

Draft Response to Public Comments on the Draft UCFRB Aquatic and Terrestrial Resources Restoration Plans

**PREPARED BY:
STATE OF MONTANA
NATURAL RESOURCE DAMAGE PROGRAM
1720 9TH AVE
P. O. BOX 201425
Helena, MT 59620-1425**

January 2019

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Section I. Introduction

On November 1, 2018, the Natural Resource Damage Program (NRDP) released the State's draft 2018 Updates to the Final Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans (2018 Updates) for a 33-day public comment period. The NRDP sent notices of this public comment opportunity to individual/entities on its mailing lists, issued a press release, placed display ads in four basin-area newspapers, and posted the notice on the NRDP web-page. The NRDP also summarized this public solicitation for comments at the November 14, 2018, meeting of the UCFRB Remediation and Restoration Advisory Council (Advisory Council) and the November 15, 2018, Butte Natural Resources Restoration Council (BNRC) meeting.

The NRDP received a total of 20 comment letters during the public comment period, one letter was a form letter. See Appendix A for a list of commenters, identified by a specific number that serves as a reference to the comment throughout this document. Appendix A also provides copies of the comment letters, which are also available on the NRDP website at: <https://dojmt.gov/lands/notices-of-public-comment/>

All 20 comment letters received indicated general support of the 2018 Updates to the Plans as proposed by NRDP. Of these, several letters also offered comments specific to a particular section(s) of the Plan (2), area of the UCFRB (14), or a restoration action implementation process (2).

This document summarizes the comments received, with similar comments grouped together by category, and provides the State's responses organized by these categories. The categories are outlined in Appendix A, as well as the table of contents of this document. The State's responses explain what changes to the 2018 Updates were incorporated in the 2019 final Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans, or why some of the suggested changes were not incorporated in the final version. The State's only recommended changes, associated with Category 7 flow comments, to the final version are reflected in Appendix B.

The State's draft responses to public comment on the 2018 Updates were considered at a January 16, 2019, meeting of the Advisory Council and a February 6, 2019, meeting of the Trustee Restoration Council. Both Councils _____ with the staff's proposed changes to the 2018 Updates. The 2019 Final UCFRB Aquatic and Terrestrial Resources Restoration Plans approved by the Governor in February 2019 incorporate the changes identified herein that were proposed in the State's draft response document.

Section II. Comment Summary and Response by Category

Category 1: Comments in general support of the 2018 Updates

Comments: Ten (10) comments (#1, 2, 6, 9, 12, 14, 15, 16, 17, and 19) indicate general support of the 2018 Updates. Some reasons for support or appreciation of the 2018 Updates offered in these comments included:

- The 2018 Updates use of new scientific information from FWP and other sources has been well-used to adapt and improve the original 2012 plans;
- The 2018 Updates provide significant additional resource and process improvements that will directly contribute to restoring and replacing injured aquatic and terrestrial resources in the UCFRB; and
- The 2018 Updates associated with the allocation of funding “strikes a pragmatic balance between implementing known project objectives for the aquatic and terrestrial funds while maintaining reserve funding for future needs and contingencies.”

Response: The State appreciates this acknowledgement and support for the proposed 2018 Updates.

Category 2: Comments specific to restoration actions for Rock Creek

Comments: Thirteen (13) comments (#2, 3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 17, and 20) expressed specific support for funding of restoration actions on Rock Creek. Several of the comments noted the Fish, Wildlife and Parks (FWP) monitoring data showing the importance of Rock Creek as a recruitment tributary to the Clark Fork River. Other comments noted the recreational values Rock Creek provides.

Response: The State agrees with the support comments on the importance of the Rock Creek trout fishery (sport and native trout). The inclusion of Rock Creek was based on the scientific data gathered by FWP indicating a significant percentage of trout recruitment in Reach C of the Clark Fork River (CFR) is from Rock Creek. In the 2018 solicitation for projects, approximately \$1,300,000 worth of eligible projects were submitted for consideration. The State proposed \$600,000 in funding for Rock Creek restoration actions. The State reduced funding to Rock Creek because of funding needs in other priority watersheds that have established, near shovel ready projects that were funding dependent. Our restoration partners indicated funding at the proposed level (\$600,000) would afford the opportunity to pursue matching funds.

One of the aquatic restoration goals (section 3.1.1) is to: “maintain or improve native trout populations in UCFRB to preserve rare and diverse gene pools and improve the diversity and resiliency of the trout fishery.” Working on the tributaries, such as Rock Creek, is the best method to achieve this goal, as this is where the native fish populations currently exist. It is recognized that remediation and restoration may never be able to restore the mainstem of the Clark Fork River to a condition that allows for the reestablishment of a robust native trout fishery, due to residual contamination and other constraints that currently exists on the mainstem. Thus, tributary

restoration actions, such as those proposed in Rock Creek, will not only improve the native trout populations, but also improve the health of the mainstem trout fishery.

Category 3: Comments specific to restoration actions for Basin Creek

Comments: Seven (7) comments (#1, 2, 8, 12, 13, 14, and 17) expressed specific support for funding of restoration actions on Basin Creek. These comments provided support for the restoration actions proposed on Basin Creek noting the native fishery and recreational values Basin Creek will provide. One comment (#1) was received supporting the revisions and also requesting funding for lower Basin Creek (below the reservoir). The commenter states funding would allow local organizations to participate and work with private landowners in the lower section of Basin Creek.

Response: The State agrees with the support comments for Basin Creek trout fishery (native trout) restoration based on the scientific data gathered by FWP. Additional support for work on Basin Creek is also provided in responses in Category 2. As for funding Basin Creek below the reservoir, the State does not propose to change the funding allocations to include the lower reach of Basin Creek because Basin Creek below the reservoir is not listed as a Priority 1 or 2 stream. The State will commit to assessing this section of Basin Creek during the next revision and update to the Aquatic Prioritization Plan to be completed within the next 2 to 5 years.

Category 4: Comment specific support for Flint Creek restoration

Comments: One (1) comment (#8) provided support for additional funding to the Flint Creek watershed restoration actions.

Response: The State acknowledges this support. The FWP monitoring data indicates Flint Creek provides a significant number of trout to the CFR mainstem. The NRDP and its partners have also made important connections with key landowners and with the proposed additional funding allocation (\$2.5 million) will be able to address the crucial priorities in this watershed.

Category 5: Comments specific to Watershed Implementation/Timeline

Comments: Four (4) comments (#2, 6, 16, and 19) express general support for the funding and development of projects on all Priority 1 and 2 streams within the UCFRB as proposed in the 2018 Draft Updates. In addition, one comment (#2) specifically supported the allocation of additional funds to priority watersheds where restoration actions are on-going. One comment (#16) requested consideration for fish passage/entrainment and habitat funding in Lost Creek.

Response: The State acknowledges these support comments. As indicated in the 2018 Draft Updates, funding was proposed in the four (4) tributaries prioritized in 2018; Basin Creek (above the reservoir), Gold Creek, O'Neill Creek, and Rock Creek. Additional funding is proposed for the existing priority streams where restoration actions are being implemented; Blacktail Creek, Browns Gulch, Flint Creek, and the Little Blackfoot River. The State also proposes funding for priority streams, previously not eligible for restoration actions as approved in the 2012 or 2016 Plans, because they are located within Reach A where the DEQ is implementing cleanup actions or the streams are dewatered and obtaining instream flow is the limiting factor for the fishery.

The State proposes to initiate restoration actions on priority tributaries within Reach A where DEQ has yet to implement the Clark Fork River Operable Unit (CFROU) remedial cleanup, including Cottonwood Creek and Racetrack Creek. DEQ has a new schedule for the CFROU cleanup. The State recognizes that improvements to these tributaries starting in 2019 will provide a greater benefit to the CFR mainstem fishery than if these restoration actions are completed later once DEQ has completed the remedial cleanup actions.

In 2012, the Aquatic Plan recognized tributary restoration is an important part of restoring the Clark Fork River fishery, and that increasing water quantity (flow) is a key part of several of the tributary projects. Therefore, it specified that, in some watersheds (Mill Creek, Willow Creek, Dempsey Creek, and Lost Creek), instream flow needs must be met prior to funding/implementation of other non-flow restoration actions. For these areas, flow augmentation is the significant limiting factor to the fishery, and unless flow augmentation is first obtained, funding for the development and implementation of non-flow enhancement or protection actions would not have the desired benefits. In 2019, the State proposes to implement restoration actions such as irrigation efficiency, fish passage and entrainment projects that will address the flow and non-flow restoration issues within Mill Creek and Willow Creek. Dempsey Creek was prioritized as a Priority 3 stream in 2018 and is no longer eligible.

The State's decision in 2012 to not allocate funding for restoration actions on Lost Creek was due to water quantity issues. In addition, no concept proposals were submitted by the public for this watershed. The State did not propose funding in 2018 for the Lost Creek watershed for the same reasons. In the future, the State will consider project proposals and allocation of funding should any be received.

Category 6: Comments specific to Maintenance of Aquatic Projects

Comments: The State received one (1) comment (#2) specific to maintenance of aquatic projects, particularly for maintenance of infrastructure like fish screens that have on-going maintenance requirements.

Response: The State agrees with this comment and proposes to allocate funding to insure aquatic infrastructure is maintained. The 2018 Draft Updates propose to allocate \$500,000 from the aquatic interest and re-allocate \$500,000 from the aquatic contingency funding for a total of \$1 million for maintenance of aquatic projects.

Category 7: Comments specific to flow restoration

Comments: Four (4) comments (#2, 12, 16, and 19) supported revisions to Section 3.2. One comment specifically supported development of flow projects in Group 1, 2, and 3 areas. Two comments supported the proposal to use Aquatic flow funding to fund restoration actions such as irrigation efficiency or passage projects that also enhance instream flow. One comment also proposed the investigation of water storage opportunities in the UCFRB as a source for instream flow water (#16).

Response: Group 1 flow projects are those projects that may supply instream flows to the area of the Clark Fork River between Galen and Deer Lodge, Flint Creek, and Harvey Creek and therefore receive the highest priority in the Plans. The 2012 and 2016 Plans require the State to consider and

develop only the Group 1 flow projects to meet the goal of increasing instream flow to these priority areas and only after the Group 1 projects were evaluated would the Group 2 and 3 flow projects be considered and developed for funding. Since 2012, NRDP and its partners have evaluated all the Group 1 flow projects. The State will continue work on development and due diligence of several Group 1 flow projects, but as proposed in the 2018 Draft Updates the State will also consider Group 2 and 3 flow projects.

The State's proposal to use Aquatic flow funding to assist with Aquatic nonflow restoration actions where instream flow will also be improved as a result of restoration actions has been modified. Whether or not these projects go through the change authorization process to protect instream flow will be made on a project-by-project basis. **To reflect this change, the State will revise the appropriate parts of section 3.2.1, see Appendix B.**

The State can investigate water storage opportunities in the UCFRB as the Plans are currently written. The State will work with the commenter to determine if there are water storage opportunities that have not been investigated by the State in the past.

Category 8: Support for Recreation Opportunities

Comments: Seven (7) comments (#2, 9, 12, 14, 16, 17, and 18) supporting recreational based projects were submitted. One comment (#18) understood the State's proposal not to fund recreational based projects during this revision because of limited funding but urge incorporation of recreational based projects during the next revision. Five comments supported recreation projects associated with access to the CFR and its riparian area. Two of the comments also supported the State addressing recreational boat passage and fish passage on the CFR mainstem upstream of Deer Lodge.

Response: The State acknowledges these support comments and agrees public access is an important restoration action being implemented as part of the Plans. FWP, although not proposed to be allocated additional funding for fishing access sites, is improving and creating access sites along the CFR as part of implementing Section 6. Additionally, implementation of sections 3 and 4 of the Plans creates public access. To address fish passage and recreational boat passage on the mainstem of the CFR, upstream of Deer Lodge, the State proposes structures be addressed concurrently with flow projects as they are developed or as the State implements remediation/restoration of the CFROU.

Category 9: Comments specific support for the Flint to Rock Creek project

Comments: Three (3) comments (#2, 14, and 18) supported the additional funding for the Flint Creek to Rock Creek project, as well as, the projects overall importance. One comment (#18) supporting the project also recommended greater flexibility to expand the geographic scope to include the CFR mainstem and its tributaries upriver to Warm Springs ponds in the priority damaged areas.

Response: The State agrees with these comments and has proposed to allocate \$500,000 to the Flint Creek to Rock Creek project for potential pilot projects to be considered. The State, working with the University of Montana, has included areas in Reach A since the potential source area for the nutrients entering the CFR and impacting the Flint Creek to Rock Creek reach is located within

Reach A. It is important to recognize the University of Montana, in conjunction with Montana Tech and Montana State University, recently received a National Science Foundation (NSF) award that will be used to conduct additional research to help investigate why the fish population is reduced between Flint Creek to Rock Creek. The State believes the additional funding working cooperatively with the NSF award will provide sufficient funds to answer the questions and potentially propose restoration actions to be implemented.

Category 10: Comments specific to Native fish

Comments: Three (3) comments (#2, 9, and 16) support the funding of tributaries with native fish populations.

Response: The State agrees with these comments.

Category 11: Comments supporting funding of UCFRB monitoring

Comments: Four (4) comments (#2, 12, 16, and 19) express support for funding the monitoring of the UCFRB and the restoration actions being implemented as part of the 2018 Draft Updates. Commenters supported how the monitoring information was used to develop the 2018 proposed revisions to the Plans.

Response: The State acknowledges and agrees with these support comments. The monitoring has prioritized five new tributaries included in the 2018 Draft Updates, as well as provided information on the types of restoration actions (fish passage and entrainment) that may provide a high cost-benefit.

Category 12: Comment supporting restoration actions on small tributaries to Priority tributaries

Comment: One (1) comment (#16) supports the proposal to allow restoration actions on small tributaries and spring creeks to Priority 1 and 2 streams.

Response: The State agrees with this comment and proposed the ability to work on tributaries and spring creek tributaries to Priority 1 and 2 streams to improve connectivity and habitat if resource managers agree these are priority restoration actions.

Category 13: Comment supporting restoration actions in Mill/Willow Bypass

Comment: One (1) comment (#16) supports investigation of the Mill/Willow Bypass channel since FWP monitoring data shows this area is important to recruiting brown trout to the CFR. The commenter recognized the restrictions of the Mill/Willow Bypass channel as a remedial structure not controlled by the State.

Response: The State acknowledges this comment and will continue to investigate this reach of the river.

Category 14: Comments supporting the Conservation Reserve Enhancement Program

The State received two (2) comments (#6 and 18) specifically supporting the Conservation Reserve Enhancement Program (CREP) as part of Section 4 of the Plans.

Response: The State appreciates this support and proposes the interest allocation for the terrestrial resources be allocated to the State's match requirement for CREP. In addition, the State also proposes aquatic and terrestrial funds be eligible for CREP projects within the UCFRB that are not within a Priority 1, Priority 2 or injured area as additional matching funds. (It is important to note all riparian areas within the UCFRB are Priority 1 terrestrial areas, which means that the State matching funds are less likely to be spent on projects not in a Priority 1, Priority 2 or injured area.)

Category 15: Comments supporting a four-year revision period

Comments: The State received two (2) comments (#2 and 6) supporting the proposal to revise the Plans four (4) years following the Governor's approval of this 2018 Draft Updates.

Response: The State agrees with these comments and proposes the Plans would be revised four years following the Governor's approval. If this proposal is approved the next revision would occur in 2024. During the next four years the State and its partners will continue restoration actions in the priority areas, as well as monitoring activities that could potentially identify priorities not being addressed in the current Plans.

Appendix A

List of Comments and Categorical Breakdown

No.	Individual/Association	Date	City/Area	Category
1	WRC, Mile High Conservation, & BSB County	11/12/2018	Multiple	1 and 3
2	Trout Unlimited – Casey Hackathorn	11/27/2018	Missoula, MT	1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 15
3	Missoula River Lodge - Joe Cummings	11/29/2018	Missoula, MT	2
4	Scott Tucker	11/29/2018	Rock Creek	2
5	Joseph York	11/29/2018	Rock Creek	2
6	WRC – Ted Dodge	11/29/2018	Deer Lodge, MT	1, 5, 7, 14, 15
7	Dylan M. McFarland	11/30/2018	Missoula, MT	2
8	Mike Miller	11/30/2018	Granite County	2 and 4
9	George Grant Trout Unlimited – Mark Thompson	11/30/2018	Butte, MT	1, 3, 8, 10
10	Rock Creek Fisherman’s Mercantile – John Staats	12/1/2018	Clinton, MT	2
11	Robert Stephens	12/1/2018	Rock Creek	2
12	Backcountry Hunters & Anglers	12/1/2018	Missoula, MT	1, 2, 3, 7, 8, 11
13	WestSlope Trout Unlimited – Mark Kuipers	12/2/2018	Missoula, MT	2 and 3
14	Hellgate Hunters & Anglers – Adam Shaw	12/3/2018	Missoula, MT	1, 2, 3, 8, 9
15	Missoula City-County Health Department – Travis Ross	12/3/2018	Missoula, MT	1
16	Clark Fork Coalition - Will McDowell	11/30/2018	Missoula, MT	1, 5, 7, 8, 10, 11, 12, 13
17	Montana Wildlife Federation – Dave Chadwick	12/3/2018	Helena, MT	1, 2, 3, 8
18	Powell County Planning – Carl Hamming	12/3/2018	Deer Lodge, MT	8, 9, 14
19	Clark Fork and Kootenai River Basins Council – David Shively	12/3/2018	Clark Fork & Kootenai River Basins	1, 5, 7, 11
20	Douglas Hesse	12/3/2018	Rock Creek	2



November 12, 2018

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NOV 14 2018

**NATURAL RESOURCE
DAMAGE PROGRAM**

Doug Martin, Director
 Natural Resource Damage Program
 P.O. Box 201425
 Helena, Montana, 59620-1425

**RE: Public comment on NRDP Update to the 2016 Upper Clark Fork River Basin
 Aquatic and Terrestrial Resources Restoration Plan**

Dear Mr. Martin:

We, the undersigned individuals and organizations, submit this letter as public comment to the State of Montana Natural Resource Damage Program regarding the draft update to the 2016 Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans.

In particular, we offer strong support to the addition of upper Basin Creek in the Aquatic Plan, and particularly the stated objectives to perform an assessment and consider restoration activities above the reservoir that supplies drinking water to the residents of Butte. However, we also believe that the updated Aquatic Plan should be expanded to include an assessment of the Basin Creek watershed below the reservoir to its confluence with Blacktail Creek.

Since the construction of the Basin Creek Water Filtration Plant, stream and riparian conditions in the lower reaches of Basin Creek have likely changed to some extent. Without an updated assessment and investigation of those conditions in lower Basin Creek, it is our opinion that potential opportunities for improving the fishery in the greater Silver Bow Creek watershed may be overlooked.

We are therefore requesting that funding for a stream and riparian assessment of Basin Creek below the reservoir be included in the Aquatic Plan update. Such a project would allow our local organizations to participate and work with the private landowners in this important section of Basin Creek. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Dodge".

Ted Dodge
 Executive Director
 Watershed Restoration Coalition

A handwritten signature in blue ink, appearing to read "John Moodry".

John Moodry
 Supervisor
 Mile High Conservation
 District

A handwritten signature in blue ink, appearing to read "Jon Sesso".

Jon Sesso
 Superfund Coordinator
 Butte-Silver Bow



November 27, 2018

Montana Natural Resource Damage Program
Doug Martin, Restoration Program Chief
P.O. Box 201425
Helena, MT 59620

RE: Trout Unlimited support for *UCFRB Restoration Plans 2018 Draft Update*

Dear Mr. Martin,

Thank you for investing the staff time and resources to gather public input and develop this timely and robust update of the Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans. The updated plans provide significant additional resources and process improvements that will directly contribute to restoring and replacing injured aquatic and terrestrial resources in the UCFRB. Trout Unlimited supports these plan revisions in full but offers the following specific feedback:

1. **Section 2.4.** Trout Unlimited supports the revised aquatic and terrestrial resources funding allocations. Significant monitoring and assessment data has been collected since the 2012 plans were initially developed and revised in 2016. NRDP has done a commendable job of implementing work under the existing plans while collecting data to ensure that plan revisions can be adapted to maximize their effectiveness in meeting the long-term resource goals of the UCFRB settlement funds. The interest funding allocations proposed in this update strike a pragmatic balance between implementing known project objectives for the aquatic and terrestrial funds while maintaining reserve funding for future needs and contingencies.
2. **Section 3.2.1.** TU supports the plan revisions to provide more flexibility to develop and implement aquatic flow projects to improve streamflow in dewatered reaches of the Clark Fork River and priority tributaries. Specifically, TU supports expanding investment of flow funding to include project development of projects in Groups 1, 2, and 3. At this point, it may be more expedient to dispense with this flow group nomenclature altogether - it was based on flow related abstract submissions from the original plan development in 2011 - and simply consider project opportunities in Priority 1 and 2 watersheds identified as flow limited in the Plan.

We also support plan revisions to fund projects to improve streamflow that may not require water right leases or changes to implement.

3. **Section 3.2.2.1.** TU supports NRDP funding for restoration activities to improve fish passage and recreational travel on the Clark Fork River mainstem above Deer Lodge. While these projects were not considered a priority during the original planning process, it is

becoming increasingly apparent that successful remediation of metals impacts in this reach will elevate the need for improved fish passage and recreational float passage at irrigation diversion dams.

TU also supports additional funding for seeking applied solutions to the Flint Creek to Rock Creek water quality problems identified in studies to date.

4. **Section 3.2.2.2.** Trout Unlimited previously commented in support of the updated *Prioritization of Areas in the UCFRB for Fisheries Enhancement*. Investment of aquatics funds is necessary to fully realize the restoration benefits to the Clark Fork mainstem fishery from the newly elevated Priority 1 and 2 tributaries. We support the allocation of the accrued interest budgeted to Basin Creek, Gold Creek, O'Neil Creek, and Rock Creek. Trout Unlimited has been working with FWP and NRDP to identify and prioritize project opportunities to reconnect and restore habitat in Basin Creek and Rock Creek. We look forward to working with NRDP to implement project work that will benefit fisheries in the injured reach of the Clark Fork River as well as improve valuable replacement fisheries including native fish in the Basin and Rock Creek watersheds.

TU also supports the allocations of additional funding for existing Priority 1 and Priority 2 tributary watersheds. Trout Unlimited is engaged in on-going project development and implementation with landowners and other partners in the Blacktail Creek, Little Blackfoot River, Flint Creek, and Harvey Creek watersheds affected by these potential funding allocations. The additional funding will be critical to meet the goals of the Restoration Plans in each of these watersheds and to maximize the impact of tributary restoration on fish populations at the basin scale.

In addition, TU supports allocating funding specifically to maintain aquatic projects, particularly for maintenance of infrastructure like fish screens that have on-going maintenance requirements to perform as designed and meet state obligations with private landowner partners.

5. **Sections 3.2.2.3. through 3.2.2.18.** TU supports adaptive management in implementation of the Plans based on continued monitoring and research. We support the reprioritization of restoration actions based on the current understanding of the limiting factors for drainage-scale fish populations.

TU supports funding restoration actions on priority flow limited streams such as Mill Creek where there are opportunities to address multiple limiting factors concurrently. Developing and implementing projects to address flow often begin with developing relationships and trust on less challenging projects like fish passage and infrastructure improvement. Projects to improve fish passage can also mitigate for dewatering by providing access to thermal refugia while offering the opportunity to work with irrigators to explore water conservation opportunities to improve streamflow.

6. **Section 3.2.2.15.** Trout Unlimited supports the proposed action and budget outlined for Basin Creek in the updated plan. Upper Basin Creek is home to a pure native Westslope

Cutthroat Trout fishery and Basin Creek Reservoir, which is likely to become a very popular recreational fishery when it is opened to public access in the future. Improving fish passage above Basin Creek Reservoir will be imperative to sustain that fishery under increased pressure by connecting the reservoir with spawning habitat upstream. In addition, TU encourages NRDP to include habitat improvement as a proposed action for the watershed to provide the opportunity to assess and consider actions to restore habitat conditions in Upper Basin Creek around the upper reservoir where the upper dam has been partially abandoned.

7. **Section 3.2.2.18.** Trout Unlimited supports the proposed actions and budget outlined for Rock Creek in the updated plan. Rock Creek is arguably the most popular recreational fishery in the UCFRB and has exceptionally high value to meet all three fisheries goals of the Restoration Plans: as a source of recruitment to the mainstem Clark Fork fishery, as a replacement recreational trout fishery, and as an opportunity to improve the resilience of native trout populations.
8. **Section 6.0.** Trout Unlimited supports a change to review and revise the Restoration Plans every four years in the future.

Thank you for your effort to prepare this update and for considering public input in revision of the Restoration Plans. We look forward to working with NRDP to implement the updated Plans to restore the aquatic and terrestrial resources of Upper Clark Fork River Basin.

Sincerely,



Casey Hackathorn
Upper Clark Fork Program Manager

From: Joe Cummings [REDACTED]
Sent: Thursday, November 29, 2018 1:58 PM
To: Natural Resource Damage Program
Subject: Support for Restoration of Rock Creek

RECEIVED
Natural Resource
Damage Program
Nov. 29, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: UCFRB update

Dear NRDP,

We highly support allocation funds for continuing restoration of Rock Creek. We believe the health of Rock Creek is an integral part of continued efforts to restore the Clark Fork.

Sincerely,

Joe Cummings
Missoula River Lodge
Toll Free 1-877-327-7878
www.montanaflyfishingguide.com

From: Scott Tucker [REDACTED]
Sent: Thursday, November 29, 2018 2:05 PM
To: NRDP@mt.gov.
Subject: Rock Creek

RECEIVED
Natural Resource
Damage Program
Nov. 29, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: UCFRB update

Nov 29, 2019

To: NRDP

FROM: Scott Tucker, Rock Creek Land Owner

To Whom it may concern,

As a land owner on Rock Creek for the last 18 years (The Elkhorn Ranch and Valley of the Moon Ranch) I am in full support of the proposed actions and budget planned for Rock Creek.

I have just finished a large project on Gilbert Creek in the name of conservation and for the benefit of fish and wildlife. Rock Creek is an exceptional recreational fishery and provides significant recruitment to the Clark Fork River where trout densities are the lowest in the entire Upper Clark Fork River.

By Including Rock Creek in the Restoration Plans greatly increases the likelihood of meeting the fisheries goals for the Clark Fork River and beyond.

If you have any questions or wish to speak to me about my conservation efforts on Gilbert Creek, please feel free to contact me.

Best Regards,

Scott Tucker

415-722-6148

[REDACTED]

From: Joseph York [REDACTED]
Sent: Friday, November 30, 2018 8:52 AM
To: Natural Resource Damage Program
Subject: Rock Creek funding

RECEIVED
Natural Resource
Damage Program
Nov. 29, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: UCFRB update

To whom it may concern:

I thought that it was important to have my voice heard as a property owner on Rock Creek that I support the proposed actions and budget planned for Rock Creek. Rock Creek is an exceptional recreational fishery and provides significant recruitment to the Clark Fork River where trout densities are the lowest in the entire Upper Clark Fork River. Including Rock Creek in the Restoration Plans greatly increases the likelihood of meeting the fisheries goals for the Clark Fork River.

Please let me know if you have any questions or if i can be of further assistance.

Thank you

Joe York

1181 Rock Creek Road, Clinton, MT 59825

1002 Hollenback Road, Suite C
Deer Lodge, MT 59722
406-846-1703 X 111
www.mt-wrc.org



COMMENT #6
RECEIVED
Natural Resource
Damage Program
NOV. 30, 2018

November 29, 2018

Doug Martin, Director
Natural Resource Damage Program
P.O. Box 201425
Helena, Montana, 59620-1425

**RE: Public comment on NRDP Update to the 2016 Upper Clark Fork River Basin
Aquatic and Terrestrial Resources Restoration Plan**

Dear Mr. Martin:

The Watershed Restoration Coalition (WRC) wishes to go on record as fully supporting the update of the Upper Clark Fork River basin Aquatic and Terrestrial Resources Restoration Plan. As a landowner, local government and conservation district-based organization we appreciate the admirable job done of implementing work under the existing plan while collecting data to ensure that plan revisions will achieve the long-term resource goals of the UCFRB settlement funds.

Specifically, we support the allocation of additional funds for existing priority 1 and priority 2 tributary watersheds, and the allocation of funds to Basin Creek, Gold Creek, O'Neil Creek and Rock Creek.

The WRC is actively engaged in on going project development in the Blacktail Creek, Little Blackfoot River, Flint Creek, Browns Gulch, Gold Creek, O'Neil, and Cottonwood watersheds as well as three Priority Terrestrial areas. The revised plan as proposed will ensure that the increasing landowner acceptance and participation in restoration efforts will only grow.

We also support plan revisions to fund projects to improve flow that may not require water right leases or changes to implement.

We support the ear marking of terrestrial funds for the Upper Clark Fork Conservation Reserve Enhancement Project (CREP). The addition of federal CREP funding will increase the opportunity for long term aquatic and terrestrial restoration projects in the UCFRB.

The WRC supports the change proposed change to review and revise the Restoration Plans every four years.

Thank you for the opportunity to comment on the plan revision. We look forward to working with NRDP to implement the updated plans to restore the aquatic and terrestrial resources of the Upper Clark Fork River Basin.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Dodge", with a stylized flourish at the end.

Ted Dodge
Executive Director
Watershed Restoration Coalition

From: Dylan M. McFarland [REDACTED]
Sent: Friday, November 30, 2018 11:17 AM
To: Natural Resource Damage Program
Subject: NRDP Upper Clark Fork River Basin Restoration

RECEIVED
Natural Resource
Damage Program
Nov. 30, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: UCFRB update

To whom it may concern:

I have had an opportunity to review the basics of the proposed plan to include a comparably moderate investment in Rock Creek as part of the revision of the Upper Clark Fork Restoration Plans and wanted to take a moment to voice my support of proposal and its revisions to include Rock Creek. As I understand the revised proposal the monetary investment in Rock Creek will go a long way toward restoring and sustaining all of our fisheries in the Upper Clark Fork and not just Rock Creek. This seems like a well-reasoned approach as the connectivity of the waterways of the Upper Clark Fork make it imperative to treat the system as a whole and not spot-treat certain portions of the system with the hope that results may follow.

Again, I support the revised proposal and appreciate the time and effort of those working on the project and their consideration of the system as a whole.

Thanks again,

Dylan

MILODRAGOVICH•DALE•STEINBRENNER, P.C.
ATTORNEYS

Dylan McFarland
Shareholder

620 High Park Way, P.O. Box 4947 • Missoula, MT 59806
(T) 406-728-1455 (F) 406-549-7077
www.bigskylawyers.com

NOTICE: The foregoing message (including all attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521, is CONFIDENTIAL and may also be protected by ATTORNEY-CLIENT or other PRIVILEGE. If you are not the intended recipient of this message, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. Please reply to the sender that you have received this message in error, then delete it. Thank you.

Flugge, Meranda

From: Mike Miller [REDACTED]
Sent: Friday, November 30, 2018 6:19 PM
To: Natural Resource Damage Program
Subject: Re: Upper Clark Fork Restoration Plans 2018 - Notice of Public Comment Period

RECEIVED
Natural Resource
Damage Program
Nov. 30, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: UCFRB update

To MT DOJ - Natural Resource Damage Program:

I am a resident of Granite County. Please consider the following comments on the Upper Clark Fork Restoration Plans 2018.

I support the proposed actions and budget planned for Rock Creek. I believe that as others have pointed out, Rock Creek is an exceptional recreational fishery and provides significant recruitment to the Clark Fork River where trout densities are the lowest in the entire Upper Clark Fork River. Including Rock Creek in the Restoration Plans greatly increases the likelihood of meeting the fisheries goals for the Clark Fork River.

Also, I support the plan reallocating interest of \$2.5M accrued since 2012 to budgets for work on the Flint Creek drainage.

Thank you for considering my comments, and for your continued efforts to improve the natural resources that we all share.

Mike Miller, Granite County Resident
859-3105



George Grant TU
PO Box 563
Butte, MT 59703
Cold Clean Fishable Water

RECEIVED
Natural Resource
Damage Program
Nov. 30, 2018

Re: George Grant Trout Unlimited Comments for the NRDP Clark Fork Restoration Plan

November 30, 2018

Montana Natural Resource Damage Program
Doug Martin, Restoration Program Chief
P.O. Box 201425
Helena, MT 59620

Mr. Martin,

The George Grant Chapter of Trout Unlimited (GGTU), based in Butte and representing over 400 members, would like to comment on the NRDP restoration plan update. We appreciate and support NRDP's work to restore damaged streams and waterways in the area.

Basin Creek

Basin Creek (and the reservoir system) supports a pure westslope cutthroat fishery right out Butte's back door. GGTU has been involved in efforts to eventually open the Basin Creek Reservoir to the public and recognizes the need to improve fish passage and increase recruitment before it is opened. This is a unique opportunity for all Montanans to have access to a pristine lake just minutes from a major city. GGTU supports investments to improve the cutthroat fishery and also encourages the NRDP to evaluate and improve instream habitat in Upper Basin Creek.

Recreation & Access

GGTU also would like to urge NRDP to consider funding projects that improve public access and increase recreational opportunities. We are supportive of the NRDP's purchase of conservation easements that increase public access and fishing opportunities. We would also like to see continued investments in fishing access sites and trails in the upper Clark Fork and Deer Lodge Valleys. The Greenway trail has been very beneficial to Butte it is important that other communities along the Clark Fork benefit from enhanced recreational opportunities. We also support recreation-related projects such as the Basin Creek Reservoir project that will include an important public access component and infrastructure such as trails.

Native Trout Fisheries

We also support the funding of tributaries in the upper Clark Fork that support populations of native trout such as Silver Bow Creek, German Gulch, Browns Gulch, Blacktail Creek, Mill/Willow Creeks and Basin Creek.

Thank you for the opportunity to comment on the funding proposal. Please email me at President@ggtu.org if you have any questions or concerns regarding our comments.

A handwritten signature in blue ink that reads "Mark Thompson". The signature is stylized with a large, looped "M" and a cursive "Thompson".

Mark Thompson, President
George Grant Trout Unlimited
PO Box 563
Butte, MT 59703
president@ggtu.org

Flugge, Meranda

From: Rock Creek Fisherman's Mercantile <rcmerc@blackfoot.net>
Sent: Saturday, December 1, 2018 2:20 PM
To: Natural Resource Damage Program
Subject: Rock Creek Restoration Plans

RECEIVED
Natural Resource
Damage Program
Dec. 1, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: UCFRB update

I would like to express my support for adding Rock Creek to the Upper Clark Fork Restoration Plans. I am rather biased, of course, as Rock Creek is both my livelihood and my home, but I also firmly believe that our rivers and fisheries play a vital role not only in our state's ecosystem, but also in its economy and way of life. Rock Creek is an exceptional recreational fishery and provides significant recruitment to the upper Clark Fork River where trout densities are the lowest. Including Rock Creek in the restoration plans greatly increases the likelihood of meeting the fisheries goals for the Clark Fork River. A healthy Rock Creek and Clark Fork will ensure the resources they provide will last for generations to come.

Thank you for your time,

John Staats - General Manager

Rock Creek Fisherman's Mercantile and Motel
73 Rock Creek Rd
Clinton, MT 59825
(406) 825-6440 / rcmerc@blackfoot.net

From: Robert Stephens <awranch@aol.com>
Sent: Saturday, December 1, 2018 11:01 AM
To: Natural Resource Damage Program
Subject: Protecting Rock Creek with Montana Natural Resource Damage Program

RECEIVED
Natural Resource
Damage Program
Dec. 1, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: UCFRB update

Dear Folks:

I support the proposed actions and budget planned for Rock Creek. Rock Creek is an exceptional recreational fishery and provides significant recruitment to the Clark Fork River where trout densities are the lowest in the entire Upper Clark Fork River. Including Rock Creek in the Restoration Plans greatly increases the likelihood of meeting the fisheries goals for the Clark Fork River.

I fully support any money and effort that you can put in the making Rock Creek, it's drainages and the Clark Fork better fisheries. This part of Montana has historically had a lot mining and logging which had a real adverse effect on fish. Let's correct this mistakes of the past and make thing better.

Sincerely,

Robert Stephens
awranch@aol.com



COMMENT #12

RECEIVED

Natural Resource
Damage Program
Dec. 2, 2018

THE SPORTSMEN'S VOICE FOR OUR WILD PUBLIC LANDS, WATERS AND WILDLIFE.

December 1, 2018

Natural Resources Damage Program
P.O. Box 201425
Helena, MT 59620-1425
nrdp@mt.gov

Re: The Montana Natural Resources Damage Program's Upper Clark Fork River Basin
Aquatic and Terrestrial Resources Restoration Plans 2018 Draft Update

To Whom It May Concern at the Natural Resource Damage Program:

The Montana Chapter of Backcountry Hunters and Anglers (MTBHA) is writing you to express our organization's support for the Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans 2018 Draft Update.

Our members include 2,500 Montana hunters, anglers and others who adamantly champion North America's outdoor heritage of hunting and fishing in a natural setting, through education and work on behalf of wild public lands and waters. We appreciate this 2018 draft update due to its essential funding it provides to restore degraded fisheries and to conserve wildlife habitat across the Clark Fork watershed.

We are glad to see that instream flow augmentation is the most important part of aquatic restoration identified in these Restoration Plans. Though technically and legally challenging, the preservation of water resources will only become increasingly important over time in a warming climate for long-term basin-wide restoration.

Rock Creek is a beloved fishery and the high density/quality of this waterway's recreational values make it a crucial stretch for conservation action. The work outlined and funding allocated to Rock Creek in these Restoration Plans will be very beneficial and is supported by MTBHA.

Basin Creek is an underappreciated stretch of water with locations that provide outdoor access to members of the Butte community. MTBHA is highly supportive of the proposed plan elements to restore this watershed and its recreational fishing. The trails and other infrastructure at the Basin Canyon Picnic Area are often utilized and securing access to the Basin Creek Reservoir to the public will greatly heighten this location's value.

The general improvement of fish and human passage along the Clark Fork River is highly supported by MTBHA. The conservation of current and future recreation opportunities along this stretch of water with long-term vision and funding is fundamental to upcoming generations outdoor enjoyment of this region.

Within these Restoration Plans, we are pleased to see the monitoring and research investment incorporated. Establishing and maintaining a science-based management with funding allocated to support this is crucial, particularly when addressing prioritized and degraded tributaries now and into the future as new information arises around these waterways.

Thank you sincerely for considering our comments,

Montana Chapter of Backcountry Hunters and Anglers

Flugge, Meranda

From: Mark Kuipers <mark@makdirect.net>
Sent: Sunday, December 2, 2018 11:57 AM
To: Natural Resource Damage Program
Subject: Support for Restoration Plans for the Upper Clark Fork and Rock Creek

RECEIVED
Natural Resource
Damage Program
Dec. 2, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: UCFRB update

Hello,

I am the president of the WestSlope Chapter of Trout Unlimited in Missoula. Our organization, nearly 1,000 strong, is heavily invested in protecting and restoring our cold water resources in western Montana. In fact, we have pledged \$80,000 over two years to support a Rock Creek Conservation Coordinator.

We support the Basin Creek restoration plan as well and the proposed actions for Rock Creek. Rock Creek is a vital stream for the health of the upper Clark Fork.

Thank you,

Mark

--

Mark Kuipers
President, WestSlope Chapter of Trout Unlimited
4770 Duncan Drive
Missoula, MT 59802
406 327-9990
mark@makdirect.net
www.makdirect.net

RECEIVED

Natural Resource
Damage Program

Dec. 3, 2018



P.O. BOX 7792 MISSOULA, MT 59807 (406) 274-2545
www.hellgatehuntersandanglers.org

December 3, 2018

Natural Resource Damage Program
P.O. Box 201425
Helena, MT 59620-1425
nrdp@mt.gov

**Re: Upper Clark Fork River Basin Aquatic and Terrestrial Resource
Restoration Plans 2018 Draft Update**

Dear Natural Resource Damage Program,

Thank you for the opportunity to comment on the Upper Clark Fork River Basin Aquatic and Terrestrial Resource Restoration Plans 2018 Draft Update ("Restoration Plans"). Hellgate Hunters and Anglers is a non-profit hunting and fishing conservation organization based in Missoula, Montana. We have over 400 members who frequently fish, hunt, float, and recreate on the Upper Clark Fork River. As an organization, we are very interested in the regeneration and enrichment of the Upper Clark Fork River watershed following the depletion of this natural resource by historic mining activity.

The proposed update to the Restoration Plans encompasses fisheries that are frequently used by many Montanans. Specifically, Rock Creek is a world-class fishery and a Montana gem. Rock Creek's clean and cold water is a tremendous resource for the health of the fishery in the Upper Clark Fork River. The fisheries goals in the Upper Clark Fork River are reliant on the health of Rock Creek and its ability to enhance the Clark Fork River's fish populations. This is particularly true

of the reach between Flint Creek and Rock Creek, which features a very low trout density.

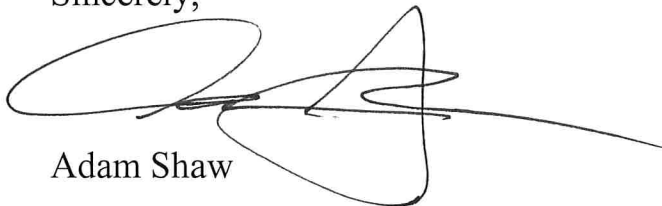
Hellgate Hunters and Anglers are also excited about Basin Creek's potential as a native Westlope Cutthroat trout fishery. The opening of Basin Creek Reservoir to the public will increase Montanans' ability to fish and recreate there. Further, improvements to Basin Creek will result in that tributary becoming native trout stronghold.

Lastly, Hellgate Hunters and Anglers is supportive of funding allocation for increased recreational access and fishing access site improvement that will benefit the public on the Upper Clark Fork River. This is a prime opportunity to enhance access to the Upper Clark Fork River while reducing landowner conflict, which will allow Montanans to enjoy higher quality experiences in such a unique resource.

Montana's anglers are looking forward to a rejuvenated Upper Clark Fork River after decades of it being in subpar form. Increased fish passage and recreational float passage will benefit not only Montanans' personal enjoyment, but also economic interests associated with tourism, travel, and other benefits to communities near the Upper Clark Fork River.

Hellgate Hunters and Anglers hardily supports the 2018 Draft Update to the Restoration Plans and encourages its adoption. Please feel free to contact Hellgate Hunters and Anglers President, Adam Shaw, at (406) 274-2545 should you have any questions. Again, thank you for the opportunity to comment on this important proposal.

Sincerely,

A handwritten signature in black ink, appearing to be 'Adam Shaw', with a long horizontal line extending to the right.

Adam Shaw

President
Hellgate Hunters and Anglers



Missoula City-County Health Department

WATER QUALITY DISTRICT

301 West Alder Street | Missoula MT 59802-4123

www.missoulacounty.us/HealthDept

Phone | 406.258.4890

Fax | 406.258.4781

RECEIVED

Natural Resource

Damage Program

Dec. 3, 2018

December 3, 2018

Montana Natural Resource Damage Program

Doug Martin, Restoration Program Chief

P.O. Box 201425

Helena, MT 59620

RE: Clark Fork Coalition Comments on *UCFRB Restoration Plans 2018 Draft Update*

Dear Doug –

The Missoula Valley Water Quality District wishes to convey its support of the 2018 revisions to the Upper Clark Fork River Basin Aquatic and Terrestrial Restoration Plans **as proposed** by NRDP. These plans will protect and improve aquatic resources which affect basin wide water quantity and quality. Measures to improve flow and riparian resources will pay dividends in water quality as well. We appreciate NRDP's effort to look at the entire basin and prioritize and target projects that will best achieve these improvements.

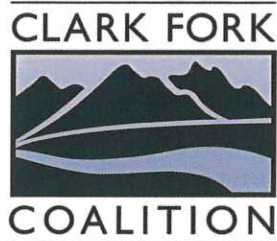
Sincerely,

A handwritten signature in black ink, appearing to read "Travis Ross".

Travis Ross

Environmental Health Supervisor

Missoula Valley Water Quality District



RECEIVED
 Natural Resource
 Damage Program
 Dec. 3, 2018

November 30, 2018
 Montana Natural Resource Damage Program
 Doug Martin, Restoration Program Chief
 P.O. Box 201425
 Helena, MT 59620

RE: Clark Fork Coalition Comments on *UCFRB Restoration Plans 2018 Draft Update*

Dear sir;

Thank you for the opportunity to comment on the Upper Clark Fork River Basin Restoration Plans 2018 Update. We appreciate that the Natural Resource Damage Program (NRDP) has brought good science, strict adherence to the Program guidelines, and active public input to this planning process.

The Clark Fork Coalition (CFC) wants to express our strong support for this 2018 Update as prepared by NRDP staff. The additional financial resources provided in this Plan Update are critically important to realize success in the priority aquatic and terrestrial areas. The NRDP's evaluation of current projects and the use of new scientific information from Montana Fish Wildlife and Parks (FWP) and other sources, has been well-used to adapt and improve the original Plans. Our comments reflect the CFC staff's perceptions of how this strong Plan Update can be further improved.

1. **AQUATIC (INSTREAM) FLOW ALLOCATION:** We support the full allocation of Aquatic Flow funds as originally established in 2012, and proposed in the 2018 Update. Although expenditure of these funds has been slow thus far, we know that excellent instream flow projects do exist, and with persistent effort will succeed in restoring critical flows to dewatered segments of the Clark Fork and its tributaries. In fact the CFC has worked with NRDP and other partners on successful instream flow projects on Lost Creek, Cottonwood Creek, Mill Creek and the Clark Fork in the last eight years.

Allow ALL potential flow projects in Priority 1 and 2 areas to be investigated and considered for funding based on their benefits. Do away with the grouping of projects that only allows certain large/high priority projects to move forward while others must wait. As we have learned from years of this work, each project tends to be on a

schedule that is highly dependent on the plans and motivations of the water right holder. When opportunities present themselves, it is critical to promptly investigate that project, as landowners can make quick decisions about options, and landownerships change. When projects are tabled or delayed, opportunities are lost.

2. **INSTREAM FLOW CONSERVATION METHODS:** The CFC recommends more flexibility to fund flow restoration projects that don't require water right changes, including private agreements for diversion reduction. Consider using flow funds for irrigation efficiency or passage projects which will benefit instream flows, even if a water right change is not required to guarantee that benefit to the aquatic resource.
3. **TYPES OF STREAMS CONSIDERED:** We strongly support the NRDP's proposal to consider all priority 1 and 2 tributaries for restoration funding as of 2019, regardless of their relationship to the Superfund remediation schedule. We support flow, habitat, and passage projects on all priority tributaries, according to their limiting factors.

We also support allowing for habitat, fish passage and flow improvements in small tributaries and spring creeks that feed priority 1 and 2 streams. Many springs and small creeks have not been fully evaluated and prioritized for their fishery potential in the Upper Clark Fork that feed priority 1 and 2 streams. We need to be creative and work to identify where reconnections can be made or passage barriers removed in some of the small tributaries to these important streams.

4. **GEOGRAPHY:** We support additional investments and focus in restoration work in Reaches A & B of the Clark Fork River and the tributaries that feed these reaches and less emphasis on tributaries outside of the injured area. The FWP otolith fisheries study supports the importance of Reach A and B spawned fish (from tributaries and the river itself) to all reaches of the Upper Clark Fork, while fish spawned in Reach C tributaries (including Flint Creek and Rock Creek) do not tend to inhabit Reach A and B, and instead recruit mainly to Reach C, mostly downstream of the injured area.
5. **SEQUENCE OF PROJECTS:** Flow and habitat or passage work do not need to occur sequentially in Priority 1 and 2 streams, for example in Mill and Willow Creek. In fact, landowners often gravitate to upgrades of their existing infrastructure first. Once they realize those project benefits they may consider less familiar projects like an instream flow restoration project.
6. **WATER STORAGE:** Investigate water storage opportunities more thoroughly in the Upper Clark Fork, particularly in the Flint Creek range, where many headwater reservoirs exist. On multiple occasions we have had water users tell us they would support improvements to existing reservoirs and that this could be a source for instream flow. We suggest conducting a thorough engineering study that assesses current and potential storage capacity of these existing headwater reservoirs to identify where

opportunities might exist and to identify preliminary costs. Match funds may be available for these studies.

7. **FLEXIBILITY ON MAINSTEM PROJECTS:** Focus on working at individual mainstem diversions to address multiple concerns and allow more flexibility for when and what types of projects can be funded at these locations. Specific funding needs to be allocated to address diversions on the mainstem Clark Fork River.
8. **RACETRACK, LOST, and GOLD CREEKS:** We support expanded funding for habitat and passage/entrainment projects on Racetrack Creek, where there are many restoration opportunities and willing landowners. Furthermore, according to FWP's otolith data, it is one of the most important spawning tributaries in the Upper Clark Fork. The needed emphasis on fish passage/entrainment on large diversions in Racetrack will be costly, and the existing allocation of \$734,000 will not be sufficient to cover critical needs, based on experience with other tributaries in the NRDP program, where spending has exceeded initial estimates to accomplish given goals.

We request consideration for passage/entrainment and habitat funding in Lost Creek, which has good physical habitat and a new instream flow project in place. Entrainment losses should be investigated in Lost Creek along with potential habitat improvement projects aimed at increasing cover/shade and reducing water temperatures.

We support full proposed funding for Gold Creek, because it is the most critical tributary for brown trout recruitment in Reach B, and perhaps the top recruitment tributary in the whole Upper Clark Fork River system. Gold Creek also has potential to provide native westslope cutthroat recruitment to the Upper Clark Fork, but passage investments need to be made to release this potential.

9. **NATIVE FISH STREAMS:** The CFC supports strong restoration investment in tributary streams and projects which can help recruit native fish to Silver Bow Creek and the reaches of the Upper Clark Fork which have particularly depressed populations of native fish. These tributaries include, Browns Gulch, Blacktail, Basin, Warm Springs, Cottonwood, O'Neill, Harvey Creeks and some other lower priority streams where terrestrial funds and partner matching funds could be used to help restore native fish.
10. **MILL WILLOW BYPASS:** Although the CFC is clearly aware of the restrictions on what types of projects might be possible to implement on the Mill-Willow bypass, we encourage NRDP to support FWP in further investigating the potential of this stream system, because the otolith study indicates it clearly is important in recruiting brown trout to the Upper Clark Fork.
11. **RECREATION:** The CFC supports continuing investments in recreation that increases the public's ability to access the Clark Fork River and its floodplain—including trails and fishing access sites. With a burgeoning commercial and recreational fishing industry, the

upper Clark Fork is no longer a secret. As use on the river increases, it is becoming evident that the current infrastructure isn't adequate to support it. Most of the existing recreation funds have now been spent on a few sites, and the zero allocation to recreation in this Update will seriously restrict the ability to improve access on the rest of the river.

Again, thank you for the opportunity to comment on this plan revision.

Sincerely,

A handwritten signature in blue ink, reading "Will McDowell", is written over a horizontal line.

Will McDowell
Stream Restoration Director
Clark Fork Coalition



Protecting Montana's wildlife,
land, waters and hunting & fishing
heritage for future generations.

RECEIVED

Natural Resource
Damage Program
Dec. 3, 2018

Natural Resource Damage Program
P.O. Box 201425
Helena, MT 59620-1425

December 3rd, 2018

**RE: Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans
2018 Draft Update**

Dear Natural Resources Damage Program,

The Montana Wildlife Federation (MWF) is Montana's oldest and largest sportsmen-wildlife conservation organization. We work to protect Montana's public lands, clean waters, and abundant fish and wildlife for the benefit of the hundreds of thousands of Montanans and people all over the nation who hunt, fish, and value Montana's outdoor heritage. I would like to submit the following comments on the the NRDP's Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan Update.

The plan update is particularly important for several fisheries that are enjoyed by thousands of anglers each year. Rock Creek is a fishery that is highly valued by anglers and provides important economic and social benefits to the area, as well as providing cold, clean water to the Clark Fork River. It provides significant recruitment in the Upper Clark Fork where trout densities are lowest. Being a stronghold for native species, like westslope cutthroat and bull trout, MWF is pleased to see the proposed budget for Rock Creek.

MWF also supports the plan for restoration on Basin Creek, including the opening of Basin Creek Reservoir. Opening the reservoir will provide increased recreational opportunity for anglers and restoring the creek above the reservoir will benefit native fish and ensure that angling opportunities will persist. Additionally, MWF supports the funding allocation for FAS and recreational floating improvements on the Upper Clark Fork. This improved access will ensure that Montanans will continue to enjoy high quality recreational experiences.

Anglers and other recreational users are appreciative of the work done to address damaged fish and wildlife habitat in the Upper Clark Fork Basin. The current proposal will help to restore this habitat and provide new and improved recreational opportunities for anglers. Thank you for the opportunity to comment.

Sincerely,

Dave Chadwick
Executive Director



Planning Department

Powell County Planning Department • 409 Missouri Ave., Suite 101 •
Deer Lodge, Montana 59722 • 406.846.9795 • chamming@powellcountymt.gov

RECEIVED

Natural Resource
Damage Program
Dec. 3, 2018

December 3, 2018

To the Natural Resource Damage Program,

Thank you for the opportunity to comment on the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans* (November 2018). Powell County supports the NRDP's recommendation to use \$500,000 of the terrestrial interest as the State match for CREP and views this as a great means to further the ongoing restoration work in the watershed.

In a conversation with Mr. Doug Martin, the proposed data collection contained within Abstract #G4 (Flint Creek to Rock Creek Fish Study) sounds like a valuable pursuit and effective expenditure. Determining the cause(s) of the low fish population numbers of the mainstem of the CFR will help future project prioritization. However, Powell County would appreciate consideration to edit the Abstract summary to include additional geography upstream of Flint Creek. To enable FWP (or other researchers) greater flexibility with their studies, it would be useful to expand the geographic scope to include the CFR mainstem and its tributaries upriver to Warm Springs ponds in the priority damaged areas. (*If the \$500,000 is not a required match of an awarded grant with a narrowly defined project scope).

Powell County is aware of the financial restrictions and understands the NRDP's recommendation not to fund any recreational projects in this round of abstract solicitation. After reviewing the submitted recreational abstracts, we hope through the next plan update process, the NRDP and Advisory Council will consider allocating funds for recreational projects.

Thank you for your commitment and ongoing efforts to improve, repair and restore the Upper Clark Fork River watershed.

Sincerely,

Carl Hamming
Powell County Planning Director, CFM
406.846.9729
chamming@powellcountymt.gov
Suite 101 - County Courthouse
409 Missouri Ave.
Deer Lodge, MT 59722

RECEIVED

Natural Resource
Damage Program

Dec. 3, 2018

December 3, 2018

Montana Natural Resource Damage Program
Doug Martin, Restoration Program Chief
P.O. Box 201425
Helena, Montana 59620

RE: Comment on Montana Natural Resource Damage Program's *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans 2018 Draft Update*

Dear Mr. Martin,

Thank you for the opportunity to comment on the most recent update of the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans* (the Plans). A founding tenet of our Council's mission is to support the implementation of the 2014 Montana State Water Plan and the Clark Fork and Kootenai River Basins Water Plan. Accordingly, we are encouraged by the practical, forward-looking revisions incorporated in the Plans.

Perhaps most pointedly, the Council writes this letter to support NRDP's continued effort to make more watershed areas immediately eligible for NRDP funding. In a basin as large and diverse as the Clark Fork, it is critical to be able to act opportunistically as cooperation-based conservation opportunities arise. In many cases, available funding is actually the vehicle that drives awareness and education for such opportunities. Further, the uncertainty inherent in the future of Montana water supply and demands make efficiency and accessibility key attributes in meeting large-scale restoration targets.

The Council also applauds NRDP's commitment to funding data collection and monitoring activities that inform project development and build upon our working understanding of basin aquatic and terrestrial resources. Specifically, NRDP has demonstrated a laudable and increasing ability to implement restoration work under its existing plans *in concert* with ongoing assessments of resource needs.

Thank you again for your update and for considering our comments on the updated *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans*.

On behalf of the Executive Committee of the Clark Fork and Kootenai River Basins Council,

David Shively

Executive Committee Chair
Clark Fork and Kootenai River Basins Council

From: Douglas Hesse [REDACTED]
Sent: Monday, December 3, 2018 8:36 PM
To: Natural Resource Damage Program
Subject: from Douglas Hesse: regarding proposed actions for Clark Fork River management

RECEIVED
Natural Resource
Damage Program
Dec. 3, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: UCFRB update

To whom it may concern at the NRDP, my name is Douglas Hesse. I am writing to enthusiastically support NRDP proposed actions and budget plans regarding Rock Creek and its critical tributaries, actions and plans that are indispensable to the long-term health of the Clark Fork River.

I have fished Rock Creek and its tributaries for over 30 years, and not only is it a truly exceptional recreational fishery in and of itself, but it also provides pivotal support to the Clark Fork River. I cannot see how any recovery for the Clark Fork River could be successfully achieved or for that matter sustained if Rock Creek and its feeder streams are not included in restoration plans as well. Where the Clark Fork River connects with Rock Creek, trout numbers are the lowest in the whole Upper Clark Fork system. The Clark Fork needs a fertile Rock Creek to aide its trout population. The fate of the two watersheds are inextricably bound.

Thank you so much for your efforts. The Upper Clark Fork River Basin desperately requires your continued good work.

Regards,
Douglas Hesse

Appendix B

The State's Recommended Changes

Project Development

The project development phase will require a rigorous due diligence process, which includes working with each water right holder to determine current point of diversion, place of use, purpose of use and a potential place of storage, rate of diversion and volume of yearly water diversion and the historic use of each water right involved in the project. This process often involves irrigation flow data gathering or, if absent, measurement of current water use practices. The process to engage a water right holder and the gathering of the water use data often takes more than a year.

Since various projects may have different goals, each project may require different paths to reach full project development. Specific projects that require a well-defined protected flow rate and/or, instream flow volume, in a specific reach of instream flow to be able to judge whether the project can reach a goal, will be required to successfully go through the DNRC's change authorization process prior to funding. Thus, it is necessary to consult with DNRC about the water rights associated with all flow augmentation projects early in the project development process. In this way, discussions about whether a water change is necessary and, if so, then what is the best pathway to successfully making a change of use for the water rights.

Projects with benefits to in-stream flow and that are associated with Aquatic Priority Area Specific Plans outlined in Section 3.2.2, may be funded with the Flow allocation after the water right due diligence has been completed. Whether or not these projects go through the change authorization process will be made on a project-by-project basis. In-stream flow projects associated with Aquatic Priority Area Specific Plans outlined in Section 3.2.2 will not require public comment, consideration by the Advisory Council and the Trustee Restoration Council and final funding approval decision by the Governor.

In some special situations when further development is necessary, project development costs may include up to an additional \$50,000 in costs for a short-term agreement with water right holders, to help gather additional information for the change authorization process and/or inform the parties about how the water lease will affect the instream flow and the water users' ability to operate without the leased water. A short-term agreement with water right holders could be a water right lease, diversion reduction or forbearance agreement, split-season lease, minimum flow agreement, single season agreement or other flow management agreement. Short-term agreements are limited to funding of up to \$50,000 per project and may not exceed two years. The cost for any such agreement will be based on the data gathered by the State for similar transactions within the State and the cost commensurate with the benefits the projects provides. The State will report on project development costs as part of its normal reporting requirements as provided in Section 6.0.

In other cases, such as the Silver Lake flow augmentation project, the change process has already occurred,¹ nonetheless, further due diligence analysis is needed to move the project forward. As

¹ This change is classified as a temporary change in effect until 2026, at which time it has to be reconsidered for another 10-year renewal.

of October 2018, the State has initiated, but not completed, its due diligence review of this proposed project.

Once a project has been developed, an agreement with the water right holder on the terms of the agreement is recommended. The agreement should outline the State's intended actions and funding sought, as well as what the water right holder agrees to in exchange for the funding. This agreement is designed to clearly state the terms prior to initiating the approval and funding process. This often includes the flow rate and volume of instream flow and the protectable reach of the water body and if applicable, is defined in the change authorization process.

In order to fund a project, the NRDP staff will draft a funding recommendation that includes the cost-benefit, cost-effectiveness and all other applicable criteria necessary to judge the merits of the project. This recommendation will be subject to public comment, consideration by the Advisory Council and Trustee Restoration Council, and the final funding decision by the Governor.