memorial Park. <http://www.yrpa.org/parks/dover-memorial-park/>