

FREQUENTLY ASKED QUESTIONS ABOUT THE APPLICATION PROCESS

The following “frequently asked questions” (FAQs) and answers prepared by the Natural Resource Damage Program (NRDP) are relevant to the Upper Clark Fork River Basin (UCFRB) Restoration Grant Applications. Questions and answers 1-15 cover the application and award process. Numbers 15-25 cover the types of eligible projects.

Questions about the application and grant award process

Q1: I have an idea that I think would meet the legal criteria for funding but I’m not sure. Should I go ahead and submit an application?

A1: No. If you have a project that questionably meets the legal criteria, we recommend contacting the NRDP staff for guidance before spending a lot of effort on an application.

Q2: Are there areas in the UCFRB that are “off-limits” to funding consideration at this time?

A2: Yes. Certain areas of the Basin are still subject of incomplete remedy decisions or the subject of work under current or planned consent decrees or restoration plans and are not eligible for grant funding. Whether a project will qualify for funding in these areas will be determined on a case-by-case basis. This guidance applies to all types of grant requests, including project development grants, regardless of the amount requested. Areas where potential grant proposals might interfere with on-going or pending remedial or restoration actions include:

- The confluence of the Big Blackfoot and Clark Fork Rivers at Milltown: Pursuant to the 2005 joint remedial/restoration Consent Decree, the State is directing restoration work and EPA is directing remediation work at the confluence of these two rivers. The area covers about 2.5 miles upstream of the confluence on the Clark Fork River and 1-2 miles upstream of the confluence on the Blackfoot River. Any potential projects in this area can not conflict or interfere with on-going and planned remediation or restoration activities, which are anticipated to be completed in 2012. Grant projects located further upstream of the confluence area in the Big Blackfoot River watershed may be ineligible for funding at this time, unless they would have the effect of restoring or significantly facilitating the restoration of natural resources or lost services in the UCFRB.
- 2008 Consent Decree Sites: In October 2008, the federal court approved a Consent Decree governing the remediation and restoration of the Upper Clark Fork River federal Superfund site and the restoration of Smelter Hill Uplands and Butte Area One sites. The State has begun implementing the restoration plans for these three sites that were approved as part of this Consent Decree. The areas covered by these sites are generally described below. Any potential projects in these areas may not conflict or interfere with the on-going or planned remediation or restoration activities.
 - 1) The Smelter Hill Area Uplands site consists of areas north and south of Anaconda that are comprised of portions of Smelter Hill, Stucky Ridge, and the Mount Haggin Wildlife Management Area.
 - 2) The Butte Area One site extends from the upper end of the Metro Storm Drain in Butte to the west or downstream end of the former location of the Colorado Tailings along Silver Bow Creek.

- 3) The Upper Clark Fork River site encompasses the floodplain of the Upper Clark Fork River from the Warms Springs Ponds to the Milltown federal Superfund site.
- Pending Consent Decree Sites: In addition to the sites listed above, the EPA, ARCO and State are working out the details of the proposed remedy actions for federal Superfund sites in Butte and Anaconda that will be the basis for Remedial Action/Remedial Design consent decrees and working out the details of remediation and restoration actions at Dutchman area sites near Anaconda. Projects in these areas will be disfavored if a potential exists for the proposed grant activities to be accomplished under remediation or to interfere with proposed remediation or restoration activities in these areas.
 - 1) Consent Decree negotiations are on-going on the details of proposed remedial actions at the Butte Priority Soils Operable Unit federal Superfund site, which covers an area from Walkerville to approximately Interstate 90.
 - 2) Consent Decree negotiations are on-going on the details of proposed remedial actions for areas within the Anaconda Regional Wastes, Water and Soils Operable Unit federal Superfund site that are subject of substantial on-going or pending remedial work, such as the Opportunity Ponds area, and the injured areas around Smelter Hill, Stucky Ridge and Mount Haggin.
 - 3) Consent Decree negotiations are on-going on the details of proposed remedial and restoration actions in the Dutchman area near Anaconda. Work in this area will cover the section of Warm Springs Creek from Galen Road to the Clark Fork River, and the section of Willow Creek from approximately Highway 1 to Stuart Street in Opportunity.
 - The Warm Springs Ponds site: The EPA has issued Interim Record of Decisions (RODs) for the remedial action of the Warm Springs Ponds area. Until such time as final RODs are issued for this area, funding restoration projects in this area may be problematic, depending on the scope of the project and its potential to interfere with the final remedial action.

Maps of the areas described above are available from the NRDP website or upon request. If you are considering work in any of these areas, contact the NRDP to determine whether the work is eligible for consideration under the grants program before spending a lot of time and effort on an application. If the proposal will definitely not interfere with or duplicate on-going or planned remediation and restoration work for these areas, it may be considered in the grants program. Conversely, if the proposal will definitely interfere or duplicate, it will not meet minimum qualifications. If insufficient information exists to determine whether the proposal would interfere or duplicate, then the proposal could wait until this determination can be made or may move forward with the understanding that it may later be denied on grounds of interference or duplication.

Q3: What is the typical turnaround time for proposals of \$25,000 or less?

A3: About 3-4 months. The Trustee Restoration Council, which makes the final decision on these proposals, always meets in late summer and late fall; other meetings are scheduled as needed. The Advisory Council, which meets monthly, also reviews and makes funding recommendations on these proposals.

Q4: Is funding available to help develop project ideas and collect the information needed to submit an application?

A4: Yes. You can apply for a project development grant (PDG) to help develop a project. If the planning costs are \$25,000 or less, use the Short-Form. If the costs are greater than \$25,000, use the Long Form.

Q5: If a project development grant is funded, does that mean the implemented project will be funded?

A5: No. The approval of a project development grant **does not** constitute or guarantee approval of the full project. The full project will need to go through the *RPPC* grant evaluation and funding selection process. Consistent with NRDP guidance, the evaluation of a project development grant includes the evaluation of the full project to the extent possible, since only sound restoration or replacement proposals should be considered for start-up funding.

Q6: What are the contractual obligations of successful grant recipients?

A6: An overview of the grant recipient's contractual obligations, such as procurement, insurance and reporting requirements, is provided in the application. A model grant agreement is also available on the NRDP website below or upon request from the NRDP.

<http://www.doj.mt.gov/lands/naturalresource/grantapplications.asp>

Q7: Are changes allowed in the approved project scope and budgets?

A7: Possibly, with approval. The project sponsor must contact NRDP to obtain approval of any changes in the approved scope of work or budget provided in as attachments to Grant Agreement. The Grant Agreement specifies what transfers between budget categories, if any, are allowable without written approval of the NRDP. Some minor scope of work and budget changes require written approval of the NRDP. Other changes that involve a significant change in the scope of the approved project as determined by the NRDP require a grant amendment and approval by the Governor, with consideration by both the Trustee Restoration and Advisory councils.

Q8: If the Governor approves a project, can expenses for activities in the approved scope of work that were incurred before the Governor's approval be reimbursed?

A8: No. Expenses incurred before the grant agreement becomes effective will not be reimbursed. Most grant agreements are effective upon the date of signature of both the grant recipient and State. The earliest effective date of a grant agreement will be the date of the Governor's approval of the project, which is typically in December for projects greater than \$25,000.

Q9: Where do non-profit organizations fit in the applicant eligibility type?

A9: They are treated as private entities.

Q10: If my grant proposal is approved for funding, will I have to competitively bid the work that will be conducted?

A10: Probably. As set forth in the *RPPC* and the grant agreement between grant recipients and the NRDP, expenditures of grant funds must comply with applicable state procurement laws and regulations. State agencies must comply with the provisions specific to state agencies; counties must comply with the provisions in state law specific to counties and any other applicable local procurement regulations. For a private or non-profit entity applying in partnership with a governmental entity, that governmental entity must have procured your services in compliance

with state procurement laws that are applicable to that entity. A private or non-profit entity that is the sole grant recipient must meet the procurement regulations specific to state agencies. Those regulations are summarized on the NRDP's *Guidance on Confidentiality, Procurement Provisions and Equipment Policy*, which is available from the NRDP website or upon request. In general, these regulations require that contracted services in excess of \$5,000 must be bid. For contracted services between \$5,001 and \$25,000, a limited solicitation is required; for contracted services above \$25,000, a formal invitation to bid or request for proposal is required. For grant projects of \$25,000 or less, where the applicant is a non-profit entity, it may perform the work itself, without procurement, if it has qualified staff that can do the work cost-effectively.

Grant recipients may use vendors that have been competitively procured by the State Procurement Bureau for use by all state agencies, subject to agreement by the vendor. Contact Kathy Coleman of the NRDP (nrdp@mt.gov; 444-0205) if you would like to pursue this option.

To assure that grant recipients meet these applicable procurement requirements, grant recipients will be required via the grant agreement provisions to provide documentation of the competitive procurement process used to procure supplies, services, and construction. This documentation form is on Attachment E to the grant agreement, which is available at <http://www.doj.mt.gov/lands/naturalresource/grantapplications.asp>

Q11: Can you keep information provided in the application confidential?

A10: Usually not. With rare exceptions, the information provided in the application is available for public review. Refer to the *Guidance on Confidentiality, Procurement Provisions and Equipment Policy* available from the NRDP website for details on the limited circumstances in which information can be kept confidential and the procedures applicants must follow to keep information confidential. Applications are widely distributed; applicants should be prepared for substantial public exposure and scrutiny.

Q12: Can I apply for a multi-year project?

A12: Yes. There are no limits on multiple year grants or time to expend grant amounts in the *RPPC*. While there is no specified limit in the *RPPC* for number of years that can be funded, the NRDP advises that multi-year requests not exceed more than five years. Most projects can be planned and implemented in five years or less, however, some require long-term monitoring beyond five years. In such cases, applicants should identify those long-term monitoring needs but only apply/budget for the work to be completed in five years or less. For example, for a stream restoration project that involves one year of construction and ten years of needed monitoring to determine success, applicants should identify the long-term monitoring needs but only request funding for the construction work and five years of monitoring. After five years, the NRDP will determine the need for and method of accomplishing additional monitoring.

In the past, the Trustee's approval of several multi-year projects reduced the funding cap for the next year's grant cycle in order to fund a priority multi-year project. Since the significant programmatic changes are being considered for 2011 that could reduce the annual amounts available for funding grants, the \$7.5 million funding cap will apply to all 2010 proposals, including multi-year proposals and no reservations of future grant cycle funds will be considered.

Q13: What are eligible matching funds?

A13: Eligible matching funds are those that are specific to the activities for which Restoration Funds are requested. Take, for example, the Butte and Anaconda waterline projects that involve replacement of leaking water lines covering certain street sections. Any funds besides Restoration Funds that would be applied to replacement work in these sections can be credited as matching funds. But other funds spent to replace waterlines in other locations would not be credited as matching funds, nor would other funds spent on related water system improvements. Similarly, if Restoration Funds are requested for stream restoration work in a particular stream segment, work on that segment funded by other sources can be credited as a match. But other funds covering work on other stream segments or other streams in the same drainage that would be conducted independent of the UCFRB grant project would not be credited as matching funds.

In addition to being specific to the proposed activity, matching funds need to be provided over a similar timeframe as that of the proposed project. Applicants cannot use past funding for earlier phases of the project as matching funds. In general, eligible matching funds are those that would be provided for proposed project activities that will occur after the date of the Restoration Fund application submittal. Costs spent to design the specific project proposed in an application can be considered as acceptable matching funds. For example, the design costs incurred six months in advance of the application for proposed waterline project proposal would be acceptable match.

Because matching funds need to be specific to the scope of activities requested for Restoration Funds, the activities to be covered by matching funds also need to meet the legal threshold for Restoration Funds of restoring or replacing injured natural resources or lost services. Take, for example, a proposed trail project that proposes to use the funding received for an adjacent amusement park as matching funds for the trail work that is subject of the Restoration Fund request. An amusement park would not meet the NRDP legal threshold; therefore, the funds for that park would not be acceptable matching funds.

Matching funds can be cash or in-kind contributions; however, the project ranking process gives preference to cash contributions. Cash contributions are project-specific contributions provided by an individual or organization for which documentation can be provided of a cash transaction by the applicant, project sponsors, or partners. In-kind contributions are project-specific contributions of a service or a product provided by an individual or organization where the cost cannot be tracked back to a cash transaction by the applicant, project sponsors, or partners. Example in-kind expenses include donated labor and equipment. For land acquisition projects, matching fund payments or donations that make up the difference between the funding request and the appraised value can be considered as an in-kind match.

Applicants are required to provide verification of committed matching funds as well as documentation of applied for or pending funds. It is important to consider that, if a project is approved, the grant recipient will be obligated to provide the percentage match commitment for the cash and in-kind match indicated in the final work plan and to provide adequate documentation of all matching funds, with more detailed documentation required for cash matches than for in-kind matches. For cash matches, a document of the cash transaction is required, whereas for in-kind matches, only a summary is required as part of the final grant report. For more information on required match documentation, refer to guidance on the NRDP website at <http://doj.mt.gov/lands/naturalresource/grantapplications.asp>.

Q14: Are appraisals required for land acquisition projects and if so, what are the acceptable guidelines for such appraisals?

A14: Yes. As set forth in the *RPPC*, the State will evaluate whether the land, easements, or other property interests proposed for acquisition are being offered for sale at market value. Normally, an appraisal by a Montana-licensed certified general appraiser, which complies with the *Uniform Standards of Professional Appraisal Practice*, is used in determining the purchase price of the property and that appraisal should be provided to the State with the application. The State will then review and evaluate that appraisal and may conduct a review appraisal or a reappraisal. Funding will be contingent upon the State's verification that the purchase price is at or below the fair market value. Before proceeding with an appraisal, the applicant should: 1) determine whether there are any encumbrances on the property that may affect its value; and 2) consult with NRDP staff on the instructions to be provided to the appraiser. The NRDP encourages applicants for proposed land acquisitions to retain the services of a land acquisition expert to help plan and execute these projects. The determination of encumbrances should be made with the assistance of a title report on the property issued by a title insurance company.

If an appraisal has not been completed before application submittal, the application should include backup documentation for the proposed funding amount, such as a preliminary appraisal, indicate the timeframe for appraisal completion, and indicate how the applicant intends to ensure that the purchase price will be at or below the fair market value determined through a completed full appraisal accepted by the State. **Consistent with State Land Board procedures, the appraisal must be updated one year from the date of the appraisal if by that time the property acquisition has not yet been approved by the Governor.**

It should be noted that the State's verification that the purchase price is at or below the fair market value applies to the entire price being paid for the acquisition, regardless of funding source. Thus, the State will not contribute Restoration Funds to an acquisition that involves using matching funds to pay an amount over the appraised fair market value.

As part of its evaluation process of land acquisition projects, the State will review all land transaction documents, such as title work, buy/sell agreements, appraisals, and easement documents, which should be included as Appendices to the application. If such documents are not finalized in time for inclusion in the application, the applicant should recognize what steps remain to be done and provide for State review and approval of any remaining land transaction documents. Applicants for easement projects that would involve substantial State funding should contact the NRDP for guidance on what rights the State would seek to have recognized in easement document as a party to the easement agreement.

Q15: How is the Silver Bow Creek Watershed Restoration Plan considered as a factor in funding decisions?

A15: The *Silver Bow Creek Watershed Restoration Plan* identifies and prioritizes restoration needs in the Silver Bow Creek watershed, which encompasses about 500 square miles of lands that drain into Silver Bow Creek between Butte and Warm Springs Ponds. The Governor approved this plan and an associated amendment to the *RPPC* in December 2005. For proposals that will occur in this watershed, applicants need to address, and the NRDP will evaluate, the proposal's consistency with the priorities identified in the plan via the criteria narrative for the Ecosystem Consideration *RPPC* criterion. Copies of the watershed plan are available from the NRDP website (www.doj.mt.gov/lands/naturalresource/default.asp) or upon request.

Questions about the types of eligible projects

Q16: Are there examples of the types of restoration and replacement projects that are eligible for funding?

A16: Yes. Chapter 5 of the *RPPC* provides examples of possible restoration and replacement projects. Another source for examples of eligible projects are those that have been funded in the last three grant cycles. The *RPPC* is available from the NRDP website (www.doj.mt.gov/lands/naturalresource/default.asp) or upon request.

Q17: If a project addresses a mining impact, doesn't that qualify it for funding consideration?

A17: No. Just because a project addresses a mining impact does not mean it is eligible for funding consideration. Restoration Funds may only be used to restore or replace the injured natural resources and/or the services lost as a result of releases of hazardous substances by ARCO or its predecessors that were the subject of Montana v. ARCO. The application provides a summary of the injured resources and lost services covered in Montana v. ARCO, which are described in further detail in Chapter 2 of the *RPPC*. As indicated therein, Montana v. ARCO did not cover all types of impacts from mining activities in the Basin; rather, it covered specific injured natural resources and lost services.

Restoration refers to actions taken to return the injured resources and services to their baseline condition. Replacement actions create or improve resources and services that are the same as or very similar to the ones that have been injured or lost. A project that simply addresses the impacts of mining, for example, fixing subsidence, would not be eligible for Restoration Funds unless the project also addresses, in a substantial way, the adverse impacts of hazardous substance contamination on natural resources. In addition, projects do not have to address mining impacts to be eligible for funding. For example, an eligible replacement project would be one that would improve degraded aquatic habitat outside an injured area, regardless of the cause of degradation, because the project would enhance a resource equivalent to the injured resource (aquatic habitat) covered under Montana v. ARCO.

Q18: Can Restoration Funds be used to compensate for the economic damages caused by historic mining activities to private individuals and entities, such as the loss of agricultural productivity caused by the emissions from the Anaconda smelter?

A18: No. Private individuals, including farmers and ranchers, have suffered economic harm as a result of injuries to the State's natural resources in the UCFRB. However, the natural resource damage provisions in federal law do not provide for the recovery of damages sustained by private individuals or entities, including losses of agricultural productivity. They only provide for recovery of damages to public natural resources and services. Hence, the State made no claim for such economic losses in Montana v. ARCO, and spending Restoration Funds for such purposes would not be permissible. The State can, however, fund work on private land if the principal result of such work would be to replace or restore injured resources or lost services.

Q19: Can Restoration Funds be used to plan or implement economic development projects?

A19: No. Restoration Funds can only be used to restore or replace the injured natural resources and/or the services lost as a result of releases of hazardous substances by ARCO or its predecessors that were the subject of Montana v. ARCO. If a project's primary purpose is to stimulate economic development, then it will not meet this legal threshold for funding. Restoration or replacement projects can, however, result in secondary economic benefits. As areas are restored, they will become more attractive to and frequented by area residents and

visitors. For example, improving fish habitat in the UCFRB will improve fishing opportunities, increase angler-days, and thereby help support the local businesses that are tied to outdoor-based recreation and tourism. Also, restoration and replacement projects can often involve the employment of local individuals and expenditures that contribute to the local economy.

Q20: Are education projects targeted to schools eligible for funding?

A20: Education projects targeted to schools are eligible for funding if they specifically pertain to the natural resources or services that were the subject of Montana v. ARCO or to acceptable replacements of those resources and services. This requirement applies to any work conducted as part of an education project – both field and classroom work. Additionally, the project must not involve activities that would replace normal school funding.

An additional requirement would be that applicants considering applying for funding of school education projects must explain how their project coordinates and integrates with the State administered base-level education program provided to schools. In 2005, Montana Tech started implementing a 3-year Clark Fork Watershed Education Program (CFWEP) for primary and secondary level school children and teachers in schools from Butte to Bonner. Each phase of the program includes student and teacher training in the classroom and the field. Students use Silver Bow Creek and the Clark Fork River as large-scale outdoor laboratories in a field science program. Phases of this program have been adopted as the base-level education program. In 2007, the program was expanded to include some Missoula schools.

In addition, the NRDP has also produced an educational trunk and multi-media CD's for areas schools about the injuries to and restoration of natural resources in the UCFRB. For more information on funded education projects and available materials, refer to the NRDP website at <http://doj.mt.gov/lands/naturalresource/schoolresources.asp> or contact Kathy Coleman of the NRDP (nrdp@mt.gov; 444-0205).

Q21: Can Restoration Funds be used to identify, preserve or protect cultural or historical resources?

A21: This is a determination that needs to be made on a project-specific basis. Cultural and historic resources were not natural resources covered under the State's claims in the Montana v. ARCO lawsuit; therefore, in most cases, such activities would not meet the legal threshold for restoration funding. However, under a few circumstances, Restoration Funds may be used for the identification, preservation or protection of cultural and historic resources when those activities relate specifically to the restoration or replacement of injured natural resources. First, Restoration Funds may be able to be used to identify tribal cultural resources or tribal religious sites that are within a restoration project area and to coordinate with the state and Tribes to develop measures to protect these resources or sites. Second, Restoration Funds may be able to be used to identify historical and archeological sites that may be negatively impacted by restoration activities. Finally, Restoration Funds may be able to be used for appropriate mitigation should an approved restoration activity require destruction of a significant historical or cultural resource, if that mitigation is required by an applicable law or regulation. Given the complexity of this determination, we recommend you consult the NRDP before applying for Restoration Funds for any activities related to cultural or historical resources.

Q22: Are weed control activities eligible for funding consideration?

A22: This is a determination that needs to be made on a case-by-case basis. To date, Restoration Funds have only been approved for weed control activities that are either

necessitated by or targeted to approved restoration activities. For example, funding has been approved for “construction weed management” activities associated with soil disturbances caused by implementation of an approved restoration project such as disturbances that occur with streambank and stream channel restoration activities and development of off-stream watering facilities. Funding has also been approved for initial weed management efforts on lands purchased with Restoration Funds. Another example of weed control activities targeted to an approved restoration project would be those associated with increased public access that resulted from development of a recreational trail funded with Restoration Funds.

Alternately, some weed control requests that have been broad-based and not associated with specific restoration activities have not been approved for funding. A 2002 proposal to conduct widespread weed spraying in Anaconda-Deer Lodge County did not pass minimum qualification for two major reasons: 1) the proposal lacked sufficient information on the type and extent of weed problems, on the demonstrated effectiveness of the proposed approach specific to area soil and vegetation conditions, and on the long-term management activities; and 2) the proposal was unlikely to significantly restore wildlife habitat and related services given the current land uses and wildlife habitat potential of the project area.

In addressing the Applicable Policies, Rules, and Laws *RPPC* criterion, applicants for projects that involve land management activities are asked to indicate how they have or will meet any applicable weed management requirements and what efforts they have made or will make to coordinate with the local weed control district. Applicants for land acquisition projects should be aware that via SB259 passed by the 2005 Legislature, transfer of property to non-federal public ownership is subject to certain weed management requirements that must be incorporated into the purchase agreement.

The Restoration Fund should not be viewed as a fund to replace already-established funding mechanisms to control noxious weeds. Under state law, weed control is a landowner responsibility. As set forth in the *RPPC* under the Normal Government Function criterion, activities for which a governmental agency would normally be responsible or that would receive funding in the normal course of events will not be funded. Some weed control activities would fall into such a category.

Similar to other projects, the feasibility, cost-effectiveness, and benefit:cost relationship of the proposed weed control activities will greatly influence a funding decision. Efforts to control weeds should be from an integrated approach, which involves the use of best control techniques for target species in a planned, coordinated program to limit the impact and spread of the weed and the uses of a variety of control methods targeted to site-specific conditions.

Q23: Can efforts to prioritize restoration activities in the Basin be funded?

A23: The State is directing several approved efforts to prioritize the restoration of aquatic and terrestrial resources in the UCFRB and conduct the assessments needed for such prioritization. (Refer to <http://doj.mt.gov/lands/naturalresource/restorationroadmap.asp>.) Projects that would duplicate, overlap, or interfere with these basin-wide approved planning efforts will be disfavored. Projects that involve more narrowly-focused prioritization efforts in more localized areas within the UCFRB are eligible for grant funding. For example, several grant projects have been approved that involve prioritizing stream restoration within a specific tributary stream. If you are considering restoration prioritization, contact the NRDP to determine whether the work

is eligible for consideration under the grants program before spending a lot of time and effort on an application.

Q24: Can grant funds be used to fund general planning or coordination activities, such as formation and coordination of a watershed planning group?

A24: No. Project development grants (PDGs) are not for general coordination activities. Rather, they designed for planning a certain project for which sufficient information exists to judge whether it meets the NRD legal threshold. Most project coordination activities such as forming and coordinating a watershed planning group are not project specific and cover multiple activities, some of which may meet the legal threshold and some that may not. An example of a planning effort that would not meet the legal threshold is a request to develop a county's master plan for parks and recreation. A request to develop a plan for a kid's fishing pond park, however, could be considered for funding since fishing is a recreational activity covered under Montana v. ARCO.

Q25: Is public access a requirement for funding of grant projects involving work on private lands?

A25: No, but public access can be a BIG factor in whether a project is funded or not. Following is an excerpt from the NRDP's 2003 guidance document for work on private lands.

While providing public access is not a mandatory requirement for UCFRB grant projects on private land, the public access benefits to be derived from a project or lack thereof can greatly influence the project's funding recommendation. Projects on private lands that will substantially improve fishery and/or wildlife resources and have a favorable benefit: cost relationship are likely to merit funding regardless of whether they provide for additional public access beyond that which is already available. For two similar projects that differ mainly in terms of access, the project that offers greater public access would typically rank higher. A project may not be recommended for funding if it does not provide for some public access if the other public benefits are not at least commensurate with project costs.

In planning projects on private lands, including conservation easements, applicants should consider the existing public access provisions and consult with the landowner on his/her willingness to enhance existing or create new access. Ideally, a landowner would offer access as part of his/her contribution to the project, or the "in-kind match" for grant funding. Or a landowner might be willing to provide additional access if some type of compensation could be included as part of the grant request. Public access to areas that have high recreational values and inadequate existing public access would be particularly worthy of funding consideration.

Refer to this guidance document for more information on ways to provide for public access.

<http://doj.mt.gov/lands/naturalresource/resources/grantprocess/guidanceprivatelands.pdf>

The State is directing several approved efforts to prioritize the restoration of aquatic and terrestrial resources in the UCFRB and conduct the assessments needed for such prioritization. Completed assessment reports are available on the NRDP website. Draft prioritization reports are anticipated to be completed in 2010. If you are considering applying for a stream restoration project, we suggest you contact the NRDP to discuss how critical public access would be for your proposed project based on available fisheries and fishing information.

Q26: Is metering a requirement for funding of public water system projects?

Q26: No, but the NRDP strongly encourages the use of meters, and the lack of metering can significantly reduce the project's ranking and likelihood of funding. System-wide water metering can result in water savings from 30% to 50%, when it is accompanied by volumetric pricing structure to encourage conservation. Via its consideration of waterline projects in recent funding cycles, the Governor's Advisory and Trustee Restoration councils have also promoted system-wide metering. The NRDP's policy of promoting metering is similar to the policy of the State of Montana Department of Commerce's grant programs that fund public infrastructure projects, such as the Community Development Block Grant Program and the Treasure State Endowment Program. As noted in the application guidance for these programs:

In many cases, and over the long-term, the installation of water meters, and instituting a fair billing system based on actual use and subsequent maintenance of meters, is one of the most prudent and cost-effective management and conservation steps local governments can take. Generally, the installation of meters also reduces long-term operational costs for a water system.

When scoring applications, the Montana Department of Commerce will take into consideration whether the applicant has proposed to install meters. For those cases where meters are not proposed, the preliminary engineering report must provide a thorough analysis of converting to a water metering system and clearly demonstrate that the use of meters is not feasible, appropriate, or cost effective.

The NRDP conducts a similar analysis of cost-effectiveness for public water systems grant proposals pursuant to the RPPC cost-effectiveness criterion and ranking process.