Draft 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

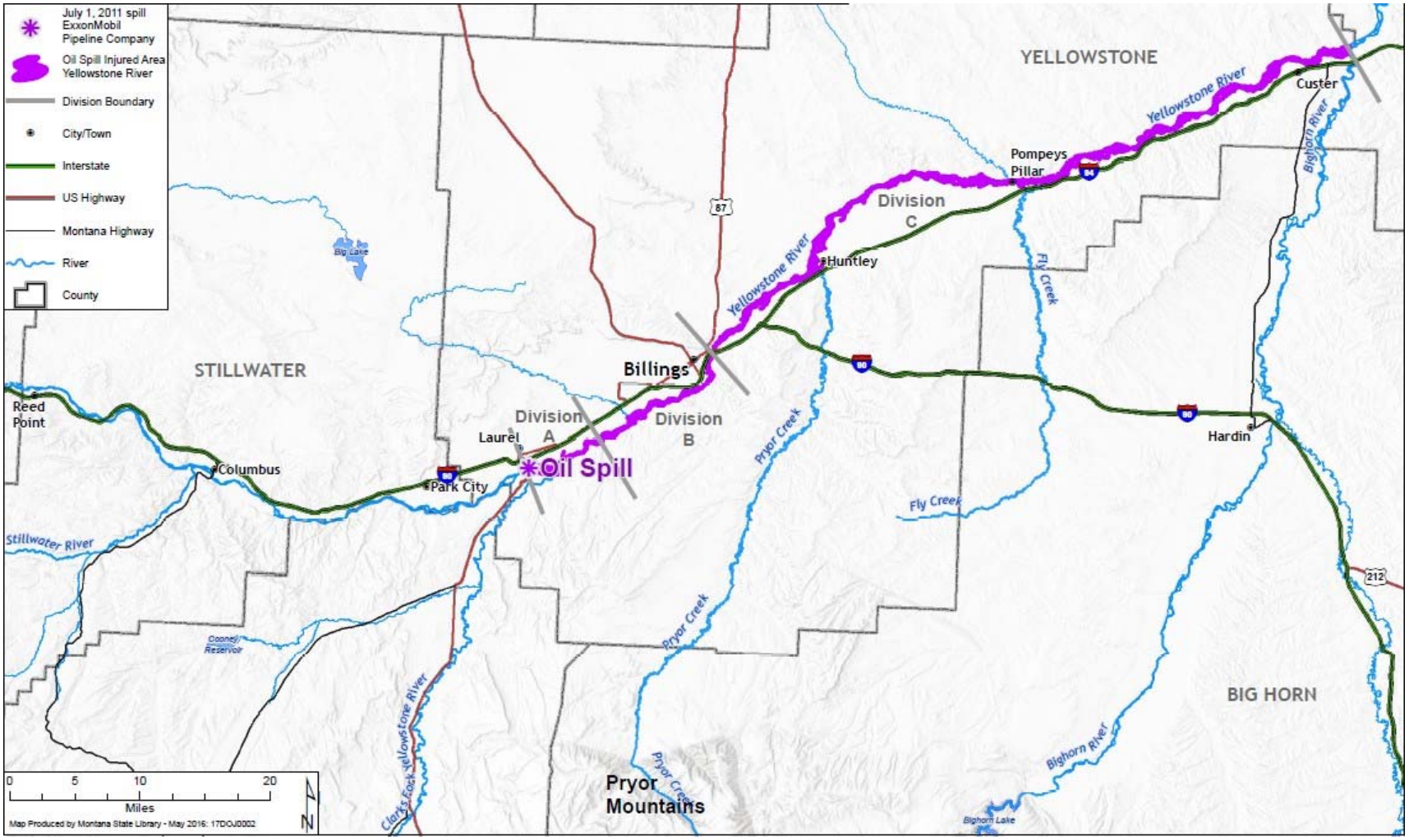
In September 2016, the United States and the State of Montana announced a settlement with ExxonMobil Pipeline Company and the availability of a restoration plan. The final *Programmatic Damage Assessment and Restoration Plan and Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 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.

Placeholder: 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 ___ members of the public. The final meeting was advertised in Yellowstone County News legal ads on May ___, the Laurel Outlook legal ads on May ___, and the Billings Gazette legal ads on May ___. 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 combing 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 or 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.

NRPD 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/

Appendix A: Criteria Evaluations

NRDP Recommendations Prepared for February 12, 2017 Meeting: Project Phases and Amounts

Applicant	Project Title	Revised Amount Requested	Amount Recommended by NRDP
Big Sky EDA	Coulson Master Plan	$45,000	$45,000
Big Sky EDA	Coulson Park Infrastructure	$500,000	$250,000
Billings Chamber	William Clark Recreation Area Planning	$762,905	$45,000
	William Clark Recreation Area Construction		$358,953
Billings, City of	Coulson Park Improvement	$110,000	$110,000
Billings, City of	Josephine Lake Fishing Habitat Improvement	$150,000	$50,000
	Josephine Tasks 2-4		$100,000
Billings, City of	Riverfront Park Hand launch	$100,000	$100,000
Billings, City of	Riverfront Park Multiuse Trail	$800,000	$420,000
Laurel, City of	Riverside Park Vault Toilets	$37,000	$37,000
Laurel, City of and Lion's Club	Lion Family Park	$80,000	$62,000
	Lions Park Dredging		$18,000
Laurel, City of	Riverside Park Campground	$400,000	$400,000
Montana Audubon Center	Billings Urban River Trail	$38,350	$12,450
Montana FWP	Yellowstone River FAS Acquisition & Development	$500,000	$320,000
	Third Fishing Access Site & Access		$180,000
Our Montana	Explore the Yellowstone River	$18,000	$18,000
Our Montana	South Billings Bridge	$160,000	$160,000
Our Montana	Yellowstone River Private Islands	$92,488	$0
Yellowstone County	Two Moon Park Recreation Hiking & Emergency Access	$25,000	$8,250
YRPA	Joel's Pond	$16,100	$16,100
YRPA	Norm's Island Latrines	$96,500	$68,500
YRPA	Sindelar Ranch Fishing Access Site	$160,000	$160,000
YRPA	Washington St. Bridge	$30,000	$30,000

Notes: Some applicants revised the amount requested in August 2017 as projects were better defined.
EDA = Economic Development Authority FWP = Fish, Wildlife & Parks YRPA = Yellowstone River Parks Association

Project Rank: 7

Project Sponsor: City of Billings Applicant: Big Sky Economic Development Authority

Project Name: Coulson Park Master Planning

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $45,000 for a master plan, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. NRDP recommends that the committee consider this project in coordination with other projects requesting funds for work at Coulson Park (see the discussion of the joint Big Sky EDA and City of Billings proposal for Coulson Park infrastructure construction and the separate City of Billings' proposal for latrines and a boat ramp at Coulson Park below). 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 would directly address the lost recreational use services from the oil spill.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The master plan is estimated to cost $90,000. Long-term maintenance and monitoring costs: Writing a master plan would not result in long-term maintenance and monitoring costs. Benefits to service losses: Uncertain benefits. Because this project is the production of a document, it does not have the same benefits to service losses that other projects have that directly address the service losses through construction of infrastructure. Nevertheless, preparation of a master plan is an important first step to identifying projects at Coulson Park that would address the services lost. Cost effectiveness: Cost effective. The development of a master plan is a proven and effective method to prioritize projects. Project costs were developed by the City of Billings Parks Department and Big Sky EDA based on actual past costs for parks planning in Billings. The City of Billings Parks Department has agreed to work with Big Sky EDA on this project and has said they would take the lead on the project. The City of Billings Parks Department and Big Sky EDA are working on a plan for how they would work together. The matching funds of up to half the cost of the master plan help to make this project cost effective. Time to achieve benefits and sustainability: The proposed schedule anticipates a six-month time-frame from award of funding until completion of the final master plan. The Billings Parks Department says that a typical master plan process in Billings takes anywhere from a few months to up to a year.

	Public acceptance: This project has broad support in the community. The following entities provided letters of support: City of Billings, Beartooth Paddlers, Billings TrailNet, Yellowstone County Sheriff's office, Billings Chamber of Commerce, Billings Tourism Business Improvement District, Yellowstone County Lodging Association, Billings Fire Department, Sunshine Sports, Yellowstone County Commissioners. A master plan for Coulson Park was identified as a visionary improvement in the City of Billings Parks, Recreation, and Public Lands Comprehensive Parks and Recreation Master Plan completed in September 2017. Leveraged financial resources: Big Sky EDA has secured $21,000 in matching funds, $5,000 each from Billings Tourism Business Improvement Board and Yellowstone County Lodging Association, $1,000 from the Yellowstone Valley Citizen's Council, and the applicant intends to contribute $10,000 in cash match funds. These committed funds are 24% of the expected project costs. Big Sky EDA has also applied for a $25,000 Big Sky Economic Development Trust Fund Grant. Even if all of these funds are secured, the full estimated amount of the master plan is only covered if $45,000 is awarded. If the funds are secured, leveraged financial resources would be 50% of the project.
2 - Project Goals and Objectives	Relationship to services lost: The project has four goals: 1- to develop a plan to restore and increase riparian habitat by design for fish and bird areas, 2- to identify lack of infrastructure or need to restore infrastructure impeding the use of the park, 3- to determine the best use for Coulson Park, and 4- to create a plan for the park. This project meets the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas. Park master plans were identified as an example project in the restoration plan. Location: Coulson Park is in the injured area and access to the river was closed at this location during the spill.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods/uncertain outcome. Writing a master plan is technically feasible and can be implemented as proposed, if match funds can be secured. The Billings Parks Department and Big Sky EDA prepared a joint presentation to the Recreation Advisory Committee, stating that the City of Billings is willing to lead the project and work with Big Sky EDA. However, timing would be a challenge. The City of Billings Parks Department only has one Park Planner, the project would have to fit into his schedule. The Billings City council must approve the preparation of the master plan and accept the funding award before the Parks Department can proceed with the project. Typical tasks included in the preparation of a master plan in the City of Billings include: 1- project startup and public involvement, 2-research and information gathering with a community survey and data collection, 3- data analysis & synthesis and public outreach, 4-development of alternatives, public review, and preparation of a draft master plan, and 5-preparation of a final master plan and cost estimate. The Billings Parks Department would follow City of Billings purchasing guidelines. The master plan would need to go the Billings Parks, Recreation and Cemetery Board for their comments and recommendations to the Billings City Council, and the plan would then need to be approved by the Billings City Council. The Billings Parks Department would then need to prepare construction designs from the master plan and ensure that the project meets City of Billings criteria like maintenance standards, ADA standards, and master plan guidelines. The technical feasibility of the components ultimately identified in the master plan is unknown. The City of Billings Parks, Recreation and Public Lands Comprehensive Parks and Recreation Master Plan completed in September 2017 classifies Coulson Park as a community park. The preparation of a master plan is included as a visionary improvement in the comprehensive plan.

	The total match funding in the amount of $45,000 from a Big Sky Economic Development Trust Fund Grant must be secured or the project may not be completed as proposed. The feasibility of meeting restoration plan goals is less certain than in a project that would directly address the lost use services due to the oil spill. Risk of failure: Master Plan Low/ Implementation Medium. The risk the master plan will not be written by the project applicant and sponsor is low since Big Sky EDA and the Billings Parks and Recreation Department have agreed to work together. The implementation of the master plan has less certainty. If the master plan projects are not completed, the restoration plan goals may not be met. The master plan project has broad support in the community, as demonstrated by the multiple letters of support and cash match contributions. Certainty that goals can be met and maintained: Medium. Big Sky EDA is partnering with the City of Billings Parks and Recreation on this project. Both entities have the capacity to complete the project, and are familiar with completing similar planning efforts. The uncertainty for this project is that if the master plan does not identify projects that are eligible for funding through the restoration plan, or if projects are not completed, the restoration plan goals may not be met. Eligible project components would restore, rehabilitate, replace, or acquire the equivalent of injured human recreation use services and meet the goal of providing additional human use recreational opportunities to offset those lost due to the 2011 oil spill.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Writing a master plan for Coulson Park will not directly prevent future injury as a result of the oil spill. The master plan may ultimately compensate for losses during the spill and response period. Collateral injury: Writing a master plan for Coulson Park would not result in collateral injury to the river from the spill. Writing a master plan would not require permits.
5 - Multiple Resource and Service Benefits	The Coulson Park master plan project would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	The Coulson Park master plan project would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Writing a Coulson Park master plan would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	Coulson Park is managed by Billings Parks and Recreation and is classified as an undeveloped natural area. The master plan is within, but augments, normal government function. The master plan is not required by law and available funding is presently insufficient to write the plan. Two local entities are providing cash match to the project.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost Including Match
Master Plan	$45,000	$45,000	$90,000
Total	$45,000	$45,000	$90,000

Big Sky EDA has secured $21,000 in matching funds, $5,000 each from Billings Tourism Business Improvement Board and Yellowstone County Lodging Association, $1,000 from the Yellowstone Valley Citizen's Council, and the applicant intends to contribute $10,000 in cash match funds. Big Sky EDA has also applied for a $25,000 Big Sky Economic Development Trust Fund Grant, but it is not yet secured.

Project Rank: 9

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

Project Name: Coulson Park Infrastructure Construction

Proposal 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.
Evaluation Summary & Funding Recommendation	The overall project, as proposed, passes minimum qualifications, however certain park components ultimately included in the master plan may not be eligible for funding. Final eligibility of these components would be determined when additional information is provided on the projects. Eligible project components would restore, rehabilitate, replace, or acquire the equivalent of injured human recreation use services and meet the goal of providing additional human use recreational opportunities to offset those lost due to the 2011 oil spill. NRDP recommends funding up to the amount of $250,000 for construction of eligible projects identified in the Coulson Park master plan, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. Given the uncertainty about the actual projects that would be completed at Coulson Park, the NRDP recommends partial funding of half the requested amount. The City of Billings is requesting funding of $110,000 under a different application to replace the boat ramp and latrines and improve parking at Coulson Park. NRDP recommends that the committee consider this project in coordination with other projects requesting funds for work at Coulson Park (see the discussion of the joint Big Sky EDA and City of Billings proposal for Coulson Park master planning and the separate City of Billings' proposal for latrines and a boat ramp at Coulson Park below). The City of Billings must document that match funding for construction has been secured. NRDP shall review the eligibility of projects selected from the master plan for implementation using restoration funds.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: Big Sky EDA and the City of Billings are requesting that $500,000 be allocated to complete priority infrastructure projects identified in the master plan at Coulson Park. The applicant anticipates that the cost of infrastructure improvement at the park would cost up to $1,000,000. Long-term maintenance and monitoring cost: Projects to be identified in the Coulson Park Master Plan, if the plan is funded, must be approved by the City of Billings. Until the City of Billings has approved the master plan and the projects, the Billings Parks Department has not committed to long-term maintenance of the improved park. The Billings Parks Department would ask the Billings City Council for additional funds to maintain new infrastructure. Benefits to service losses: Potential net benefits/Uncertain. Coulson Park was closed during the oil spill and response and the restoration plan identified the need for improved parking and sanitary facilities at the park. However, because the specific projects to be completed have not yet been identified, and the City of Billings has not yet agreed to construct and maintain the projects, the benefits to the service losses are uncertain. Cost effectiveness: Uncertain cost effectiveness. Because the specific projects to be constructed at the park are not yet identified, cost-effectiveness of the project is uncertain. If the City of Billings agrees to maintain improved infrastructure in Coulson Park in the long term, this project could be cost effective. The applicant has committed to seeking match funding up to 50% of the infrastructure cost.

	Time to achieve benefits and sustainability: Big Sky EDA has requested funding for a master plan at Coulson Park. This master plan must be completed before any infrastructure projects can be started at the park. The planned schedule is to complete the master plan in 2018 and, if funded, construct projects in 2018 and 2019. If the City of Billings agrees to construct the projects and maintain the infrastructure, the project would be sustainable. Public acceptance: Support letters were received from the City of Billings, Beartooth Paddlers, Billings TrailNet, Yellowstone County Sheriff's office, Billings Chamber of Commerce, Billings Tourism Business Improvement District, Yellowstone County Lodging Association, Billings Fire Department, Sunshine Sports, and Yellowstone County Commissioners. Leveraged financial resources: The application states Big Sky EDA's intention to leverage up to $450,000 in cash match through multiple grant applications and up to $50,000 in local fundraising, but these funds are not yet committed. The potential for securing additional funds is unknown.
2 - Project Goals and Objectives	Relationship to services lost: The project has three goals: 1- to implement top critical infrastructure at the park, 2- to restore and increase riparian habitat, 3- create a welcoming entryway into Billings. Project goal #1 satisfies restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas, and objective 3 – increase fishing access to the Yellowstone River. The City of Billings has identified reconstruction of the boat ramp and replacement of latrines as priority projects. Goal 2 - Riparian habitat restoration is not addressed with the recreation funds. Goal 3 – does not meet restoration plan criteria. Location: Coulson Park is in the injured area and access to the river was closed at this location during the spill.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods/uncertain outcome. The City of Billings Parks, Recreation, and Public Lands Comprehensive Parks and Recreation Master Plan completed in September 2017 classifies Coulson Park as a community park. In order for any projects to take place at Coulson Park, they would need to be included in the master plan, the subject of another funding request. Construction of infrastructure at Coulson Park is likely to be technically feasible and to be implemented as proposed, especially as the plan will have been just prepared and vetted in the community. Specific projects have not yet been identified, so the technical feasibility is less certain than if details were known about the proposal. NRDP would need to review any proposed projects for eligibility after they have been identified. Risk of failure: Medium. Improvements to Coulson Park have broad support in the community and have been proposed by entities with the capacity to complete them. There is a slight risk that the master plan could not be completed, or that specific projects proposed for funding would not be eligible for funding. NRDP will work with the project sponsor to scope the master plan so that eligible projects are included. Eligible project components would restore, rehabilitate, replace, or acquire the equivalent of injured human recreation use services and meet the goal of providing additional human use recreational opportunities to offset those lost due to the 2011 oil spill. Certainty that goals can be met and sustained: Medium. Installing infrastructure is generally technically feasible. Big Sky EDA is partnering with the City of Billings Parks and Recreation on this project. The City of Billings has the capacity to complete infrastructure projects. This project has broad support in the community. The following entities provided letters of support: City of Billings, Beartooth Paddlers, Billings TrailNet, Yellowstone County Sheriff's office, Billings Chamber of Commerce, Billings Tourism Business Improvement District, Yellowstone County Lodging Association, Billings Fire Department, Sunshine Sports, Yellowstone County Commissioners. The uncertainty for this project is that if the master plan does not identify projects that are eligible for

	funding through the restoration plan, or if projects are not completed, the restoration plan goals may not be met. Eligible project components would restore, rehabilitate, replace, or acquire the equivalent of injured human recreation use services and meet the goal of providing additional human use recreational opportunities to offset those lost due to the 2011 oil spill.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Completion of park infrastructure projects at Coulson Park would compensate for losses during the spill and response period but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Collateral injury: Short-term negative impacts during construction of potential projects may occur to the floodplain and to surface water quality. Construction would require permits and would be required to use best management practices to minimize adverse impacts. Construction of infrastructure at Coulson Park would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Construction of infrastructure at Coulson Park would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	The Coulson Park infrastructure construction projects would not pose unacceptable risk to public health and safety. Safety at the boat ramp, if it is one of the infrastructure projects constructed at the park, should improve public safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	The selected Infrastructure projects would need to be consistent with all applicable laws, rules, and policies, including the consent decree. When specific projects are identified, they would need to be evaluated for how they meet restoration plan criteria.
Montana Policy Criteria	
8 – Normal Government Function	Coulson Park is managed by Billings Parks and Recreation and is classified as an undeveloped natural area. The proposed improvements are within, but augment, normal government function. The proposed infrastructure improvements are not required by law and available funding is presently insufficient to implement the project. The infrastructure improvements go well beyond routine operation and maintenance activities. Two local entities are providing cash match to the project. Up to 50% of the cost of the project may ultimately come from match.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Projects Implementing the Master Plan	$500,000	$500,000	$1,000,000
Total	$500,000	$500,000	$1,000,000

Project Rank: 19
Project Sponsor: City of Billings Applicant: Billings Chamber of Commerce
Project Name: William Clark Recreation Area

Proposal 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.
Evaluation Summary & Funding Recommendation	The Billings Parks Department has stated that this project would need a fully vetted master plan, including input from stakeholders and surrounding property owners and the community. The master plan process would take anywhere from a few months to up to a year. Because of the uncertainties with the outcome of this project, NRDP recommends funding this project in two phases. NRDP recommends funding up to the amount of $45,000 for the preparation of a master plan for the proposed park. Also, given the uncertainty about the projects that would be included in the master plan and about the actual projects that would be completed, NRDP recommends funding of up to $358,953 to fund the construction of eligible park components identified in the master plan. The recommended construction funding amount is approximately half of the requested funds, after $45,000 are subtracted for the master plan. For both phases, funding is recommended upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. The City of Billings must confirm they will sponsor the project. Before the funds are contracted, NRDP will require that the City of Billings 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 document that they have agreed to prepare a master plan for the project and submit a scope of work and budget. NRDP shall approve the scope of work for the master plan to ensure scoping of projects that would directly address the lost use services from the oil spill. If the Committee funds construction of park components, NRDP must review and approve the projects selected from the master plan for eligibility using the restoration plan criteria. Eligible project components would restore, rehabilitate, replace, or acquire the equivalent of injured human recreation use services and meet the goal of providing additional human use recreational opportunities to offset those lost due to the 2011 oil spill. 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 would be applied to the project.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The application included a very specific plan for the William Clark Recreation Area. The construction of the proposed park, as outlined in the plan, is estimated to cost $1,275,367. This amount includes the construction of the park, the

	donation of the easement for the parcel, and cash and in-kind support from project partners. The cost estimate does not include funding for a park master plan that the City of Billings would require in order to proceed with the project. Park master plans in the City of Billings typically cost up to $90,000. The park master plan would most likely be different than the proposal and cost estimate submitted by the Chamber of Commerce. If the components identified in the application are not included in the master plan or if other components are identified, the project implementation cost would be different. Long-term maintenance and monitoring cost: The proposal states that the new park would be maintained under the jurisdiction of the Billings Parks Department. According to the City of Billings, this proposed park would have to be internally vetted before the Billings Parks Department will commit to proceed with a master plan and development and accept responsibility for long-term maintenance. If the project proceeds, the Billings Parks Department would ask Billings City Council for additional funds to maintain the improvements. Benefits to service losses: Potential net benefits/ uncertain. This large parcel on the river would be an additional human use recreational opportunity to offset the lost use of public park and trails due to the oil spill. The park concept includes public access to the Yellowstone River, nature trails that would connect with other regional trail networks, and parking. However, before this park can be built, the Billings Parks Department would need to complete a master plan and identify the park components. Because the specific park components to be completed have not yet been identified, the benefits to the service losses are uncertain. The Western Sugar easement is for 20 years. If Western Sugar terminates the easement, the long-term benefits of a new City of Billings park on the river would not be fulfilled. Cost effectiveness: Uncertain cost effectiveness. The development of the recommended master plan is a proven and effective method to prioritize projects. Because the specific components to be constructed at the park are not yet identified, cost-effectiveness of the project is uncertain. A commitment from the City of Billings to maintain the new park in the long term would help to make the project cost effective. The donation of a 47-acre easement from Western Sugar to the City of Billings in spring 2017 valued at $470,000 helps to make this park development cost effective, but the easement is only for 20 years. The trails proposed at the William Clark Recreation Area proposed park were estimated at $60 per linear foot for a 10” wide crushed granite trail. NRDP, using FWP cost estimates of $33 per linear foot for paved trails at other locations, believes the costs are high for an unpaved 10-foot wide trail. However, the trail has not yet been designed or engineered and these costs could change. Time to achieve benefits and sustainability: The application states that the schedule would be to complete designs in 2018 and construct the park in 2019. The Chamber of Commerce has already sought the support of the City of Billings, but the City has not vetted the project internally. The Billings Parks Department has stated that this project would need a fully vetted master plan, including input from stakeholders and surrounding property owners and the community. The master plan process would take anywhere from a few months to up to a year. Construction of the park would take place after the master planning. If the City of Billings proceeds with this project, the Billings Parks Department would need to commit to maintain the park, assuring that the project would be sustainable. The Western Sugar easement is for 20 years and if this easement is terminated at the end of the easement term and is not renewed, the benefits would not be sustained. Public acceptance: Support letters were received from Visit Billings, Southeast Montana Tourism, Big Sky EDA, Southeast Montana Tourism, Billings TrailNet, and the City of Billings. The application states that the Chamber will engage City of Billings as a sponsor. The trail component of this project has been vetted in the community through the Chamber of Commerce master trail plan, posted

	on the Chamber web site. Development of a park at this property was not identified as a "visionary" improvement in the City of Billings Parks, Recreation, and Public Lands Comprehensive Parks and Recreation Master Plan completed in September 2017. Leveraged financial resources: Matching funds are identified as $4,558 cash match from the Chamber of Commerce, and in-kind contributions of 146 hours valued at $12,410 from Territorial Landworks, a 47-acre easement worth $470,000 from Western Sugar, 84.72 hours valued at $16,944 from Cole Law Firm, and 18 hours of local committee volunteer hours valued at $8,550. If the City of Billings agrees to build the park and commits to the long-term maintenance of the park, the Parks Department would request additional financial resources from the Billings City Council. The stated value of the easement together with committed matching funds of $42,462 are approximately 40% of the expected cost of the project.
2 - Project Goals and Objectives	Relationship to services lost: The goal of this project is to build a park along the Yellowstone River with a greenway trail system along the river. The project goal satisfies restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas, by acquiring the equivalent of resources injured by the spill. Location: The Clarks Crossing Park is in the injured area and access to the river was closed in this area during the spill. The planned park would be located along the riverfront immediately east of Riverfront Park and be a continuation of the Riverfront Park Complex trails. The Riverfront Park Complex is an area that was identified as a priority area for improvement in the restoration plan. The trail is also part of the Billings Chamber of Commerce trail master plan.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods/uncertain outcome. Construction of a park and trail system at the Clarks Crossing property is technically feasible and could be implemented as proposed. The Chamber of Commerce and the City of Billings have the capacity to accomplish this project. However, the specifics of the plan presented in the application have not been vetted by nor accepted by the City of Billings. The Billings Parks Department would require the development of a fully vetted master plan for this area, including input from stakeholders and surrounding property owners and the community. The Billings City council must approve the preparation of the master plan and accept the funding award before the Billings Parks Department can proceed with the project. Typical tasks included in the preparation of a master plan in the City of Billings include: 1- project startup and public involvement, 2-research and information gathering with a community survey and data collection, 3- data analysis & synthesis and public outreach, 4-development of alternatives, public review, and preparation of a draft master plan, and 5-preparation of a final master plan and cost estimate. Park master plans were identified in the example projects in the restoration plan. The Billings Parks Department expects that a master plan would require two public meetings to solicit input from the community. The master plan would take into account the suggestions and concerns for the meetings and use the information to guide park design. The master plan would need to go the Billings Parks, Recreation and Cemetery Board for their comments and recommendations to the Billings City Council, and the plan would then need to be approved by the Billings City Council. The Billings Parks Department would then need to prepare construction designs from the master plan and ensure that the project meets City of Billings' criteria like maintenance standards, ADA standards, and master plan guidelines. The technical feasibility of the components ultimately identified in the master plan is unknown. The Billings Parks Department has stated that if the project is funded, they would be committed to finishing the project, but that timing would be a big challenge. The Billings Parks Department only has one Park Planner, and the project would have to fit into his

	schedule. The Billings Parks, Recreation and Public Lands Director provided a letter of support for this project and expressed a commitment to connect Garden Avenue to Riverfront Park with a soft-surface trail. The City of Billings' support letter indicates willingness to move this project forward, but the proposal would still need to follow the City of Billings process. Preparation of a master plan and park at this property was not identified as a "visionary" improvement in the City of Billings Parks, Recreation, and Public Lands Comprehensive Parks and Recreation Master Plan completed in September 2017. Risk of failure: Medium. The master plan for the new Clarks Crossing Park may not identify project components that are eligible for funding. There is also the chance that the master plan would not be implemented if the City of Billings does not have capacity to complete construction of it. A new park at Clarks Crossing has broad support in the community, both at the Chamber of Commerce and the City of Billings. These entities have the capacity to complete the park. The Western Sugar easement is for 20 years, it is not clear what would happen to the park if Western Sugar terminates its easement. Certainty that goals can be met and sustained: Medium. The uncertainty for this project is that if the master plan does not identify projects that are eligible for funding through the restoration plan, or if projects are not completed, the restoration plan goals may not be met. In addition, if the easement for the property with Western Sugar terminates in 20 years, the goals may not be sustained.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: This project would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Collateral injury: Short-term negative impacts during construction of the park may occur to the floodplain and to surface water quality. Construction would require permits and would be required to use best management practices to minimize adverse impacts. Construction of a park at Clark Crossing would not result in collateral injury to the river from the spill during implementation.
5 - Multiple Resource and Service Benefits	Construction of a park would result in minor terrestrial and riparian habitat resource service benefits. The area to be developed on the river is terrestrial and riparian habitat, but in an urban setting. The applicant plans to improve and preserve riparian habitat on the site. It is not being considered as a terrestrial/ riparian habitat acquisition.
6 – Public Health and Safety	Construction of a park would not pose unacceptable risk to public health and safety. Construction of a park may improve public health and safety by building a safe access point and sanitation facilities.
Other Legal Considerations	
7 – Applicable Policies and Laws	A condition of funding would be that construction of a park be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The addition of a park to the Riverfront Park complex would be within, but augment, normal government function. The proposed new park would result in improvements that are not required by law and for which funding is presently insufficient to implement the project. The proposed park goes well beyond routine operation and maintenance activities by constructing a new park area that Billings Parks and Recreation would maintain.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Park Construction	$762,905	$512,455	$1,275,357
Total	$762,905	$512,455	$1,275,357

The majority of the match identified for this project is $470,000 for the 20-year Western Sugar easement. The application identified a cash match of $4,558 from the Billings Chamber, and in-kind match from Territorial-Landworks, Inc., Cole Law Firm and committee volunteers are together valued at $42,462. It is unclear how these commitments would be applied to the project.

The park construction cost estimate, as proposed in the application, contains construction line items for trail gravel, a vaulted toilet, a picnic shelter, a stone amphitheater and overlook platform, a paved parking lot, parking lot earthwork, picnic tables, interpretive kiosks, benches, and interpretive and way finding signage. Some of these components, such as the interpretive signs about the agriculture industry in the Yellowstone Valley and the historical significance of the Lewis and Clark expedition would not be eligible for restoration plan funding. The following cost estimate for park development was submitted by the Chamber of Commerce:

Budget Item or Task	Funding Request
Master Plan	$0
Crushed Granite	$333,000
Vaulted Toilet	$50,000
Picnic Shelter	$50,000
Amphitheater	$54,000
Paved Parking	$32,400
Parking Earthwork	$5,000
Picnic Tables	$4,800
Interpretive Kiosks	$13,500
Benches	$4,500
Interpretive and Wayfinding Signs	$15,000
Subtotal	$562,200
Contingency 15%	$84,330
Subtotal	$646,530
Design & Construction Administrative 18%	$116,375
Total	$762,905

Project Rank: 11
Project Sponsor: City of Billings Applicant: City of Billings
Project Name: Coulson Park Improvement

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $110,000, upon NRDP approval of 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. NRDP recommends that the committee consider this project in coordination with other projects requesting funds for work at Coulson Park (see the discussion of the joint Big Sky EDA and City of Billings proposals for Coulson Park master planning and infrastructure construction, above). If the joint Big Sky EDA/City of Billings project to prepare a master plan is awarded, the funds for these park improvements would not be contracted until after the master plan is completed. Big Sky EDA and the City of Billings also submitted an application for $500,000 in funding to construct infrastructure projects identified in the master plan. Volunteer labor identified in the budget must be documented.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The City of Billings estimates that the overall cost for the boat ramp, vault toilets, parking, and picnic tables would be $145,000. Long-term maintenance and monitoring cost: The City of Billings has committed to long-term maintenance of the improved infrastructure at Coulson Park. Benefits to service losses: Net benefit. Coulson Park was closed during the oil spill and response. The restoration plan specifically identified the need for improved parking and sanitary facilities at the park. This project would improve the public park and access to the river. Cost effectiveness: Likely cost effective. The estimated costs for the latrines are reasonable based on FWP's term contract for supply of latrines for $17,500 each (single) from Missoula Concrete. The estimated boat ramp repair costs of $30,000 are similar to estimates of $27,200 from FWP for new development of fishing access boat ramps. Time to achieve benefits and sustainability: The City of Billings states that planning and design will begin once the funds are awarded. Construction on the boat launch and restroom would begin in the fall after river flows have decreased, and permits have been obtained. The project would be completed by spring of the following year. The City of Billings would maintain the infrastructure, ensuring that the project is sustainable. Public acceptance: Improvements to Coulson Park were vetted in the community in the master plan prepared in 1995. The Billings Parks Department did not provide additional letters of support from those submitted by Big Sky EDA for the Coulson Park master plan and infrastructure construction projects. Leveraged financial resources: The City of Billings is committing $20,000 in cash match, and has identified $10,000 in in-kind volunteer labor, and $5,000 in in-kind design and planning. The $20,000 cash, $5,000 design in-kind matching contribution from the City of Billings, and in-kind volunteer labor are approximately 32% of the overall cost of the project. The City of Billings' long-term maintenance commitment helps to make this project cost effective.

2 - Project Goals and Objectives	Relationship to services lost: The project goal is to increase recreational access to the Yellowstone River with the trail along the river, by rebuilding the boat launch ramp to make it accessible to 2-wheel drive vehicles, install a vault toilet, enhance parking, and install picnic facilities. This goal meets the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill by improving a public park, objective 1 – improve public parks and recreation areas. Location: Coulson Park is in the injured area and access to the river was closed at this location during the spill. This project would take place in 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 and is in the injured area. The City of Billings Parks, Recreation, and Public Lands Comprehensive Parks and Recreation Master Plan completed in September 2017 classifies Coulson Park as a community park. Access to the river was closed at this location during the spill.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. Construction of infrastructure at Coulson Park is technically feasible and likely to be implemented as proposed. The proposal is to install a boat launch by building and extending concrete netting. A new concrete vault toilet would be installed outside of the flood plain. The parking lot would be enlarged, with gravel added, and parking parries. Picnic tables would be installed near the restrooms and boat launch. The City of Billings proposed this project to improve infrastructure at Coulson Park separate from the Big Sky EDA proposals for the master plan and infrastructure construction because these facilities already exist at the park, were addressed in the previous Coulson Park master plan, and could be improved without waiting for the master plan to be completed. However, the Billings Parks Department has committed to work with Big Sky EDA on the master plan so that these improvements would be compatible with the overall master plan. If the Big Sky EDA master plan project is not funded, the Billings Parks Department would still like to accomplish these essential improvements at Coulson Park. Risk of failure: Low. Improvements to Coulson Park were vetted in the community in the master plan prepared in 1995. The proposal by Big Sky EDA to update the master plan has received many support letters and match, indicating an interest in the community in improving Coulson Park. Certainty that goals can be met and sustained: High. Installing infrastructure is technically feasible. The City of Billings is capable of completing the projects. The projects are already included in the Coulson park master plan.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Completion of park infrastructure projects at Coulson Park would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Collateral injury: Short-term negative impacts during construction of the infrastructure at the park may occur to the floodplain, to aesthetics, and to surface water quality. Construction would require permits such as a County building permit, a County Sanitarian permit, and a Corps of Engineers permit, and would be required to use best management practices to minimize adverse impacts. Construction of infrastructure at Coulson Park would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Construction of infrastructure at Coulson Park would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	The Coulson Park infrastructure construction projects would not pose unacceptable risk to public health and safety. Reconstruction of the boat ramp should improve public safety, and new latrines should improve sanitation at the park.

Other Legal Considerations	
7 – Applicable Policies and Laws	Improved infrastructure at Coulson Park would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	Coulson Park is managed by Billings Parks and Recreation and is classified as an undeveloped natural area. The proposed improvements are within, but augment, normal government function. The proposed infrastructure improvements are not required by law and available funding is presently insufficient to implement the project. The infrastructure improvements go well beyond routine operation and maintenance activities.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Infrastructure Construction	$110,000	$35,000	$145,000
Total	$110,000	$35,000	$145,000

The Billings Parks Department identified $35,000 in match for the project but did not identify how the match would be applied to the project. Project components estimated budget:

Budget Item or Task	Total Cost, Including Match
Latrine	$46,000
ADA accessible parking & walkway	$8,000
Picnic area with grills	$6,000
Picnic shelter	$20,000
Boat ramp repairs	$30,000
Parking lot	$35,000
Total	$145,000

Project Rank: 8: Task 1 18: Tasks 2-4

Project Sponsor: City of Billings Applicant: City of Billings Parks, Recreation and Public Lands Department

Project Name: Riverfront Park Lake Josephine Fishing Habitat Improvement

Proposal 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.
Evaluation Summary & Funding Recommendation	Based on available information, the projects proposed to be completed at Lake Josephine are eligible for funding; however, due to the conceptual nature of tasks 2, 3, and 4 of this project, NRDP recommends funding this project in two phases. The first phase could be funded up to the amount of $50,000 for installing the floating dock, path and parking area (listed as Task 1). The second phase of the project, for up to $100,000, could include Task 2 - installing an island and increasing the lake depth, Task 3 - improving water flow, and Task 4 - improving shoreline habitat. Each of these tasks could be completed independent of the others. In order for tasks 2, 3 and 4 to receive funds, the Billings Parks Department would need to develop the projects beyond the conceptual phase presented in the abstracts and provide NRDP with a viable final scope of work, schedule, administration, and budget for each task. 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 would be updated.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The project, as proposed, is expected to cost $170,000. Task 1, construction of the dock is estimated at $30,000, and $20,000 for an ADA accessible path and parking. Costs for other project components, such as building lakeside trails, deepening the lake, improving water flow, and enhancing shoreline habitat, were not provided. The application identified the floating dock as the Billings Parks Department's highest priority project at Lake Josephine. Long-term maintenance and monitoring cost: Lake Josephine is in Riverfront Park and improvements would be maintained and monitored by the City of Billings. Benefits to service losses: Net benefit/ uncertain. The installation of a floating dock, additional path and parking would improve fishing access to Lake Josephine. Other habitat enhancements, if implemented, would also improve the urban fishing opportunities. Cost effectiveness: Dock and associated improvements – Cost effective/ Other tasks - Uncertain cost effectiveness. The City of Billings' long-term commitment to maintain and monitor this project helps to make it cost effective. The costs proposed for a fishing pier are reasonable based on costs FWP provided for several types of fishing platforms at fishing access sites across the state. The most recently completed were at the South Sandstone Fishing Access Site near Baker and the Pine Grove Pond Fishing Access Site in Kalispell. The average of five bids for the South Sandstone platform in 2014 was $30,477. The average of six bids for the two Pine Grove Pond platforms combined in 2016 was $69,566. Since tasks 2, 3, and 4 are undeveloped, the cost effectiveness of these tasks is uncertain. Time to achieve benefits and sustainability: The project schedule anticipates starting in June 2018, with final construction completed in August 2019.

	Public acceptance: No support letters were received from the public on this project, but the overall concept of maintaining the Lake Josephine area for lake edge walking and fishing was included in the 2008 Riverfront Park Master Plan. The restoration plan included urban fishing opportunity improvement at Lake Josephine and considered deepening the pond, enhancing shoreline habitat and improving access. Some public commenters on the urban pond restoration stated a preference for improving fishing opportunities in the Yellowstone River main stem. Leveraged financial resources: Matching funds are identified as $20,000 cash match from the City of Billings, helping to make the project cost effective. If the City of Billings commits the full $20,000 to the first phase of the project, the cost effectiveness would be 40%. The cost effectiveness of the overall project is approximately 12%. The application identifies a need to seek funding for Tasks 2, 3, and 4. No specific potential funding sources were identified and the potential to leverage additional funds is unknown.
2 - Project Goals and Objectives	Relationship to services lost: The purpose of this project is to improve access to fishing opportunities and improve the fishery itself at Lake Josephine by adding an on-lake fishing pier, increasing water depth, improving water flow into and through the lake and improving shoreline habitat. The project goals to improve the urban fishery satisfies restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas and objective 2 – improve urban fishing opportunities. Riverfront Park is a “natural area” park established on land owned by the State of Montana but maintained and serviced by the Billings Parks Department. Location: Lake Josephine is in Riverfront Park, a more than 600-acre park on the north side of the river by Billings. Riverfront Park is located within the injured area and was closed for over a month during the oil spill.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible/uncertain. This project includes several tasks, all of which would take place at Lake Josephine and are technically feasible and reasonable. The tasks are 1 –Install a floating dock, 2- Install an island and increase the lake depth, 3- Improve the flow of water, 4- Improve shoreline habitat. Each task could be completed independent of the others or incoordination. The proposed installation of the dock and a trail to the dock at Lake Josephine is technically feasible and can be completed as proposed. In its application, the Billings Parks Department identified this task as its highest priority. The other project tasks are presented as ideas, but it appears that they are very conceptual at this point. For the island project and pond deepening, the application stated the need to form a subcommittee to find financial support for the project. The task to improve the flow of water would start with an evaluation of water rights and hiring an engineering study to determine ways to improve water flow the system for fish habitat. The water rights evaluation and engineering study would need to be completed before work could occur on the lake. Shoreline habitat improvements would also need a substantial planning phase that would include assembling a subcommittee of partners, doing a vegetation survey, and developing a revegetation plan, before any work could occur on the lake. Risk of failure: Dock - Medium/ Other tasks - High. Installation of a fishing pier at Lake Josephine has support from the City of Billings. The Billings Parks Department can complete the project as proposed. Other project tasks, because of their conceptual nature, have a higher risk of failure.

	Certainty that goals can be met and maintained: Dock - Medium/ Other tasks - Uncertain. Construction of a dock is technically feasible. The City of Billings has the capacity to accomplish this project. Billings Parks must confirm that the concept has been vetted in the community through the 2008 Master Plan. Other project components that pertain to the improvement of the fishery are conceptual. Until more information is provided, it is uncertain that the tasks would meet project goals. A monitoring and adaptive management plan would be developed for the project when funding is awarded.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: The Josephine Lake project would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Collateral injury: Short-term negative impacts during construction of the Lake Josephine projects may occur to the vegetation, aquatic species and habitat, the floodplain and to surface water quality. Construction would require permits and would be required to use best management practices to minimize adverse impacts. Improving fishing opportunities and improving the fishery at Lake Josephine would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Improvement of the fishery would result in minor multiple resource service benefits.
6 – Public Health and Safety	Construction of a dock and fisheries improvements would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Construction of a dock and fisheries improvements would be consistent with all applicable laws, rules, and policies, including the consent decree. The project sponsor would need to work with FWP to manage the fishery.
Montana Policy Criteria	
8 – Normal Government Function	The Riverfront Park complex is managed by Billings Parks and Recreation, and Lake Josephine is within the complex. The proposed dock is within, but augments, normal government function. The proposed dock would result in improvements that are not required by law and for which funding is presently insufficient to implement the project. The proposed dock and lake and trail improvements go well beyond routine operation and maintenance activities. Improvement of the fishery is not in the standard FWP budget for Lake Josephine. The City of Billings is providing cash match.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Infrastructure Construction	$150,000	$20,000	$170,000
Total	$150,000	$20,000	$170,000

Project Components

Budget Item or Task	Funding Request
Task 1 Fishing pier	$30,000
Task 1 ADA accessible path and parking	$20,000
Tasks 2-4 Island, deepening lake, increasing flow of fresh water, habitat enhancements	$100,000
Total	$150,000

The City of Billings has committed $20,000 of cash match for this project, but did not specify how it would be applied to the project. The Billings Parks Department states that they cannot refine the costs for tasks 2-4 until designs and scopes of work are further refined.

Project Rank: Not funded

Project Sponsor: City of Billings Applicant: City of Billings Parks, Recreation and Public Lands Department

Project Name: Riverfront Park Boat Hand Launch

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $100,000 for the hand boat launch site, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. The Billings Parks Department must demonstrate in writing that the project can be completed for the requested $100,000, together with the City of Billings' match contribution.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: Construction of the hand launch was estimated in supplemental information provided with the abstract to cost between $140,000 and $150,000. This amount includes design, permitting, and construction of the hand launch, and improved access road and parking lot. Long-term maintenance and monitoring cost: The Billings Parks Department already maintains the parking lot, trail, and other facilities at this location and the City of Billings has committed to continue this maintenance. Benefits to service losses: Net benefit. Access to the river was limited during the spill and response. River access at the South Billings Bridge has been identified as a priority location by FWP for many years. This project would compensate for the loss of access to the river. Cost effectiveness: High cost. The estimated cost of the project for a hand boat launch and improved parking appears high compared to FWP estimates of $160,000 to establish vehicle fishing access sites at undeveloped properties. The match contribution from the City of Billings makes the project more cost effective. FWP stated at the Recreation Advisory Committee meeting on October 11, 2017, that a hand launch at Riverfront Park would not be redundant with a boat ramp on the other side of the river at South Billings Bridge or the access at Coulson Park because the access points would be used by different user groups and because the accessibility of different access points will depend on flow. Time to achieve benefits and sustainability: The City of Billings anticipates that from funding award, the hand launch could be completed from design to final construction within six months. Public acceptance: The hand launch concept was vetted in the community through the 2008 Riverfront Park Master Plan and has broad support in the community. More support letters were received for the hand boat launch at Riverfront Park than any other project. The project was a key recommendation as part of the Riverfront Masterplan that was developed and approved and adopted by the Billings City Council in December 2008. During the presentations made by the project applicants to the Recreation Advisory Committee in October, support letters were received from 16 individuals and other entities in the community: Adam Kern, Jaima Wilson, Ann Feragen, Kim Trueman, Tara Sather, Jena Laughery, Nick Van Mierlo, April Spraklen, Lee Hoblitzell, Shawna Noble, Joel Anderson, Donnette Roberts, Lyle Courtnage – Magic City Fly Fishers Trout Unlimited, Dianne Lehm – Big Sky EDA, and Michael Fiebig – American Rivers. This project was also proposed by Matthew Sather, a member of the public representing a group of individuals calling themselves the "Friday Night Floaters" who float the Yellowstone regularly.

	Leveraged financial resources: The City of Billings has committed $20,000 in cash matching funds for this project. In-kind contributions from the City of Billings include 200 hours valued at $10,000 and volunteer labor of 200 hours valued at $5,000. The identified $35,000 in match for this project is approximately 26% of the cost.
2 - Project Goals and Objectives	Relationship to services lost: The project has one main goal: to improve recreational river access to the Yellowstone River for canoers, rafters, in an area with an existing urban public park. The project goal meets the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas, and 3 – improve fishing access to the Yellowstone River. Location: Riverfront Park is a 600-acre park on the north side of the river in the injured area. Areas of Riverfront Park were closed for approximately six weeks for walking and hiking, from Norm's Island to the Washington Street access site. One of the eastern parking lots was used as a staging area for cleanup efforts.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. Construction of a hand launch and parking facilities is technically feasible and can be constructed as proposed. The City of Billings has the capacity to accomplish this project. Risk of failure: Low. A hand-launch at Riverfront Park has broad support in the community and from the City of Billings. The City of Billings has capacity to do the work and these funds would be enough to complete the project. Certainty that goals can be met and sustained: High. The project would use accepted engineering and construction techniques and standard practices. The City of Billings would maintain the hand launch site.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Construction of a hand launch would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Collateral injury: Short-term negative impacts during construction of the hand launch may occur to the floodplain, vegetation along the riverbank, and to surface water quality. Construction would require permits and would be required to use best management practices to minimize adverse impacts. Construction of a hand launch at the Riverfront Park complex would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Construction of a hand launch at Riverfront Park would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	The construction of a hand launch at the Riverfront Park complex would not pose unacceptable risk to public health and safety. Many comment letters referred to the dangerous access at Riverfront Park and the difficulty of carrying boats to the river edge. The hand launch would improve this safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Construction of a hand launch would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The Riverfront Park complex is managed by Billings Parks and Recreation. The proposed hand launch is within, but augments, normal government function. The proposed hand launch would result in improvements that are not required by law and for which funding is presently insufficient to implement the project. The proposed hand launch goes well beyond routine operation and maintenance activities. The City of Billings is providing both cash and in-kind services.

Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Hand Launch	$100,000	$35,000	$135,000
Total	$100,000	$35,000	$135,000

Components of Hand Launch Project

Design	$20,000 to $30,000
Access	$20,000
Bank stabilization	$20,000
Amenities (tables, benches)	$10,000
ADA accessibility	$20,000
Parking upgrade and road repairs	$50,000
Total	$140,000 to $150,000

The City of Billings has committed $20,000 in cash matching funds. In-kind contributions from the City of Billings include 200 hours valued at $10,000 and volunteer labor of 200 hours valued at $5,000. The match commitment did not specify how the match funds would be applied to the project. The cost of the project components listed above exceeds the requested funding plus the City's match commitment. The City of Billings must demonstrate that the project can be completed as proposed with available funding.

Project Rank: 12

Project Sponsor: City of Billings Applicant: City of Billings Parks, Recreation and Public Lands Department

Project Name: Riverfront Park Multi-Use Trail

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $420,000 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 below 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.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The City of Billings estimates that construction of the trail is estimated to cost $857,000. This amount includes design, permitting, and construction of the trail. Long-term maintenance and monitoring cost: The City of Billings has funding in place for the long-term maintenance and repair of the trail. The Billings Parks Department has a volunteer coordinator with many long-term projects. The maintenance and monitoring of this trail would be added to the volunteer coordinator's list. Benefits to service losses: Net benefit. Trail construction and improvement were identified in the restoration plan as priority projects to provide additional human use recreational opportunities to offset those lost due to the oil spill. Cost effectiveness: Potentially cost effective. The proposed multi-use trail paving project at Riverfront Park is estimated at $63 per liner foot. The park master plan identifies the trail as an 8-foot to 10-foot wide asphalt trail. Costs for installed trails vary greatly depending on a variety of factors such as width and materials used. These costs are not similar to trail projects with similar specifications at other restoration projects NRDP works on across the state. However, the trail has not yet been designed or engineered and these costs could change. NRDP, using FWP and NRDP cost estimates at other locations, believes the costs are high for a paved 10-foot wide trail. At other projects, NRDP has linear foot estimates at approximately $33 per linear foot. Also, for comparison, the trails proposed at the William Clark Recreation Area proposed park were estimated at $60 per linear foot for a 10" wide crushed granite trail. At the Laurel South Pond Park, trail paving was estimated at approximately $10.70 per linear foot ($38,000 total for 3,550 feet long, 6 feet wide, and 3 inches of pavement depth). The cash match and volunteer commitments help to make this project potentially cost effective. The construction of portions of the trail without paving may decrease costs and address some of the public's desire for non-paved trails. Time to achieve benefits and sustainability: The City of Billings anticipates that the project could be designed in summer and fall 2018 and constructed in 2019. Public acceptance: The trail project was a key recommendation in the Riverfront Master Plan that was developed and approved and adopted by the Billings City Council in December 2008. The Riverfront Park Master Plan was vetted in the community. The project is also a segment of the 26-mile Marathon Loop Trail identified as a priority by the Billings Chamber of Commerce and vetted by the

	Chamber's Trails Committee. One member of the public commented at the presentations to the Recreation Project Advisory Committee in October, that some users prefer a trail that is not paved. Leveraged financial resources: The City of Billings has committed $30,000 in cash matching funds for this project. In-kind contributions from the City of Billings include 350 hours valued at $17,500 and volunteer labor of 400 hours valued at $10,000. The City of Billings' commitment of $30,000 in cash and in-kind matching funds of $17,500, plus volunteer commitments valued at $10,000 are approximately 7% of the project cost.
2 - Project Goals and Objectives	Relationship to services lost: The project goal is to improve the riverfront trail that extends 2.4 miles through 600 acres of public parkland along the Yellowstone River. The project goal satisfies the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas. Riverfront Park trails were closed during the spill. Improvements to Riverfront Park, including the trail, are identified as possible projects in the restoration plan. The City of Billings has identified the trail as a priority project. Location: The trail would be located in Riverfront Park. Riverfront Park is a 600-acre park on the north side of the river by Billings in the injured area. Areas of Riverfront Park were closed for approximately six weeks for walking and hiking, from Norm's Island to the Washington Street access site. One of the eastern parking lots was used as a staging area for cleanup efforts.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. Construction of a trail in Riverfront Park is technically feasible and can be implemented as proposed. The City of Billings has the capacity to accomplish this project. The Billings Parks Department intends to hire contracted design consultants for design, construction specifications, and bidding and construction documents. Volunteers, working with Billings Parks Department staff, would clear and grub the new trail alignment in the area where the trail was lost to river bank erosion. The Billings Parks Department would provide construction oversite and administration. Risk of failure: Low. Because of its location along the river bottom, this trail would be susceptible to erosion, as observed during the highly erosive 2011 and 2017 spring runoff. The portion of the trail that was lost to the erosion of the river in 2017 is proposed to be relocated to move it further from the river. The City of Billings proposes to enhance the bank to protect the trail from erosion. Certainty that goals can be met and maintained: High. The City of Billings has the capacity to accomplish this project. This project has broad support in the community. The trail concept has been vetted in the community through a master plan prepared in 2008. This portion of trail is also part of the Chamber of Commerce's Marathon Loop Trail vetted by the Chamber's Trails Committee. A monitoring and adaptive management plan would be developed for the project when funding is awarded.
4 - Avoidance of Adverse Impact	Avoid future injury as a result of the oil spill: This project would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Collateral injury: Short-term negative impacts would occur to vegetation during construction of the trail. Construction would require permits and the use of best management practices that would minimize adverse impacts. Construction of a trail at the Riverfront Park Complex would not result in collateral injury to the river from the spill during implementation, but construction of bank enhancement to protect the trail would hinder natural river function.
5 - Multiple Resource and Service Benefits	Construction of a trail at the Riverfront Park complex would not address multiple resource injuries or service losses or provide ancillary benefits to other resources. The construction of bank protection to limit erosion of the trail would be considered a hindrance to multiple resource and service benefits.

6 – Public Health and Safety	The construction of a trail at the Riverfront Park complex would not pose unacceptable risk to public health and safety. Public health and safety might be improved with an improved trail.
Other Legal Considerations	
7 – Applicable Policies and Laws	Construction of a trail would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The Riverfront Park complex is managed by Billings Parks and Recreation. The proposed trail is within, but augments, normal government function. The proposed trail would result in improvements that are not required by law and for which funding is presently insufficient to implement the project. The proposed trail improvements go well beyond routine operation and maintenance activities. The City of Billings is providing both cash and in-kind services.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Trail construction	$800,000	$57,000	$857,000
Total	$800,000	$57,000	$857,000

The City of Billings has committed $30,000 in cash matching funds for this project. In-kind contributions from the City of Billings include 350 hours valued at $17,500 and volunteer labor of 400 hours valued at $10,000.

Project Rank: 6

Project Sponsor: City of Laurel Applicant: City of Laurel and Lion's Club

Project Name: Lions Family Park at South Pond

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding this project in two phases because of the conceptual nature of some of the project elements and the uncertainty of the matching funds. In phase 1, NRDP recommends funding up to the amount of $62,000 for the dock, benches, and improvements to the walking path. The applicants requested $80,000 for the overall project, but cost estimates provided indicate that the pier and trail paving are estimated to cost $62,000. The Lions Club hopes to leverage substantial match, on the order of 1:1, but this match is not yet committed and has not been designated for specific items to improve the park. If the Lions Club is successful, the project might be accomplished for approximately half of the requested funds, or $31,000, and the award would be reduced. Match funding received must be documented. NRDP would approve the final project scope of work, schedule, administration, budget, and funding package. In phase 2, NRDP recommends funding the pond dredging for $18,000 if the City of Laurel and Lions Club develop the task beyond the conceptual phase presented in the abstracts and provide NRDP with a viable final scope or work, schedule, administration, and budget. The task would be funded if funding is available, and with NRDP approval of the scope, schedule and budget.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The application estimated that construction of improvements to the Lions Family Park at South Pond would be $100,000. This amount includes the construction of a fishing pier, improvements to the pathway and benches, and pond dredging. Long-term maintenance and monitoring cost: The City of Laurel has committed to maintaining and monitoring these improvements. Benefits to service losses: Net benefit. During the spill, urban ponds received a greater degree of use from the public. Maintaining these safer fishing opportunities for older citizens or children benefits the recreational resources of the river. Cost effectiveness: Likely cost effective/ uncertain. The application provided a cost estimate for a fishing pier in the range of $24,000. This amount may be low. FWP provided information on past costs for several types of fishing piers recently installed across the state. The costs run from approximately $30,000 to $70,000. FWP would provide basic engineering designs for the pier and help with locating it, but this contribution was not given a dollar value. The Lions Club or Laurel would need to hire an engineer to approve the plans and the design, and to engineer setting the pier in the pond. The City of Laurel would provide the installation in-kind. This contribution was also not given a dollar value. City of Laurel employees would contribute grading and survey of the pathway to prepare for paving. Trail paving was estimated at $38,000 (3,550 feet long, 6 feet wide, and 3 inches of pavement depth). This cost is approximately $10.70 per linear foot and is very reasonable. Costs for installed trails vary greatly depending on a variety of factors such as width and materials used. NRDP, using FWP cost estimates at other locations, believes the costs are reasonable for an unpaved 10-foot wide trail. NRDP has linear foot estimates at approximately $33 per linear foot.

	For comparison, the trails proposed at the William Clark Recreation Area proposed park were estimated at $60,000 per linear foot for a 10" wide crushed granite trail. The proposed multi-use trail paving project at Riverfront Park is estimated at $63 per liner foot for an 8-foot to 10-foot wide asphalt trail. Time to achieve benefits and sustainability: The City of Laurel and Lions Club anticipate the project would take five months to complete from funding award. Public acceptance: Some public commenters on the draft restoration plan expressed a preference for improving fishing opportunities in the Yellowstone River main stem over urban pond restoration. One member of the Lions Club spoke to support the project at the committee presentations in October. The Lions Club President and Secretary submitted a support letter for the project that described how Laurel South Pond has had significant support in the community in the past. Support for past improvements has been received from over 50 businesses and over 80 individuals. Leveraged financial resources: FWP and the City of Laurel have committed in-kind support services for the construction of the improvements. The Lions Club estimated the value of these contributions as up to $20,000 through a combination of FWP, Cenex Harvest States, and COP Construction. The new City of Laurel mayor provided a letter of support for these projects. The Lions Club anticipates that they can match 1:1 up to $75,000 for construction from Lions Club International, if they have a commitment for restoration plan funds. This contribution would be approximately 50% of the cost of the project. The applications for Lions Club International construction funds are due in February. The awards for those funds are announced in May.
2 - Project Goals and Objectives	Relationship to services lost: The applicants identified four project goals: 1- to provide better access to urban fishing opportunities in Laurel, 2- to provide handicap access with benches, 3- to provide recreation facilities for senior citizens and youth, and 4- to repair the pathway that surrounds the pond. The project goals to improve the urban fishery satisfies restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 2 – improve urban fishing opportunities. A variety of improvements to Laurel Pond are identified in the restoration plan as example projects because of the recreation opportunities and heavier use the urban ponds provided during the spill. Also, in general, the urban ponds provide a recreational fishing opportunity for people not able to use the river. Location: Laurel Pond is an urban pond close to the Yellowstone River and received heavier than usual use during the oil spill. The pond is managed as a rainbow trout and largemouth bass fishery. The restoration plan identifies Laurel Pond as a potential location for urban pond rehabilitation as a restoration project.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. Construction of a pier and other park improvements is technically feasible and can be implemented as proposed. With some assistance from FWP on the pier design and location, the City of Laurel has the capacity to accomplish the pier installation and trail building portions of this project. FWP has stated that they can provide a basic pier design based on other piers they have constructed in the State. The Lions Club or City of Laurel would need to hire an engineer to approve the plans and the design, and to engineer setting the pier in the pond. FWP has committed to assist the City of Laurel with locating of the pier, and Laurel would oversee the installation. It is unclear what entity would dredge the pond deeper for improved habitat. FWP cannot commit to help with this task. The City of Laurel and the Lions Club would seek volunteers from the Pikemaster or Lions Club members.

	Risk of failure: Low. The City of Laurel and Lions Club have indicated strong support in the community for improvements to South Pond. A similar project was proposed a number of years ago. The City of Laurel and FWP have capacity to do the work, and these funds would be more than enough to complete the project. Certainty that goals can be met and maintained: High to medium. Improvements to the Laurel Family Park at South Pond are technically feasible. Working together, the City of Laurel, the Lion's Club and FWP can design and oversee the project. The City of Laurel has committed to maintain the improvements. A monitoring and adaptive management plan would be developed for the project when funding is awarded.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Improvements at Laurel South Pond would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Collateral injury: Short-term negative impacts to surface water quality and vegetation may occur during construction of the fishing pier, and the trail around the pond. Construction would require permits and would be required to use best management practices to minimize adverse impacts. Improvements to the Laurel Family Park at South Pond would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Improvements to the Laurel Family Park at South Pond would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	Improvements to the Laurel Family Park at South Pond would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Improvements to the Laurel Family Park at South Pond would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The proposed Improvements to the Laurel Family Park at South Pond are within, but augment, normal government function. The proposed improvements are not required by law and funding is presently insufficient to implement the project. The proposed improvements are not presently in the City of Laurel nor FWP budgets and go beyond routine operation and maintenance activities.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Trail construction	$80,000	$20,000	$100,000
Total	$80,000	$20,000	$100,000

Project Components Cost Estimate

Project Component	Funding Request	Match	Total Cost, Including Match
Handicap Fishing Pier	$24,000	$0	$24,000
Trail paving	$38,000	$0	$38,000
Unspecified	$18,000	$0	$18,000
Unspecified	$0	$20,000	$20,000
Total	$80,000	$20,000	$100,000

In total, the pier and trail paving are estimated to cost $62,000. In its application, the Lions Club expected to leverage up to $20,000 through FWP, Cenex Harvest States, and COP Construction, but this match is not yet committed and has not been designated for specific items to improve the park. The Lions Club now anticipates that they can match 1:1 up to $75,000 from Lions Club International, if they have a commitment for restoration plan funds. It is not clear how these funds would be applied to the project. If the Lions Club is successful, the project might be accomplished for approximately half of the requested funds.

Project Rank: 1
Project Sponsor: City of Laurel Applicant: City of Laurel
Project Name: Riverside Park Campground

Proposal 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 has 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 nearly complete Master Plan for Riverside Park.
Evaluation Summary & Funding Recommendation	When the application was submitted, the City of Laurel was in the middle of a master planning process for Riverside Park. The master plan is nearly complete and the City of Laurel Council is scheduled to adopt the park master plan on February 6, 2018 at the City of Laurel Council meeting. As of January 17, 2018, the City of Laurel provided a cost estimate for sanitation facilities, campground, picnic facilities, and other eligible park improvements in the amount of $575,920. Upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package, NRDP recommends funding up to the amount of $400,000 for eligible park improvement projects. Eligible project components would restore, rehabilitate, replace, or acquire the equivalent of injured human recreation use services and meet the goal of providing additional human use recreational opportunities to offset those lost due to the 2011 oil spill. The sanitation facilities for the campground would be separate from the latrines proposed at the Riverside Park boat ramp.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The original cost estimate for construction of the camping and associated facilities at Riverside Park was $625,000. The amount in the original cost estimate included the construction either of a new 6-inch heated waterline from the Laurel Treatment Plant or cisterns to provide water; construction of 36 camping/RV sites with electric hook-ups; and replacing waterlines throughout the park. The most recent cost estimate for the master plan components Laurel plans to build using restoration plan funds included: sanitation facilities ($92,000), campground (198,720), picnic facilities ($139,200), parking improvements ($30,000), a 5,500 linear foot trail ($31,000), tree and shrub plantings ($9,000), and lighting ($76,000) for a total of $575,920. The City of Laurel may use match funds for the water line and electric hookups for the campground. The City of Laurel is scheduled to adopt the park master plan on February 6, 2018 at the City of Laurel council meeting. Long-term maintenance and monitoring cost: Park improvements at Riverside Park that are included in the master plan would be maintained and monitored in the long term by the City of Laurel. Benefits to service losses: Net benefit. During the oil spill there was a loss of access to the river as well as a loss to general park use. Camping at Riverside Park was closed during the spill and has not been re-opened since. The proposed improvements included in the master plan would benefit these service losses. Cost effectiveness: Likely cost effective. Alternatives such as paved campsites and roads would not be as cost effective as the proposed gravel surfaces. The cost of design and implementation of vault toilets is consistent with the cost estimates FWP provided for other projects of similar size and scope. FWP presently has a term contract for supply of latrines for $17,500 each (single) from Missoula Concrete. Shipping and placement are an additional cost and are included in the installation costs above.

	The proposed trail would be approximately $5.64 per linear foot. Using FWP cost estimates at other locations, NRDP believes these costs are reasonable for a trail, depending on how it is designed. NRDP has linear foot estimates for other non-paved trails at approximately $33 per linear foot. Time to achieve benefits and sustainability: The City of Laurel estimates that the park improvements could be completed for the summer season of 2019. Public acceptance: The City of Laurel almost finished with the master plan for Riverside Park, scheduled to go before the City Council on February 6. Construction of a campground at Riverside Park was identified as a high priority project by 81 people at a community meeting that was part of Master Plan development on August 15, 2017. Other elements tentatively eligible for funding that received a high degree of support at the public meetings include water and restrooms and picnic shelters. Leveraged financial resources: Pending Laurel City Council approval, the application stated that the City of Laurel would use $200,000 from the Riverside Park capital improvement fund to help construct the campground at Riverside Park. The City of Laurel provided documentation that these funds are available as cash match. The new City of Laurel mayor provided a letter of support for these projects. The City of Laurel is also committing $5,000 in cash match and $20,000 in in-kind matching funds. These funds, shown in the City of Laurel budget but not yet released by the Commission, are approximately 36% of the cost of the project.
2 - Project Goals and Objectives	Relationship to services lost: The project goal is to provide better access to fishing opportunities on the Yellowstone River, to provide sanitary conditions for travelers and fishermen, and to make Riverside Park a popular spot for recreation and camping. The draft final master plan provided to NRDP identified park improvements such as construction of a campground, picnic facilities, sanitary facilities, fishing access and a gravel trail. The project goal satisfies the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas. Improvements to Riverside Park, including camping, sanitary facilities, and a gravel trail, are identified as possible projects in the restoration plan. Location: Riverside Park is immediately adjacent to the location where the spill occurred. The park was closed for several months during the response. Riverside Park is within the injured area and was directly impacted by the spill. The park receives heavy use, especially at the boat ramp, a key location for river access.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. Construction of camping and associated facilities at Riverfront Park is technically feasible and can be completed as proposed. The City of Laurel has the capacity to complete this project. The City of Laurel is near the end of the master planning process for the park with the Commission scheduled to adopt the master plan on February 6. Risk of failure: Low. The City of Laurel has almost completed a master planning for Riverside Park and is committed to building park improvements included in the master plan. The City of Laurel has capacity to do the work at the park. Depending on the projects selected, the City of Laurel must demonstrate they can be completed with available funding. Certainty that goals can be met and maintained: High. The City of Laurel is nearly finished with the park master plan and has committed to using the funds for eligible components that would meet restoration plan goals. The City of Laurel would design and oversee the implementation of the project and has the capacity to accomplish it. Improvements to Riverside Park, including camping, picnic facilities, sanitary facilities, fishing access and a gravel trail have broad support in the community. A monitoring and adaptive management plan would be developed for the project when funding is awarded.

4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Improving recreational facilities at Riverside Park would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Short-term impacts are uncertain until the City of Laurel completes the master plan and selects projects. Collateral injury: Short-term negative impacts to the floodplain, vegetation, and aesthetics may occur during construction of the campground. Construction would require permits and would be required to use best management practices to minimize adverse impacts. The project would likely result in long-term improvements to sanitation at the park. Improving recreational infrastructure would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Improving recreational facilities at Riverside park would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	Improving recreational facilities at Riverside Park would not pose unacceptable risk to public health and safety. Public safety would be improved if sanitation facilities are included in the projects selected. If sanitation facilities are included in the projects, they would be in addition to the latrines the City of Laurel has proposed at the boat ramp.
Other Legal Considerations	
7 – Applicable Policies and Laws	Construction of camping and associated facilities would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The proposed construction of camping and associated facilities at Riverside Park would be within, but augment, normal government function. The proposed campground would result in improvements that are not required by law and for which funding is presently insufficient to implement the project. The proposed improvements are not presently in the City of Laurel budget and go beyond routine operation and maintenance activities.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Park Improvements	$400,000	$225,000	$625,000
Total	$400,000	$225,000	$625,000

The City of Laurel has committed to using the identified match funds for eligible park components.

The City of Laurel provided the following cost estimate for major park components that would potentially be eligible for funding:

Budget Item or Task	Component Cost
Gravel pads for camping + installation	$2,600 per site
Picnic tables + installation	$1,600 each
Fire rings + installation	$600 each
Picnic shelters	$10,000 to $30,000 each
Fishing access excavation and tree removal	$10,000
Fishing platform	$50,000
Parking improvements	$30,000
Sanitation facility improvements (drainfields, toilets)	$70,000
Vault toilets, each	$40,000
Gravel trail system, 5,500 linear feet	$31,000
Plantings (trees, shrubs, labor)	$20 to $300 per plant

Project Rank: 2
Project Sponsor: City of Laurel Applicant: City of Laurel
Project Name: Riverside Park Vault Toilets

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $37,000 for the vault toilets, upon NRDP approval of 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.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: Construction of vault toilets at Riverside Park is estimated to cost $50,000. The City of Laurel provided a cost estimate from Missoula Concrete for two single vault toilets in the amount of $28,470 each and one double vault toilet in the amount of $35,580. The City of Laurel requested and FWP has agreed to help them with the placement of the vault toilets. The City of Laurel would provide the installation with a combination of City of Laurel funds and Riverside Park capital fund, as well as in-kind matching services. FWP verbally committed to help with the design of the road and parking. Long-term maintenance and monitoring cost: The City of Laurel would maintain and monitor the vault toilets. Benefits to service losses: Net benefit. Riverside Park was closed during the spill. The latrines at the park were closed at that time and have not been reopened since. The City of Laurel has identified installation of sanitation facilities as its first priority at Riverside Park. The park lacks sanitary facilities although it receives heavy use and is a key location for river access to the injured area. This boat ramp provides a take-out point for floaters coming from Columbus or Buffalo Mirage Fishing Access Site and a launch site for those floating downstream to Duck Creek Fishing Access Site or Billings. The boat ramp also accommodates access for motorized craft which can go either up or downstream. Cost effectiveness: Cost effective. The cost of design and implementation of vault toilets is consistent with the cost estimates FWP provided for other projects of similar size and scope. FWP presently has a term contract for supply of latrines for $17,500 each (single) from Missoula Concrete. Shipping and placement are an additional cost and are included in the installation costs above. The City of Laurel would install the toilets as an in-kind contribution, but the amount is not quantified. FWP estimates that its in-kind design contribution for an on-site scoping meeting, a site survey, and construction staking would be approximately $2,500. Time to achieve benefits and sustainability: The City of Laurel estimates that the vault toilets can be built within six months of receiving funding. Public acceptance: The City of Laurel is working on a master plan for Riverside Park. Water and restrooms at Riverside Park received high support by 113 people in the community at a community meeting that was part of Master Plan development on August 15, 2017. During the meeting, water and restrooms were identified as a high community priority improvement at Riverside Park. The City of Laurel's application stated that the project is so immediately necessary that the toilet installation may be completed before the master plan is completed. Leveraged financial resources: The City of Laurel has tentatively committed up to $8,000 in cash and $5,000 in staff in-kind time. The new City of Laurel mayor provided a letter of support for this project. FWP has agreed to provide $2,500 in in-kind design for the placement of the latrines. These cash and in-kind contributions would be approximately 31% of the project cost.

2 - Project Goals and Objectives	Relationship to services lost: The City of Laurel has identified the project goals as 1-providing better access to fishing opportunities on the Yellowstone River, 2-providing sanitary conditions equal to other fishing access site locations, to beautify and clean up the area, and as fulfilling part of the City of Laurel's master plan for the park. These goals meet the restoration plan goal of providing additional human use recreation opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas. The installation of sanitation facilities at Riverside park was identified as the City of Laurel's highest priority during the restoration plan development. Location: Riverside Park is immediately adjacent to the location where the spill occurred. The park was closed for several months during the response. Riverside Park is within the injured area and was directly impacted by the spill. The park receives heavy use, especially at the boat ramp, a key location for river access.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. The City of Laurel, working with FWP, has the capacity to complete this project. Construction of vault toilets at Riverfront Park is technically feasible and can be completed as proposed. Risk of failure: Low. Construction of vault toilets at Riverside Park has broad support in the community and from the City of Laurel. The City of Laurel has capacity to complete the project and these funds would be enough to complete the project. Certainty that goals can be met and maintained: High. The City of Laurel has asked FWP to design and oversee the project. FWP has the capacity to accomplish this project. Construction of vault toilets at Riverside Park has broad support in the community. A monitoring and adaptive management plan would be developed for the project when funding is awarded.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Construction of vault toilets at Riverside Park would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Collateral injury: Construction of vault toilets at Riverfront Park would cause short-term impacts to the floodplain and aesthetics during construction. The project sponsor would be required to obtain required permits and use best management practices to minimize the impacts. The project would provide long-term benefits by improving sanitation at the park. Installation of vault toilets would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Construction of vault toilets at Riverfront Park would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	The construction of vault toilets at Riverfront Park would not pose unacceptable risk to public health and safety. Installation of the vault toilets would improve sanitation at the park.
Other Legal Considerations	
7 – Applicable Policies and Laws	Construction of vault toilets at Riverfront Park would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The proposed construction vault toilets at Riverfront Park is within, but augments, normal government function. The proposed vault toilets would result in improvements that are not required by law and for which funding is presently insufficient to implement the project. The proposed improvements are not presently in the City of Laurel nor FWP budgets and go beyond routine operation and maintenance activities.

Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Double Vault Toilet	$37,000	$2,500	$39,500
Total	$37,000	$2,500	$39,500

Cost Estimate of Project Components

Budget Item or Task	Funding Request
1 double vault toilet	$35,580
Installation	$1,420
FWP in-kind design	$2,500
Total	$39,500

Project Rank: 13 with Our Montana App project

Project Sponsor: NRDP Applicant: Montana Audubon Center

Project Name: Billings Urban River Trail

Proposal Summary	The applicant, 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $12,450 for preparation of a map and signs, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. As proposed, Task 2 (facilitated programs with purchase of canoes, a trailer, life vests, and a bus) and Task 3 (community network development), are not eligible for restoration funds. Major impacts to human recreational uses occurred because of closure of facilities and access, but purchasing canoes, a trailer, life vests and a bus does not replace a recreational service lost due to the spill. Developing a community network also does not replace a lost human recreational service. If possible, Montana Audubon must try to coordinate information on the map with Our Montana's River App project to avoid duplication of mapping efforts. Montana Audubon must document the match applied to the project.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The project would cost up to $38,350 for all parts of the project, but not all parts of the proposed project are eligible for funding. Task 2, facilitated programs, is not eligible as proposed (purchase of canoes, a trailer, life vests, and a bus). Task 3, community network development, is not eligible for funding. Task 1, preparation of the detailed map, including sign development and production, map development and design, and map printing, is eligible. The budget for the detailed map includes line items for developing signs, signs materials and production, map development and design, and map printing of 5,000 copies. Long-term maintenance and monitoring cost: The application did not address long-term needs for updating the map and maintaining the signs. Benefits to service losses: Net benefit. Net benefit for preparation of a river map. Access to the river for recreation was limited during the oil spill. A river map would make use of the river more accessible and safe. Cost effectiveness: Likely cost effective. Montana Audubon identified $3,800 in in-kind match for the overall project, but designated for the tasks that are not eligible for funding. If Montana Audubon completes Task 1 as proposed, the project would have no match. If Montana Audubon commits to contribute this amount to Task 1, the project could be cost effective with approximately 31% match. Time to achieve benefits and sustainability: Development and production of the signs and map could be accomplished within a year from funding award. Public acceptance: The Montana Audubon Center has an active program of community classes and events at their center on South Billings Boulevard adjacent to the Riverfront Park complex. The Center is well supported in the community from the YRPA, the

	Billings School District #2, the Bureau of Land Management, and Yellowstone Valley Audubon Society, as well as several private businesses. Leveraged financial resources: In its updated application, Montana Audubon identified $3,800 in in-kind match for the project, but for project components for which NRDP does not recommend funding.
2 - Project Goals and Objectives	Relationship to services lost: The application identified two project goals: 1-to enhance the visibility and use of the Yellowstone River as an urban lifestyle resource for recreation and education for citizens of Billings and the surrounding area and 2-to increase collaboration among landowner, user, and program groups engaged in recreation programming on the Yellowstone River in and near the designated river route. The Montana Audubon Center and its partners envision a designated river route on the Yellowstone in the section immediate to the Billings area – from Duck Creek to Dover Park. The first project goal would meet restoration plan Objective 1 – improve public parks and recreation areas by making these areas more accessible to the public, but the benefit to lost service is less direct than other projects involving construction of infrastructure improvement. The second project goal, to increase collaboration among landowner, user and program groups engaged in recreation programming on the Yellowstone River in and near the designated river route, and the associated tasks, are not eligible for funding because they are not replacing a recreational service lost on the river due to the oil spill. Montana Audubon has identified the need for a map to make the river more accessible to the public. This printed map would complement the App proposed by Our Montana. Location: Montana Audubon would target the area between Duck Creek Fishing Access Site and Dover Park. The public access points along this stretch of river were closed during the spill.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. The updated proposal identified one eligible task: 1- Develop a detailed map of boat launch sites, suggested stopover areas, points of interest, recommended routes, hazards, and mileage and signs. The preparation of a river map complements the Center's other educational programs. Many recreationists prefer the experience of a paper map for its reliability (no batteries needed, no need to take electronic devices on the river, and overview of the spatial landscape, for example). Risk of failure: Low. Preparation of a map and signs is easily accomplished. Certainty that goals can be met and maintained: Medium. Creating a river map and signs is technically feasible and would meet the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, but indirectly. The map would need to be updated periodically in order to be accurate. A monitoring and adaptive management plan would be developed for the project when funding is awarded.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the spill: The river map would compensate for losses during the spill and response period, but would not prevent future injury. Collateral injury: Creating a river map would not result in collateral injury to the river from the spill. Creating a river map would not require permits or other approvals.
5 - Multiple Resource and Service Benefits	Creating a river map would not address multiple resource injuries or service losses or provide ancillary benefits to other resources or resource uses.
6 – Public Health and Safety	Creating a river map would not pose unacceptable risk to public health and safety. If the map shows safe access and routes on the river, it may increase public safety.

Other Legal Considerations	
7 – Applicable Policies and Laws	Creating a river map would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	Montana Audubon Center is a private organization and funding the project would not be funding normal government function.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
River Urban River Trail	$38,350	$5,600	$42,150
Total	$38,350	$5,600	$42,150

Cost Estimate of Project Components

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Task 1 Detailed Map	$12,450	$0	$12,450
Task 2 Facilitated Programs	$23,500	$3,000	$26,500
Task 3 Community Network Development	$2,400	$800	$3,200
Total	$38,350	$5,600	$42,150

Project Rank: 3

Project Sponsor: Montana Fish, Wildlife and Parks Applicant: Montana Fish, Wildlife and Parks, Our Montana, Pheasants Forever, Luanne Engh

Project Name: Yellowstone River Fish Access Site Acquisition and Development

Proposal Summary	Montana FWP is the sponsor for this project. The Two Bridges fishing access site was proposed by Our Montana, the Campsite recreational improvements were proposed by Pheasants Forever, and a review of the access bridge to Buffalo Mirage Fishing Access Site was proposed by Luanne Engh. 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, but 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. At this stage of project planning, FWP anticipates that the funds would be used for development of fishing access sites at: **1 - Two Bridges property**: Our Montana requested $200,000 to help purchase and develop a new fishing access site with a concrete boat ramp on a 13.45-acre parcel on the south side of the river between Reed Point and Columbus. FWP is the sponsor for this project because the site would be owned by FWP and part of the regional fishing access site network. Our Montana has indicated that they would like the funds to be allocated to development of the fishing access site. As this project has developed further, FWP has modified the funding request to $160,000 to help meet the project purpose. FWP is progressing with property acquisition using other funds. Although FWP intends to use the funds for development of the fishing access site, FWP 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. **2 - Campsite property:** This 222-acre parcel is by Park City. Pheasants Forever proposed site improvements for public access. At this stage in project planning, NRDP and Pheasants Forever intend to purchase the property using other restoration plan funds. FWP would use the funds in this request to construct the fishing access location infrastructure. **3 – Third fishing access location or access preservation**: A possibly suitable property is for sale near the confluence of the Clarks Fork of the Yellowstone and the Yellowstone River. No specific plans have yet been developed for this property. If it is not possible to move forward with projects identified above, FWP would look for other possible fishing access site locations to develop to meet the project goal. Other potential priority locations were identified near Youngs Point, Huntley Dam, Waco Dam, and the mouth of the Big Horn, but there are not specific projects or properties identified in these areas. New fishing access site acquisitions can be very hard to find and complete.

	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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding in two phases for this project. The first phase would be up to the amount of $320,000 and would fund the acquisition and/or development of two fishing access sites. In the second phase, an additional $180,000 would fund a third fishing access site, and funds could be allocated to preserve access to existing sites like Buffalo Mirage or Captain Clark fishing access sites. Because of the difficulty in finding suitable properties and completing fishing access development, NRDP recommends not limiting FWP to the properties tentatively identified so far. NRDP recommends allowing FWP the flexibility, if necessary, 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 would go to the acquisition and/or development of fishing access sites. All funding awarded would be contingent on NRDP approval of the final project scope of work, schedule, administration, budget, and funding package. NRDP recommends that FWP 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. What follows is an assessment of the ongoing efforts FWP and NRDP have made to acquire and develop fishing access locations at two identified properties. **1 – Two Bridges property**: NRDP recommends funding up to the amount of $160,000 for construction of the fishing access site and associated facilities, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. FWP has long been concerned about this site because the existing pioneered access is located at least partially within the BNSF right-of-way with no formal public access agreement with the railroad. For liability reasons it is highly unlikely that BNSF would be willing to formalize public access at the current location because of its proximity to an active railroad line. Consequently, future public access at this site is at a considerable risk of being lost. The benefit of acquiring this 13.45-acre property is that it offers the advantage of moving the pioneered boat launch out of the railroad right-of-way to a site located on the property immediately downstream of the county road bridge. Because the railroad tracks bisect the length of the property they essentially cut off any potential overland road access to the larger portion of the property on the other side of the tracks. However, if the property were acquired by FWP, that parcel would be legally accessible to wade anglers, motorboats launching from the proposed boat ramp location, and floaters accessing the property from an upstream location. The remaining acreage accessible from the county road is sufficient for development of an access road, parking area, and boat ramp. **2 – Campsite property**: FWP is working with NRDP on the acquisition of this 222-acre property as a terrestrial/ riparian habitat acquisition. Pheasants Forever would hold title and manage the property to meet the restoration plan goals for terrestrial/riparian habitat. FWP has identified a suitable location for a boat access, and drawn tentative plans for a campground. NRDP, FWP and Pheasants Forever are working on a property management plan that would meet restoration plan goals. NRDP recommends funding up to the amount of $160,000 for construction of a fishing access site and associated facilities, upon NRDP approval of the final project scope of work, schedule, administration, budget, and funding package.

	3 – Third fishing access location or access preservation: NRDP recommends funding up to the amount of $180,000 for construction of another fishing access site, and improvements to fishing access site access, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. Of that amount, $20,000 may also be allocated for review of the Buffalo Mirage Fishing Access Site bridge and would be funded as part of phase 2. NRDP recommends that FWP work with NRDP to explore the suitability of the property near the confluence of the Clarks Fork and the Yellowstone for a fishing access location. FWP and NRDP are not aware of any suitable fishing access site properties in the Huntley Dam to Custer stretch of river. Other potential fishing access site locations may be available, or come available in the future, but NRDP and FWP are not aware of them. FWP has stated that even with high priority to acquire access, access acquisition can happen only as opportunities become available. Suitable fishing access locations are hard to find and to complete. NRDP recommends making the funds available for a third fishing access site so that FWP can be more nimble when opportunities arise.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: On average, construction of each fishing access site is estimated to cost $160,000. This amount includes the construction of the boat ramp, the road access, the parking lot, and latrines. The costs may increase if development includes camping facilities or other improvements. Costs may also be greater if a property has to be purchased in addition to development. FWP has prepared preliminary cost estimates for the Two Bridges, Campsite, and College Park sites, approximately $160,000 each. For three fishing access sites, the total would be $480,000. The remainder $20,000 would be used for the assessment of the bridge at Buffalo Mirage or other access preservation. **1 – Two Bridges property**: FWP is currently pursuing this property for purchase and is going through the FWP approval and due diligence process for property acquisition. FWP anticipates purchasing the property without restoration plan funds. Construction of the fishing access site is estimated to cost $160,000 and would include an access road, parking, latrine, boat ramp and signage. **2 – Campsite property:** NRDP is currently pursuing this property for purchase and is going through the NRDP approval and due diligence process for property acquisition. NRDP is planning to use other restoration plan funds for the purchase. Construction of the fishing access site is estimated to cost $160,000 and would include an access road, parking, latrine, campground, boat access, and signage. **3 – Third fishing access location or access preservation:** After a property is purchased, construction of a fishing access site is estimated to cost $160,000 and could include an access road, parking, latrine, boat ramp and signage. These costs can be refined when there is a specific property and plan. Long-term maintenance and monitoring cost: FWP has committed to long-term maintenance of the fishing access sites. The sites would be incorporated into the Region 5 fishing access network for monitoring and maintenance. Benefits to service losses: Net benefit. Increasing river access in the identified stretches of river has been a FWP priority for many years. This project would compensate for the loss of access to the river with multiple new fishing access locations. It could also help preserve access to existing fishing access locations. **1 – Two Bridges property:** This project is 42 miles upstream from the spill location, and not directly in the area where access was lost. However, boaters using this site can access the area where the spill occurred and where access was limited. This project would compensate for the loss of access to the river. This is a high priority access point on the Yellowstone River providing strategic access where there are currently 13.2 miles between two existing fishing access sites. This river reach has a good trout fishery and receives a large amount of public use from both anglers and recreational floaters. A creel study conducted in 2007 estimated over 36,700

	angler hours of use in this reach of the river with a majority of this use coming from anglers launching or taking out at this pioneered access. Since the 2007 creel study public use of this river reach has increased significantly. **2 – Campsite property**: This project is nine miles upstream from the spill location. Boaters using this site can access the area where the spill occurred and where access was limited. This project would compensate for the loss of river access. **3 – Third fishing access location or access preservation:** The property near the Clarks Fork and Yellowstone confluence is directly downstream from the spill site. FWP and NRDP have not identified another suitable property downstream from Billings. Cost effectiveness: Cost effective/Uncertain cost effectiveness. The fishing access site components such as the latrines and the concrete boat ramp structures included in FWP's cost estimates are considered to be of reasonable cost and soundly based. Cost estimates for the fishing access components are based on FWP's competitive procurement and experience at other fishing access locations. FWP currently has latrines under term contract for $17,500 each from Missoula Concrete. Shipping and placement are an additional cost. FWP's in-kind design contribution of an on-site scoping meeting, a site survey, and construction staking is estimated at $2,500 per fishing access site. FWP would have access to state fishing access Dingle-Johnson funds, as available based on a state-wide ranking. The match is expected to be approximately 48% of the overall cost and would help stretch the NRDP and State Dingle-Johnson funds. Working together with other organizations such as the YRPA, Our Montana, Montana Fish and Wildlife Conservation Trust, Pheasants Forever, and other non-government organizations, and State and Federal agencies, the acquisition and development of some properties may be provided as match. **1 – Two Bridges property:** FWP's match contribution for purchase of the property, and in-kind assistance with fishing access site development and leveraged resources of $4,500 from cash and in-kind contributions, are approximately 40% of the projects and help to make this project more cost-effective. **2 – Campsite property:** NRDP is presently working on a deal to purchase the property using other restoration funds. NRDP is working with Pheasants Forever and FWP to develop long-term management plans that will be long-term in-kind contributions to the project. These in-kind contributions help to make this project more cost-effective. **3 – Third fishing access location or access preservation:** Uncertain cost-effectiveness. The cost of fishing access components is based on FWP's competitive procurement and experience at other fishing access locations and are considered to be cost-effective. Property acquisitions would have to be at fair market value. Time to achieve benefits and sustainability: 1 – **Two Bridges property:** FWP is in the process of purchasing the Two Bridges location, with the purchase likely to occur in 2018. Design and construction of the fishing access site at that location can take place in 2018-2019. FWP is ready to develop this fishing access site and the project should be ready to move forward quickly. The planned schedule is to complete designs in 2018 and construct the fishing access site in fall 2018. FWP's commitment to maintain the fishing access site assures that the project would be sustainable. 2 **– Campsite property:** Plans are in place for the purchase of the Campsite property, with the purchase likely to occur in 2018. Design and construction of this fishing access site could occur in 2018-2019. FWP's would work with the NRDP and property owner and commit to maintain the fishing access site in the long term. 3 **– Third fishing access location or access preservation:** The property at the confluence of the Clarks Fork and the Yellowstone is under consideration for purchase using restoration plan terrestrial/riparian habitat funds. If the project moves forward, purchase

	may occur in 2019. Development of a fishing access site would occur at the earliest in 2019. If the potential locations identified in this assessment do not result in development of new fishing access locations, FWP would pursue the other potential projects identified in the application. If FWP and NRDP need to look for additional properties, the time to achieve benefits would be longer. Public acceptance: **1 – Two Bridges property:** Our Montana is a partner on the Two Bridges acquisition and fishing access site development. Our Montana submitted three letters that supported their efforts to increase access on the river, including at Two Bridges. FWP will issue an environmental assessment about the purchase that will go out for public comment. **2 – Campsite property:** Pheasants Forever is a partner on the Campsite acquisition and fishing access site development. Pheasants Forever presented the proposal to their members at a chapter meeting on November 9, 2017. NRDP will issue an environmental assessment about the purchase that will go out for public comment. **3 – Third fishing access location or access preservation:** When these projects are identified and move forward, FWP and/or NRDP will issue an environmental assessment about the purchase or development that will go out for public comment. Leveraged financial resources: Overall, FWP has committed up to $460,000 in matching funds ($200,000 from Dingle-Johnson funds and the Montana Fish and Wildlife Conservation Trust for land purchase, $240,000 for site development from Dingle –Johnson funds, and $40,000 for site development and maintenance in in-kind site development and maintenance). The leveraged financial resources would be approximately 48% of the overall project cost. Working together with other organizations such as the YRPA, Our Montana, Montana Fish and Wildlife Conservation Trust, Pheasants Forever, and other non-government organizations, and State and Federal agencies, the acquisition of some properties may be provided as match. **1 – Two Bridges property:** Our Montana has committed $1,500 in cash matching funds, and $3,000 in in-kind funds. FWP would provide property purchase in the amount of $59,900 and in-kind support valued at $2,500. The total is $64,650. Contributions are approximately 40% of the projects. **2 – Campsite property:** Other restoration funds will be used to purchase this property. NRDP is working with Pheasants Forever and FWP to develop long-term management plans that will be long-term in-kind contributions to the project. These in-kind contributions for long-term management have not yet been quantified. **3 – Third fishing access location or access preservation:** These projects have not yet been developed, but would be expected to leverage similar funds from FWP or other entities.
2 - Project Goals and Objectives	Relationship to services lost: The project goal is to develop additional recreational access for the public to the Yellowstone River at a minimum of three locations. The development of fishing access sites on the river would meet the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 3 – Increase or maintain fishing access to the Yellowstone River. The assessment of the bridge at Buffalo Mirage to maintain access to the fishing access site would meet the third objective. Location: Projects identified for fishing access site development include locations upstream, within, and downstream from the injured area. According to the restoration plan, projects can take place in and near the injured area, including upstream and downstream of the injured area (the area most heavily impacted by the spill). The new fishing access sites would help meet FWP goals for the three segments of the river and meet the restoration plan goals of increasing recreational access to the Yellowstone River. According to the restoration plan, projects can take place in and near the injured area, including upstream of the injured area

	(the area most heavily impacted by the spill). The new fishing access sites would meet FWP goals for the identified segments of river and meet restoration plan goals of increasing recreational access to the Yellowstone River. **1 – Two Bridges property:** The Two Bridges site is upstream from the spill site. Boaters can float to or drive boats into the area directly impacted by the spill from Two Bridges. **2 – Campsite property:** The Campsite property is upstream from the spill site, but closer than the Two Bridges property. Boaters can float to or drive boats into the area directly impacted by the spill from the Campsite property. **3 – Third fishing access location or access preservation:** The property at the confluence of the Clarks Fork and the Yellowstone is in the area directly impacted by the spill, just downstream from Laurel. Other projects would be in the injured area and in the three stretches of river identified by FWP as high priority stretches.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods/ Uncertain outcome for some locations. FWP builds fishing access sites all across the State of Montana and has the technical capacity to design and build the projects as proposed. One of the uncertainties in FWP's development of new fishing access sites is that suitable property acquisitions can be very hard to find and complete. **1 – Two Bridges property:** FWP is actively working on acquisition of the Two Bridges property, **2 – Campsite property:** NRDP is actively working on acquisition of the Campsite property. **3 – Third fishing access location or access preservation:** FWP and NRDP have started tentatively to explore the property near the confluence of the Clarks Fork and the Yellowstone, but it is not far along in the required due diligence review. Finding other suitable properties for fishing access sites is uncertain. Risk of failure: Low/Uncertain. At the time of this evaluation, FWP is aware of several potential fishing access site opportunities in the restoration plan area. **1 – Two Bridges property: F**WP is presently doing its due diligence on the purchase of the property. **2 – Campsite property:** The NRDP is presently doing its due diligence on the purchase of the property. **3 – Third fishing access location or access preservation:** Uncertain. FWP and NRDP have started tentatively to explore the property near the confluence of the Clarks Fork and the Yellowstone, but it is not far along in the required due diligence review. Other specific properties have not yet been identified. FWP has stated that even with high priority to acquire access, access acquisition can happen only as opportunities become available, and development is very hard to complete. Certainty that goals can be met and maintained: High/Uncertain. FWP has extensive experience developing fishing access locations statewide. If the fishing access sites are developed, the projects would meet the goal of providing additional fishing access to the Yellowstone River. The uncertainty is because finding suitable properties for fishing access sites is difficult to find and complete. If FWP has the funding available, FWP can be more nimble in the purchase and development process. A monitoring and adaptive management plan would be developed for each project when funding is awarded. **1 – Two Bridges property:** If FWP completes the purchase of this property, the property would then be developed as a fishing access site over a two to four year period, and incorporated into the existing regional fishing access site program regional budget for management and maintenance. **2 – Campsite property:** If NRDP completes the purchase of this property, the property would then be developed as a fishing access site over a two to four year period, and incorporated into the existing regional fishing access site program regional budget for management and maintenance.

	3 – Third fishing access location or access preservation: Because of limited opportunities, locating and developing new fishing access sites can be very hard to complete. If sufficient funds are allocated to FWP for fishing access site acquisition and development, FWP would be able to take action to acquire and develop sites more quickly if opportunities arise.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Development of fishing access sites would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction of fishing access sites would require permits and would minimize adverse impacts. Collateral injury: Implementing this project by purchase of the property and development of a fishing access site would not result in collateral injury to the river from the spill. Short-term negative impacts during construction of fishing access sites may occur to the floodplain, to vegetation, to aesthetics, and to surface water quality. Construction would require permits and would be required to use best management practices to minimize adverse impacts. Purchase of properties and development of fishing access sites would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	**1 – Two Bridges property:** The fishing access development of the Two Bridges property is not likely to result in multiple resource service benefits. **2 – Campsite property:** The Campsite property is being purchased as part of the restoration plan terrestrial/ riparian habitat projects. Terrestrial and riparian habitat would benefit from this purchase. The Campsite property was included in a project prioritization plan for large woody debris projects and was ranked as having moderate potential for large woody debris recruitment. **3 – Third fishing access location or access preservation:** The property at the confluence of the Clarks Fork and the Yellowstone River is under consideration as a terrestrial/riparian habitat purchase. The property was included in the project prioritization plan for large woody debris projects and was ranked in an area having high potential for large woody debris recruitment. The potential for multiple resource and service benefits at other properties is not known.
6 – Public Health and Safety	Purchase of properties and development of fishing access sites would not pose unacceptable risk to public health and safety. New fishing access sites may improve public safety by providing safe access to the river.
Other Legal Considerations	
7 – Applicable Policies and Laws	Purchase of properties and development of fishing access sites would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The proposed fishing access sites would be within, but augment, FWP normal government function. The fishing access sites would result in improvements that are not required by law and for which funding is presently insufficient to implement the project. The new fishing access sites would be well beyond routine operation and maintenance activities for FWP. FWP would provide both cash and in-kind services to support acquisition, development, and maintenance of the sites. The bridge assessment at Buffalo Mirage is not presently in the FWP budget.
Land Acquisition Criteria	
9 - Price	If the funds are used for property purchase, the State of Montana cannot pay more than fair market value.

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Fishing Access Site Acquisition and Development	$500,000	$460,000	$960,000
Total	$500,000	$460,000	$960,000

Cost Estimate of Project Components

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Two Bridges Fishing Access Site	$160,000	Unknown	$160,000
Campsite Fishing Access Site	$160,000	$0	$160,000
Third fishing access site	$160,000	$0	$160,000
Buffalo Mirage Fishing Access Site bridge assessment	$20,000	$0	$20,000
Match contribution to above sites or additional fishing access sites	$0	$460,000	$460,000
Total	$500,000	$460,000	$960,000

FWP did not specify the exact dollar amounts it can contribute to the development of the above fishing access sites, but has stated they will have access to State fishing access Dingle-Johnson or Dingle-Johnson funds, as available based on a State-wide ranking. The match is expected to be approximately 50% of the cost of developing these fishing access sites, and would help stretch the NRDP and State Dingle-Johnson funds. If some sites require more funding than the estimated approximate of $160,000, these match funds could complete the funding package. Any funds provided by the restoration plan can then be leveraged on other sites on the Yellowstone River. Any remainder funds awarded and still available would be used for pursuing and constructing additional fishing access sites mentioned in the application, such as College Park, below Huntley Dam, Waco Dam, near the mouth of the Big Horn River, or other opportunities that come up.

Typical Fishing Access Site Development Costs

Budget Item or Task	Cost
14’-wide gravel road	$33,338
Gravel parking area	$16,662
Cast in place upper concrete ramp	$14,400
Push in lower concrete ramp	$12,800
Concrete vault latrine (installed)	$17,000
Parking controls	$4,000
Signs	$2,000
Permits & incidentals	$1,500
Excavation/Embankment	$5,000
Mobilization	$8,000
Design/Construction Consultant	$25,000
Contingency	$21,000
Total	$160,700

Project Rank: 4

Project Sponsor: Montana Fish, Wildlife, and Parks or Yellowstone River Parks Association (YRPA) Applicant: Our Montana

Project Name: Clarks Crossing Fishing Access Site (South Billings Bridge)

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $160,000 for fishing access site development or for other requirements to meet the project purpose, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. The funds would only be awarded if the property purchase is completed. 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.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: Overall implementation cost, including property purchase and development of the fishing access site infrastructure, is estimated to cost $385,700. Purchase of the property in fee title is estimated to cost $207,000. Construction of the fishing access site infrastructure is estimated to cost $160,700 and would include the design and construction of the access road, boat ramp, parking, latrines, and signs. Long-term maintenance and monitoring cost: As the expected property owner, YRPA commits to the long-term maintenance and monitoring of the property. FWP has committed to long-term maintenance of the fishing access site. This new fishing access site would be maintained and monitored by FWP under its regional fishing access site program. A monitoring and adaptive management plan would be developed for the project when funding is awarded. Benefits to service losses: Net benefit. Access to the river in the Billings area was limited during the spill. River access at the South Billings Bridge has been identified as a priority location by FWP for many years. This project would compensate for the loss of access to the river. Cost effectiveness: Cost effective. The private purchase of the property, with a contribution from the Montana Fish and Wildlife Conservation Trust, helps to make this project cost effective. The property purchase is valued at $207,000. FWP would provide in-kind support for fishing access site design and development. The fishing access site components such as the latrines and the concrete boat ramp structures included in FWP's cost estimates are considered to be of reasonable cost and soundly based. Cost estimates for the fishing access components are based on FWP's competitive procurement and experience at other fishing access locations. FWP currently has latrines under term contract for $17,500 each from Missoula Concrete. Shipping and placement are an additional cost.

	FWP estimates in-kind design contribution for an on-site scoping meeting, a site survey and construction staking to be in the neighborhood of $2,500. If the funds are used for property purchase, a land acquisition would be considered cost-effective because the price would be at or below appraised value. The potential cost of a recreation easement is not known at this time, but would be less than the cost of fee title acquisition. FWP stated at the Recreation Advisory Committee meeting on October 11, 2017, that a fishing access site at South Billings Bridge would not be redundant with a hand launch on the other side of the river at Riverfront Park or the access at Coulson Park because the access points would be used by different user groups and because the utilization of different access points will depend on flow. Time to achieve benefits and sustainability: The YRPA is presently working on a deal to purchase the property and is expected to be the property owner in spring 2018. FWP has funds available to start the development of the property. The planned schedule would be to complete designs in 2018 and construct the fishing access site in fall 2018. FWP would maintain the fishing access site ensuring that the project is sustainable. Public acceptance: Support letters were received from Lyle Courtnage - Trout Unlimited, Dianne Lehm - Big Sky EDA, Michael Fiebig - American Rivers, Donette Roberts - Anytime Fitness, and three private individuals: Roger Williams, Joel Anderson, and Mike Donovan. Leveraged financial resources: Our Montana has committed $1,500 in cash matching funds, and $3,000 in in-kind funds. YRPA is purchasing the property for $207,000 and will contribute $18,000 in other property due diligence. The Montana Fish and Wildlife Conservation Trust will be contributing $100,000 to the property purchase. FWP will be providing approximately $2,500 in cash and in-kind match for the development of the property. Match funds are approximately 58% of the project cost.
2 - Project Goals and Objectives	Relationship to services lost: The project goal is to develop a new fishing access site with a concrete boat ramp on the southeast side of South Billings Bridge. The project goal satisfies the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the spill, objective 3 - increase fishing access to the Yellowstone River. Location: The new fishing access site would be located in the injured area adjacent to the South Billings Bridge. It would meet restoration plan and FWP goals for the segment of river in Billings and meet restoration plan goals of increasing fishing access to the Yellowstone River.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. Purchase of a property and development of a fishing access site are technically feasible and can be implemented as proposed. Both the YRPA and Montana FWP have the capacity to accomplish the construction of the fishing access site. YRPA owns and monitors several park properties in the Billings area (Montana Audubon Center, Joel's Pond, and John H. Dover Memorial Park) that are open for public access and has entered into agreements with the City of Billings and Yellowstone County to maintain trails and picnic shelters, for landscaping, and to provide sanitary facilities. Risk of failure: Low. YRPA plans to purchase the property and has identified the closing date as early in 2018. Certainty that goals can be met and maintained: The concept received seven letters of support from the community (listed above) when the project was presented to the Recreation Advisory Committee. A monitoring and adaptive management plan would be developed for the project when funding is awarded.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Completion of a fishing access site would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts.

	Collateral injury: Implementing this project by purchase of the property and development of a fishing access site would not result in collateral injury to the river from the spill. Short-term negative impacts during construction of the fishing access site may occur to the floodplain and to surface water quality. Construction would require permits and would be required to use best management practices to minimize adverse impacts.
5 - Multiple Resource and Service Benefits	Purchase of the property and development of a fishing access site would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	Purchase of the property and development of a fishing access site would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Purchase of the property and development of a fishing access site would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	Our Montana is a private organization and funding the project would not be funding normal government function. The proposed fishing access site would be within, but augment, FWP normal government function. The fishing access site would result in improvements that are not required by law and for which funding is presently insufficient to implement the project. The new fishing access site goes well beyond routine operation and maintenance activities. FWP would provide both cash and in-kind services.
Land Acquisition Criteria	
9 - Price	If the funds are used for property purchase, the State of Montana cannot pay more than fair market value.

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Acquisition and Development of Fishing Access	$160,000	$225,000	$385,000
Subtotal	$160,000	$225,000	$385,000

The cost estimate submitted in the application identified the use of the requested funds for property purchase. The YRPA is in the process of purchasing the property. Our Montana has indicated that they would like the funds to be allocated to development of the fishing access site. NRDP recommends that these funds be allocated to development of the fishing access site.

Property Purchase Cost Estimate

Item	Cost
Property Purchase	$207,000
Purchase costs	$18,000
Subtotal	$225,000

This fishing access site development cost estimate was prepared specifically for the South Billings Bridge property:

Budget Item or Task	Cost
14’-wide gravel road	$33,338
Gravel parking area	$16,662
Cast in place upper concrete ramp	$14,400
Push in lower concrete ramp	$12,800
Concrete vault latrine (installed)	$17,000
Parking controls	$4,000
Signs	$2,000
Permits & incidentals	$1,500
Excavation/Embankment	$5,000
Mobilization	$8,000
Design/Construction Consultant	$25,000
Contingency	$21,000
Total	$160,700

Project Rank: 13 with Montana Audubon project
Project Sponsor: NRDP Applicant: Our Montana
Project Name: Explore Yellowstone River App and Website

Proposal Summary	The applicant requested 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 on 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $18,000 for production of the App, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. If possible, Our Montana must coordinate the App with Montana Audubon to eliminate duplication of mapping effort.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: Project implementation would cost up to $18,000. Long-term maintenance and monitoring cost: The application states that the App would be free for one year. After the initial first free year, Our Montana would seek sponsors to see a benefit in attaching themselves to keeping the app open and current. Benefits to service losses: Net benefit. Access to the river was limited during the spill. For recreationists using the river App, access and other recreational amenities would be more accessible. Cost effectiveness: Likely cost effective. There are readily available resources (books, maps, websites, etc.) providing the information similar to the proposal. An Our Montana web site link to the online version of the App is: http://www.ourmontana.org/introducing-exploreyellowstoneriver-org-our-montanas-new-easy-to-use-website/. River recreationists accustomed to using their Smart phones and other mapping programs like Google Maps would find a digital map convenient. Our Montana has already gathered the majority of the information that would be included in the App. The in-kind hours and cash match for preparing the information up to this point were not quantified. Time to achieve benefits and sustainability: Our Montana anticipates that the project could be completed within a year of receiving funding. Public acceptance: Our Montana vets its projects through its board meetings and newsletters. Leveraged financial resources: Our Montana has committed $1,000 in cash matching funds, and hopes to leverage matching support from YRPA, Montana Audubon, and Rocky Mountain College. The match for preparation of the App is 5% of the expected costs.
2 - Project Goals and Objectives	Relationship to services lost: The project goal is to provide information on recreation opportunities along the Yellowstone River in a 1-stop web page application and to encourage more recreational use of the river. This project would help to meet the restoration plan goal of providing additional recreational opportunities to compensate for those lost due to the oil spill. Less directly than other projects that involve construction of infrastructure, this project goal would meet Objective 1 – improve public parks and recreation areas by making these areas more accessible to the public. Putting access and other associated information on an App available to the public would make it easier for people to find and use, thus enhancing their experience.

	Location: The application identifies this project as extending from Gardiner to the North Dakota border. In its presentation to the advisory committee on October 12, Our Montana clarified that these funds would be used for the area around Billings only.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. Our Montana has been working for three years on preparing a series of maps. One map associated with the App would include all the public access sites along the river and would include information about fishing, boating, camping, wildlife /bird viewing, safe swimming areas, and other relevant information about those activities. Other maps would identify historic trails, museums, points of interest, and other activities that recreationists would find useful. The maps could be used to plan float trip, fishing trips, camping, birding and other activities common to the river and it would provide necessary information to people interested in recreating on the river. The application states that the funds would be used to organize the information so it can be transferred to the Our Montana webpage and ultimately to an App. Funds would be used for hiring a web designer to evaluate the current status of past work and to determine next steps. Ann App would be easily updated and can include layers with many different types of information. Risk of failure: Low. Our Montana has a good start on gathering the information needed for this App and has specified the technical skills needed to complete the App and make the App available to the public. Certainty that goals can be met and maintained: Medium to High. Preparation of an App is relatively straightforward. The usefulness of the App would depend on the information gathered and what is included, and on the user-friendliness of the App. A monitoring and adaptive management plan would be developed for the project when funding is awarded.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Preparation of an App would compensate for losses during the spill and response period, but would not prevent future injury. Collateral injury: Preparation of an App would not result in collateral injury to the river from the spill. Permits would not be required to create the App.
5 - Multiple Resource and Service Benefits	Preparation of an App would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	Preparation of maps and an App would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Preparation of maps and an App would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	Our Montana is a private organization and funding the project would not be funding normal government function.
Land Acquisition Criteria	
9 - Price	Not applicable

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Design and Develop App	$18,000	$1,000	$19,000
Total	$18,000	$1,000	$19,000

Project Rank: Not funded

Project Sponsor: NRDP Applicant: Our Montana

Project Name: Donation of Private Islands

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP does not recommend funding for this project. Based on NRDP's experience, this project has several significant technical feasibility issues that create uncertainty in the applicant's proposed project. NRDP has communicated these technical issues to the applicant.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The project would cost up to $92,488. Long-term maintenance and monitoring cost: The proposal does not include plans for long-term maintenance and monitoring of the properties, but the maintenance and monitoring would presumably be the responsibility of the entity taking ownership. Benefits to service losses: Uncertain benefit. The proposal would attempt to assess and have private properties held by individuals transferred to other private entities like a land trust, who would allow public access, a benefit to services lost. The proposal has many significant technical flaws and may not result in the desired outcome. Furthermore, the proposal did not address how the properties donated would be managed to ensure the desired resource benefits. Cost effectiveness: Uncertain. Our Montana has committed 500 hours of in-kind matching services valued at $12,000 and Rocky Mountain College has committed 600 hours of in-kind matching services valued at $15,000. The aim of the project would be to have private island properties donated. Depending on the success of the project, the cost per acre could be low, compared to purchase of the same properties. However, it is hard to determine if the project is cost effective, given the unknowns. The committed match listed above would be 18% of the overall project cost. Time to achieve benefits and sustainability: The applicant estimates that project work could commence upon funding award, field work would be completed in summer 2018, and negotiation with landowners would be completed of the 2018, 2019, and 2020. Based on experience, this timeframe appears to be unrealistic. Public acceptance: Our Montana vets its projects through its board meetings and newsletters. Our Montana does not intend to pursue the donation of island properties unless the landowners are willing.

	Leveraged financial resources: Our Montana has committed $500 in cash matching funds. Our Montana has committed 500 hours of in-kind matching services valued at $12,000 and Rocky Mountain College has committed 600 hours of in-kind matching services valued at $15,000.
2 - Project Goals and Objectives	Relationship to services lost: The project goal is to enhance recreational opportunities along the Yellowstone River by resolving the ownership of islands that have significant public recreational and environmental value and that are in private ownership. Through negotiation, Our Montana would seek donation of these islands to a private entity to preserve these values. This project could satisfy the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill by improving public parks and recreation areas and increasing fishing access to the Yellowstone River. Location: The project would take place on as-yet unidentified islands in the injured area.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Uncertain feasibility/ uncertain outcome. The project goal is to enhance recreation opportunities along the Yellowstone River and to test and demonstrate the potential of island donation to enhance and secure environmental and recreational benefits. The concept of completing a geomorphologic study and seeking donation from willing landowners to a land trust or other similar entity is a new concept that has not been tried on the Yellowstone River, and perhaps nowhere. Based on NRDP's experience, this project has several significant technical feasibility issues creating uncertainty in the applicant's proposed project. NRDP has communicated the feasibility issues to the applicant. Risk of failure: High. The proposed plan has significant technical feasibility issues. These issues have been conveyed to the applicant. Certainty that goals can be met and maintained: Low. NRDP believes that bringing an island donation to fruition has significant challenges, given the process described in the application. The proposal does not include a plan for long/term management and maintenance of the properties.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Completion of private property donations to public hands could compensate for losses during the spill and response period, but would not prevent future injury. Collateral injury: This project would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	If private islands are donated to a land trust, there may be multiple resource service benefits, depending on the qualities of the properties and the land management plans negotiated for the properties.
6 – Public Health and Safety	A geomorphic study and donation of private islands would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	A geomorphic study and donation of private islands would need to be conducted carefully to be consistent with all applicable laws, rules, and policies, including the consent decree. Tax laws would need to be addressed.
Montana Policy Criteria	
8 – Normal Government Function	Our Montana is a private organization and funding the project would not be funding normal government function.
Land Acquisition Criteria	
9 - Price	If the property owners expect to receive a tax benefit, the appraised price of the lands may be a consideration. The State of Montana cannot pay more than the appraised value.

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Design and Develop App	$92,448	$27,500	$119,948
Total	$92,448	$27,500	$119,948

Detailed Cost Estimate to Complete Project

Budget Item or Task	Funding Request
1 - River Reach Selection	$15,000
2 - Target Islands for Detailed Study	$3,280
3 - Detailed Study and Reports on Islands	$21,800
4 – Discussions with Landowners	$2,000
5 – Island Appraisal	$16,000
6 – Final Negotiations with Landowners	$2,000
7 – Surveys and Document Preparation	$24,000
Our Montana Overhead 10%	$8,408
Total	$92,488

In the application, Our Montana identified $27,500 of in-kind match contribution, 600 hours of in-kind match from Rocky Mountain College for $15,000 and 500 hours of in-kind match from Our Montana valued at $12,500, but did not specify how these funds would be used for the project. Under task 1, Our Montana would hire a project manager/coordinator for $15,000. This task is not eligible for funding. NRDP does not allow project administration costs (overhead) over 5% of the total estimated project development and design costs.

Project Rank: 16

Project Sponsor: Yellowstone County Board of Park Commissioners Applicant: Yellowstone County Board of Park Commissioners

Project Name: Two Moon Park Recreation Hiking and Emergency Access

Proposal 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' 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $8,250 for improvement of the parking area, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. Some proposed project components are not eligible for funding. Eligible project components would restore, rehabilitate, replace, or acquire the equivalent of injured human recreation use services and meet the goal of providing additional human use recreational opportunities to offset those lost due to the 2011 oil spill. Widening the trail so that it can accommodate emergency vehicle access is not a recreation project. Emergency response on the Yellowstone River was not a recreational service loss. The iron gate is needed to keep vehicles from driving on the widened trail and is not directly related to the recreational use services lost during the spill. The County must provide a budget for the parking area improvement.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The County estimates that the total cost to complete the project is $29,000. Long-term maintenance and monitoring cost: Two Moon Park is owned and maintained by Yellowstone County. The YRPA cooperates with Yellowstone County and volunteers hours for park maintenance. Benefits to service losses: Net benefit, but minimal. Improving parking at Two Moon Park is a minimal service benefit, since the parking is already adequate. Cost effectiveness: Likely cost effective. Two Moon Park is an existing County park. Restoration funds must not be used for the widening of the trail to accommodate emergency vehicles nor for the iron gate to restrict vehicle access from the widened trail. The 12-foot-wide trail corridor would not be cost effective as it is far greater than what would be required to walk comfortably. Other recreation trails in the area, at the Riverfront Park Complex, are designed as 8 feet wide. The application explains that the width of the trail is designed to allow emergency vehicle access. The contribution of volunteers using hand tools and chainsaws to widen the trail and maintain and monitor the completed project would help to make the project cost effective. In-kind match is valued at $1,000 each for YRPA, and the Billings Fire Department. The County Parks Department in-kind maintenance is valued at $2,000. Time to achieve benefits and sustainability: The County estimates that the work can be completed within two months of funding award, weather dependent. Public acceptance: Support letters were received from the Yellowstone County Board of Park Commissioners, the Billings Fire Department, and the Yellowstone County Board of Commissioners. A YRPA representative spoke in support of the project at the Advisor's meeting on October 11. Leveraged financial resources: Matching funds are in-kind services in the amount of $4,000. The County identifies in-kind match as YRPA 40 hours, Billings Fire Department 40 hours, and County Parks 40 hours, but these match contributions are not given a dollar

	amount. If the County can commit the match to the parking improvement project proposed in the application, the contribution would be 33% of the project.
2 - Project Goals and Objectives	Relationship to services lost: The project goal is to improve enjoyment, access and safety of Two Moon Park. This goal satisfies the restoration plan goal providing additional human use recreational opportunities to offset those lost due to the oils spill, objective 1 – improve public parks and recreation areas. The widening of the trail is for emergency vehicle access and is not eligible for funding. The iron gate to keep vehicles from driving on the emergency vehicle access road is not eligible for funding. Improving parking at Two Moon Park is eligible for funding. Location: Two Moon Park is in the injured area, immediately adjacent to the river downstream from Billings.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. The parking improvement is technically feasible and can be implemented as proposed. The County and its partners have the capacity to accomplish this project. Risk of failure: Low. The County can accomplish this simple parking improvement project. Certainty that goals can be met and sustained: High.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Improving the trail would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts Collateral injury: Implementing the project by widening the trails may result in collateral injury to natural resources if the trails are designed for vehicle access and not pedestrian access.
5 - Multiple Resource and Service Benefits	Trail work in Two Moon Park would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	Trail work in Two Moon Park would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Trail work would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	Two Moon Park is managed by Yellowstone County. The proposed trail improvements are within, but augment, normal government function. The parking area improvements, widened trail, and installation of a gate are improvements that are not required by law and for which funding is presently insufficient to implement the project. These projects are beyond routine operation and maintenance activities. The County is providing in-kind support.
Land Acquisition Criteria	
9 - Price	Not applicable.

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Brush removal, iron gate, and parking lot improvements	$25,000	$4,000	$29,000
Total	$25,000	$4,000	$29,000

Matching funds are in-kind services in the amount of $4,000. The County identifies in-kind match as YRPA 40 hours, Billings Fire Department 40 hours, and County Parks 40 hours, but these match contributions are not given a dollar amount.

Project Rank: 15
Project Sponsor: Yellowstone River Parks Association (YRPA) Applicant: YRPA
Project Name: Joel's Pond

Proposal 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 has developed further, YRPA is revising 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $16,100 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.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The applicant requests $16,100 to help pay for the labor to install the concrete donated by Montana Dakota Utilities for the Heritage trail, 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. The overall cost of all park improvements identified by YRPA is almost $229,000, including the Heritage Trail, vaulted toilets, a pedestrian bridge over a canal, and trail connections. Long-term maintenance and monitoring cost: This private, publicly accessible park is owned and would be maintained and monitored by the YRPA. Benefits to service losses: Net benefit. During the spill, urban ponds received a greater degree of use from the public. Maintaining these safer fishing opportunities for the public, especially citizens or children not capable of accessing the river, benefits the recreational resources of the river. Cost effectiveness: Cost effective. YRPA owns the Joel's Pond property. YRPA is asking for these funds to leverage other supplies that were donated for park build-out, making the use of restoration funds cost effective as the higher cost items are being donated. For instance, a concrete trail is not the most cost effective trail to build, but the concrete is being donated making this type of trail cost effective. Time to achieve benefits and sustainability: The construction of the trail could take place within six months of funding award. Public acceptance: The YRPA vets the plans for its project through its regular board meetings and its newsletter. The YRPA currently has over 200 members. Multiple entities and local businesses in the community have shown support for the project by contributing cash and in-kind support. Leveraged financial resources: Multiple entities have contributed to this project. In-kind donations are listed as Castlerock Excavation $6,000, Offspring Excavation $2,000, Good Earth Works Company $1,300, Land Design $900, Sanderson Stewart $500, Scheels $unknown (value of dock), Montana Dakota Utilities $12,000 (value of the concrete). YRPA has also contributed cash and in-kind services. The match value for multiple components of Joel's Pond development for this phase of the project are approximately 75% of the project cost.

2 - Project Goals and Objectives	Relationship to services lost: The project goal of improving the urban pond fishing facilities at Joel's Pond satisfies the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 2 – improve urban fishing opportunities. FWP considers it to be an excellent bass fishery with great potential. Location: Joel's Pond is an urban pond close to the Yellowstone River. It is a relatively new urban pond, developed in the last few years.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. The installation of concrete for the trail, apply a gravel surface to remaining trails, update the master plan and park brochure, and survey a bridge and trail location are technically feasible and can be completed as proposed. The YRPA has the capacity to complete this project. Risk of failure: Low. The projects at Joel's Pond are supported in the community. The YRPA has vetted these projects through its regular board meetings and its newsletter. The number of contributing partners also demonstrates broad support in the community. Certainty that goals can be met and maintained: High. Installation of the trail is technically feasible and would improve urban fishing opportunities. The YRPA is capable of completing the project. The YRPA has committed to maintain the improvements. A monitoring and adaptive management plan would be developed for the project when funding is awarded.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Improvements proposed would compensate for losses during the response period but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts Collateral injury: Implementing this project at Joel's Pond would not result in collateral injury to the river from the spill. Short-term negative impacts during construction may occur to the floodplain and to surface water quality. Construction would require permits and would be required to use best management practices to minimize adverse impacts. Improvement proposed would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Proposed improvements would not result in multiple resource service benefits.
6 – Public Health and Safety	Proposed improvements would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Proposed improvements would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The YRPA is a private organization and funding the project would not be funding normal government function.
Land Acquisition Criteria	
9 - Price	Not applicable.

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Complete work at Joel's Pond	$16,100	$48,900	$65,000
Total	$16,100	$48,900	$65,000

Joel's Pond Project Components

Project component	Amount	Match
Land Design (update master plan and brochure)	$3,000	$900
Survey Bridge and Trail	$1,500	$500
Knife River employee costs and Concrete	$6,000	$12,000
Gravel Surface for remaining trails	$7,000	$0
Total	$16,500	$13,400

Project Rank: 10

Project Sponsor: City of Billings Applicant: Yellowstone River Parks Association (YRPA)

Project Name: Norm's Island Latrines

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP 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. The multi-use shelter is not clearly related to the recreational service loss from the oil spill, would be reserved for private use of the Audubon Center at times, and is thus not eligible for funding.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: Construction of the permanent double vaulted latrine with handicap concrete access near Norm's Island trailhead, picnic tables, and a 12x24 shelter is estimated to cost $96,500. YRPA has identified and committed $7,000 for other site work including a 5-foot concrete sidewalk for restroom and shelter accessibility and signage. Long-term maintenance and monitoring cost: YRPA has committed to long-term maintenance of the latrines and other facilities. The City of Billings Parks Department has said that they would ask the City Council for additional funds to maintain these facilities. Benefits to service losses: Net benefit. The Norm's Island trail head is a heavily used trailhead in Billings, part of the Riverfront Park complex. Riverfront Park was closed during the spill. Improving the facilities for sanitation and picnicking at the trailhead would benefit park users. The multi-use shelter is not clearly related to the recreational service loss from the oil spill, would be reserved for private use of the Audubon Center at times, and is not eligible for funding. Cost effectiveness: Likely cost effective. Currently Norm's Island has a temporary porta potty located at the park. The establishment of a permanent facility would be more cost effective than renting and maintaining the current temporary facility. The cost of the latrines is reasonable based on information from FWP that they currently have latrines under term contract for $17,500 each from Missoula Concrete. Shipping and placement are an additional cost. Picnic shelters with tables cost between $10,000 to $30,000 per structure. The cost of $30,000 for two shelters is reasonable. YRPA's long-term maintenance commitment and the proposed match help to make this project cost effective. A commitment from the City of Billings to take over the maintenance as part of their usual maintenance would also make the project cost effective. Time to achieve benefits and sustainability: The planned schedule in the application is to complete designs in 2018. The City of Billings Park Department has stated that the master plan for this area does not include latrines or restrooms, so the master plan would need to be updated. The Billings Parks Department only has one planner, and the project would have to be worked into the planner's schedule. The project would then need to be engineered, permits acquired, and constructed. If the project is funded, the Billings Parks Department commits to make every effort to complete the project in a timely manner.

	Public acceptance: The YRPA vets the plans for its project through its regular board meetings and its newsletter. The City of Billings did not supply a support letter for this project and has stated that they do not consider this a priority project for this trailhead. However, the Billings Parks Department has stated that if it is funded, every effort would be made to complete the project in a timely manner. Leveraged financial resources: YRPA has committed $1,500 in cash matching funds, and $3,000 in in-kind funds for site maintenance. YRPA has identified and committed $7,000 for other site work including a 5-foot concrete sidewalk for restroom and shelter accessibility and signage. The City of Billings cannot commit financial resources until the project has been vetted through their internal processes. Match contributions for this project are valued at 11,500 and would be approximately 17% of the project cost.
2 - Project Goals and Objectives	Relationship to services lost: The project goal of installing improved toilets and picnic facilities at Norm's Island fulfils the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas. Norm's Island is part of the City of Billings Riverfront Park Complex which was directly impacted by the spill. This project would improve the public park and trailhead. Location: Norm's Island is in the injured area and access to the river was closed at this location during the spill. Areas of the Riverfront Park complex were closed for approximately six weeks for walking and hiking, from Norm's Island to the Washington Street access site. One of the eastern parking lots was used as a staging area for cleanup efforts.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. Construction of latrines, picnic tables, and a shelter is technically feasible and the City of Billings has the capacity to accomplish this project as proposed. However, the City of Billings has not yet agreed to assist with this project. Risk of failure: Low. The City of Billings has indicated that they do not consider this a priority project for the trailhead but has stated that they would make every effort to complete the project in a timely manner, if it is funded. The Master Plan for the Norm's Island area would be updated. The YRPA vets the plans for its project through its regular board meetings and its newsletter. Certainty that goals can be met and sustained: High. Purchase of and installation of a permanent vaulted and handicap concrete access and picnic shelters are technically feasible. If the project is funded, and the City of Billings proceeds with the project, the change would be vetted in the community with a master plan update. The YRPA owns the adjacent parcel where the Audubon Center is located.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Construction of this project would compensate for losses during the spill and response period, but would not prevent future injury. Short-term negative impacts during construction would require permits and would minimize adverse impacts. Collateral injury: Installation of vault latrines at Norm's Island may cause short-term negative impacts during construction. Construction would require permits and would be required to use best management practices to minimize adverse impacts. Purchase of and installation of a permanent vaulted toilet and handicap concrete access and picnic shelters would result in long-term benefits and not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Purchase of and installation of a permanent vaulted latrines with handicap concrete access and picnic shelters would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	Purchase of and installation of a permanent vaulted latrines with handicap concrete access and picnic shelters would not pose unacceptable risk to public health and safety. Installation of the vault toilets would improve sanitation at the Norm's Island trailhead.

Other Legal Considerations	
7 – Applicable Policies and Laws	Purchase of and installation of a permanent vaulted latrines with handicap concrete access and picnic shelters would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The YRPA is a private organization and funding the project would not be funding normal government function. The proposed latrines would result in improvements that are not required by law and for which funding through the City of Billings is presently insufficient to implement the project. The proposed latrines and picnic shelters go well beyond routine operation and maintenance activities. The City of Billings Parks Department would ask for long-term maintenance funds from the Billings City Council.
Land Acquisition Criteria	
9 - Price	Not applicable.

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Fishing access site development	$96,000	$7,000	$103,500
Total	$96,000	$7,000	$103,500

Cost Estimate of Project Components

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Double vaulted toilets	$38,500	$0	$38,500
2 picnic shelters/table and concrete pad	$30,000	$0	$30,000
12’x24’ multi-use shelter and concrete pad	$28,000	$0	$28,000
Concrete sidewalk with handicap accessibility	$0	$7,000	$7,000
Total	$96,500	$7,000	$103,500

Project Rank: 5
Project Sponsor: Yellowstone River Parks Association (YRPA) Applicant: YRPA
Project Name: Develop Fishing Access Site at the Sindelar Ranch Acquisition

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP recommends funding up to the amount of $160,000 for development of a fishing access site at the Sindelar Ranch, upon NRDP approval of the final project scope of work, schedule, administration, budget and funding package. YRPA has been in discussion with the Sindelar family and plans to purchase the property in 2018. 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. FWP expects the costs to build a fishing access site at the Sindelar Ranch to be similar to costs for other fishing access site projects in the area. 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.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: The applicant's funding request is revised to $160,000 for development of the proposed fishing access site. Overall cost of purchasing the property is estimated to be $1,312,175. A specific cost estimate would be prepared for the development of the fishing access site if the property is successfully acquired. Some components included in the cost estimate may not require funding, such as the road access, because there is already a road to the property that would likely suffice for access purposes.

	Long-term maintenance and monitoring cost: The property would be owned and maintained by YRPA. YRPA has demonstrated its ability to successfully perform long term maintenance on park property it owns. YRPA owns and monitors several park properties in the Billings area (Montana Audubon Center, Joel's Pond, and John H. Dover Memorial Park) that are open for public access and has entered into agreements with the City of Billings and Yellowstone County to maintain trails and picnic shelters, for landscaping, and to provide sanitary facilities. The new Billings by-pass will be going through the park area and YRPA is working with Montana Department of Transportation on right-of-way purchase. YRPA plans to put the right-of-way funds into the John H. Dover Memorial Park Endowment Fund with the Billings Community Foundation for long-term park operations and maintenance. FWP has also committed to long-term maintenance of the fishing access site under its regional fishing access site program. A monitoring and adaptive management plan would be developed for the project if funding is awarded. Benefits to service losses: Net benefit/ uncertain. Construction of a fishing access site at the Sindelar Ranch would address river access service losses by providing a new access point. This large parcel on the river would be an additional human use recreational opportunity to offset the lost use of public park and trails due to the oil spill and to provide additional fishing access to the Yellowstone River. The uncertainties are that the Sindelar Ranch is not yet under contract for purchase, although the family has stated an intention to sell to the YRPA, and that YRPA has not yet raised the funds to acquire the property. The NRDP intends to work with YRPA to help with the purchase costs using terrestrial/ riparian habitat and riverine habitat restoration funds. Cost effectiveness: Likely cost effective. YRPA would work with FWP to develop the fishing access site; FWP has extensive experience from developing fishing access site locations all across the state. The fishing access site components such as the latrines and the concrete boat ramp structures included in FWP's cost estimates are considered to be of reasonable cost and soundly based. Cost estimates for the fishing access components are based on FWP's competitive procurement and experience at other fishing access locations. The purchase of Dover Island is estimated to cost $762,175 and would include legal fees and an in-kind donation from the Sindelar family of $250,000. At this stage in project development, it is not known how the property will be purchased. These purchase funds will likely come from a combination of Yellowstone restoration plan terrestrial/riparian habitat or riverine habitat funds, or YRPA fundraising, or both. The purchase of the property using other funds helps to make the fishing access site cost-effective. In addition, YRPA currently owns about 143 acres adjacent to the proposed purchase, the John H. Dover Memorial Park. The acquisition of the remaining 289 acres of Dover Island on the Sindelar Ranch, and establishing a fishing access site, would bring YRPA's park total to more than 670 acres including several miles of Yellowstone River frontage, thereby combining parcels of land accessible to the public and making this acquisition more cost effective. Time to achieve benefits and sustainability: YRPA is currently in negotiations to purchase this property. After the property is acquired, YRPA would work with FWP to start development of the fishing access site. FWP intends to sign an agreement with YRPA to incorporate the new fishing access site into its regional system for fishing access site maintenance. YRPA also anticipates contributing to the maintenance. This project could be ready to move forward quickly. The planned schedule is to purchase the property in 2018. Development of the fishing access site could take place as early as 2019. YRPA has demonstrated its sustained support and maintenance of other properties in the area. Public acceptance: Development of this island as a public park has been a long-term goal of the YRPA. YRPA vets its projects through its board meetings and newsletter.

	Leveraged financial resources: For the development of the fishing access site, FWP would contribute design in the amount of $2,500. The site would also be incorporated for long-term maintenance into the Region 5 Fishing Access Site network. FWP indicates it will also have access to state fishing access site funds or Dingle-Johnson funds (from federal excise taxes) to match restoration plan funds for development of fishing access sites. FWP has not specifically requested match funds from those sources, but would do so as the project moves forward. FWP expects it can match restoration plan funds for acquisition and development of properties by approximately 50%. The match provided for the purchase of the fishing access location is 87% of the cost of this project. The purchase of Dover Island is estimated to cost $762,175 and would include legal fees and an in-kind donation from the Sindelar family of $250,000. These funds will likely come from a combination of Yellowstone restoration plan terrestrial/riparian habitat funds, FWP, YRPA or a combination of all three. The YRPA states that the overall Dover Park development is estimated to cost $5.25 million and would include purchase of the entire Sindelar Ranch; Dover Lake site improvements such as vaulted toilets, trails, fishing docks, and landscaping; a Baker Battlefield Interpretation center; engineering fees; historical preservation of the Dover homestead; trails; bridges; access to Dover Island; and an endowment fund. If the funds are used for property purchase, a land acquisition is considered cost-effective because the price would be at or below appraised value. The match provided for the purchase of the fishing access location is 87% of the cost of this project.
2 - Project Goals and Objectives	Relationship to services lost: The goal of this project is to build a fishing access site on the Yellowstone River associated with a privately held but publicly accessible park and greenway trail system. The project goal of developing a park on the Yellowstone River satisfies restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas and objective 3 – increase fishing access to the Yellowstone River. The proposed park would be privately held, but open to the public. Location: The fishing access site would be located along the riverfront at rivermile 359, about 5 miles downstream of Billings, on the north shore of the river. This location is in the injured area.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods. Development of a fishing access site is technically feasible and can be implemented as proposed. The YRPA and FWP have the capacity to accomplish this project. However, before this location can be developed into a fishing access site, YRPA must complete the purchase of the property. Risk of failure: Medium. The Sindelar family has already expressed an interest in selling this property to the YRPA. YRPA is negotiating a sale with the family. Because this property acquisition deal is still being negotiated, there is a risk the property will not be purchased and the fishing access site would not be built. The YRPA owns the adjacent parcel and has successfully developed it as the John H. Dover Memorial Park. To date, YRPA has spent about $600,000 developing the park with vaulted toilets, picnic shelters, miles of limestone trails, and bridges. Certainty that goals can be met and maintained: Medium. YRPA has a track record in the community of working with public entities to develop and maintain public access parks. YRPA owns and monitors several park properties in the Billings area (Montana Audubon Center, Joel's Pond, and John H. Dover Memorial Park) that are open for public access and has entered into agreements with the City of Billings and Yellowstone County to maintain trails and picnic shelters, for landscaping, and to provide sanitary facilities at public parks. FWP has committed to long-term maintenance and monitoring of the fishing access site under its regional fishing access site program. A monitoring and adaptive management plan would be developed for the project when funding is awarded.

4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Development of a fishing access site location would compensate for losses during the spill and response period, but would not prevent future injury. Collateral injury: Development of a fishing access site location at Dover Island would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Development of the fishing access site would not have the potential to result in other resource benefits. However, the project as a whole, including the purchase of the Sindelar Ranch property has the potential to result in terrestrial and riparian habitat resource service benefits. The area to be developed on the river is terrestrial and riparian habitat, and the YRPA has expressed a willingness to work with NRDP and FWP to improve and preserve riparian habitat on the site. The property is being considered as a terrestrial/ riparian habitat acquisition and for development of restoration projects.
6 – Public Health and Safety	Development of a fishing access site location would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Development of a fishing access site location would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The YRPA is a private organization and funding the project would not be funding normal government function.
Land Acquisition Criteria	
9 - Price	If the funds are used for property purchase, the State of Montana cannot pay more than fair market value. If the funds are used for acquisition instead of fishing access site development, additional contingencies would be applied to the funding award. Since title, appraisal, survey and other land acquisition due diligence tasks remain to be completed, the NRDP recommends funding conditions specified above.

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Fishing access site development	$160,000	$762,175	$160,000
Total	$160,000	$762,175	$160,000

The match identified above is for the purchase of Dover Island at the Sindelar Ranch. FWP has prepared cost estimates for fishing access sites at several locations in the restoration plan area, but has not prepared a cost estimate specifically for the Sindelar Ranch (Dover Island) area. For estimating purposes, the general fishing access site cost estimate is:

Typical Fishing Access Site Development Costs

Budget Item or Task	Cost
14’-wide gravel road	$33,338
Gravel parking area	$16,662
Cast in place upper concrete ramp	$14,400
Push in lower concrete ramp	$12,800
Concrete vault latrine (installed)	$17,000
Parking controls	$4,000
Signs	$2,000
Permits & incidentals	$1,500
Excavation/Embankment	$5,000
Mobilization	$8,000
Design/Construction Consultant	$25,000
Contingency	$21,000
Subtotal	$160,700

Project Rank: 14
Project Sponsor: Yellowstone River Parks Association (YRPA) Applicant: YRPA
Project Name: Washington Street Bridge

Proposal 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.
Evaluation Summary & Funding Recommendation	NRDP 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 they are 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. NRDP recommends that any remainder funds must be used for trailhead improvements.
Oil Pollution Act Legal Criteria	
1 - Project Cost and Cost Effectiveness	Implementation cost: Purchase is estimated at $30,000. The project is estimated to cost $30,000 or $5,000 per acre. The YRPA states that volunteers could be used for building trails and installing fence once the property is acquired, but specific plans for trails and fencing were not part of the application. Long-term maintenance and monitoring cost: YRPA has committed to long-term maintenance of the property when it is in their ownership. If the deed transfer to the City of Billings is successful, the City of Billings would be responsible for long-term maintenance and monitoring. Benefits to service losses: Net benefit. This parcel on the river would be an additional human use recreational opportunity to offset the lost use of public park and trails due to the oil spill. This property connects other properties along the river that are part of the riverfront trail system and would be an important connector location. Cost effectiveness: Likely cost effective. Acquisition of this property at or below fair market value would be considered cost effective. YRPA could also request the property owner to allow the establishment of a trail on the property, but the long-term protection of a public trail on private property is uncertain. YRPA's donation of in-kind services to accomplish the purchase and site improvements help to make this project cost effective. This small connector property would help to connect two disconnected segments of the 11.32 mile Jim Dutcher trail. If the City of Billings is willing to take ownership of this property, it would be a cost-effective way for the City of Billings to connect sections of land on the riverfront. Time to achieve benefits and sustainability: From funding award, the YRPA anticipates it can purchase the property in six months or less. Public acceptance: YRPA vets their projects through their board meetings and newsletters. The City of Billings has not supported this application.

	Leveraged financial resources: YRPA has committed approximately $5,000 in kind for the installation of fencing, trails, and other improvements. Sanderson Stewart has committed in-kind $2,500 to amend the plat. The Driscoll Family has committed $5,000 in trailhead improvements. Match components would be about 16% of the overall project cost.
2 - Project Goals and Objectives	Relationship to services lost: The project goal of providing a legal access to the Yellowstone River satisfies the restoration plan goal of providing additional human use recreational opportunities to offset those lost due to the oil spill, objective 1 – improve public parks and recreation areas and objective 3 – increase fishing access to the Yellowstone River. Mere acquisition of this property would not directly address the services lost due to the spill. The property is currently privately held. Acquisition of this property could extend the Riverfront Park trail system on the river and provide additional access to the river. Location: This property is in the injured area just downstream from Riverfront Park area.
3 - Likelihood of Project Success	Technical feasibility in achieving restoration plan goals: Reasonably feasible methods/ uncertain outcome. Purchase of a property is technically feasible and the YRPA has the capacity to accomplish this project as proposed. The YRPA has purchased properties and successfully developed them into private parks with public access at other locations in the Billings area. The YRPA has stated that they would like to deed the property to the City of Billings. However, the City of Billing has not yet committed to take ownership of the property and did not supply a support letter with the YRPA application. However, in an email to NRDP dated 12/13/17, the City of Billings Parks Department has stated that they would work with YRPA on the transfer and maintenance of the property. The goal of providing legal access to the Yellowstone River at this property does not require the City of Billings to take ownership of the property, if YRPA allows public access as they do at other YRPA properties. Risk of failure: Low. The YRPA has already been in contact with the property owners and reports that the owners are interested in selling to YRPA. Certainty that goals can be met and sustained: Medium. Purchase of a property is technically feasible, but the transfer of property to the City of Billings is not certain. How this parcel would be integrated with other City of Billings properties is not clear.
4 - Avoidance of Adverse Impact	Prevent future injury as a result of the oil spill: Purchase of this property would compensate for losses during the spill and response period, but would not prevent future injury. Collateral injury: Purchase of a property at the old location of the Washington Street Bridge would not result in collateral injury to the river from the spill.
5 - Multiple Resource and Service Benefits	Purchase of a property at the old location of the Washington Street Bridge would not address multiple resource injuries or service losses or provide ancillary benefits to other resources.
6 – Public Health and Safety	Purchase of a property at the old location of the Washington Street Bridge would not pose unacceptable risk to public health and safety.
Other Legal Considerations	
7 – Applicable Policies and Laws	Purchase of a property at the old location of the Washington Street Bridge would be consistent with all applicable laws, rules, and policies, including the consent decree.
Montana Policy Criteria	
8 – Normal Government Function	The YRPA is a private organization and funding the project would not be funding normal government function.

Land Acquisition Criteria	
9 - Price	The State of Montana cannot pay more than fair market value for the property. Since title, appraisal, survey and other land acquisition due diligence tasks remain to be completed, the NRDP recommends funding conditions specified above.

Budget Narrative

Budget Item or Task	Funding Request	Match	Total Cost, Including Match
Property Purchase	$30,000	$2,500	$42,500
Total	$30,000	$2,500	$42,500

The budget identified the use of the requested funds for property purchase. YRPA would cover the costs of due diligence and any improvements to the property while in their ownership. Match funds were identified as in-kind donation by Sanderson Stewart in the amount of $2,500 to mend the plat.

Appendix B: Environmental Assessment Checklists

EA CHECKLIST

Project Sponsor: City of Billings

Project Title Norms Island Trailhead Latrines

Project Description: The Yellowstone River Parks Association proposed to install double stall vault toilets and picnic shelters by the City of Billings' Norm's Island trailhead. The City of Billings has agreed to sponsor this project, construct it, and maintain the infrastructure.

Person Preparing Checklist Alicia Stickney Phone 406-444-1346

POTENTIAL IMPACTS ON THE PHYSICAL AND HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS
Topography				X		
Geology: Stability				X		
Soils: quality, quantity, distribution			X			Temporary soil disturbance would occur as the new latrine and picnic shelters are constructed. All disturbed areas would be revegetated. Use of best management practices during construction would minimize the disturbance.
Water: quality, quantity, distribution			X			The project would affect water resources positively, by improving sanitation at the trailhead.
Air: quality			X			Sealed vault latrines, by their function, create minor objectionable sewer odors. The intensity of these odors is limited by the modern design and regular maintenance of the latrine: including large black vent pipe, frequent pumping and chemical deodorizer treatment.
Terrestrial, avian & aquatic: species & habitats				X		
Vegetation: quantity, quality, species			X			There would be short-term minimal disturbance to vegetation. Disturbed areas would be revegetated. Use of best management practices during construction would minimize the disturbance.
Agriculture, grazing, crops, production				X		
Unique, endangered, fragile or limited environmental resources				X		
Demands on environmental resources of land, water, air, & energy				X		
Historical & archaeological sites				X		

Aesthetics			X			The aesthetics of the park would be improved, as trailhead area would have sanitary facilities available and picnic shelters.
Social Structures & more				X		
Cultural uniqueness, diversity				X		
Population: quantity & distribution				X		
Housing: quantity & distribution				X		
Human health & safety			X			Human health and safety would be improved with the sanitary facilities by improving the sanitation.
Community & personal income				X		
Employment: quantity & distribution				X		
Tax base: local & state				X		
Government services: demand on			X			The City of Billings has committed to maintaining the latrines. This maintenance would result in an increase in demand of government services.
Industrial, commercial, & agricultural activities				X		
Recreation & wilderness			X			The park's recreation facilities will be improved with the sanitary facilities.
Environmental plans & goals, local & regional				X		
Demands for energy				X		
Transportation networks & traffic flows				X		

List all groups or agencies contacted and the contact person's phone number.
Mike Pigg 406-698-8197

Impacts of recreation projects on the resources injured by the Yellowstone River oil spill were also addressed in Chapter 6 of the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill.

References:

EA CHECKLIST

Project Sponsor: City of Billings
Project Title Riverfront Park Lake Josephine Fishing Pier and trails
Project Description The City of Billings proposes to install an on-lake fishing pier (floating dock) and to build trails to additional fishing access points at Lake Josephine.

Person Preparing Checklist Alicia Stickney Phone 406-444-1346

POTENTIAL IMPACTS ON THE PHYSICAL AND HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS
Topography				X		
Geology: Stability				X		
Soils: quality, quantity, distribution			X			Soils would be displaced during development of the trails but disturbance would be localized. Use of best management practices would minimize erosion.
Water: quality, quantity, distribution			X			Construction of the pier may cause local increase in turbidity in the water. Use of best management practices would minimize impacts.
Air: quality			X			Minor and temporary dust and vehicle emissions would be created by equipment during construction, but would end after completion.
Terrestrial, avian & aquatic: species & habitats			X			Construction activities associated with trail and dock will temporarily disturb wildlife. Shade from the floating dock will cool water, improving habitat for some fish species. Vegetation changes along the shore as part of trail construction would favor some avian species and diminish habitat quality for other species.
Vegetation: quantity, quality, species			X			Vegetation may be disturbed during trail construction. Disturbed areas would be reseeded. Invasive vegetation would be removed and ecologically more appropriate species established.
Agriculture, grazing, crops, production				X		
Unique, endangered, fragile or limited environmental resources				X		
Demands on environmental resources of land, water, air, & energy				X		
Historical & archaeological sites				X		
Aesthetics				X		

Social Structures & more				X		
Cultural uniqueness, diversity				X		
Population: quantity & distribution				X		
Housing: quantity & distribution				X		
Human health & safety			X			A pier would allow for safe access to the lake.
Community & personal income				X		
Employment: quantity & distribution				X		
Tax base: local & state				X		
Government services: demand on			X			The City of Billings has committed to maintaining the infrastructure at Lake Josephine. This maintenance caring for the surface of the trails and the dock would result in a small increase in demand of government services.
Industrial, commercial, & agricultural activities				X		
Recreation & wilderness			X			The pier and path would be ADA accessible. The pier and paths at Lake Josephine would improve the recreational facilities at Riverfront Park.
Environmental plans & goals, local & regional			X			Public opinion surveys identify increased opportunity for urban fishing as a key want of area residents.
Demands for energy				X		
Transportation networks & traffic flows				X		

List all groups or agencies contacted and the contact person's phone number.

Mike Pigg, City of Billings, 406-698-8197 Steve McConnell, City of Billings, 406-237-6227

Impacts of recreation projects on the resources injured by the Yellowstone River oil spill were also addressed in Chapter 6 of the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill.

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

EA CHECKLIST

Project Sponsor: City of Billings
Project Title Riverfront Park Multi-Use Trail
Project Description The City of Billings proposes 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.

Person Preparing Checklist Alicia Stickney Phone 406-444-1346

POTENTIAL IMPACTS ON THE PHYSICAL AND HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS
Topography				X		
Geology: Stability				X		
Soils: quality, quantity, distribution			X			The trail would mostly be paving of an already existing gravel and paved trail. The trail may be moved in some locations and at these locations, there would be soil disturbance. Use of best management practices would minimize disturbance.
Water: quality, quantity, distribution			X			Water quality may be affected during the trail construction in areas that are close to Lake Josephine and the Yellowstone River. Use of best management practices would minimize impacts.
Air: quality			X			Minor and temporary dust and vehicle emissions would be created by equipment during construction, but would end after completion.
Terrestrial, avian & aquatic: species & habitats				X		
Vegetation: quantity, quality, species			X			Vegetation may be disturbed during trail construction. Disturbed areas would be reseeded.
Agriculture, grazing, crops, production				X		
Unique, endangered, fragile or limited environmental resources				X		
Demands on environmental resources of land, water, air & energy				X		
Historical & archaeological sites			X			The Lewis and Clark Expedition spent time in the area of this trail. In addition, the furthest ever advance of a steamboat up the Yellowstone River terminated in the area in which the trail is being built. The YRPA has plans to provide signage and info about both along the trail route.

Aesthetics				X		
Social Structures & more				X		
Cultural uniqueness, diversity				X		
Population: quantity & distribution				X		
Housing: quantity & distribution				X		
Human health & safety				X		
Community & personal income				X		
Employment: quantity & distribution				X		
Tax base: local & state				X		
Government services: demand on				X		The City of Billings has committed to maintaining the trail. This maintenance such as plowing and caring for the surface of the trail would result in an increase in demand of government services.
Industrial, commercial & agricultural activities				X		
Recreation & wilderness			X			The park's recreation facilities would be improved for some trail users. Other trail users would prefer a trail with a softer surface. The paving would add a season of use as it would be an attractive site for cross-country skiing.
Environmental plans & goals, local & regional				X		
Demands for energy				X		
Transportation networks & traffic flows				X		This new trail would facilitate pedestrian and non-motorized use in the park.

List all groups or agencies contacted and the contact person's phone number.
Mike Pigg, City of Billings Parks Department, 406-698-8197 Steve McConnell, City of Billings Parks Department, 406-237-6227
Impacts of recreation projects on the resources injured by the Yellowstone River oil spill were also addressed in Chapter 6 of the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill.

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

EA CHECKLIST

Project Sponsor: City of Laurel

Project Title Laurel South Pond

Project Description The City of Laurel and the Lions Club proposes to install a 10x12 foot on-lake fishing pier (floating dock), benches, and to pave and improve the trail around Laurel South Pond at 800 block West Railroad Street, 2S 24E Section 17 COS 3014.

Person Preparing Checklist Alicia Stickney Phone 406-444-1346

POTENTIAL IMPACTS ON THE PHYSICAL AND HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS
Topography				X		
Geology: Stability				X		
Soils: quality, quantity, distribution			X			Temporary soil disturbance such as disruption, displacement, compaction, and over-covering of soils, would occur as the d trail are installed. Implementing best management practices during construction will minimize impacts. All disturbed areas would be revegetated.
Water: quality, quantity, distribution			X			Construction of the pier and trail may cause local increase in turbidity in the water. Use of best management practices would minimize impacts. The project would not require a floodplain permit.
Air: quality			X			Minor and temporary dust and vehicle emissions will be created by equipment during construction, but would end after completion.
Terrestrial, avian, and aquatic: species and habitats				X		
Vegetation: quantity, quality, species			X			Vegetation may be disturbed during trail construction. Disturbed areas would be reseeded. Use of best management practices would minimize impacts.
Agriculture, grazing, crops, production				X		
Unique, endangered, fragile or limited environmental resources				X		
Demands on environmental resources of land, water, air, and energy				X		

Historical and archaeological sites				X		
Aesthetics				X		
Social Structures & more				X		
Cultural uniqueness, diversity				X		
Population: quantity & distribution				X		
Housing: quantity & distribution				X		
Human health & safety			X			The development of a pier would allow for safe access to the lake.
Community and personal income				X		
Employment: quantity & distribution				X		
Tax base: local & state				X		
Government services: demand on			X			The City of Laurel has committed to maintaining the new pier and trails at Lions Park. This maintenance would result in an increase in demand of government services.
Industrial, commercial & agricultural activities				X		
Recreation & wilderness			X			The pier and path would be ADA accessible. Recreational facilities at Lions Park would be improved.
Environmental plans and goals, local and regional				X		
Demands for energy				X		
Transportation networks & traffic flows				X		

List all groups or agencies contacted and the contact person's phone number.
Kurt Markegard 406-628-6747

Impacts of recreation projects on the resources injured by the Yellowstone River oil spill were also addressed in Chapter 6 of the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill.

References:

EA CHECKLIST

Project Sponsor: City of Laurel

Project Title: Riverside Park Campground

Project Description: The City of Laurel proposes to construct a campground in Riverside Park. Components included are construction of sanitation facilities, a campground, picnic facilities, parking improvement, a trail, tree and shrub plantings, and lighting. Riverside Park is a City Park located at the Highway 212 bridge over the Yellowstone River, on the south shore of the river.

Person Preparing Checklist Alicia Stickney Phone 406-444-1346

POTENTIAL IMPACTS ON THE PHYSICAL AND HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS
Topography				X		
Geology: Stability				X		
Soils: quality, quantity, distribution			X			Temporary soil disturbance such as disruption, displacement, compaction, and over-covering of soils, would occur as the campground pads, latrines, and trails are installed. Implementing best management practices during construction will minimize impacts. All disturbed areas would be revegetated.
Water: quality, quantity, distribution			X			The project would affect water resources positively, by improving sanitation at the park. The project will require a Fish, Wildlife and Parks 124 permit, a Montana Department of Environmental Quality 318 authorization, a County floodplain permit, a County Sanitarian permit, and a storm water discharge permit for more than one acre of disturbance.
Air: quality			X			Sealed vault latrines, by their function, create minor objectionable sewer odors. The intensity of these odors is limited by the modern design and regular maintenance of the latrine.
Terrestrial, avian & aquatic: species & habitats				X		
Vegetation: quantity, quality, species			X			There would be short-term minimal impacts to vegetative productivity in areas of the park where the campground and trail are constructed. Disturbed areas would be revegetated. The development plan also includes plantings which would improve vegetation diversity.

Agriculture, grazing, crops, production				X		
Unique, endangered, fragile or limited environmental resources				X		
Demands on environmental resources of land, water, air, & energy				X		
Historical & archaeological sites				X		The new campground facilities would not impact the historic buildings at the park.
Aesthetics			X			The aesthetics of the park would be improved, as the campground would be improved with a new campground, trail, and sanitary facilities. In addition, plantings are planned which should improve the park aesthetic.
Social Structures & more				X		
Cultural uniqueness, diversity				X		
Population: quantity & distribution				X		
Housing: quantity & distribution				X		
Human health & safety			X			Human health and safety would be improved with the sanitary facilities.
Community & personal income				X		
Employment: quantity & distribution				X		
Tax base: local & state				X		
Government services: demand on			X			The City of Laurel has committed to operating and maintaining the campground. This operation and maintenance would result in an increase in demand of government services.
Industrial, commercial & agricultural activities				X		
Recreation & wilderness			X			The park's recreation facilities would be improved.
Environmental plans & goals, local & regional				X		
Demands for energy				X		
Transportation networks & traffic flows			X			Traffic may increase at the park during the summer months when the campground is in use.

List all groups or agencies contacted and the contact person's phone number.

City of Laurel, Kurt Markegard, 406-628-6747

Impacts of recreation projects on the resources injured by the Yellowstone River oil spill were also addressed in Chapter 6 of the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill.

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

EA CHECKLIST

Project Sponsor: City of Laurel
Project Title Riverside Park Vault Toilets
Project Description The City of Laurel proposes to install double stall vault toilets by the boat ramp at Riverside Park. Riverside Park is a City Park located at the Hwy 212 bridge over the Yellowstone River, on the south shore of the river.

Person Preparing Checklist Alicia Stickney Phone 406-444-1346

POTENTIAL IMPACTS ON THE PHYSICAL AND HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS
Topography				X		
Geology: Stability				X		
Soils: quality, quantity, distribution			X			Temporary soil disturbance would occur as the new latrine is constructed. All disturbed areas would be revegetated.
Water: quality, quantity, distribution			X			The project would affect water resources positively, be improving sanitation at the boat ramp. The project will require a Fish, Wildlife and Parks 124 permit, a Montana Department of Environmental Quality 318 authorization, a local floodplain permit, and a County Sanitarian permit.
Air: quality			X			Sealed vault latrines, by their function, create minor objectionable sewer odors. The intensity of these odors is limited by modern design and regular maintenance of the latrine.
Terrestrial, avian & aquatic: species & habitats				X		
Vegetation: quantity, quality, species			X			There would be short-term minimal impacts to vegetation. Disturbed areas would be revegetated.
Agriculture, grazing, crops, production				X		
Unique, endangered, fragile or limited environmental resources				X		
Demands on environmental resources of land, water, air, and energy				X		
Historical & archaeological sites				X		
Aesthetics			X			The aesthetics of the park would be improved, as the boat ramp users would have sanitary facilities available.

Social Structures & more				X		
Cultural uniqueness, diversity				X		
Population: quantity & distribution				X		
Housing: quantity & distribution				X		
Human health and safety			X			Human health and safety would be improved with the sanitary facilities.
Community and personal income				X		
Employment: quantity, and distribution				X		
Tax base: local and state				X		
Government services: demand on			X			The City of Laurel has committed to maintaining the latrines. This maintenance would result in an increase in demand of government services.
Industrial, commercial & agricultural activities				X		
Recreation & wilderness			X			The park's recreation facilities would be improved with the sanitary facilities.
Environmental plans & goals, local & regional				X		
Demands for energy				X		
Transportation networks & traffic flows				X		

List all groups or agencies contacted and the contact person's phone number.
City of Laurel, Kurt Markegard, 406-628-6747

Impacts of recreation projects on the resources injured by the Yellowstone River oil spill were also addressed in Chapter 6 of the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill.

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

EA CHECKLIST

Project Sponsor: Yellowstone County

Project Title Two Moon Park Parking Improvement

Project Description Yellowstone County proposes to improve the parking area at Two Moon Park. Two Moon Park is located just downstream of Billings on the north shore of the Yellowstone River in Billings Heights off Bench Boulevard.

Person Preparing Checklist Alicia Stickney Phone 406-444-1346

POTENTIAL IMPACTS ON THE PHYSICAL AND HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS
Topography				X		
Geology: Stability				X		
Soils: quality, quantity, distribution			X			Improvement of the parking would not disturb new areas. Existing soils would be prepared for paving. Use of best management practices would minimize impacts.
Water: quality, quantity, distribution				X		
Air: quality			X			Minor and temporary dust and vehicle emissions will be created by equipment during construction, but would end after completion.
Terrestrial, avian & aquatic: species and habitats				X		
Vegetation: quantity, quality, species				X		Improvement of the parking would not disturb new areas. Use of best management practices would minimize impacts.
Agriculture, grazing, crops, production				X		
Unique, endangered, fragile or limited environmental resources				X		
Demands on environmental resources of land, water, air, and energy				X		
Historical & archaeological sites				X		
Aesthetics			X			Would improve the appearance of parking area entrance to the park by removing standing water and ruts.
Social Structures & more				X		
Cultural uniqueness, diversity				X		
Population: quantity & distribution				X		
Housing: quantity & distribution				X		
Human health & safety				X		

Community &personal income				X		
Employment: quantity & distribution				X		
Tax base: local & state				X		
Government services: demand on				X		Yellowstone County already maintains the parking at Two Moon Park. There would be no increase in demand on government services.
Industrial, commercial & agricultural activities				X		
Recreation & wilderness			X			Access to the County park would be improved.
Environmental plans & goals, local & regional				X		
Demands for energy				X		
Transportation networks & traffic flows				X		

List all groups or agencies contacted and the contact person's phone number.
Cal Cumin, Yellowstone County Parks, 406-690-1763

Impacts of recreation projects on the resources injured by the Yellowstone River oil spill were also addressed in Chapter 6 of the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill.

References:

EA CHECKLIST

Project Sponsor: Yellowstone River Parks Association (YRPA)
Project Title Joel's Pond Improvement
Project Description The YRPA proposes to pave an existing 5-foot sidewalk from Shiloh Road to the Joel's Pond parking lot with concrete and to apply a gravel surface to the remaining trails. Joel's Pond is a 17.697 acre property with a 12 acre pond located behind Scheels Sports at Shiloh Crossing. The park master plan would be updated, a brochure created, and the bridge surveyed. There is a fifteen foot trail easement from Shiloh Rd. along the BBWA canal that connects with the property.

Person Preparing Checklist Alicia Stickney Phone 406-444-1346

POTENTIAL IMPACTS ON THE PHYSICAL AND HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS
Topography				X		
Geology: Stability				X		
Soils: quality, quantity, distribution			X			The trail would mostly be paving of an already existing gravel and paved trail. The trail may be moved in some locations and at these locations, there would be soil disturbance. Use of best management practices would minimize disturbance. Implementing BMPs during construction would minimize erosion in the short term.
Water: quality, quantity, distribution			X			Water quality may be affected by construction during the trail construction in areas that are close to Joel's Pond. Use of best management practices would minimize impacts.
Air: quality			X			Minor and temporary dust and vehicle emissions would be created by equipment during construction, but would end after completion.
Terrestrial, avian & aquatic: species & habitats			X			Improvements to trail may increase human use potentially increasing disturbance to wildlife. The trail may also decrease disturbance by focusing human activity to established trail.
Vegetation: quantity, quality, species			X			Disturbed areas would be reseeded.
Agriculture, grazing, crops, production				X		
Unique, endangered, fragile or limited environmental resources				X		

Demands on environmental resources of land, water, air, & energy				X		
Historical & archaeological sites				X		
Aesthetics						
Social Structures & more				X		
Cultural uniqueness, diversity				X		
Population: quantity & distribution				X		
Housing: quantity & distribution				X		
Human health & safety				X		
Community & personal income				X		
Employment: quantity & distribution				X		
Tax base: local & state				X		
Government services: demand on				X		
Industrial, commercial & agricultural activities				X		
Recreation & wilderness			X			The recreational facilities at this urban pond would be improved with the paved and graveled trails.
Environmental plans & goals, local & regional				X		
Demands for energy				X		
Transportation networks & traffic flows			X			This new trail would facilitate pedestrian and non-motorized use in the park and connect to other trail systems.

List all groups or agencies contacted and the contact person's phone number.
Darryl Wilson, President Yellowstone River Parks Association, 406-256-5005

Impacts of recreation projects on the resources injured by the Yellowstone River oil spill were also addressed in Chapter 6 of the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill.

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

EA CHECKLIST

Project Sponsor: Yellowstone River Parks Association (YRPA)
Project Title Washington Street Bridge Parcel Acquisition
Project Description The YRPA proposes to acquire 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 a City of Billings island immediately to the south of the property. YRPA intends eventually to deed the property to the City. If funds remain from the amount allocated for purchase, YRPA would make minor trailhead improvements such as fencing, signage, improving the gravel parking area, and possible trail work or landscaping.

Person Preparing Checklist Alicia Stickney Phone 406-444-1346

POTENTIAL IMPACTS ON THE PHYSICAL AND HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS
Topography				X		
Geology: Stability				X		
Soils: quality, quantity, distribution			X			Improvement of the parking would not disturb new areas. Use of best management practices would minimize impacts.
Water: quality, quantity, distribution				X		
Air: quality			X			Minor and temporary dust and vehicle emissions will be created by equipment during construction, but would end after completion.
Terrestrial, avian, and aquatic: species and habitats				X		
Vegetation: quantity, quality, species			X			Improvement of the parking would not disturb new areas. Disturbance from installing fencing and installing signs would be minimal. Use of best management practices would minimize impacts.
Agriculture, grazing, crops, production				X		
Unique, endangered, fragile or limited environmental resources				X		
Demands on environmental resources of land, water, air, and energy				X		
Historical & archaeological sites				X		
Aesthetics			X			Would improve the appearance of parking area entrance to the park by removing standing water and ruts.
Social Structures & more				X		
Cultural uniqueness, diversity				X		

Population: quantity & distribution				X		
Housing: quantity & distribution				X		
Human health & safety				X		
Community & personal income				X		
Employment: quantity & distribution				X		
Tax base: local & state				X		
Government services: demand on				X		If the property is transferred to the City of Billings, there would be an increased demand on City services for maintenance.
Industrial, commercial & agricultural activities				X		
Recreation and wilderness			X			Access to the City's parcel on the Yellowstone River adjacent to the old Washington Street bridge location would be improved.
Environmental plans & goals, local & regional				X		
Demands for energy				X		
Transportation networks & traffic flows			X			This new access location would facilitate access to the river.

List all groups or agencies contacted and the contact person's phone number.
Darryl Wilson, President YRPA, 406-256-5005

Impacts of recreation projects on the resources injured by the Yellowstone River oil spill were also addressed in Chapter 6 of the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill.

References:

Appendix C: Copy of Project Application

2011 YELLOWSTONE RIVER OIL SPILL RESTORATION PLAN

Request for Yellowstone River Recreation Project Proposals – Abstracts

The Yellowstone River Oil Spill Recreation Project Advisory Committee and the Montana Department of Justice Natural Resource Damage Program (NRDP) are requesting the community to submit abstracts for recreation projects to help compensate the public for recreational losses due to the July 2011 Yellowstone River oil spill. This solicitation is being conducted pursuant to the *Programmatic Damage Assessment and Restoration Plan and Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill* (restoration plan). Copies of the restoration plan and additional information to assist abstract applicants are available at the NRDP website at https://dojmt.gov/lands/yellowstone-river-oil-spill-July-2011/.

About the Yellowstone River Oil Spill Recreation Project Advisory Committee

The restoration plan required establishment of a short-term, locally-based ad hoc Recreation Project Advisory Committee to prepare a draft Recreation Project Plan that will recommend to the Governor how approximately $2.3 million earmarked to the human use injury (recreation) category from the Yellowstone River 2011 oil spill natural resource damage settlement funds will be spent. The goal is to provide additional human use recreational opportunities to offset those lost due to the oil spill. The objectives are to improve public parks and recreation areas, improve urban fishing opportunities, and increase fishing access to the Yellowstone River.

About the Recreation Project Plan

The Recreation Project Advisory Committee, with the assistance of NRDP, will solicit, evaluate, and rank recreation projects and prepare a draft Recreation Project Plan. The plan will reflect the community's priorities in recreation use projects within and near the injured area for services lost due to the spill. The Committee will provide an opportunity for public comment on the draft plan before submitting it to the Governor. The Governor will consider the recommendations of the Recreation Advisory Committee, the public, and NRDP, and will approve a final Recreation Project Plan to be implemented. Recommended projects will be included in the Yellowstone River Recreation Project Plan as compensatory restoration for interim losses of human use of the Yellowstone River due to the July 2011 oil spill.

As a first step in the development of the Recreation Project Plan, the Recreation Project Advisory Committee and NRDP are requesting submittal of **project abstracts**. The NRDP will review the abstracts for minimum qualifications, and those applicants will attend a Recreation Project Advisory Committee meeting to present the abstract and answer Committee and NRDP questions. The Committee, with assistance from the NRDP, will make preliminary determinations about the degree to which proposed projects meet restoration plan project selection criteria (see Attachment B). Applicants for recommended projects will be requested to submit a more detailed project application in autumn 2017. If a project applicant does not have the capacity to complete the proposed project independently, the Committee and NRDP will try to work with the applicant to find a project sponsor with that capacity.

Who May Submit a Project Abstract

Governmental entities, private individuals, non-government private entities, and other private entities are eligible to apply. An applicant may submit more than one project proposal, but must submit a

separate abstract for each project. For entities who proposed a project during the restoration plan comment period, the applicant would need to apply using this project abstract process.

Project Funding

The total amount available for recreation project funding is approximately $2.3 million. Project proposals should be able to demonstrate strong natural resource-based recreation benefits under the criteria listed in this abstract application, and demonstrate a clear relationship to the recreation services injured. The Recreation Project Advisory Committee may recommend partial funding for some projects. Matching funds from other sources are encouraged.

Eligible Projects

Before submitting an abstract, the Yellowstone River Oil Spill Recreation Advisory Committee and NRDP **strongly encourage potential applicants** to attend a **Project Workshop** with NRDP, at the Billings Southside Community Center at 901 S. 30th St. on Wednesday, August 9, from 11:00 AM to 1:00 PM, or Tuesday, August 15 from 11:00 AM to 1:00 PM or 4:00 PM to 6:00 PM, and/or contact Alicia Stickney at 406-444-0205, aliciastickney@mt.gov. The purpose of the workshops is to provide potential applicants with more information about the application process and to discuss project ideas.

Location Eligibility Restrictions: Projects should occur as close to the areas injured by the 2011 oil spill as practicable (see Figure 1 in Attachment A). Projects may occur further upstream and downstream of the injured area (the area most heavily impacted by the spill), or in urban ponds or tributaries, to restore, replace, rehabilitate, or acquire the equivalent of the injured resources. Projects that are outside the injured area will be considered on a project-specific basis for their potential to meet the restoration plan goals; projects or a portion thereof that would be located outside of the injured area but would have the effect of restoring or significantly facilitating the restoration of the lost recreation services will be considered.

Project Types: Projects eligible for funding must be included in the restoration project types identified in the restoration plan as compensatory restoration for interim losses of recreational human use services due to the spill. Recreational human use restoration project types and examples are discussed in Section 4.6.5 of the restoration plan. The project types include:

- Developing and improving boat launch sites
- Nature trails
- Other park improvements
- Recreation area improvements
- Urban fishing opportunity improvement
- Development of new fishing access sites or preserve access to existing sites
- Provide safe access to the river

Eligible projects can include projects that are conceptual in nature, to those ready to implement.

ABSTRACT SUBMITTAL

Applicants must submit two hard copies or, if emailed, a pdf and an electronic copy (in Word) of the abstract by Friday, August 25, 2017 at 5:00 PM. The submittal must include:

- Step 1: Applicant Information and Project Budget Summary Form
- Step 2: Project technical narrative

- A project map

The abstract application material should be sent to:

2011 Yellowstone Oil Spill Recreation Projects
Montana Natural Resource Damage Program
1720 9th Ave.
P.O. Box 201425
Helena, MT 59620-1425
Phone: 406-444-0205

or

aliciastickney@mt.gov

If you have questions, or if the NRDP staff can help you in any way, please contact Alicia Stickney at (406) 444-0205, aliciastickney@mt.gov.

NRDP staff may contact the applicant to obtain omitted information, to clarify issues, or to verify information contained in the abstract. All abstracts will be made available to the public. If an applicant wishes to keep information confidential, contact NRDP for guidance. The project selection process is provided in Attachment B. Project sponsor requirements are provided in Attachment C.

An applicant may include a request for assistance with finding a project sponsor that can implement the project or request that the NRDP implement the proposed project. If you would like to request assistance with finding a project sponsor to implement the project, please contact Alicia Stickney at the NRDP, 406-444-0205, aliciastickney@mt.gov before submitting the abstract.

Recreation Project Abstract - Application

Step 1. Applicant Information and Project Budget Summary Form

1. Applicant Name_____

2. Project Title _____

3. Type of Entity _____
(city, corporation, association, NGO, private, etc.)

4. Amount Requested for Funding, if known _____

5. Description of Project Location (Attach maps showing project area and project location) _____
_____
_____

6. Recreational Service Loss due to the 2011 Oil Spill to be Restored, Rehabilitated, Replaced, or Equivalent Acquired through Project _____
_____
_____

7. Recreational Project Type _____

8. Applicant Mailing Address: _____
(Street/PO Box)
_____
(City/State/Zip) (Telephone)

Contact Person: _____
(Name) (Title)

Mailing Address (if different):_____
(Street/PO Box)
_____
(City/State/Zip)

Phone: _____

E-mail Address: _____

9. Possible Project Partners_____

10. Proposed Funding Sources and Estimated Costs

On the table below, enter the source and amount of all funding that may be used for this project. Indicate all potential sources of funds that you intend to apply for to complete this project, even if you have not yet applied for the funds or have not yet received a commitment from the source. Indicate whether matching funds are cash or in-kind (ex., hours).

Proposed Funding Source Form				
Yellowstone River Oil Spill Recreation Fund			Dollar Amount	Total
			$	$
Matching Funds				
Matching Fund Sources	Cash Matching Funds	In-Kind Matching Funds	Dollar Amount	Total
			$	%
			$	%
			$	%
			$	%
Totals			$	%
Estimated Total Project Cost				$

Step 2. Technical Narrative

If any of the requested information is not available, state clearly what information is not available.

A. **Project Location –** ***Where is the project located?***

- One aerial photo/map – should be 8.5 X 11 inches in size, showing the project location in relation to the Yellowstone River.
- One aerial photo/map to show the project details, if helpful.

Note: All maps/aerial photos must include pertinent topographic and geographic information, scale, and north arrow.

B. **Describe the Project Goals and Objectives –** ***What is the Project's Purpose?***

1. State the project goals – broad statements of the project's purpose. Each goal should have at least one measurable objective.
2. State the project objectives – describe a specific outcome of the project and when this outcome will be achieved.

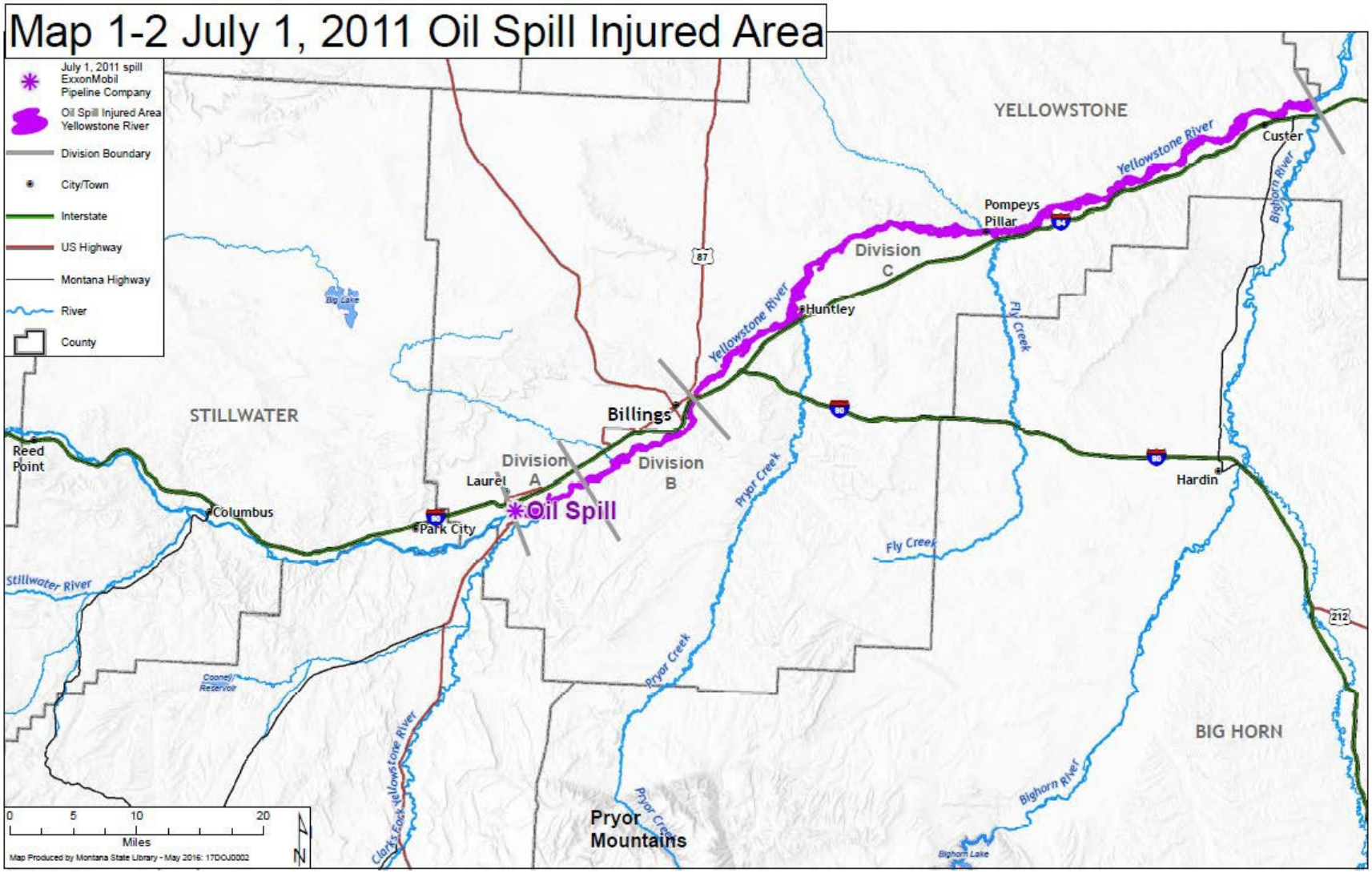
Example: The goal of your project may be to increase recreational access to the Yellowstone River in urban areas impacted by the oil spill. The objective would be to build additional trailhead parking in a city park by September 2018.

C. **Describe briefly how the project will be conducted –** ***What are the project tasks?***

1. Briefly describe the activities that will be required to complete the project and who will conduct them.
2. Indicate if the project is a phase of a larger project. Example: a trail project in a particular area that is one part of an entire trail system.

D. **Provide a Project Time Schedule –** ***When will the project start and when will the project be completed? Note: work on the project must start within a 24-month time from project award and should plan to be completed within five years from project award.***

Attachment A – Figure 1



Attachment B
Project Selection Process

Minimum Qualification Screening of Proposal Abstracts

To assure that each proposed project meets the minimum qualifications for funding, the NRDP will conduct an initial screening of the projects focused on the following items:

1. That the project abstract application is completed fully and accurately, with all necessary information.

2. That the proposed project will restore, rehabilitate, replace, or acquire the equivalent of injured human recreational use services, and is consistent with the goal of providing additional human use recreational opportunities to offset those lost due to the 2011 Yellowstone River Oil Spill.

3. That the proposed project is located within the 2011 Yellowstone River Oil Spill injured area or as close to the injured areas as practicable (see Figure 1 in Attachment A).

If the NRDP determines that a project does not meet minimum qualifications for funding, the applicant may bring the issue to the NRDP Program Manager and the Chairman of the Recreation Advisory Committee within 15 calendar days of written notice of this determination.

Abstract Application Evaluation, Presentations, and Preliminary Project Selection

If a project proposal meets minimum qualifications, the applicant will be requested to attend a Recreation Project Advisory Committee meeting to give an oral presentation on the project and answer questions posed by the Recreation Project Advisory Committee and NRDP. Applicants will be given adequate notice of the date, time, and place of the meeting. The Recreation Project Advisory Committee, with assistance from the NRDP, will make a preliminary assessment regarding the degree to which proposed projects meet restoration plan project selection criteria, listed below. Based on that preliminary assessment, the Recreation Project Advisory Committee will request a more detailed application for those projects that may meet restoration plan project selection criteria. The request for a detailed application does not guarantee that the project will be included in the draft Recreation Project Plan. The detailed project application will need to go through the evaluation and funding selection process.

If the Committee recommends a project for which the applicant does not have the capacity to complete the project independently, the Committee will try to work with the applicant to find a project sponsor with that capacity.

Detailed Project Applications and the Recreation Project Plan

After receiving the detailed project applications, the Recreation Project Advisory Committee, with assistance from the NRDP, will review and rank the projects and will prepare a draft Recreation Project Plan. The allocation of funds to recreation projects should address the highest priority projects in the

injured area that meet the restoration plan criteria. NRDP may modify this plan as necessary to meet restoration plan goals. The public will have an opportunity to comment on the draft Recreation Project Plan before the Committee submits the plan to the Governor.

Project Selection Criteria

The selection of recreation projects must comply with the Oil Pollution Act regulations. 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 will be evaluated qualitatively rather than quantitatively. The importance of each criterion as applied to individual projects will vary depending upon the nature of the project and the unique issues it raises. Given the wide array of potential restoration projects, the State and Recreation Project Advisory Committee must not be unduly constrained in their ability to evaluate what is best for the injured resource services. A non-quantitative process in which the criteria and the proposed projects are balanced and ranked against each other allows greater flexibility in selecting projects with the highest probability of success to address natural resource injuries and impaired services related to the injured area.

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 will be considered against the relative benefits of a project to the injured natural resource service losses. NRDP and the Committee will evaluate whether the project accomplishes its goal in the most cost-effective way possible. Projects that return the greatest and longest lasting benefits for the cost will be preferred. NRDP and the Committee will also consider the time necessary before the project benefits are achieved, and the sustainability of those benefits. Using the Recreation Advisory Committee and the Montana Environmental Policy Act public review process, projects will be reviewed for their public acceptance and support. Additional consideration will be given to projects that leverage other financial resources.

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 injured. 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 injured in the affected area will also be considered.

3) **Likelihood of project success**
   NRDP and the Committee will consider 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.

4) **Avoidance of Adverse Impact**
Projects will be evaluated for the extent to which they prevent future injury as a result 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.

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 will also consider the degree to which the project is consistent with applicable policies of the State of Montana. Projects must be implemented in compliance with all applicable laws and rules, including the consent decree.

Montana Policy Criteria

8) **Normal Government Function**
The State 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 Committee and NRDP will evaluate whether a particular 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.

The Committee will use the following table to summarize evaluations for each project:

Oil Pollution Act Legal Criteria
1-Project cost and cost-effectiveness
2-Project goals and objectives
3-Likelihood of project success
4-Avoidance of Adverse Impact
5-Multiple Resource and Service Benefits
6-Public Health and Safety
Other Legal Considerations
7-Applicable Policies and Laws
Montana Policy Criteria
8-Normal Government Functions
Land Acquisition Criteria – to be applied by NRDP if acquisition is part of plan
Price

Price

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 an acquisition set forth in the Recreation Project Plan. For land acquisitions, an independent appraisal by a qualified appraiser, which complies with the *Uniform Standards of Professional Appraisal Practice*, will be required to verify the property's value.

Final Recreation Project Plan

After considering public comment and the recommendations of the Recreation Project Advisory Committee and the NRDP, the Governor will make the final decision on the Recreation Project Plan. Once approved, any future substantive change to the plan would be subject to the same review and public comments steps prior to a final decision by the Governor.

Attachment C
Project Sponsor Requirements

Project Sponsor Responsibilities

Upon approval of a recreation project, the project sponsor will be required to enter into a contract agreement with NRDP before any funds can be expended or received. NRDP can provide a model contract agreement upon request. 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 may terminate project funding if it finds that the project is not consistent with the approved project.

Other Information for Project Sponsors

- Project sponsor costs for project administration activities will be capped at 5% 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 meet or exceed 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 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 would take place over a period not to exceed 5 years.

The implementation will include necessary oversight and review by NRDP, with funds distributed to project partners on a reimbursement basis.

Appendix D: Responses to Comments

Response to Public Comments
on

DRAFT YELLOWSTONE RIVER RECREATION PROJECT PRIORITY PLAN

Prepared By:

THE YELLOWSTONE RIVER RECREATION PROJECT ADVISORY COMMITTEE

AND

STATE OF MONTANA NATURAL RESOURCE DAMAGE PROGRAM

May 2018

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Section I. Introduction

As part of the implementation of the *Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the Exxonmobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill* prepared by the U.S. Department of the Interior, through the Bureau of Land Management and U.S. Fish and Wildlife Service, and the State of Montana through the Department of Justice Natural Resource Damage Program (NRDP), on March 28, 2018, the Yellowstone River Recreation Project Advisory Committee (Committee) and the NRDP issued a Draft Yellowstone River Recreation Project Priority Plan for public comment. The draft Recreation Project Priority Plan identifies preferred recreation projects and funding amounts to meet the restoration plan goal of providing additional recreational human use opportunities to offset those lost due to the July 1, 2011 Exxonmobil Pipeline Company Yellowstone River Oil Spill. The public comment period on the draft Recreation Project Priority Plan ended at 5:00 PM on April 30, 2018.

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.

Attachment A provides copies of the comment letters. Copies of comment letters are also available on the NRDP website at: https://dojmt.gov/lands/yellowstone-river-oil-spill-july-2011/. This document summarizes the comments received and provides responses.

There were no changes made to the text of the draft Recreation Project Priority Plan to reflect the responses to comments. The text in Section 2.2 has been updated to describe the public participation process during the comment period on the draft priority plan.

No comments were received that pertained specifically to the checklist environmental assessments included in Appendix B to the Recreation Project Priority Plan.

The Governor will make the final decision on the final Recreation Project Priority Plan.

Section II. Comment Summary and Responses to Comments

2018 Yellowstone River Recreation Project Priority Plan			
Written Comments Received			
Comment #	**Commenter**	**Organization**	**Notes**
1	Darryl Wilson	Yellowstone River Parks Association	
2	Hayes, AC		
3	Barnes, Brit		
4	Bledsoe, Mike		
5	Laurel Park Board	Laurel Park Board	
6	Engh, LouAnne		
7	Johnson, Harold		
8	Gilluly, Kathleen	Laurel Outlook	
9	Davidson, Jeremy		
10	Bromgard, Phyllis	Laurel Lions Club	Included a petition with signatures of 70 people
11	Nelson, Mayor	City of Laurel	
12	Desjarlais, Debbie		
13	American Legion Unit 123	American Legion	Included a notecard signed by 9 members of the American Legion Auxiliary Unit 123
Verbal Comments Received			
V1	Roger Williams		
V2	Kurt Markegard		
V3	Phyllis Bromgard	Laurel Lions	
V4	Darryl Wilson	Yellowstone River Parks Association	
V5	Dianne Lehm	Big Sky Economic Development	

Topic A: Comments in support of the draft recreation project priority plan

Comments: Six written comments (Laurel Park Board #5, LouAnne Engh #6, Kathleen Gilluly #8, Phyllis Bromgard #10, Laurel Mayor Nelson #11, American Legion Unit 123 #13) and four verbal comments (Roger Williams #V1, Kurt Markegard #V2, Darryl Wilson of Yellowstone River Parks Association #V4, Dianne Lehm of Big Sky Economic Development #V5) indicated general support for the draft recreation project priority plan.

Response: The Committee and NRDP acknowledge these comments and appreciate the support for the recreation project priority plan.

Topic B: Comments in general support of new access to the Yellowstone River.

Comments: Harold Johnson (Comment #7) generally stated a need for more access sites to the Yellowstone River.

Response: The Recreation Project Priority plan includes several projects for new access sites to the Yellowstone River. Funds allocated to Project #3, the Montana FWP fishing access site and development project are intended to develop three additional fishing access sites to the river. New fishing access sites are also included in Project #4, an access at South Billings Bridge, and project #5, an access at Dover Island just downstream of Billings. Also included in the funding is a new park on Western Sugar property near Garden Avenue.

Topic C: Comments requesting additional funding for specific recreation projects

Comments: Darryl Wilson of the Yellowstone River Parks Association (comment #1) requested that the proposed funding for the Joel's Pond project be increased from the $10,000 included in the draft plan to the $16,100 recommended by the Natural Resource Damage Program in Appendix A to the priority plan.

Comment: Darryl Wilson of the Yellowstone River Parks Association (comment #1) requested that the funding for the Washington Street Bridge Acquisition be increased from the $30,000 included in the draft plan to $40,000. The addition of $10,000 was suggested by a Recreation Project Advisor during the public meeting on the projects, but was not acted upon.

Comment: Darryl Wilson of the Yellowstone River Parks Association (comment #1) requested that the funding for the Washington Street Bridge Acquisition be increased from the $30,000 included in the draft plan to $40,000. The addition of $10,000 was suggested by a Recreation Project Advisor during the public meeting on the projects, but was not acted upon.

Comment: The Laurel Park Board (Comment #5) and LouAnne Engh (Comment #6) and the City of Laurel (Comment #11) requested that the $50,000 originally considered for the application at Riverside Park for the campground development, but not included in the funding award, be reconsidered and added to the awarded amount. The City of Laurel also suggested that if the Riverside Park Campground and Boat Ramp Project is reduced by $50,000, the entire list of projects be reduced proportionately.

Response: The Committee and NRDP carefully considered the project applications, the presentations made by project applicants in October 2017, the Oil Pollution Act and State of

Montana Policy criteria evaluations for the projects included in Appendix A, recreational benefits, matching funds, timing of implementation, public comments on the projects made on February 12, and public comments on the project made on February 15, and feel that the project and funding decisions made on February 15 and included in the draft plan were thoroughly vetted. The requests for funding were greater than the dollars available for funding, and the committee members weighed the community's priorities and comments carefully before making their decisions. Not all projects were fully funded, and some projects did not receive funding at all. The committee members stand by their priority and funding decisions and have decided not to reconsider the priority and funding decisions.

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 of the priority plan, 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.

Topic D: Comments on the FWP Yellowstone River Fishing Access Site Acquisition and Development Project

Comment: AC Hayes (Comment #2) expressed the need for an access site at the Duck Creek Bridge. The same comment said that the area between Columbus and Park City is also in need of access.

Response: Montana FWP identified the need for a river access in the area between Columbus and Park City in its application for fishing access site development funds to the Committee, and said that they would strive to locate at least one fishing access site within that stretch. However, suitable property acquisitions for new fishing access sites can be very hard to find and complete. FWP has been looking for a suitable property in this area for many years. At the moment, there are not specific properties or projects identified in the area between Columbus and Park City area. If opportunities arise, FWP has the flexibility with the awarded funds to pursue them.

The Duck Creek Bridge is immediately east of the FWP Duck Creek Fishing Access Site. Some people use the County bridge right of way to access the river on the north side of the Duck Creek Bridge. This is not a formal developed fishing access site. Because funds are limited, and because the Committee feels that there already is adequate access to the river at the Duck Creek Bridge, the Committee does not recommend pursuing development of a second access site at that location.

Topic E Comments Supporting Specific Projects

Comment: Brit Barnes (Comment #3) supported the development of a fishing access site at South Billings Boulevard and stated support for a boat ramp at that location. Comment #V4 supported the new fishing access point at Blue Creek (by South Billings Bridge).
Comment: Jeremy Davidson (Comment #9) supported the funding for Riverside Park projects.
Comment: Phyllis Bromgard (Comment #10 and #V3) and the American Legion (Comment #13), supported the projects at Laurel Lions Family Park.

Response: The recreation project priority plan includes funding for development of a fishing access site at the South Billings Boulevard bridge (Blue Creek Fishing Access Site). The plan for the fishing access site includes standard Montana Fish, Wildlife and Parks fishing access site infrastructure, including a boat ramp. Funding was allocated for development of a campground and a latrine at the boat ramp at Riverside Park. The project at Laurel Lions Family Park includes a dock, benches, and a paved walking path.

Topic F Comments About Specific Components of Projects

Comment: Brit Barnes (Comment #3) requested that the proposed river access site at South Billings Boulevard include a boat ramp.

Response: The river access site at the South Billings Boulevard is planned to be a standard Montana Fish, Wildlife and Parks fishing access site with parking, latrines, and a boat ramp.

Topic G Comments on Taxes

Comment: Mike Bledsoe (Comment #4) stated "we do not want anymore new taxes no matter what!"

Response: Funding for the recreation projects in the recreation project priority plan is from a Federal and State settlement with ExxonMobil Pipeline Company announced in 2016. The projects would not be funded with tax dollars. More information about the settlement is provided in the final restoration plan: https://media.dojmt.gov/wp-content/uploads/nrdp-yellowstone-restoration.pdf

Topic H Comments requesting that restoration plan funds be allocated to other injured resources

Comment: Jeremy Davidson (Comment #9) requested funds from the Natural Resource Damage Program for the purpose of reinforcing the riverbank at a specific property.

Response: The funds allocated in the Yellowstone River Recreation Project Priority Plan are specifically allocated for compensatory restoration of lost recreational services. Injuries to

other resources are being addressed according to the process outlined in the restoration plan: https://media.dojmt.gov/wp-content/uploads/nrdp-yellowstone-restoration.pdf

Topic I Comments submitting project ideas for if there is another round of funding

Comment: Debbie Dejarlais (Comment #12) requested that if there is a second round of money available, that her proposal would be considered.

Response: The Committee and the NRDP do not anticipate another round of funding for recreation projects. 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 of the priority plan, 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.

Attachment A Copies of Comment Letters

Via email to aliciastickeny@mt.gov and U.S. Mail

Comment #1

MEMO

TO: Alicia Stickney, Environmental Science Specialist
2011 Yellowstone Oil Spill Recreation Projects
Montana Natural Resources Damage Program
1720 9th Ave.
P.O. Box 201425
Helena, MT 59620-1425

FROM: Darryl S. Wilson, President

DATE: February 23, 2018

RE: NRDP Recommendations
Yellowstone River Oil Spill Funding

Please forward this memo on to the Advisory Committee members for their review and consideration of our request for grant monies for the following to projects:

Joel's Pond – Please restate the recommended funding to $16,100 because YRPA was treated differently and unfairly. The Lion Family Park in Laurel is no different than Joel's Pond and the committee funded the majority of their request. Furthermore, comments were made that Scheel's should be paying for these improvements. The same could be said for a billion dollar corporation (Cenex) across the highway from the Lion Family Park. It is my opinion that the Advisory Committee discriminated against YRPA with these comments.

Washington Street Bridge – YRPA's grant request will fund the purchase of 6.5 acres and pay for a survey and recording documents. The remaining funds, or $5,000-7,000, will be used for improvements to the site. This is a very important access being developed because not only will this property tie into trails at Riverfront Park but also extend access easterly to Clark's Crossing. I understand the City was to establish a better parking lot to this site. I know some Advisory members recommended adding an additional $10,000 to our grant. Therefore, YRPA

The Yellowstone River Parks Association is a 501 (c) (3) not-for-profit.
No goods or services were provided in return for this donation.
PO Box 1201, Billings, MT 59103
yrpa@yrpa.org (406) 248-1400

Comment #1

is asking the Advisory Committee to reconsider and increase our request from $30,000-40,000. YRPA will use the additional money to improve the parking.

These additional funds are really minor requests for considering the impact they will have in helping us to leverage more resources.

Thank you for your consideration.

Comment #2

-----Original Message-----
From: A C Hayes <alhayes1946@msn.com>
Sent: Wednesday, March 28, 2018 11:18 AM
To: Natural Resource Damage Program <nrdp@mt.gov>
Subject: Yellowstone Recreation

In regard to "Yellowstone River Fishing Access Site Acquisition and Development".
I sincerely hope the access site at the Duck Creek bridge is considered. Currently people that float put in the river there on the northwest end of the bridge on both sides of the highway. Kayaks and canoes must be carried fairly long distances and lifted over bard wire fences.

The other area I feel is in dire need of access is between Columbus and Park City where landowners do not permit any access that I am aware of.

And thank you for all your work on this project. I realize there is much more to be done.

Al Hayes

Comment #3

-----Original Message-----
From: Brit Barnes <britterskideeppow@icloud.com>
Sent: Thursday, April 5, 2018 12:36 PM
To: Natural Resource Damage Program <nrdp@mt.gov>
Subject: Yellowstone recreation

Hello-

I'd would like to write in to comment on the proposed improvements to the lower Yellowstone river corridor. In a recent article in the Billings Gazette they mentioned a south Billings boulevard fishing access site. It would be awesome if that site would include a boat ramp.

Billings would really benefit with the Duck creek access up steam and Coulson park down stream one in the middle of those would be well used.

Thank you

Comment #4

From: Mike Bledsoe <outlook_ADC90E70D7A7C461@outlook.com>
Sent: Thursday, April 5, 2018 2:24 PM
To: Natural Resource Damage Program <nrdp@mt.gov>
Subject: Yellowstone (improvements?)

We do not want anymore new taxes no matter what!

Comment #5

From: Luanne Engh <luanne@northlandcorrosion.com>
Sent: Friday, April 6, 2018 12:55 PM
To: Natural Resource Damage Program <nrdp@mt.gov>
Cc: amy.pollock.r8gd@statefarm.com; Irv Wilke <irvsavage99@gmail.com>; Kurt Markegard <kmarkegard@laurel.mt.gov>; Ken Gomer <ken@kgomer.com>
Subject: Yellowstone River Recreation Plan

City of Laurel – Laurel Park Board -

April 5, 2018

To: Yellowstone Recreation Advisory Committee

Dear Committee Members:

The Laurel Park Board is supportive of the Yellowstone Recreation Priority Plan the committee has drafted for Riverside Park and Lions Park in Laurel. The city of Laurel experienced a great deal of inconvenience and loss of access to the river and Riverside Park during the Exxon spill and related flooding which eventually closed the park. We are ready to work together to make the needed improvements so our landmark park will be modernized and available to camping, fishing, picnicking, and family activities. Riverside Park has the best access for fishing on the Yellowstone River and it received the most damage from the 2011 oil spill, so we appreciate that you designated the funds to help our project.

We would also like to ask that the $50,000 originally considered for our application be reconsidered for Laurel's project. We could use the money to give our project the needed funds to totally finish the camping area and bathrooms. Our park receives a high volume of traffic from the Interstate 90 and Highway 212 and sadly it hasn't been available to the public for many years.

We thank you for your service and the hours you dedicated to see that this money was spent to best serve the citizens of Yellowstone County. The money will make a huge difference to the recreation offerings on the Yellowstone River. We want to be proud of our city and its parks!

Sincerely,

Laurel Park Board

Comment #5

Amy Pollock
LuAnne Engh
Phyllis Bromgard
Ken Gromer
Scot Stokes
Irv Wilke
Richard Herr

Comment #6

From: Luanne Engh <luanne@northlandcorrosion.com>
Sent: Friday, April 6, 2018 1:06 PM
To: Natural Resource Damage Program <nrdp@mt.gov>
Subject: Yellowstone Recreation Plan

Committee Members,

I am a member of Laurel's Park Board and I have lived in the city for 40 years. Our board sent a group email we in support of the Master plan that has been submitted by the advisory council. As an individual, I'd also like to send my thoughts.

Laurel and Riverside Park were the more affected by the 2011 oil spill than other areas downstream. Our project to get the park back to a campground and a safe, fun place to enjoy again is going to take a lot money from many sources. This park has been closed for too long and it's such a shame. The city will never be able to afford to make the improvements alone. This Recreation Plan will give our Riverside Park Master Plan a jump start to really do it right.

I would really like to see the extra $50,000 added back in to the award to Riverside Park. We will need as much help as we can to get the park to a place where people will want to come and enjoy the space. The committee should see that other downstream groups will be able to draw on funds from Billings donors, but Laurel won't have as many donors from their community. We will do the best we can but the extra funds really belong to where the most damage was done.

Thank you for your time and service.

LuAnne Engh

Comment #7

From: harold johnson <johnsh@plentywood.k12.mt.us>
Sent: Tuesday, April 10, 2018 10:54 AM
To: Natural Resource Damage Program <nrdp@mt.gov>
Subject: Yellowstone Recreation

Please push for access sites to get into the river.

Comment #8

From: News <news@laureloutlook.com>
Sent: Wednesday, April 18, 2018 8:49 AM
To: Natural Resource Damage Program <nrdp@mt.gov>
Subject: Yellowstone Recreation

Received April 18, 2018

Thank you to the committee, the state and all the residents who attended meetings and gave input that helped determine the Recreation Project Priority Plan for the Yellowstone River. I would like to extend my support for the draft plan as written. The priorities as they are recommended will help with recreation in areas that were most impacted by damage from the Exxon Oil Pipeline break, including Riverside Park and South Pond in Laurel and Sportsman's (Buffalo Mirage) west of Laurel. All of those recreation areas are vital to attracting tourists and to providing recreation opportunities for residents.

Best,

Kathleen Gilluly
Editor/general manager
Laurel Outlook
news@laureloutlook.com

415 E. Main St.
PO Box 278
Laurel, MT 59044
Phone: 406-628-4412
Fax: 406-628-8260

Comment #9

From: jeremy davidson [mailto:davidson8235@gmail.com]
Sent: Thursday, April 19, 2018 1:33 AM
To: Stickney, Alicia <AliciaStickney@mt.gov>
Subject: Re: Yellowstone oil spill clean up

Alicia , This is Jeremy Davidson writing you this email on the behalf of my father in law. Dale Frey 1344 McMullen ln. [406}860-7987. His Property was ground zero when the silvertip oil spill happened. He was the first place the oil spill affected. It says there has to be funds allocated to the area closest to where the rupture happened. Riverside Park was close to the rupture but was upriver. 1344 McMullen is the first place affected. I am happy that there are being funds put aside for Riverside Park. The community needs to have something good come out of the silver tip oil spill. We filled almost 1,900 sand bags and stacked them along our banks. We filled those bags with land from 1344 McMullen Ln. Dale his wife Gayle, Heidi and Myself. filled all those bags with shovels, none were brought in. as you can imagine it was hard work. our effort was successful in the areas we sand bagged. we had flooding happen when the levy broke at Riverside Park. direct path of water from the levy rupture and oil mixed from the silver tip rupture cut through our property and made a water fall about 20 foot wide .which lasted lasted for about 2 weeks. Our sand bags were saturated with "oil" all of them. Crawford ,Exxons Insurance company. Had There sub contractors remove every one of our sand bags. EPA OR THE DEQ was on site TO WITTNESS THE REMOVAL OF OUR SAND BAGS. Exxon or Crawford has to have invoices cataloged for the sand bags removal. Dale was never compensated for the loss of the land or the loss of the sandbags. Dale would like funds from the Natural Resource Damage Program to be allocated to his Land. For the purpose of restoring his property to the condition it was before the oil spill. Dale would like his banks reinforced to at least 3' higher in all low areas along his banks. that is what the height of the sand bag walls were. Before they were removed. Anything you could do to help Alicia would greatly be appreciated.

SINCERLY , Jeremy Davidson

Comment #10

April 7, 2018

Draft Recreation Project Priority Plan

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620-1425

RECEIVED
APR 19 2018
NATURAL RESOURCE
DAMAGE PROGRAM

I wanted to take the time to thank the committee for their deliberations and recommendations to rank the projects that applied for funds from the settlement between the State and ExxonMobil for the 2011 oil spill in Laurel, Montana.

The oil spill event had a big impact on the community of Laurel and I am appreciative of the effort to restore the recreation opportunities this community lost in 2011. The Laurel Lions Club has worked with the City of Laurel for over twenty years to improve the recreation opportunities at a park now called the Lions Family Park. This park is almost 27 acres in size with a majority of the area being a fishing pond. This pond was created in 1964 by a contractor that was building the Interstate through Laurel as part of the National Highway System and need the gravel and soils to complete the highway directly south of this park. The City of Laurel acquired the land after the highway was built.

The Laurel Lions Club approached the City of Laurel to improve this pond for recreational opportunities many years ago. The improvements that have been completed so far have been accomplished through local fund raising efforts and the hard work and determination of past and present Laurel Lions Club members. Local businesses have provided funding and employee volunteerism to make this park a recreation destination for all citizens that live or visit the Laurel area. The Montana Fish, Wildlife, and Parks also supports this park by stocking fish in the pond that allows community members a local fishing destination.

Comment #10

Funds awarded through the Natural Resource Damage Program for the Lions Family Park would be spent on an ADA fishing dock, asphalt pavement of the gravel trail around the pond so more citizens feel comfortable walking the trail and to also provide them with benches to sit and take a break from their walk.

I am including a signature page to this letter of citizens and businesses that are in support of the Laurel Lions and of the City of Laurel receiving funds dedicated to help improve the Lions Family Park.

Sincerely,

Phyllis Bromgard

Phyllis Bromgard
Laurel Lions Club Member

We the undersigned appreciate the recommendation to award funds to the City of Laurel for the Lions Family Park

Printed Name	Signature	Date
Nancy Klein Style Time	Nancy Klein	4/12/18
Norm Klein	[illegible]	4/12/18
Lulena Enga	[illegible]	4/12/18
[illegible]	[illegible]	4-12-18
[illegible]	[illegible]	4/12/18
Dale Ahrens	Dale Ahrens	4/12/2018
Richard Hear	[illegible]	4-12-18
Aaron Christensen	[illegible]	4-12-18
Christopher L Grant	[illegible]	4/12/18
Lorretta McGarvin	LORRETTA McGARVIN	4/12/18
Mae Allerice Quillive	[illegible]	4/12/18
Lindsey Hunt	Lindsey Hunt	4/12/18
Audrey Kemkes	AUDREY KEMKES	4/12/18
LISA FOREMAN	Lisa Foreman	4/12/18
Marla Wagner	Marla Wagner	4/12/18
Terry Wagner	Terry Wagner	4/12/18
Deb Howe	Deb Howe	4/13/18
Sabrina Yates	[illegible]	4-13-18
LISA Worden	[illegible]	4/13/18
Don Smanson	[illegible]	4-13-18
Wendy Ward	Wendy Ward	4/13/18
Derrick Persson	Derrick Persson	4/13/18
James M. Taylor	James M. Taylor	4-13-18
Wyetta Hogemark	Wyetta Hogemark	4-13-18
[illegible]	Anne Larson	4-13-18
Amy Pollock	Amy Pollock	4-13-18
MELISSA S. JIMENEZ	Melissa Jimenez	4-13-18
Linda Ronish	Linda Ronish	4-13-18

We the undersigned appreciate the recommendation to award funds to the City of Laurel for the Lions Family Park

Printed Name	Signature	Date
Wm. SIELINSKY	[illegible]	4-13-18
Dallas Hagfeldt	[illegible]	4-13-18
Lorna Olson	[illegible]	4-13-18
Amy Nash	Amy L. Nash	4-13-18
Kathleen Gilluly	Kathleen Gilluly	4-13-18
Stacy Osborne	Stacy Osborne	4-13-18
Chris McCormell	[illegible]	4.13.18
John Hart	[illegible]	4-13-18
Scott Toombs	[illegible]	4/13/18
Brad Weber	[illegible]	4-13-18
Dave Datte	[illegible]	4/13/18
Calvin Heiner	Calvin Heiner	4 13 18
Chas Heisen	Chas Heisen	
John Minch	John Minch	4-13-18
Penny McSwey	Penny McSwey	4-13-18
SHARON HERMAN	Sharon Herman	4-13-18
Gail Anne Thomas	Gail Anne Thomas	4-13-18
George Schaller	George T. Schaller	4-13-18
Lorraine Craig	Lorraine Craig	4-13-18
Alice Schreiner	Alice Schreiner	4/13/18
HAZEL STORCK	Hazel Storck	4-13-18
BEVERLY NORSTRUM	Beverly Norstrum	4-13-18
AGNES NOEDAHL	Agnes Noedahl	4-13-18
Nancy McCullough	Nancy McCullough	4-13-18
Joe Buckley	Joe Buckley	4-13-18
Shirley Buckley	Shirley Buckley	4-13-18
Virginia Gomer	Virginia Gomer	4-13-18
NORMAN POPIEL	Norman Popiel	4.13-18

We the undersigned appreciate the recommendation to award funds to the City of Laurel for the Lions Family Park

Printed Name	Signature	Date
Raymond G. Scozzari	Raymond G. Scozzari	04-13-18
Joyce	Joyce C. Cremeans	
Amy Myers	Amy Myers	4-13-18
Mary Sickle	Mary Sickle	4-14-18
Don Craig	DON CRAIG	4-14-18
Laura Carrano	Laura Carrano	4/13/18
Lee Farnes	LEE FARNES	4-13-2018
RYAN BURROWS	[illegible]	4/13/18
Peggy Olson	Peggy Olson	4-13-18
Carl Jones	[illegible]	4-13-18
Darvin Redman	Darvin Redman	4-13-18
Valerie Redman	Valerie Redman	4/13/18
BILL RECTENWALD	Bill Rectenwald	
Thomas M Sprigler	Thomas M Sprigler	4-14-18

Comment #11

CITY HALL
115 W. 1st. St.
PUB WORKS: 628-4796
PWD FAX: 628-2241
WATER OFFICE: 628-7431
WTR FAX: 628-2289
MAYOR: 628-8456

City of Laurel

P.O. Box 10
Laurel, Montana 59044

DEPARTMENT

April 17, 2018

RECEIVED
APR 23 2018
NATURAL RESOURCE
DAMAGE PROGRAM

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620-1425

Re: City of Laurel's Comments regarding the Draft Yellowstone River Recreation Project Priority Plan

To the Natural Resource Damage Program:

Please accept this letter as the City of Laurel's Comments regarding the Yellowstone River Draft Recreation Project Priority Plan. In addition to this letter, please find the enclosed City Council Resolution authorizing the submission of the same. Initially, I would like to express the City's gratitude for all the members' time, effort and work ranking the projects that had applied for funds derived from the settlement entered into by ExxonMobil for the 2011 oil spill that occurred in the Yellowstone River, near Laurel, Montana. The oil spill had a substantial negative impact on the City of Laurel and its residents, and I and the City Council, appreciate the sincere efforts to restore the recreation opportunities that were lost as a consequence of the oil spill in 2011.

In regard to the Committee's proposed rankings, the City of Laurel has no objection to them as provided on Table 3 of the Draft Yellowstone River Recreation Project Priority Plan. However, the City is disappointed that the Committee's recommendation is to reduce the Riverside Park Campground & Boat Ramp's $400,000 request to $350,000. While the City understands not all projects can be fully funded, it is unfortunate that the project the City considers the highest priority is the one project selected for a $50,000 reduction.

On behalf of the City, I would suggest rather than reducing the City's Riverside Park Campground & Boat Ramp Project by $50,000, the entire list of projects be reduced proportionately if the intention is to fund all the projects. That way, the City will not be left scrambling to come up with the $50,000 to fully support the project. Frankly, the City of Laurel's financial condition has not improved since we are still recovering from the substantial damages caused by the 2011 Yellowstone River Flood. In the event that one or more of the City's supported projects are reduced by an amount or amounts equaling a total of $50,000, the City would ask that it have these funds reimbursed should there be an amount up to the $50,000 left unused at the term of project implementation.

Sincerely,

Thomas C. Nelson
Mayor City of Laurel

City of Laurel is an EEO Employer
Equal Housing Opportunity

Comment #11

RESOLUTION NO. R18-18

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT COMMENTS ON THE CITY OF LAUREL'S BEHALF REGARDING THE DRAFT YELLOWSTONE RIVER RECREATION PROJECT PRIORITY PLAN.

WHEREAS, the Natural Resource Damage Program is currently accepting comments regarding the Draft Yellowstone River Recreation Project Priority Plan which has been published for public comment; and

WHEREAS, the City of Laurel submitted proposed projects for consideration which are currently contained within the Project Plan with proposed funding for the plans; and

WHEREAS, it is appropriate for the City of Laurel's Mayor to prepare and submit comments on the Draft Yellowstone River Recreation Project Priority Plan on the City's behalf.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby authorizes the Mayor to submit comments on the City's behalf to the Natural Resource Damage Program regarding the Draft Yellowstone River Recreation Project Priority Plan.

Introduced at a regular meeting of the City Council on April 17, 2018, by Council Member Sparks.

PASSED and APPROVED by the City Council of the City of Laurel this 17th day of April, 2018.

APPROVED by the Mayor this 17th day of April, 2018.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam Painter, Civil City Attorney

Comment #12

From: Debbie Desjarlais <debdes@outlook.com>
Sent: Monday, April 30, 2018 3:52 PM
To: Natural Resource Damage Program <nrdp@mt.gov>
Subject: Yellowstone Recreation

Dear YRDP,

I spoke to Alicia Stickney this morning and did not realize I missed the deadline for sending a proposal for the Exxon Oil Spill Funds. The Billings Gazette article dated April 5, 2018, did not state that the Recreation Project was not taking proposal, it did say NRDP manager Harley Harris was looking for "shovel-ready projects". Reading that is what motivated me to get the community involved in building an Urban Indian Kid playground along the river.

I do hope you would consider my proposal if there is a second round of money that is available.

Please find attached the following: Urban Indian Kid Playground PROPOSAL, Urban Indian Kid Playground BUDGET and RMTLC Letter of Support.

Please contact me if you have any questions or ideas on how I can find funding to build these playgrounds.

Thank you!

Debbie

Debbie Desjarlais

DESIGN

www.debbiedesjarlaisdesign

debdes@outlook.com

651-263-2151

Comment #13

Thank You
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HALLMARK CARDS, INC
MADE IN U.S.A.
www.hallmark.com

Comment #13

AMERICAN LEGION AUXILIARY UNIT 123
MEMBERS

Roxy Roberts
Betty Thompson
Marion Allison
Janet Luttenschwager
Karen Teichroew
Pat Krug
Edie Thompson
Nancy Conter
Betty Saxbury

THANK YOU LIONS CLUB FOR CARING ABOUT OUR COMMUNITY BY TAKING ON THE MANY PROJECTS BEING DONE TO SOUTH POND, LIKE THE PATHWAYS - BENCHES - AND A FISHING PIER FOR THE DISABLED.

THANK YOU ~

UNIT 123

Verbal Comments

YELLOWSTONE RIVER RECREATION PROJECT ADVISORY COMMITTEE

MONTANA NATURAL RESOURCES DAMAGE PROGRAM

RECREATION PROJECT PRIORITY PLAN

Wednesday, April 25, 2018

6:00 p.m.

MS. STICKNEY: I want to welcome you to our meeting tonight.

This is a public meeting. And we also have Fran here. Fran can take notes when there's an opportunity for a public comment later.

But we're here to talk about, or tell you a little bit about the Yellowstone River Recreation Project Priority Plan.

I will give a little presentation that will talk about how why it was developed, how it was developed, and then we'll summarize the projects really quickly, and then there will be an opportunity for public comment.

You don't have to comment verbally tonight or here. You can also send in responses. The comments, they're due on the 30th of April, next Monday, by 5 p.m., and those will be put into the public record for the preparation of the final document.

* * * * * * *

MS. STICKNEY: So, if we don't have any other questions, then Fran will now accept verbal comments on the Recreation Project Priority Plan.

And I do want to say that I know you have

questions about the Restoration Plan, but we're here specifically for the Recreation Project Priority Plan, to accept comments on that.

Does anybody want to submit verbal comments tonight that Fran would record?

You can also submit them in writing if you want to.

Hi, Roger.

Comment #V1

ROGER WILLIAMS: Roger Williams.

I just wanted to compliment you on the professional way that this has all been done. You have done an outstanding job --

MS. STICKNEY: Thank you.

ROGER WILLIAMS: -- as public servants.

MS. STICKNEY: Kurt?

Comment #V2

KURT MARKEGARD: Kurt Markegard, Laurel Power Works.

I just wanted to thank the Committee and the staff in Helena. It's been a pleasure to work with you.

I know sometimes it's been pretty tense, but in the information you needed, I do appreciate all your time and effort. So, thank you.

DOUG WILSON: Thank you.

MS. STICKNEY: Thank you.

Phyllis?

Comment #V3

PHYLLIS BROMGARD: I'm Phyllis, and I'm from Laurel.

And I would like to let everybody know that when I went out and got the signatures, these people are really enthused about what is going to happen at the South Pond, and they're just really overwhelmed over what we're trying to do by getting the pier and possibly getting the pathway paved.

Because a lot of senior citizens live across from the pond, and it would be so much easier if they would could walk around that pond on pavement instead of in gravel.

But they all said that they hoped to see this project done.

MS. STICKNEY: Thank you.

Comment #V4

DARRYL WILSON: I'm Darryl Wilson, president of YRPA.

And I just wanted to thank you guy, too.

I think probably the biggest project we're probably going to see on this whole thing is the new Blue Creek Fishing Access that really came about because of this program. And that's a great public facility for everybody and for future generations. It really is going to be a great project, so enjoy it.

We should have it hopefully -- not today -- late fall. That's what we're hoping for, right?

MR. SHOEMAKER: Been working on it a long time.

MS. STICKNEY: Any other public comments on the Recreation Project Priority Plan?

Comment #V5

DIANNE LEHM: Dianne Lehm with Big Sky Economic Development.

And I agree with everyone's comments so far.

We really appreciate the informative process that you've have gone through to build this plan and to prioritize projects.

It's always a difficult decision when you're dealing with so many amazing projects and a limited amount of funds.

But I really appreciate the time and consideration on all the projects. I feel like you have done a great job of prioritizing those, and I feel like that this whole area is going to benefit from this in the near future.

MS. STICKNEY: Thank you.

Any other comments on the Recreation Advisory Plan?

Roger?

ROGER WILLIAMS: Roger Williams again.

I'm not sure that this really qualifies as a comment on the Recreation Plan, but this all happened because of a near tragedy in 2011.

In the intervening seven years, are you aware of any things that you can share with us that have been done to minimize the risk of something like this happening again on the Yellowstone River?

MS. STICKNEY: I know of a couple of things.

The Yellowstone River Conservation District Council prepared an inventory of all the pipeline crossings. That was one thing.

And I know that a lot of the owners of those crossings have improved them. They have fixed the crossings so that they are deeper under the water.

I know, for instance, the one that was by Laurel there, they put it -- it was something like 10 feet under the riverbed, and it's now 40 feet under the riverbed.

But I think that they have been somewhat systematically going through -- and Brad is shaking his head saying, yes.

MR. SHOEMAKER: Deeper.

MS. STICKNEY: Yeah, they're going deeper.

I don't know specifically which ones, other than I know that the one by Laurel was done.

But we have heard from the folks at DNRC that the pipeline companies come to them for consultation with that.

And there was that inventory that was done, which I think was probably helpful so that everybody got more of a sense for how many there were.

And also as part of that inventory, they looked at the nature of the river where those crossings were to see which ones they felt were the highest risk of rupture, disturbance.

Any other comments for Fran to record on the plan?

John?

JOHN MOORHOUSE: John Moorhouse.

I not sure if this is appropriate coming from the Advisory Committee, but I'd like to compliment the people that participated in this. It brought forth a number of really good ideas and well thought-out projects.

And it's too bad we couldn't work through them all. But I think the process went well because people that participated care about the river and care about projects and improving things, and it went smoothly because of that.

MS. STICKNEY: Great. Thank you.

I agree. I think we had great projects submitted, and I think that our Committee members were remarkably engaged and did a really good job of making really tough decisions.

And almost everybody got something. I think it was once the projects met minimum qualifications, I think that the Committee really tried hard to fund everybody with a little bit of something. So, appreciate that. I'm sure the community will appreciate that, too.

Any other comments or questions?

We could maybe say that the comment part is done.

John, we probably won't make yours a comment because you are on the Committee.

So, any other questions from anybody?

(No response.)

MS. STICKNEY: All right.

So May 24th, we will be here 7 p.m., and I hope that the Committee members will be ready to accept the responses to comments and the final plan that will then be submitted to the Governor.

We will be talking with the Governor over the course of this month, so he will be ready to see what's coming from the Committee.

And then pencil in May 30th with the Governor.

All right, the meeting is closed.

(Whereupon, the meeting was closed at 6:50 p.m.)

REPORTER'S CERTIFICATE

CASE TITLE: Recreation Project Priority Plan

HEARING DATE: April 25, 2018

LOCATION: Billings, Montana

I hereby certify that the proceedings and evidence herein are contained fully and accurately on the stenographic notes reported by me at the meeting, and that this is a true and correct transcript of the same.

DATE: April 27, 2018

Frances L. Mock
Big Sky Reporting
2308 Interlachen Circle
Billings, Montana 59105