



FACT SHEET ON 2012 RESTORATION PROCESS AND SUBMITTAL OF RESTORATION CONCEPT ABSTRACTS

In December 2011, Governor Schweitzer approved a *Long Range Guidance Plan*¹ that allocated about \$110 million in natural resource damage settlement funds for the restoration of groundwater, aquatic, and terrestrial resources in the Upper Clark Fork River Basin (UCFRB). That approval triggered the development of an *Interim Restoration Process Plan*² that describes the process the State of Montana will use to develop restoration plans and fund restoration projects in the UCFRB using these allocated funds. Part A of this fact sheet summarizes the *Process Plan*, which Governor Schweitzer approved in May 2012. Part B provides guidance for those interested in submitting restoration concept abstracts for aquatic and terrestrial restoration projects. The applicable portions of the *Process Plan* are provided for reference.

A. SUMMARY OF 2012 RESTORATION PROCESS

The Governor will make all final decisions on all restoration plans and associated funding. Prior to that, draft restoration plans will be subject of a 30-day public comment period. In addition to public comment, the Governor will consider recommendations from the Natural Resource Damage Program (NRDP), the UCFRB Advisory Council, and the Trustee Restoration Council.

Development of Groundwater Restoration Plans – Section 3 of *Process Plan*:

An estimated \$28.2 million and \$9.4 million is initially available for funding water system improvement projects in Butte-Silver Bow County and Anaconda-Deer Lodge County, respectively. The Counties will develop draft Groundwater Restoration Plans that describe the water system improvement projects they propose to implement with this available funding over a time period not to exceed 20 years. These restoration plans will be based on the priorities identified in the Counties' drinking water system master plans and the NRD Funding Criteria (see p. 2). The Counties must submit draft restoration plans by September 2012 so that the plans can be approved by the Governor by the end of 2012. Subsequent restoration plans will cover any additional funding available through interest earnings.

Development of Aquatic and Terrestrial Restoration Plans – Section 5 of *Process Plan*:

An estimated \$43.3 million and \$18.4 million is initially available for funding of projects that will improve aquatic and terrestrial resources, respectively, and related public recreational services. By late September 2012, the NRDP will develop draft Aquatic and Terrestrial Restoration Plans that will identify restoration alternatives to be developed and implemented with this initial funding, with a final decision by the Governor to occur by the end of 2012.

¹The *2011 Final UCFRB Long Range Priorities and Fund Allocation Guidance Plan* is available from the NRDP website at <https://doj.mt.gov/lands>.

²The *2012 Final UCFRB Interim Restoration Process Plan* is available from the NRDP website (above).

To assist with the development of restoration alternatives for these draft restoration plans, the State is soliciting restoration concept proposals from interested individuals and entities. Proposals can be for a conceptual project or a more developed/refined project. Eligible proposals are those that would enhance or protect fishery or wildlife resources or enhance natural resource-based recreational services associated with these resources in specific priority areas. Part B of this fact sheet provides additional guidance to help those interested in submitting an abstract of a restoration concept proposal. These abstracts are due **by June 15, 2012**.

The draft restoration plans will describe how and when the selected restoration alternatives will be implemented or further developed and what additional review and approval steps, if any, are needed. Some approved proposals will be developed and implemented by the State and other approved proposals will be developed and implemented by other entities in partnership with the State in a manner consistent with State procurement requirements. The State will review and revise the 2012 Aquatic and Terrestrial Restoration Plans two years after the Governor's approval, with the timing of subsequent revisions to be determined later. These revisions will also involve additional solicitations from the public of restoration concept proposals for potential inclusion in revised restoration plans.

Consideration of Early Restoration Project Proposals – Section 4 of *Process Plan*:

Proposals for early restoration aquatic and terrestrial projects may be considered for expedited decision-making, ahead of completion of the Aquatic and Terrestrial Restoration Plans described above. These proposals must be of time critical and extraordinary importance, be located in aquatic and terrestrial injured areas or priority areas that are shown on maps provided in the *Process Plan* (pp. 31-34), and be implemented within 18 months of approval.

Application forms for early restoration proposals must be completed and submitted to the NRDP **by June 1, 2012**.³ Assuming that some proposals meet minimum qualifications, which include the exigency requirements described above, the NRDP will develop a draft early restoration plan with funding recommendations, based on an evaluation of qualifying submissions using the NRD Funding Criteria described below. A review and approval process will be followed similar to that of the other restoration plans, except that this timeframe for early restoration proposals is quicker, with the Governor's funding decision expected by early October 2012.

NRD Funding Criteria – Section 6 of *Process Plan*:

The State will use criteria that are based on natural resource damage legal requirements to assess restoration alternatives developed through consideration of concept proposals submitted by the public, along with State-generated alternatives. This evaluation will assess a restoration alternative's feasibility, cost:benefit relationship, cost-effectiveness, potential environmental impacts, consistency with Superfund cleanup actions, ability to accelerate natural recovery, consistency with applicable laws, rules, and policies, and benefits to natural resources of special interest to the Tribes and U.S. Department of Interior, such as native species. In addition to these eight legal criteria, the State also assesses whether a restoration alternative would otherwise normally be funded by governmental entities and whether any proposed land and water right acquisitions are being offered at or below fair market value.

³Early restoration application forms are available from the NRDP website or by contacting the NRDP.

B. GUIDANCE ON SUBMITTAL OF RESTORATION CONCEPT ABSTRACTS

This guidance serves to assist those interested in submitting abstracts for restoration concept proposals to be considered for incorporation into the 2012 Aquatic and Terrestrial Restoration Plans. The abstract submittal form (p. 4) requires a general description of a conceptual project's scope, location, benefits, schedule, and costs. Abstracts are due **June 15, 2012**.

Who can submit proposal abstracts? Any interested individual or entity can submit an abstract REGARDLESS of whether they would want to implement the project. The State is casting a wide net for restoration ideas, with the details of project implementation to be later determined.

Eligible Project Locations: Projects must in one of two areas: 1) in the aquatic and terrestrial injured resource areas for which the State made restoration claims in its NRD lawsuit; or 2) in the areas classified as Priority 1 or 2 in the State's aquatic and terrestrial prioritization plans. The eligible injured resources areas include: the mainstem of Silver Bow Creek from its headwaters in Butte to the Warm Springs Ponds; the mainstem of the Upper Clark Fork River from the Warm Springs Ponds to, and including, the former Milltown reservoir site; and the Smelter Hill Area Uplands and Opportunity Ponds injured areas. Maps of the aquatic and terrestrial Priority 1 or 2 areas are provided on pages 53 and 57 of the *Process Plan*, respectively. The aquatic prioritization plan classifies the two mainstems and 29 tributary streams areas as Priority 1 or 2. All riparian and wetland areas are classified as Priority 1 in the terrestrial prioritization plan.

Eligible Project Types: Any project located in eligible areas that would enhance or protect fishery or wildlife resources or enhance natural resource-based recreational services associated with these resources, such as fishing, hunting, wildlife viewing, and hiking, is eligible for consideration. *Process Plan* attachments provide additional guidance on encouraged types of aquatic restoration projects (Attachment 5-2), terrestrial restoration projects (Attachment 5-3), and recreation projects (Attachment 5-4). Examples of encouraged projects include those that would improve instream flows, fish passage, and riparian condition via passive methods, such as fencing or changes in land management, and those that would protect and enhance important wildlife habitat through acquisitions or easements. Recreational projects must provide natural resource benefits in addition to recreational benefits, such as recreational trails that help prevent resource degradation by the user public and fishing access sites.

Estimating Project Costs: The State expects that costs for concept proposals will be preliminary estimates based on limited information. A cost range can be provided. The State will further refine cost estimates, with possible consultant assistance, to satisfy a legal requirement that restoration plans be cost-effective and specify how natural resource damages funds will be spent.

Next Steps: Proposal abstracts will be posted on the NRDP's website and distributed to the UCFRB Advisory Council. That Council will consider and review the abstracts at their July 2012 meeting, and perhaps subsequent meetings. The Advisory Council may also request those submitting abstracts to present their proposals at its meetings. The NRDP will use the NRD Funding Criteria described on p. 2 to evaluate both restoration alternatives generated through this public solicitation process, as well as State-generated restoration alternatives, in its development of draft restoration plans, which is further explained in Part A of this fact sheet.

RESTORATION CONCEPT ABSTRACT SUBMITTAL FORM

The State of Montana, through the Natural Resource Damage Program (NRDP), is soliciting restoration concepts for aquatic and terrestrial restoration projects, to be considered as part of the State's aquatic and terrestrial restoration plan development efforts. This solicitation is being conducted pursuant to the procedures set forth in the *2012 Process Plan*, which specifies the type of priority projects and project location restrictions. See Section 5.3 of *Process Plan* for a description of the solicitation. As indicated therein, the State will consider these restoration concepts, as well as restoration alternatives generated by the State, in drafting its Aquatic and Terrestrial Restoration Plans that will be submitted for public comment and consideration of the Advisory Council and Trustee Restoration Council and a final decision by of the Governor by the end of 2012.

For restoration concepts to be considered, submit a project abstract that covers the basic information indicated below to the NRDP **no later than Friday, June 15, 2012**. Since proposals are generally conceptual in nature, abstracts are likely to be no more than five pages. For additional information, call or e-mail the NRDP (see contact information below).

Your Name and Contact Information: Provide mailing address, phone number, and e-mail contact information.

Project Purpose and Benefits: Indicate why the project is being proposed. Include the expected goals, objectives, and outcome of the project. Describe how the project would benefit aquatic or terrestrial resources within the Upper Clark Fork River Basin (UCFRB) and/or benefit the public's use and enjoyment of those resources.

Project Location: Provide a short description of the project location, along with a project map.

Project Description: Describe the components of the project and how it will be implemented. Also indicate any suggested lead entity and project partners for implementing the project. Indicate what progress, if any, has been accomplished to date on the project.

Project Schedule: Indicate the timeframe needed to complete the project and any specific completion deadlines that would apply.

General Cost Information: Provide an estimate of total project costs. If possible, provide a categorical breakdown of the costs for the following categories: salaries/benefits; contracted services; supplies and materials; travel and communication; equipment; or other (specify). Indicate committed or anticipated matching funds.

Send Information **no later than Friday, June 15, 2012** to:

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