State of Montana

Natural Resource Damage Program

MEMORANDUM

TO: Members of the Trustee Restoration Council:
Chris Heggem, Governor's Office
Kristie Beal, Chair, UCFRB Advisory Council
Elizabeth Erickson, BNRC
Austin Knudsen, Attorney General
Amanda Kaster, Director, DNRC
Chris Dorrington, Director, DEQ
Dustin Temple, Director, FWP

FROM: NRDP

DATE: November 30, 2023

SUBJECT: Trustee Restoration Council Meeting on December 14, 2023

The Trustee Restoration Council (TRC) will meet on **Thursday, December 14th from 1:00 p.m. to 3:00 p.m. in Room 111 of the Metcalf Building.** Attached are the meeting agenda, backup materials, and meeting procedures. The public may download back-up materials from the NRDP website at: https://dojmt.gov/lands/council-meetings/.

The following is a description of the agenda items:

Clark Fork River Ranch Split Season Lease/Valiton Ditch Funding Recommendation and draft Response to Comment Summary: Brian Bartkowiak, NRDP. **Action Item**

Brian Bartkowiak, Montana Natural Resource Damage Program (NRDP), will provide a summary of the Clark Fork River Ranch Split Season Lease/Valiton Ditch project, including the staff's funding recommendation and the draft response to comments on this project. This project is located approximately 5 miles south of Deer Lodge along the Clark Fork River within the dewatered section of the river. The NRDP administers and manages title to the Clark Fork River Ranch and its water rights for the State. A 30-day public comment period was held for this funding recommendation ending August 23, 2023. Copies of the draft response to comments and the staff's funding recommendation are attached and are also available on the NRDP website at: https://dojmt.gov/lands/notices-of-public-comment/.

This project was presented to the Upper Clark Fork River Basin (UCFRB) Advisory Council on October 17, 2023, where the council voted 7-0 to recommend this funding proposal. Kristie Beal will provide UCFRB Advisory Council input. The motion the UCFRB Advisory Council recommended:

> "The UCFRB Advisory Council recommends funding of the Broken Circle Split Season Lease in the amount up to $404,000.00 from the UCFRB Restoration Fund-Aquatic Flow Allocation, following the execution of the Restoration Project Agreement, with the contingency that if matching funds are obtained the funding would be reduced by the amount of those funds."

The NRDP recommends this project proposal.

Following consideration of public comment, the TRC will vote on its recommendation to the Governor on this project.

2023 Update of the UCFRB Aquatic and Terrestrial Resources Restoration Plans, Doug Martin, NRDP – **Action Item**

The TRC will consider the recommendation of the UCFRB Advisory Council and NRDP's proposed 2023 draft Update of the UCFRB Aquatic and Terrestrial Resources Restoration Plan to the Governor for final approval and signature.

On January 24, 2023, NRDP released the Solicitation of New Restoration Action Concepts and Potential Revisions for the 2023 Update of the UCFRB Aquatic and Terrestrial Resources Restoration Plans (hereafter referred to collectively as "Restoration Plans") to solicit conceptual restoration proposals specific to aquatic and terrestrial resource priority areas, recreation projects that provide natural resource benefits, revisions to the Restoration Plans, and concerns about any impacts to the human environment from the implementation of restoration projects. The public solicitation and comment period ran through March 3, 2023. NRDP sent notices of this opportunity to approximately 300 individual/entities on its mailing lists. NRDP received a total of 15 letters that contained 23 conceptual restoration proposals and comments during the public solicitation/comment period.

At the May 16, 2023, UCFRB Advisory Council meeting, NRDP staff presented a summary of the conceptual restoration proposals and comments received and project sponsors who submitted project abstracts were invited to present their project proposal, followed by Advisory Council and public questions. In addition, NRDP presented its estimate of funds available to allocate to priority resources in 2023, which total approximately $6 million.

From June 16, 2023, through August 19, 2023, NRDP provided the 2023 draft revisions and funding allocations to the Restoration Plans to the public for public comment. At the October 17, 2023, UCFRB Advisory Council meeting, NRDP staff presented a summary of the 105 public comments received for the 2023 draft revisions to the Restoration Plans and the draft responses to comments. NRDP staff also presented and discussed the proposed 2023 draft revisions to the Restoration Plans based on the public comment. The council voted on 10 different recommendations/motions associated with the various revisions; the recommendations/motions are included in the meeting packet.

At the December 14, 2023, TRC meeting, NRDP staff will present a summary of the 2023 draft revisions, funding allocations, draft responses to comments, and a summary of the UCFRB Advisory Council recommendations/motions. Kristie Beal will provide UCFRB Advisory Council input.

A summary of the 2023 draft revisions, copies of the 2023 draft response to comments, and UCFRB Advisory Council recommendations/motions are attached and are also available at the NRDP webpage https://dojmt.gov/lands/notices-of-public-comment/.

Following consideration of public comment, the Council will vote on its recommendation to the Governor on the draft 2023 Updates to the Restoration Plans.

Fiscal Report 2023/Program Update: Meranda Flugge, NRDP.

The Upper Clark Fork River Basin Restoration Fund, Butte Area One Fund, and Parrot Fund fiscal year 2023 Financial Reports are included in the meeting packet materials for review. The financial reports provide information on Fund expenses, revenues, and balances for fiscal year 2023. In addition, fund expenses, revenues, and balances for other encumbered funds and other fund accounts in the UCFRB that NRDP is responsible for are provided (Clark Fork River Restoration, Smelter Hill Uplands (Anaconda), and Clark Fork Watershed Education Program (CFWEP) funds). At the TRC meeting, NRDP will take questions from Council members and the public on the 2023 Financial Reports.

Aquatic and Terrestrial Resources Restoration Plans 2023 Project Update: NRDP Staff.

The annual project update of the restoration activities associated with the implementation and monitoring of the Restoration Plans for aquatic (flow and non-flow), terrestrial, and recreation projects are included in the meeting packet materials for review. The report includes a full written summary of projects implemented to date, with 2023 projects highlighted. Tables 1, 2, 3, and 4 are included to assist you in identifying projects. Aquatic and Terrestrial Fund Summary tables provide information on funds spent in priority areas and funds remaining. At the TRC meeting, NRDP will take questions from Council members and the public on the 2023 annual project update of restoration activities.

State of Montana

Natural Resource Damage Program

December 14, 2023, Trustee Restoration Council

Meeting Packet

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Separate Files:

Fiscal Year 2023 Financial Reports

2023 UCFRB Restoration Plans Aquatic and Terrestrial Project Update

Natural Resource Damage Program
State of Montana

P.O. Box 201425
1720 9th Avenue
Helena, MT 59620-1425

Phone: 406-444-0205
Fax: 406-444-0236
nrdp@mt.gov

Trustee Restoration Council Meeting
December 14, 2023
1:00 to 3:00 PM
DEQ Director's Conference Room 111

AGENDA

1:00 – 1:10 Introductions, NRDP Update and Meeting Overview - Chris Heggem, TRC Chair and Doug Martin, NRDP

1:10 – 2:45 UCFRB Aquatic Flow Project Update – Broken Circle Split Season Lease Project– **ACTION ITEM**

- Summary – Brian Bartkowiak, NRDP
- TRC questions/comments
- Public Questions
- UCFRB Advisory Council Input – Kristie Beal, AC Chair
- TRC – Motion
- Public Comment on Motion
- TRC Decision/Vote on Motion

2023 draft UCFRB Aquatic/Terrestrial Resources Restoration Plans Revisions, Fund Allocations, Response to Comments, Advisory Council Motions - **ACTION ITEM**

- Summary – Doug Martin, NRDP
- TRC questions
- Public Questions
- UCFRB Advisory Council Input – Kristie Beal, AC Chair
- TRC – Motion
- Public Comment on Motion
- TRC Decision/Vote on Motion

2:45 – 3:00 Fiscal Year 2023 Funds Financial and UCFRB Aquatic/Terrestrial Resources Restoration Plan – Annual Update

- Summary – Doug Martin, NRDP
- TRC questions/comments on financial update
- UCFRB Advisory Council Input – Kristie Beal, AC Chair
- BNRC Advisory Council Input – Elizabeth Erickson, BNRC Chair
- Public Questions/Comments

3:00 Additional Public Comment/Other/Adjourn

Remote/Hybrid Meeting Procedures:

* This meeting is open to the public via in-person, telephone or the Microsoft Teams meeting app or webapp.

Procedures NRDP staff, and public shall follow to make this meeting a success:

NRDP staff will be the meeting host/moderator and assist in running this meeting.

This meeting will be recorded for the purpose of public record, the meeting recording will be posted publicly to NRDP's website. As such, **all meeting participants shall announce their name before speaking every time they speak** for continuity purposes. If participants do not announce their name, the moderator will need to interject and ask the speaker to give their name. This is especially important for those participants who are joining by telephone, as we will only be able to see a telephone number.

Public Procedures to Participate:

Members of the public may observe/listen to the meeting and attend for purposes of public comment either in person, by using the Teams link or by telephone. Meeting agenda and backup materials, including the slideshow presentation, can be found at: https://dojmt.gov/lands/nrdp-public-notices/council-meetings/

All public comments and questions will be held upon conclusion of presentations.

Members of the public participating via Teams may raise their hand (for directions see links at the end of this document) and wait to be addressed by the moderator or politely interject and wait for acknowledgement by the moderator, to provide comment or ask a question, **please do not talk over others**. Comments/questions will first be taken from the public attending the meeting in-person and then those participating remotely via Teams or telephone. If your question is asked or addressed before you are acknowledged, please lower your hand. Everyone will get a chance to speak if they wish to do so.

NOTE: If you try to speak without being recognized by the moderator, your comment/question may not be heard. Also, it has come up that the raise your hand feature in Teams is not always available depending on how you join the meeting. If you do not have the ability to raise your hand, please politely interject and ask the moderator to speak, only when the question/discussion portion of the meeting is opened by the moderator.

Any oral public comment provided is a public record that is recorded, archived, and available on the Internet.

NRDP will make reasonable accommodations for persons with disabilities who wish to participate in this public meeting. For questions about accessibility or to request accommodations, please call Meranda Flugge at 406-444-0229 or email at meranda.flugge@mt.gov as soon as possible but no later than 3:00 PM Wednesday, December 13th.

December 14, 2023, UCFRB A/T Revisions Plan Meeting Access information:

Microsoft Teams meeting

Join on your computer, mobile app or room device
Click here to join the meeting
Meeting ID: 259 320 076 154
Passcode: DJxGyd
Download Teams | Join on the web

Join with a video conferencing device
291818717@t.plcm.vc
Video Conference ID: 112 214 194 0
Alternate VTC instructions

Or call in (audio only)
+1 406-318-5487,,145467843# United States, Billings
Phone Conference ID: 145 467 843#
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ATTACHMENT A

State of Montana's Response to Public Comments on the

NRDP Funding Recommendation for Broken Circle Split Season Lease Project

Prepared by the Montana Natural Resource Damage Program

August 28, 2023

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Introduction

As part of the implementation of the *Upper Clark Fork River Basin (UCFRB) Aquatic and Terrestrial Resources Restoration Plans* (Restoration Plans), on July 21, 2023, the Montana Natural Resource Damage Program (NRDP) released the Broken Circle Split Season Lease Project documents for public comment. The comment period ran through August 23, 2023.

Background and Prior Valiton Ditch Restoration Actions

The Montana Natural Resource Damage Program (NRDP) is partnering with the Broken Circle Ranch to enter into an agreement to lease late season water for instream flow in the Clark Fork River. The project is in a Group 1 Priority Area for Flow Augmentation, which is defined as the highest priority area for flow augmentation and would partially implement Section 3.2.1 of the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans* (Restoration Plans).

In 2019, the Clark Fork River Ranch was purchased to restore, rehabilitate, replace, or acquire the equivalent of injured natural resources. The purchase included water right on the Valiton Ditch which is a significant irrigation canal in the Upper Clark Fork River. One of the resource benefits identified in the funding request for the purchase of the ranch and associated water rights was to "use water from Valiton Ditch more efficiently to benefit aquatic life in this critically dewatered section of the CFR."

Since 2019, NRDP has been working with the Grieco Family who also hold water rights on Valiton Ditch on a reduction in water use agreement. Under this Agreement, Grieco use the State's 240 irrigated acreage to produce hay in exchange for foregoing the use of its own water rights on Grieco property from July 15 to September 6 each year, when the Clark Fork River is at 180 cfs or less. On average flows on the mainstem Clark Fork at Deer Lodge drop below 180 cfs 9 out of 10 years. The Grieco Split season lease agreement is being intensively monitored by NRDP. Monitoring focused on evaluating the production and sustainability of a split season lease on crop production as well as associated flow benefits. This project is intended to be used as a template for other split season leases in the Clark Fork Basin. NRDP and the Grieco family intend to continue this water use agreement for the next 20 years.

Project Summary

In 2023, the third and last water user on the Valiton Ditch approached NRDP regarding a similar agreement on their property.

This funding recommendation includes a one-time lump sum payment of $404,000 to Broken Circle Ranch in exchange for the property owner (Broken Circle Ranch) forgoing their water rights on Valiton Ditch after July 15 until September 6 each year, when the Clark Fork River is at 180 cfs or less. On average, flows on the mainstem Clark Fork at Deer Lodge drop below 180 cfs 9 out of 10 years. The Broken Circle water reduction agreement will last for the next 20 years.

NRDP is proposing to pay the estimated ton per acre lost due to the split season lease of $20,200 per year for twenty years or $404,000. This funding recommendation is contingent on Broken Circle entering into a Restoration Project Agreement with NRDP. The project agreement requires Broken Circle to file for a DNRC change authorization to convert the late season water to instream flow.

For outreach on this public comment period, NRDP posted the public comment announcement on the NRDP web page and sent notice of this opportunity for public comment to approximately 202 individuals/entities on the NRDP mailing lists related to the Upper Clark Fork River Basin.

NRDP received four comment letters during the public comment period. The four comment letters were very supportive of the project and NRDP's funding recommendation. Specific comments stated, "[t]his project delivers water to the Upper Clark Fork River when it is needed most, while still maintaining agricultural productivity", "[t]he lease…. will reduce irrigation withdrawals in a chronically dewatered reach of the Clark Fork River, improving streamflow during critical late season conditions to support recovery of the Clark Fork River fishery" and "[t]his project is an example of a productive partnership between a local water user and state agency that will have benefits for the Broken Circle Ranch, fisheries resources, and the recreating public using the UCFR." Comments also acknowledged that this project was in the highest priority area for flow restoration. One commenter specifically requested to study the effects of split season leases on crop production and alfalfa.

See Appendix A for copies of the comment letters. NRDP does not propose any changes to the funding recommendation based on the response to comments.

This draft response to comments document summarizes the public comment received and provides NRDP's draft response to the comments. The draft response will be considered at the October 4, 2023, meeting of the Advisory Council, and the upcoming meeting of the Trustee Restoration Council (TRC). More information about the time/location of these meetings can be found at https://dojmt.gov/lands/council-meetings/. This draft response may be revised based on recommendations from the Advisory Council and TRC and final decision by the Governor.

Comment Summary and Response

Comments in support of the project and funding with NRD funds – 4 letters

Comments: NRDP received four comment letters during the public comment period. The four comment letters were very supportive of the project and NRDP's funding recommendation. Specific comments stated, "[t]his project delivers water to the Upper Clark Fork River when it is needed most, while still maintaining agricultural productivity", "[t]he lease… will reduce irrigation withdrawals in a chronically dewatered reach of the Clark Fork River, improving streamflow during critical late season conditions to support recovery of the Clark Fork River fishery" and "[t]his project is an example of a productive partnership between a local water user and state agency that will have benefits for the Broken Circle Ranch, fisheries resources, and the recreating public using the UCFR." Comments also acknowledged that this project was in the highest priority area for flow restoration. One commenter specifically requested to study the effects of split season leases on crop production and alfalfa.

Response: NRDP appreciates this acknowledgment of support from the public, project partners, and resource managers. Addressing the comment to study the effects on crop production, NRDP is currently performing a multiyear study looking at the effect of late season deficit irrigation on hay crop health, yield, and species compositions at the Clark Fork River Ranch which is also under pivot irrigation and has a split season lease agreement. NRDP will present the results of this study at the Advisory Council, TRC, Upper Clark Fork Streamflow Working Group and prepare a report for public distribution. It is intended that this study will help inform other split season leases in the basin.

After consideration of public comments, NRDP recommends approval of this project.

Appendix A – Public Comment Letters

List of 2023 Broken Circle Split Lease Comments

No.	Individual/Association	City/Area
1	Hans and Angel Lampert	MT
2	Trout Unlimited, Casey Hackathorn	Missoula, MT
3	Clark Fork Coalition, Karen Knudsen	Missoula, MT
4	Montana Fish, Wildlife, and Parks, Randy Arnold	Missoula, MT

Comment #1

From: angel lampert
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 funding recommendations broken circle split season lease
Date: Saturday, August 5, 2023 10:46:31 AM

We are supportive of this and would like to see a few things studied when this occurs. Our biggest question is what effect this will have on the alfalfa stand in the following years? How does first crop production compare with what it was when irrigation went into fall of the previous year? Will the alfalfa need to be replanted more often? What type of irrigation is this under – pivot, sprinkler or flood?

Hans and Angel Lampert

August 22, 2023

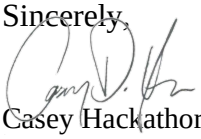
TO: Montana Natural Resource Damage Program
Attn: 2023 NRDP Funding Recommendation-Broken Circle Split Season Lease
P.O. Box 201425
1720 Ninth Avenue
Helena, MT 59620-1425

RE: Support for NRDP Funding Recommendation for Broken Circle Split Season Lease

Trout Unlimited supports the Montana Natural Resource Damage Program's funding recommendation for a split season lease with the Broken Circle Ranch to provide instream flow for the Clark Fork River. The lease, pending project agreement, and associated water right changes will reduce irrigation withdrawals in a chronically dewatered reach of the Clark Fork River, improving streamflow during critical late season conditions to support recovery of the Clark Fork River fishery. The project is within the highest priority reach for flow restoration under NRDP's Restoration Plans and the proposed investment of flow restoration funding is appropriate for the projected benefit.

Trout Unlimited appreciates the work that NRDP, Clark Fork Coalition, and the Broken Circle Ranch invested in developing this important project and we're looking forward to seeing it implemented. Please let us know if there's anything that we can do to assist.

Sincerely,



Casey Hackathorn
Upper Clark Fork Program Manager

312 N. Higgins Ave, Suite 200, Missoula, MT 59802
406-546-5680 - casey.hackathorn@tu.org - www.tu.org

Comment #3

CLARK FORK COALITION

August 21, 2023

To: Montana Natural Resource Damage Program
Attn: 2023 NRDP Funding Recommendation-Broken Circle Split Season Lease
P.O. Box 201425
1720 Ninth Avenue
Helena, MT, 59620-1425

Re: Support for 2023 NRDP Funding Recommendation- Broken Circle Split Season Lease

To Whom it May Concern,

I would like to take this opportunity to voice the Clark Fork Coalition's enthusiastic support for NRDP's funding recommendation for the Broken Circle Split Season Lease. This project delivers water to the Upper Clark Fork River when it is needed most, while still maintaining agricultural productivity. We applaud NRDP for their work to carefully consider the project options to balance the resource needs.

The Clark Fork Coalition (CFC) is seeking cost share of $200,000 through the Columbia Basin Water Transactions program to support this important project. An additional 13 CFS of flow to this reach of the Clark Fork River would substantially improve water quality and aquatic habitat, which would pay dividends for the overall health of the fishery. This project will also amplify the fish passage improvements that have already been made by CFC, TU, and NRDP at the Valiton diversion and the downstream Broken Circle Pump Station diversion.

We urge the NRDP councils and Governor to support this project.

Sincerely,

Karen Knudsen
Executive Director

PO Box 7593
Missoula, MT 59807

T: 406.542.0539
F: 406.542.5632

www.clarkfork.org

FWP.MT.GOV

THE **OUTSIDE** IS IN US ALL.

Montana Fish, Wildlife and Parks - Region 2
3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500
08-22-2023

RE: Letter of Support for the Proposed Broken Circle Split Season Lease

To whom it may concern:

Fish, Wildlife and Parks (FWP) supports the Montana Natural Resource Damage Programs (NRDP) proposed *Broken Circle Split Season Lease Project*. This project intends to lease late season water for fisheries benefits from the Broken Circle Ranch in exchange for a monetary payment and agricultural production from State owned property in the area.

FWP aims to conserve and enhance existing populations of native fish, including bull trout and westslope cutthroat trout, as well as sport fish such as brown trout in the Upper Clark Fork River (UCFR). Late summer flows have been identified by FWP and others as a primary limiting factor for trout populations in the upper Clark Fork, and specifically in the reach impacted by this lease. Addressing late summer minimum flows in this reach of the Clark Fork River has been identified as a priority for fisheries restoration by NRDP and FWP in NRDP's *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans* and in FWP's *Draft Statewide Fisheries Management Plan.* The proposed lease would be one step towards addressing minimum flows in this reach of the UCFR during late summer when flows are at their lowest and temperatures are high.

This project is an example of a productive partnership between a local water user and state agency that will have benefits for the Broken Circle Ranch, fisheries resources, and the recreating public using the UCFR. We support NRDP's proposal and intend to work collaboratively with NRDP and other partners in the Upper Clark Fork to identify and complete flow projects that benefit local agricultural producers and fisheries resources of the UCFR.

Thank you for the opportunity to comment on this project. We encourage you to reach out with any questions to Caleb Uerling, Fisheries Biologist, (406) 493-2694, Caleb.Uerling@mt.gov. We look forward to working with NRDP to ensure the success of this project.

Sincerely,

Randy Arnold
Regional Supervisor, Region 2

ATTACHMENT B

State of Montana

Natural Resource Damage Program

MEMORANDUM

TO: Members of the Upper Clark Fork River Basin Trustee Restoration Council

FROM: Doug Martin, NRDP

DATE: November 30, 2023

SUBJECT: Guide to 2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans Draft Revisions

The draft 2023 revisions are available on NRDP's website at https://dojmt.gov/lands/nrdp-public-notices/notices-of-public-comment/

In addition, copies of the draft 2023 revisions are available at NRDP's office (see address below). For information on the draft 2023 revision or to obtain a copy from our office, please call NRDP at (406) 444-0205.

To assist in the review of the revisions to the Restoration Plans, the Restoration Plans by individual sections in PDF format. All substantive draft revisions added are shown in red and all draft revisions to be removed are shown as strike through. Non-substantive revisions are not shown. Non-substantive edits include grammar, document formatting, web links, or other edits to update and make the document easier to read.

Draft revisions per section are listed below:

Sections 1 Introduction and 2 Background:

- Updates generally include administrative details of the 2023 revision process and available funding.

Section 3 Aquatics:

Section 3.2.1 Flow Restoration Plan:

- Project development process is substantively updated to provide guidance on the development and implementation of a wider range of flow projects. The current project development process focused mainly on water rights acquisition.

Natural Resource Damage Program
State of Montana
P.O. Box 201425
1720 9th Avenue
Helena, MT 59620-1425
Phone: 406-444-0205
Fax: 406-444-0236
nrdp@mt.gov

Section 3.2.2.1 Mainstem Restoration Actions:

- Funding for mainstem Clark Fork River diversion projects.
- Funding for the State to implement additional restoration work directly on Silver Bow Creek.

Section 3.2.2.2 Funding in Priority Tributary Watersheds:

- General updates included as necessary for each watershed.
- Funding allocations for watersheds: Browns Gulch, Silver Bow Creek, Warm Springs Creek, Cottonwood Creek, Rock Creek, Little Blackfoot.

Section 3.2.3 Aquatic Resource Monitoring and Maintenance Plan:

- General updates included, as necessary.
- Funding for the State to investigate declining fish population numbers in Silver Bow Creek and the Clark Fork River and implement restoration actions if appropriate.

Section 4 Terrestrial Restoration:

- General updates included, as necessary.

Section 5 Recreation/Education:

- General updates included, as necessary.
- Matching fund requirement for recreation projects.
- Silver Bow Creek Greenway, Milltown State Park, and Multi-County Recreational Corridor funding allocation.
- Added Section 5.3 Education to this section for inclusion of funding to the Clark Fork Watershed Education Program since this program was previously funded through the UCFRB Final Process Plan.

Section 6 Restoration Plan Implementation:

- General updates included as necessary.
- Added matching fund requirement for aquatic and terrestrial priority projects.
- Added matching fund requirement for recreational projects.
- Added maintenance requirement for recreational projects.
- Added guidance for matching funds.
- Updated section for timeline of next revision.

Table 6-1 Cost Summary of Proposed Actions:

- This table provides information on previous allocations (2012 and 2018), expenses to date for each restoration category, 2023 draft allocations from aquatic interest and Parrot Tailings reimbursement, and available funding after 2023 allocation.

Appendix A:

- Appendix A Final Restoration Concept Summary Table. This table lists all the projects submitted for consideration since 2012. The project numbers referenced in the Restoration Plans are listed in this table.

ATTACHMENT C

Draft Response to Public Comments on the 2023 Revisions to the 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

September 2023

Table of Contents

SECTION I. INTRODUCTION

On June 16, 2023, the Montana Natural Resource Damage Program (NRDP) released the 2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans Draft Revisions (hereafter referred to collectively as "2023 draft Restoration Plans Revisions") to solicit public input. The public comment period ran through July 19, 2023. NRDP sent notices of this opportunity to 300 individual/entities on its mailing lists. NRDP also summarized the comment process and the 2023 draft Restoration Plans Revisions at the Upper Clark Fork River Basin (UCFRB) Remediation and Restoration Advisory Council (Advisory Council) meeting on July 11, 2023.

NRDP received a total of 101 comment letters during the public comment period, and three letters after the deadline, commenting on the 2023 draft Restoration Plans Revisions. See Appendix A for a list of letters received, identified by a specific number that serves as a reference to the comment throughout this document. Appendix B provides copies of all 104 letters received.

This document summarizes the 101 comment letters received during the public comment period and provides the State's responses. The State will present a summary of this Response to Comment document at the meeting of the Advisory Council and a meeting of the Trustee Restoration Council to be held fall 2023. Following consideration of public comment and the recommendations of these two councils, the Governor will make the final decision on the 2023 Update to the Restoration Plans.

SECTION II. PUBLIC COMMENTS AND RESPONSES

COMMENTS BY RESTORATION PLAN SECTION:

1. Section 3

Support for Revision to Section 3.2 Flow Process

Summary: Two comments (98 and 101) indicate general support for the revision to Section 3.2 Flow Process. Some reasons for support of the revised process offered in these comments include:

- Increased flexibility in implementing flow projects.
- The need for multiple tools to address flow augmentation.

One comment specifically recommending revising the process for water right acquisitions to allow funding ahead of a Department of Natural Resources & Conservation (DNRC) Change Authorization.

Response: The State appreciates this acknowledgement and support. We will continue to work with our partners to solve streamflow challenges limiting fisheries in the Upper Clark Fork and priority tributaries.

Support for Aquatic Monitoring

Summary: Three comments (79, 91, and 101) indicate general support for NRDP investing in studies to evaluate factors responsible for the historically low fish numbers in the upper reaches of the Clark Fork River.

Response: The State appreciates the support and agrees that determining the cause of the decline in the trout population upstream of Deer Lodge is critical for guiding future restoration efforts and ensuring we can achieve the fisheries goals of the Plans. NRDP is proposing to allocate $1 million to fund additional fisheries monitoring and research. These funds will be used to support FWP and other partners to conduct scientific investigations into factors most limiting to the fishery, as well as to develop restoration strategies to mitigate these factors.

Support for Allocation of Funding to Priority Watersheds, Section 3.2.2

Summary: Three comments (83, 84, and 98) indicate general support for the proposed aquatic funding allocations, and specifically support the increased allocations for Flint and Rock Creeks. One comment (98) specifically addresses the need to reconnect migratory fish habitat in Rock Creek and Flint Creek and maximizing recruitment of fish to the mainstem Clark Fork River. This comment also specifically supports the budget allocation for Warm Spring Creek and recommended addressing riparian and instream habitat degradation once priority passage projects are addressed. Another comment (101) recommending focusing the restoration

investment in the most heavily damaged portion of the Clark Fork River Basin in the most injured reach of the Upper Clark Fork River. This comment specifically addresses funding for Warm Spring Creek, Lost Creek and Mill Creek.

Response: The State acknowledges the support and recognizes the need to focus restoration efforts in areas that have the highest likelihood of meeting the aquatic restoration plan goals. The State also recognizes there are limited funds to implement every priority project in every priority watershed. The State appreciates the support and will continue to work with our project partners to implement high priority projects in priority areas with the greatest likelihood of meeting the aquatic restoration plan goals.

Monitoring data collected by Fish, Wildlife, and Parks (FWP) has indicated the Flint Creek and Rock Creek watersheds provide significant trout recruitment to all reaches of the Clark Fork River. Trout tagged near Deer Lodge, as well as in Reach B, are identified as spawning in Flint Creek and trout from Rock Creek are found throughout Reaches B and C of the Clark Fork River. Additional funding for Flint and Rock creeks will allow project partners to leverage UCFRB Restoration Funds to secure significant matching funds. These funds can then be used to complete high priority projects identified by FWP which will ultimately increase trout recruitment to the Clark Fork River and help secure native fish habitat.

NRDP and its project partners have made significant progress on multiple priority passage and entrainment projects on Warm Springs Creek and these partners have secured matching funds. The State recognizes, in addition to priority passage and entrainment projects on Warm Spring Creek, there are funds available to start prioritizing projects to improve degraded riparian and instream habitats.

There are currently funds available for aquatic projects on Mill Creek. NRDP along with project partners have been working to identify willing landowners on Mill Creek to implement priority projects. The State agrees with the commenter that this process should continue.

Lost Creek is a Priority 2 watershed. Flow augmentation has been identified as a limiting factor for this watershed and flow needs to be addressed prior to addressing any other restoration components.

Support for allocation to Mainstem Clark Fork River and Silver Bow Creek

Summary: Two comments (98 and 101) indicate general support for allocation of funding for mainstem diversion work proposed in Section 3.2.2.1. One comment specifically requests clarification whether these funds can be expended on fish screen components of a diversion project. A commenter (98) also supports the funding allocation to Silver Bow Creek.

Response: The State acknowledges the support for the Clark Fork River and Silver Bow Creek mainstem restoration actions. Mainstream diversion work needs to be coordinated with Clark Fork River remediation and restoration activities to ensure projects will not need to be rebuilt as remediation and restoration activities occur in a specific area.

The 2012 Restoration Plans did not allocate funding to either the Clark Fork River mainstem or Silver Bow Creek because the Clark Fork River mainstem had a separate restoration settlement and Silver Bow Creek restoration was funded through Greenway Service District grants and a separate allocation. In 2023, NRDP proposed funding allocations to both based on current information and available funding. The Clark Fork River mainstem diversions and entrainment projects are included in Alternative 3, the selected alternative, of the Revised Clark Fork River Aquatic and Riparian Restoration Plan (December 2020) (Revised Clark Fork River Restoration Plan) as a Tier II restoration action. However, there is not sufficient funding in the Clark Fork River Restoration Fund to implement Tier II restoration actions. The Greenway Service District funding for ecological restoration has been spent or allocated to the development of access features, so additional ecological funding is needed for mainstem Silver Bow Creek restoration.

Coordination with mainstem remediation and restoration activities

Summary: Two comments (79 and 101) specifically recommend the instream aquatic habitat and geomorphic processes should be integrated into the current remediation and restoration of the mainstream Clark Fork River Cleanup (Under the Revised Restoration Plan for the Clark Fork River Aquatic and Riparian Resources). Along with comment 90, these comments recommend working creatively to add additional restoration capacity on the mainstem Clark Fork River.

Response: These comments are specific to the Clark Fork River Operable Unit remediation and restoration, not associated with the amended Restoration Plans. Using Clark Fork River Restoration Funds, NRDP and the Department of Environmental Quality (DEQ), along with FWP, will continue to integrate aquatic habitat and geomorphic process into the remediation and restoration of the mainstem Clark Fork River to the maximum extent practicable. Working together we have come up with creative ways to increase short-term habitat in rebuilt streambanks with habitat improvements in upland areas. Recent projects have used conifer encroachment in the uplands to supply materials for rebuilding banks on the mainstem Clark Fork River. The State acknowledges there are funding constraints. The State will continue to work with our partners and stakeholders to implement the cleanup for the long-term benefit of the river, while supporting short-term habitat when cost-effective. The State also encourages matching funds to implement more aquatic habitat and geomorphological components into the cleanup.

2. Section 4

General Comments of Support for Terrestrial Projects

Summary: One comment (90) from FWP indicates support for land acquisitions/conservation easements, wildlife habitat restoration, maintenance/monitoring, and recreation within the Restorations Plans.

Response: The State acknowledges this comment and recognizes the projects and activities (monitoring) supported by this comment are part of Terrestrial Restoration, Section 4 of the Restoration Plans.

3. Section 5

Milltown State Park Funding

Summary: Nine comments (61, 62, 63, 66, 73, 85, 88, 91, and 92) were received supporting the funding proposed for Milltown State Park project. Commenters noted the value the Overlook and the exhibits provide for educational purposes as well as to the general public.

Response: NRDP acknowledges these comments and does not propose to revise this allocation.

Greenway Service District Funding Proposal

General Support for Funding the Greenway Service District for Requested Amount

Summary: Multiple letters supporting funding for the Greenway Service District (GSD) were received by the deadline (64, 65, 67, 68, 69, 70, 71, 72, 74, 75, 76, 77, 78, 80, 81, 82, 86, 87, 89, 93, 94, 95, 96, 97, 99, and 100). Another 3 letters commenting on the Greenway Service District were received after the deadline (102, 103, and 104) and will not be addressed in this response document. Funding the project for GSD's full request of $3,471,278.00 was specifically encouraged in 21 of the letters.

Response: The proposed allocation of $2.5 million would fund the construction of two sections of the trail as estimated by the GSD. The additional funding requested by the GSD ($971,278.00) was for operation/maintenance and GSD administration. Fully funding the GSD project for $3,471,278.00 would severely limit funding for other equally critical restoration projects in the basin, including priority projects to restore the injured aquatic and terrestrial resources. Additionally, the last stretch of trail was estimated to cost approximately $710,000.00 and the successful bid came back at $486,300.00 or 68.5% of the original estimate. With that in mind, it seems prudent to see how far the recommended funding of $2.5 million, which is 72% of GSD's requested funding, will go toward completing the project prior to seeking more restoration funding.

The State's original proposal in the 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions was to allocate up to $2.5 million to the GSD for the construction (design and constructions) of the two sections of trail proposed. This allocation consisted of $500,000 from the Aquatic fund and 80% of the reimbursement funds from Parrot Tailings project, after the first $500,000 goes to Silver Bow Creek, not to exceed $2.0 million. The 80% of the reimbursement funds from Parrot Tailings project may not be enough to provide $2 million. Based on comments received, if these funds are not available from the Parrot Tailings project, the State's revised proposal is to use funds allocated for Aquatic and Terrestrial resources to ensure the GSD receives up to $2.5 million for the construction of two trail sections or the cost of the construction of these two trail sections, whichever is less. The intent of the State's revised proposal is to ensure funding for the construction of these two trail sections, up to a total of $2.5

million, is available regardless of the amount available from the Parrot Tailings project. If Aquatic and Terrestrial funds are needed and used to fund the GSD as part of the 2023 revision, NRDP will determine and select the funds that will have the least impact on project implementation. The State will reimburse those Aquatic and Terrestrial funds used to fund the GSD with UCFRB Restoration Fund interest accrued between 2023 and the next revision of the Restoration Plans.

Opposition to Requiring 25% Matching Funds for Greenway Service District Project

Summary: Of the 26 letters received concerning the Greenway Service District project, several commenters request the requirement for 25% matching funds be removed from the funding requirements. Further, many of the letters noted that the delays in construction of the Greenway have been outside the control of the GSD, and the funds allocated have reduced buying power.

Response: The State acknowledges these comments; however, funding is limited for all aquatic and terrestrial priority projects associated with the Restoration Plans. Matching funds has never been a requirement for those seeking UCFRB Restoration Funds; however, to ensure the highest cost/benefit for the UCFRB Restoration Funds NRDP believes a match funding requirement for recreation-focused projects is necessary. For aquatic and terrestrial priority projects, NRDP believes seeking matching funds is required to ensure the ability to implement high priority projects if matching funds are not available. Currently, project partners working on priority aquatic and terrestrial projects seek matching funds for almost all projects. The Clark Fork Watershed Education Program (CFWEP) is required to provide a 50% match.

Greenway Service District is Not a Recreational Project It is a Special Project

Summary: Numerous comment letters state the Greenway is not merely a recreation project and that it is a "Special Project."

Response: The State recognizes that Section 7 of the 2012 UCFRB Final Process Plan lists the Greenway and the Clark Fork Watershed Education projects as "approved special projects." These two projects were identified and allocated funding specifically in the 2012 UCFRB Final Process Plan. It is this unique funding and approval mechanism through the 2012 UCFRB Final Process Plan and not the original 2012 UCFRB Aquatic and Terrestrial Restoration Plans that led to CFWEP and the Greenway being identified as "special projects."

The Greenway project as currently proposed is a recreation-dominant project because the requested funding is for access/trail and other recreational infrastructure.

Section 5 of the UCFRB Restoration Plans has been titled "recreation" since the initial 2012 version. In the context of the Restoration Plans all funded recreation projects must meet the following criteria based on provisions in the 2011 Long Range Guidance Plan and 2012 Process Plan.

The following are the key factors specific to recreation projects that the State relied on in developing its proposed plan for the enhancement of recreational services (Process Plan):

- That by restoring or replacing the injured natural resources of the UCFRB, some of the recreational services lost due to those injuries will also be restored.

- That recreational projects must be natural-resource based and offer resource benefits in addition to recreational benefits.

- That general preferred types of recreational projects that offer resource benefits include those that: 1) prevent resource degradation by the user public; 2) enhance existing recreational projects; and 3) provide fishing and hunting access in a resource-protective manner.

The Greenway project is currently a recreation-dominant project, consistent with Section 5.

Funding of Operation and Maintenance of Greenway Infrastructure

Summary: Numerous commenters request the long-term operation and maintenance of the 26-mile Silver Bow Creek Corridor be funded by restoration. One comment notes local governments should not be responsible for long-term operation and maintenance. GSD commented the Greenway is essential to the long-term protection of the 26-mile corridor and asked if previously allocated funds for operation and maintenance can be used for the same.

Response: NRDP has consulted with DEQ on how the long-term operation and maintenance of the Stream Side Tailings Operable Unit (SSTOU) remedy will be maintained. DEQ has developed a long-term plan and budget projection to meet their remedial obligations as required by the Explanation of Significant Differences (ESD) and Record of Decision (ROD). The 2023 proposed revisions are requesting the GSD commit to fund the long-term operation and maintenance of the recreation features previously funded by the UCFRB Restoration Fund similar to operation and maintenance the GSD has been completing to date. UCFRB Restoration Funds are limited and should not be considered a source of future funding in perpetuity.

As noted in GSD's comments, numerous UCFRB documents mention the resource benefits appropriately designed and constructed recreational based projects can provide to the aquatic and terrestrial resources. The recreational features of the Greenway project completed and plan to implement will help protect the restoration actions implemented along the 26-mile corridor of Silver Bow Creek and may also be beneficial to the Superfund remedy; however, it is not the legal responsibility of UCFRB Restoration Funds or the GSD to protect the remedial actions implemented along this 26-mile corridor.

Funding previously approved and allocated to the GSD (as well as other projects) can be used as previously approved. NRDP records show the GSD has approximately $380 thousand remaining in the 2012 allocation for operation and maintenance. Other projects funded by restoration in the UCFRB typically have been provided with 5 years of operations and maintenance (O&M) monies, or less.

Other Greenway Service District Comments

Comment: The GSD and other commenters note the Greenway projects ranked highest amongst other grant projects.

Response: It is a correct statement that the seven Greenway applications during the grant program years (2001 – 2011) ranked very high. The GSD applications were coordinated with NRDP and DEQ to incorporate ecological restoration with the remedial actions being implemented; these ecological restoration actions comprised approximately 64% of the total cost of the grant applications. The applications also included the development of access/trail features, operation and maintenance of the access/trail features and GSD administration, which was approximately 19% of the application. The high ranking given to the 7 GSD applications was a result of the ecological restoration components of the grant applications which are highly valued in the natural resource damage evaluation criteria used to evaluate restoration alternatives. If these applications had been broken out such that ecological restoration actions were separate from the access/trail features, operation and maintenance of the access/trail features, and GSD administration, the access/trail features, operation and maintenance of the access/trail features, and GSD administration would not have ranked the highest based on the evaluation criteria.

Comment: Four comments (69, 94, 95, and 97) state the funding of the Greenway is necessary to implement the requirements of the remedy outlined in the Record of Decision.

Response: NRDP notes the Greenway is a recreational restoration project and not a component of the remedy for the Streamside Tailings Operable Unit outlined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) decision documents, which includes both the 1995 Record of Decision and the 1998 Explanation of Significant Differences (ESD). Instead, the access and trail features are in addition to the remedy. Legally, the UCFRB Restoration Funds cannot be used for any portion of the remedy outlined in the decision documents (the 1995 ROD and 1998 ESD). If the access and trail features were a part of the Superfund remedy outlined in the ESD and ROD, it would not have been appropriate to spend the $13 million in natural resource damage funds previously provided to the GSD on a remedy obligation.

References have been made that the GSD was part of the 1995 SSTOU Record of Decision (ROD) provisions specific to institutional controls, desired coordination with restoration, and an end land use open space recreational corridor. Under the 1995 ROD, the State intended to have about 30 on-site repositories, with about 600 acres of floodplain tailings that were to be treated in place. The 1995 ROD was revised by the 1998 ESD. A major change to the SBC remedy reflected in the 1998 ESD was the abandonment of the on-site repositories, and a large reduction of the streamside tailings that were to be treated in-place, in favor of hauling the floodplain tailings to the Opportunity Ponds. This change in the ROD, together with the State's acquisition of most of the property along Silver Bow Creek as part of the 1999 Consent Decrees and its funding of the removal of the remainder of the streamside tailings, eliminated the necessity of certain of the institutional controls (i.e., the Greenway) originally provided for in the ROD.

Comment: One comment (68) notes, SSTOU excess funds can only be spent from Cottonwood Creek (in Deer Lodge) back to Butte.

Response: To date a total of $16.5 million excess from the SSTOU remedy funds have been transferred from DEQ to the UCFRB Restoration Fund. The entire $16.5 million transferred was allocated to the Parrot Tailings Removal project as approved by the Governor following public comment and UCFRB Advisory Council and Trustee Restoration Council recommendations. The allocation of SSTOU excess funds is described in Section 7.3 of the Final Process Plan.

Comment: Two comments (68 and 97) request DEQ, Environmental Protection Agency (EPA), and NRDP find a way to get SSTOU funds to the GSD to finish the Greenway.

Response: Any additional transfer would require a determination by DEQ and EPA that sufficient additional funds would remain to complete all necessary remedial obligations, including the long-term operation and maintenance for the Streamside Tailings Operable Unit. DEQ is currently evaluating the commitment previously made by the Governor in 2019 to transfer $5 million to partially repay the restoration funds used to perform the Parrot Tailings Waste Removal Project. It is uncertain if DEQ and EPA will determine there are additional funds to transfer.

Comment: One comment (78) indicates NRDP previously decided to rule Butte ineligible for any restoration funding until Consent Decrees were completed. As a result, Butte-Silver Bow (BSB) spent 20 years without funding.

Response: A decision was made after the 1999 settlement to spend only the interest earned from the UCFRB Restoration Fund using a yearly grant process until all the sites where there were NRD claims were settled. At that time there were three areas excluded from receiving NRD funds because the remedy actions at these sites were not known: Butte Area One, Anaconda Uplands, and the Clark Fork River. This recommendation was proposed by NRDP, reviewed by the public, recommended by the UCFRB Advisory Council and Trustee Restoration Council, and approved by the Governor.

The decision to not spend Natural Resource Damage (NRD) funds in the three unsettled areas did not exclude funding from BSB County. Since 2001, BSB County has received or been allocated over $139 million from the NRD settlements. $89 million was allocated to BSB between 2001 and 2011 from the UCFRB Restoration Fund. In total, as of August 2023[1], BSB County has received 47% of the total UCFRB natural resource damage settlement funds, Deer Lodge County 24%, Powell County 18%, Granite County 3%, and Missoula County 8%. The funding provided to BSB has been used by BSB to update its waterlines and water tanks, upgrade the Big Hole dam and pump station, complete new transmission pipeline from the Big Hole, construct a new state of the art water treatment plant at Basin Creek, create trails and parks within and near Butte, and supported removal of the Parrot Tailings (which included BSB receiving funding for new County shops), amongst other restoration actions.

General Support for the Clark Fork Watershed Education Program

[1] This does not include the excess funds from the $20.5 million for the Blacktail Creek cleanup that will be returning to the UCFRB Restoration Fund and the Butte Area One Restoration Fund once DEQ completes the State remedial obligations, which is anticipated to result in significant natural resource damage funds.

Summary: The State received 60 letters in support of funding the Clark Fork Watershed Education Program (CFWEP). Among the commentors were local business owners, educators from across Montana, regional scientists, agency partners, former students, and program volunteers.

Response: The strong support for CFWEP and the impact made by the program on school children across the basin are recognized and acknowledged by NRDP. Funding for restoration projects, including CFWEP, is limited at this time and being allocated judiciously among many worthy projects according to the evaluation criteria established in the UCFRB Process Plan. NRDP is not proposing to change the recommended funding to CFWEP for $1 million.

4. Section 6

Comments Supporting Matching Funds

Summary: One comment (98) supported the matching fund proposed requirements stating, "Given that the aquatic and terrestrial restoration needs in the UCFRB exceed the remaining settlement funds, Trout Unlimited (TU) supports NRDP's emphasis on matching funding in the Plan revisions and commits to leveraging NRDP funds whenever possible on future projects in the basin. Developing funding strategies with partners that leverage outside investment in the recovery of the Clark Fork Basin will ensure that NRDP funds have maximum impact on the ground."

Response: NRDP agrees with this this comment.

APPENDIX A: LIST OF COMMENTS

No.	Individual/Association	City/Area
1	Northwestern Energy, CFWEP Support	Butte, MT
2	Montana Natural History Center, CFWEP Support	Missoula, MT
3	Staggering Ox, CFWEP Support	Butte, MT
4	Biomimicry Institute, CFWEP Support	Missoula, MT
5	Digital Spark Creative, CFWEP Support	Butte, MT
6	Highland Point, Inc, CFWEP Support	Butte, MT
7	Francene Archibald, CFWEP Support	Butte, MT
8	Kate Mattern, CFWEP Support	Anaconda, MT
9	Bill Stockton, CFWEP Support	Arlee, MT
10	Darcy Schindler, CFWEP Support	Drummond, MT
11	Jodi Oberweiser, CFWEP Support	Drummond, MT
12	Gregory Liedle, CFWEP Support	Elliston, MT
13	Brianna Peet, CFWEP Support	Butte, MT
14	Maureen Driscoll, CFWEP Support	Butte, MT
15	Kathleen Foley, CFWEP Support	Butte, MT
16	Toni Hatten, CFWEP Support	Greenough, MT
17	Sean J Kiffe, CFWEP Support	Bonner, MT
18	Brooks Phillips, CFWEP Support	Helmville, MT
19	Michael Plautz, CFWEP Support	Missoula, MT
20	Sara Ibis, CFWEP Support	Missoula, MT

No.	Individual/Association	City/Area
21	Bryce Nederhoed, CFWEP Support	Missoula, MT
22	Chantel Thornsberry, CFWEP Support	Seeley Lake, MT
23	Harmony Johnson, CFWEP Support	Missoula, MT
24	Sarah Silver, CFWEP Support	Missoula, MT
25	Kimberly Johnson, CFWEP Support	Missoula, MT
26	Katherine Ellison, CFWEP Support	Missoula, MT
27	Michael J Heriza, CFWEP Support	Missoula, MT
28	Chris Pavlovich, CFWEP Support	Livingston, MT
29	Linda Rost, CFWEP Support	Baker, MT
30	Robin J Hehn, Educator, CFWEP Support	Billings, MT
31	Megan Lane, CFWEP Support	Helena, MT
32	Natalie McGrath, CFWEP Support	Livingston, MT
33	Claire Pichette and Missy Sampson, CFWEP Support	Helena, MT
34	Christopher Doyle, CFWEP Support	Butte, MT
35	The Herring Family-CFWEP Support	Missoula, MT
36	Justin Ringsak, CFWEP Support	Butte, MT
37	Kylie Marks, CFWEP Support	Butte, MT
38	Shawn Moorman, CFWEP Support	Deer Lodge/Butte~, MT
39	Lauren Sampson, CFWEP Support	Butte, MT
40	Lauren Spaeth, CFWEP Support	Missoula, MT
41	McKenzie Norton, CFWEP Support	Missoula, MT
42	Terry Biere, CFWEP Support	MT

No.	Individual/Association	City/Area
43	Naomi Alhadeff, CFWEP Support	Missoula, MT
44	Colleen Elliott, CFWEP Support	Butte, MT
45	Jenna Dohman, CFWEP Support	Butte, MT
46	Mark Mariano Jr., CFWEP Support	Butte, MT
47	Mary Sutherland, CFWEP Support	Butte, MT
48	Eric Hassler, CFWEP Support	Butte, MT
49	Julia Crain, CFWEP Support	Butte, MT
50	Kristina Smucker, CFWEP Support	Helena, MT
51	Rosemary H Leach, CFWEP Support	Missoula, MT
52	Michelle M McCarthy, CFWEP Support	Helena, MT
53	J.P. Gallagher, CFWEP Support	Butte, MT
54	Kayla Lappin, CFWEP Support	Butte, MT
55	Les P Cook, CFWEP Support	Butte, MT
56	Marissa Pedulla, CFWEP Support	Butte, MT
57	Michele E Hardy, CFWEP Support	Butte, MT
58	Dr. Erick Greene, CFWEP Support	Missoula, MT
59	John Graves, CFWEP Support	Bozeman, MT
60	Ben Colman, CFWEP Support	Missoula, MT
61	Bruce Hall, Milltown Support	MT
62	Pastor Eric Huseth, Milltown Support	Bonner, MT
63	Ian Knight, Milltown Support	Missoula, MT

No.	Individual/Association	City/Area
64	Edward Simonich, Greenway Support	Butte, MT
65	William Daily, Greenway Support	MT
66	Vicki Watson, Milltown Support	Missoula, MT
67	Rick Griffith, Greenway Support?	Butte, MT
68	Jim Kambich, Greenway Comment	Butte, MT
69	Karen Byrnes, Greenway Comment	Butte, MT
70	Janet Cornish, Greenway Support	Butte, MT
71	Randy Simkins, Greenway Support	Butte, MT
72	Casey Briggs, Greenway Comment	MT
73	Thurston Elfstrom & Jennifer Robinson, CFWEP/Milltown Support	Missoula, MT
74	Les Cook, Greenway Support	Butte, MT
75	Lee Whitney, Greenway Comment	Butte, MT
76	Bob Chamberlin, Greenway Comment	MT
77	Barbara Miller, Greenway Comment	Butte, MT
78	Evan Barrett, Greenway Comment	Butte, MT
79	Kathy Hadley, on behalf of CFRTAC, Clark Fork River Mainstem Comment	MT
80	Bill Henne, Greenway Comment	Butte, MT
81	Sean Ryan, Greenway Comment	Butte, MT
82	Jackie Janosko, Greenway Comment	Butte, MT
83	Michael Miller, Clark Fork River Fund Reallocation Support	Philipsburg, MT
84	Carey Schmidt, Clark Fork River Fund Reallocation Support	Missoula, MT
85	Judy Matson, Milltown Support	Missoula, MT

No.	Individual/Association	City/Area
86	Mike Patterson, Greenway Comment	Butte, MT
87	John Riordan, Greenway Comment	Butte, MT
88	Dalit Guscio, Milltown Support	MT
89	Michael Browne, Greenway Comment	Helena, MT
90	Randy Arnold, on behalf of FWP, FWP Priority Projects Comment	Missoula, MT
91	Gary Matson, Milltown Support	Milltown, MT
92	Minie Smith, Milltown Support	MT
93	Fritz Daily, Greenway Support	Butte, MT
94	Kathryn Manz, Greenway Comment	Butte, MT96
95	Dori Skrukrud, Greenway Comment	Butte, MT
96	William O'Leary, Greenway Support	Butte, MT
97	Brad Archibald, Greenway Comment	Butte, MT
98	Casey Hackathorn & Clayton Elliot, on behalf of Trout Unlimited, Fund Reallocation Support	Missoula, MT
99	Dori Skrukrud, on behalf of Greenway Service District, Condensed Greenway Comments	Butte, MT
100	Brian Holland, Greenway Support	Butte, MT
101	Karen Knudsen, on behalf of Clark Fork Coalition, UCFRB Comment	Missoula, MT
	LATE COMMENTS	
102	Carol Link, Greenway Comment	Butte, MT
103	Forrest Jay, Fund Reallocation Comment	Butte, MT
104	Rich Prodgers, Greenway Comment	Butte, MT

APPENDIX B: PUBLIC COMMENT LETTERS

Paul Babb, Manager
Community Relations
NorthWestern Energy
400 Oxford Street
Butte, MT 59701
Telephone (406) 497-2114
www.northwesternenergy.com

April 28, 2023

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Support

Dear Advisory Council Members:

Please accept this letter as our support for the continued funding of the Clark Fork Watershed Education Program (CFWEP). In short, this program has a very positive impact on countless students and educators. We recognize the program's impact, and we have given financially and through employee volunteerism consistently.

Without the support of the Natural Resource Damage Program, these educational opportunities will be lost, and below are a few examples of the negative impacts:

- Targeted/high-quality professional development focused on the on-going restoration in the basin will no longer be available for free to teachers.
- Field trips to the restored areas and education focused on telling the "basin restoration story" to children will be lost.
- High School student summer research opportunities and restoration learning activities will no longer be available.

At NorthWestern Energy, we provide electric and natural gas service to over 700,000 customers across our service territory, and we are committed to our customers and the communities we serve. One of our priorities is supporting educational opportunities, and we recognize that programs like CFWEP are vital to the success of educating our youth in a well-rounded manner.

Thank you for your attention to this letter of support, and if you have any questions, please contact me.

Sincerely,

Paul Babb
Manager – Community Relations | Butte Division

Montana Natural History Center
Connecting People with Nature

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Missoula, MT 59801
406-327-0405
montananaturalist.org

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing on behalf of the Clark Fork Watershed Education Program and its many programs including the Bird's-Eye View program in partnership with UM Bird Ecology Lab. CFWEP has established themselves and their programs as important community providers and partners by delivering outstanding and necessary watershed and science education in Western Montana.

Should the Natural Resource Damage Program discontinue financial support for CFWEP communities across western Montana will loss a vital resource in environmental and science education.

For example, in partnership with CFWEP and UMBEL, the Montana Natural History Center is able to provide osprey monitoring, bird-banding and watershed education opportunities to over 300 Missoula area children through summer program activities. These experiences are unique and expose children of varying ages to wildlife biology and ecology. It also teaches them about the realities of environmental resource damage. But these opportunities for hundreds of children from the Missoula area are not only learning moments. These amazing moments are mentorship keystones that stick with kids, in some cases for a lifetime. These moments are what creates stewards of our natural resources and help to keep mitigate the kinds of damages caused to the Clark Fork Watershed by irresponsible mining and other extractive practices.

CFWEP and UMBEL are vital partners of the Montana Natural History Center in other ways as well. CFWEP and UMBEL have both provided essential content, activities, and

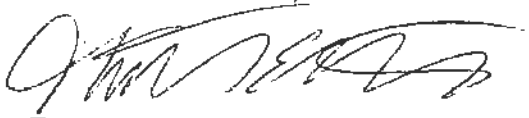
assistance to the Wings Over Water Program. This joint venture provides 40 hours of professional development for up to twelve teachers per year. These teachers return to their classrooms with a better understanding of how to teach Science, Technology, Ecology, Engineering, and Math. They also engage their students in service learning, examples of which include cleaning bailing twine from Osprey nests and erecting new Osprey Nest platforms away from powerlines. None of this would be possible without CFWEP and UMBEL's assistance and programming.

The above partnerships represent the Montana Natural History Center's two largest programmatic areas in partnership with CFWEP. However, we collaborate in many other ways. Because of our close work, and well beyond our partnership with CFWEP and UMBEL, I know that removing support for the quality, place-based teacher professional development, public outreach, and scientific research they conduct would leave a large hole in Missoula, Butte, and the communities in between that line the Clark Fork River.

I would like to leave you with the famous aphorism from George Santayana's The Life of Reason: "Those who cannot remember the past are condemned to repeat it." CFWEP is a necessary and important resource for the health of our State and helping to prevent future human-caused natural damage. Please continue to support CFWP so western Montana does not repeat the mistakes of our past.

Sincerely,

Thurston Elfstrom,



Executive Director
Montana Natural History Center

STAGGERING OX – BUTTE

549 S. Main St.
Butte, MT 59701
406-299-3948

UCFRB Advisory Council

NATURAL RESOURCE DAMAGE PROGRAM

1720 9th Ave PO Box 201425

Helena MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The CFWEP program has impacted our community by bringing to light the environmental importance of the Clark Fork Watershed. This program touches our children by bringing information about the history and importance of continuing restoration of the Watershed into the classrooms and the experience for our children to go into the "field" to witness the impact that the remediation has on the health of our community. This program is able to introduce the scientific impact on nature and the importance of our ongoing responsibility to sustain the local habitat and water quality. This is such an impactful introduction to STEM for our children. This program allows our students a glimpse into the science of testing local soil and water samples and the opportunity to discover new bacteriophages. What better way to get our children excited about science than to allow them to experience this first hand and have a hand in these discoveries! The professional development that is available to our teachers to continue to grow our students' interest is of the utmost importance. The CFWEP program is such an important part of our community and our generations to come.

Without the continued support for CFWEP by the Natural Resource Damage Program, our students will be significantly limited to have opportunity to take field trips to the restored areas and learn about the importance of a healthy Watershed for the health of our community. Being in the field is more impactful than being in the classroom. Summer research opportunities and restoration learning activities for high school students will no longer be available. This would be such a detriment to our future. Teachers would no longer have access to targeted and high-quality professional development about the on-going restoration in the basin at no cost.

Our communities rely on your funding to continue meaningful education for our students and teachers in the importance of restoration and remediation. We need to continue to encourage our children to take part in repairing and conserving our lands so that they can continue to be good stewards. The CFWEP program provides the opportunity for diverse students, who may not be able to experience this opportunity outside of this program, a chance to take part in, learn from and potentially become a professional in restoration, ensuring a legacy for those future generations.

Sincerely,

Tracy Skocilich

Owner- Staggering Ox-Butte

BIOMIMICRY
INSTITUTE

P.O. Box 9216
Missoula, Montana 59807
Biomimicry.org | AskNature.org

April 26, 2023

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,
I am writing to urge your support of CFWEP. As a collaborator and volunteer with this organization, I have witnessed the value they have provided to my environmental engineering students and the professional development opportunities afforded to educators across the state. As a father, I have seen the huge impact they make with the youth of our community. The environmental literacy they instill is unparalleled with place-based hands-on education that will have lifelong impacts on these learners.

Along with the high quality STEM education they provide, CFWEP has been a leader in inclusion of underrepresented and differently abled students. This is incredibly important work in an environmental justice community on a Superfund site. I know this from collaborating with them in the Upward Bound program and because they visited my son's special education classroom and inspired those students. Without them, there is no one offering these kinds of opportunities.

As a longtime observer of Superfund in Butte, it is my opinion that the funding for CFWEP has been the best spent and most impactful restoration money to date. I hope you will see fit to continue their funding until the remediation is complete.

Sincerely,

Dave Hutchins PhD
dave.hutchins@biomimicry.org
(406) 880-7617

Digital Spark Creative
hello@digitalsparkcreative.com
(406) 518-1576
digitalsparkcreative.com

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I believe the work done by CFWEP aligns with our state's constitutional right to a clean and healthful environment. I believe that in order for our community to care about our environment, it needs to be taught at a young age. The programs CFWEP provides help accomplish this goal through their student programs: Watershead Science Education, CFWEP Missoula, Trout in the Classroom, Fly Fishing and Conservation Camp, Osprey Education, Blacktail Watershed Restoration and Monitoring Program.

Without continued support for CFWEP by the Natural Resource Damage Program, our community and the watershed will be impacted in the following ways:

- Field trips to the restored areas and learning about the story of re-birth will not be afforded to all children in the basin.
- High quality summer research opportunities and restoration learning activities for high school students will no longer be available.
- Targeted and high-quality professional development about the on-going restoration in the basin will no longer be available for free to teachers.

I highly value the health of our natural resources and ask you to fund CFWEP as their work aligns with my values as a Montana resident and business owner.

Sincerely,

Valerie Manne

Valerie Manne

HIGHLAND POINT, INC.

4/26/2023

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620
RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I would like to strongly encourage you to continue supporting the CFWEP program. Over the last 10 years I have interacted with this program and its incredible staff so many times. From doing projects with the team with my own kids to coordinating activities for summer camp and school-term activities, this outstanding program is always ready to serve. The staff, led by Rayelynn Brandl ,is beyond helpful. Their knowledge of water restoration and natural resources never ceases to amaze me.

I will remind you that without continued support for CFWEP by the Natural Resource Damage Program, our students, schools and the watershed will be impacted in the following ways:

- Targeted and high-quality professional development about the on-going restoration in the basin will no longer be available for free to teachers.
- Field trips to the restored areas and learning about the story of re-birth will not be afforded to all children in the basin.
- High quality summer research opportunities and restoration learning activities for high school students will no longer be available.

I have seen firsthand the impact of their dedication to educating our children and local population about the restoration process—from cause to cure. If we do not have this program, we are doomed to repeat the horrendous mistakes of the past when it comes to our watershed health. It is imperative that this program continues not only as it has, but with sufficient funding for it to grow to serve our community even better.

Sincerely,

Ronda Coguill

Ronda Coguill
Butte MT

April 27, 2023

NRD Council,

Thank you for your past funding of the Clark Fork Water Education Program.

Living in Butte, I have seen up close how this program has impacted thousands of area school children through the field trips, events and classes the program has held.

Both of my children enjoyed learning from this program. This program has encouraged children to go into STEM careers and my son is now an Environmental Engineer and future steward that works in this area.

Please consider further funding for CFWEP as our area's population grows and more residents use our precious water and land for recreation, etc. We need to appreciate and protect it by teaching our future generations its legacy and science.

Thanks again for your serious consideration and please fund CFWEP for another 4 years.

Regards,

Francene Archibald

Francene Archibald

2817 State St.

Butte, MT 59701

Anaconda School District #10

1410 West Park Avenue

Anaconda, MT 59711

Phone: 406-563-5269

Fax: 406-563-4561

To Whom It May Concern; April 24, 2023

I am writing you this letter to express my utmost support and deepest regards for the Clark Fork Watershed Education Program (CFWEP). I have been part of the endeavors of CFWEP for 16 years and as a secondary science educator, I can honestly say that no other organization has been as impactful to my students' experiences or in professional development that matters, is engaging, and is as sustainable as CFWEP. This group knows the issues, connects students and teachers to scientists and professionals, and empowers everyone to have a voice and get involved in our local community.

One of the first things I remember doing with CFWEP was a comprehensive discussion of the history of mining in Butte. As a Butte native, I thought I had a good handle on the events that shaped this community. I learned so much more about the native species, the driving force behind decisions over land use, the watershed from a global perspective, and the chemistry behind the contaminants. This discussion reignited a spark of interest in my community. I made it my mission to learn as much about these things as I could, and then to teach my students about the environment they were growing up in. For some the entire experience was new and surprising. For others it built onto the foundation they had heard growing up. Along the way CFWEP fostered the passion and gave us the tools to engage students with monitoring biodiversity, and water quality in and around Butte and Anaconda. This group has taken my students and I to places of historical and biological significance including sites of remediation and restoration where we didn't just observe the effects of mining, but we measured, monitored and participated in the restoration ourselves. We visited the site of the dam where a historic flood contaminated the ground between Silver Bow and Missoula Counties. We were some of the last visitors to ever enter the dam on the Clark Fork before it was taken down and the river was restored to its natural confluence with the Blackfoot.

For years my students have participated in monitoring water quality through the use of biological, chemical, and physical parameters set forth by CFWEP. My students have learned the history of mining, the importance of the "stack" in Anaconda where I teach, and they have met and worked with many different scientists tasked with the remediation and restoration of the environment. This has empowered them to get involved in decisions about their community, and the

Anaconda School District #10

1410 West Park Avenue

Anaconda, MT 59711

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global environment, but it has also shown them they have the ability to become scientists and engineers, lobbyists and protectors of places such as these. I have seen students who are first generation college students complete programs and enter careers that put to use their critical thinking and problem solving skills that were fostered by the programs of CFWEP. And I have seen even more light that same passion for learning about the community they grew up in and how everything fits together into the decisions we make for our environment and natural resources. For most, playing in the streams and lands and seeing them as important areas to protect and restore, balances their role in the future with the education they received.

CFWEP brings possibility to schools and purpose to people. This group doesn't just do environmental outreach, they also partner with Montana Tech professors and scientists to bring phage research into schools. They offer internships in the summer to employ budding young scientists, and they organize and deliver on the grandest scale yearly community cleanup within Butte. CFWEP offers fly fishing camps to young children in the summers, and professional development to adults of many diverse backgrounds throughout the year. When I think of this organization, it is hard to imagine any of my successes or colleagues without mentioning them as a pivotal part of everything we do. I urge you to continue to support CFWEP. It is what's best for students, teachers, and our communities!

Sincerely,

Kate Mattern
Anaconda High School
515 Main Street
Anaconda, MT 59711
kmattern@anacondaschools.org
406-563-5269 ext.1567

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing to express my enthusiastic support for the Clark Fork Watershed Education Program (CFWEP) and their commitment to place-based education and professional development. As you may already know, the Clark Fork Watershed is a vital natural resource for the region, and CFWEP's work to educate students and teachers about the importance of protecting and preserving it is invaluable. By offering a variety of educational programs and resources that engage learners of all ages, CFWEP is fostering a deep appreciation and understanding of the interconnectedness of our natural environment and the human communities that rely on it.

The impact of place-based education on educational outcomes has been well documented and CFWEP's work to emphasize this, is vital to the students of Montana. By focusing on the unique characteristics and challenges of the Clark Fork Watershed, CFWEP is able to offer educational experiences that are both relevant and meaningful for local students and teachers. This emphasis also recognizes those that have used the watershed for thousands of years; the tribes of Montana. Through hands-on learning opportunities, students are able to connect with their community and develop a sense of responsibility and stewardship for the natural world around them.

Furthermore, CFWEP's commitment to professional development is vital to the educators of our region. By providing opportunities for teachers to deepen their knowledge and skills related to environmental education, CFWEP is building a network of educators who are equipped to inspire and educate future generations of students about the importance of environmental stewardship.

Without continued support for CFWEP by the Natural Resource Damage Program, our watershed will be greatly impacted. Field trips to the restored areas will not be afforded to all students, the high-quality professional development about the on-going restoration in the basin will no longer be available for free to teachers, and the summer research opportunities will not be offered. Their work is essential for the well-being of our watershed. Thank you for considering my letter of support.

Sincerely,

Bill Stockton
2022 MT Teacher of the Year
High School Science Teacher

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

Re: Clark Fork Watershed Education Program Request

Dear Advisory Council,

The CFWEP program has had a lasting positive impact on my former and current students. When asking former students about their memorable experiences in the science courses at Drummond High School, almost all of them bring up the CFWEP presentation and field trip during their 7th and 10th grade years along with the fish dissecting supported by CFWEP.

I would hope that this program will be continued to be funded, so that Drummond's future students can also have the same quality/fun learning experience as the former students.

I and the students (7th Life Science and 10th Biology) always enjoy starting the school year off with the CFWEP presentations/activities that cover the history of Butte mining and the impacts it had on the Clark Fork watershed along with the Superfund cleanup that is taking place. We (Drummond Schools) have been partnered with CFWEP, I believe, since its inception in about 2005.

CFWEP's 4-5 day presentation/activities culminate with a field trip to gather data at sites along the Clark Fork River. In the 17 years or so, we have tested 4 different sites from Ramsey to Drummond. This field trip allows the students to get a "hands on approach" to evaluating the watershed health by collecting data on 1) riparian assessment, 2) macroinvertebrate analysis, 3) and chemistry analysis of the water. "What a great way to start the school year and get the students excited about the life sciences."

Not only has this program gotten students excited about science, it has made them better stewards of the land and water around them. The CFWEP program has also provided students the knowledge to help them be ambassadors to inform others how to be better stewards of our land and water.

In conclusion, the money allocated for the CFWEP Program, in my experience, has returned a 100 times (plus) return in benefits to the students, the communities, and the environment in the Clark Fork watershed and beyond. PLEASE CONTINUE TO FUND THIS EXCELLENT PROGRAM.

Thanks for your time and consideration in this matter.

Darcy Schindler
Teacher/Dean of Students/Coach
Drummond High School

From: Jodi Oberweiser <library@drummondschool.net>
Date: May 2, 2023 at 3:54:55 PM MDT
To: "Guscio, Dalit" <Dalit.Guscio@mso.umt.edu>
Subject: CFWEP

To whom it may concern,
I am writing to urge NRD to continue to fund CFWEP in our schools!

CFWEP programs have had such a positive impact in the Drummond community. Students and residents alike engage in activities and programs that encourage lifelong learning about our watershed. Students are immersed in natural science when educators in the science department tie in their curriculum with the activities and lessons provided by CFWEP. Each summer our library hosts a program to visit local lands and osprey nests. Each fall and spring students go to the nearby creek and learn to take samples and study the health of our watershed. Please consider the importance of such programs for our rural community and provide continued funding for CFWEP.

I understand that while it takes time to establish programs in small communities, this program has become familiar to students and residents. Patrons in the library frequently ask about the CFWEP programs. It would be a shame to discontinue the opportunities for lifelong learning.

Please consider the importance of CFWEP in our schools.

Sincerely,
Jodi Oberweiser
Teacher Librarian, Library Director
Drummond School & Community Library

"What a school thinks about its library is a measure of what it feels about education."

--**Harold Howe**, II (1918-2002)

Jodi Oberweiser
Drummond School & Community Library
P.O. Box 349 124 First Street
Drummond, MT 59832

406-288-3700

ELLISTON SCHOOL DISTRICT #27
P.O. BOX 100
205 WEST MAIN
ELLISTON, MT 59728
PHONE 406 492 7676

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

As a teacher in Elliston School my students have been greatly impacted by the educational outreach offered by the Clark Fork Watershed Education Program (CFWEP). Our small, rural school would not have the opportunity to learn about the watershed in which the students live, get in-depth, hands-on experience with fish found in this watershed, or be motivated by such experiences without CFWEP.

In the years that CFWEP has come to our classroom students have been engaged and motivated to pursue educational/career pathways that they would not even have known about otherwise. Several students now have the goal to become veterinarians, wildlife biologists, and environmental engineers. All of these pathways are atypical of our community, and this is a testament to the positive impact CFWEP has in students' lives.

In short, as an educator of 30 years this program is one of the best ever! Your continued support of this program will be greatly appreciated. Also, the impact of your continued support will continue to be felt for decades to come, thanks to the positive influence with students. I appreciate your support of CFWEP, if you have any questions with which I can help please contact me.

Sincerely,

Gregory Liedle
Elliston School
gliedle@ellistonschool.com

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I have been involved with CFWEP in the classrooms over the last 9 years. This program has been very influential on my students' education regarding the importance of stewardship, connection to their land, and how much of an impact they can have on the habitats of many different animals and plants.

My students have always enjoyed their learning opportunities that are afforded them through the CFWEP program, which I would not have been able to provide without their help. This program also provides valuable opportunities for students to take their learning outside the classroom and see the importance of their local areas on animals, plants, and people.

After CFWEP my students are much more thoughtful about how they interact with their environment and want to work harder to improve public lands and know that even small acts have a much larger impact.

"In our every deliberation, we must consider the impact of our decisions on the next seven generations." - This quote is taken from the great law of the Iroquois Confederacy

If we wish to prepare our land and lives for the next seven generations, we must teach our current generation the importance and value of their land, actions, and lives of plants and animals. This program embodies this quote and that is why the CFWEP program is so important to our children's futures.

Sincerely,

Brianna Peet
Lead Elementary Teacher
Silver Bow Montessori School

1932 Wall Street
Butte, MT 59701
Driscollmaureen748@gmail.com

April 27, 2023

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am a retired science educator, having taught chemistry at both Troy High School and Butte High School since 1984. I became involved with CFWEP from its very beginning, attending summer workshops and having my classes participate in CFWEP projects. Now that I'm retired, I volunteer when I can with the outdoor workshops for area schools. The hours I've spent with area students has really 'filled my bucket' – reminding me of the joy of curious young minds. There is nothing quite like having students out in the field, surrounded by flowing water, insects and birds, rocks and plants, to open their minds. All kinds of "what if" and "how does that work" questions come out. While there are always lesson objectives for the instructors, there are frequently tangent lessons that evolve that prove to be just as meaningful. I've learned to show up with my A game because these students bring their thoughtful questions and ideas.

I urge continued support for CFWEP by the Natural Resource Damage Program so that high-quality professional development about the on-going restoration in the Clark Fork basin can continue, free of charge, for area teachers. I benefitted greatly from these opportunities when I was still in the classroom. One application example was having chemistry students examine the effects of acidic mine waste on the solubility properties of heavy metals – a very relevant topic in the Butte restoration projects.

CFWEP also provides high quality summer research opportunities and restoration learning activities for high school students. Continued support by NRDC would insure the continuation of this program. I frequently run into former Butte High students who went on to study science and are now actively working in restoration fields for companies like Water Environmental Technologies (WET) and Pioneer Engineering. Many tell me that their interests were first ignited while participating in some CFWEP activities. We need to continue this excellent program for our area students.

In closing, I urge the Natural Resource Damage Program to continue its support of CFWEP. It will ensure that the council's work will have a lasting legacy by providing relevant and meaningful experiences for students, hopefully resulting in a new generation of restoration professionals.

Sincerely,

Maureen Driscoll

Retired High School Educator, Butte, Montana

April 24, 2023

To whom it may concern:

I am pleased to write a letter in support of the Clark Fork Watershed Educational Program. I have been involved with the program since 2004 as a 7th grade biology teacher here in Butte. Each year, with the exception of 2020 through 2022 (due to Covid 19), my 130+ students have enjoyed the valuable instruction of the CFWEP instructors in and out of the classroom.

The students have learned about the historical background and advantages of mining in Butte and surrounding areas. They have also learned about the toll mining has taken on these areas. They have learned about remediation and restoration, the costs involved, and the areas in and around Butte that have been upgraded. Many of these areas have been close to their own homes which heightens their interest in all of this.

The concepts of open pit and underground mining have been introduced as well as the significant contributions Butte's copper has made worldwide in the 19th and 20th centuries. My classes have had the great advantage of visiting restoration sites along Silver Bow Creek to take measurements of such clean water indicators. They are excited to find macroinvertebrates and actually run to me from the creek shouting they have found the elusive stonefly. The students have produced beautiful artwork of stone flies, caddisflies, and mayflies along with illustrations of brook trout, bull trout and cutthroat trout that adorn our school walls.

I would truly hate to hear this program may be in jeopardy. I cannot begin to tell you the amount of science that is introduced to my students and to myself. I learn something new each and every time the CFWEP instructors visit my classroom. Their knowledge is invaluable; they have a great rapport with my students, and we really enjoy the information they share with us all.

Sincerely,

Kathleen Foley

April 25, 2023

Dear Advisory Council Members,

Please accept this letter of support for the CFWEP program.

I met a representative of CFWEP, Teal Taylor, at our annual Blackfoot Challenge Youth Field Day at Garnet Ghost Town where he was a presenter at one of our learning stations. I only vaguely knew of the CFWEP program from a neighboring rural school like ours so was eager to learn more about the program. Teal gave me the rundown of the program and his contact information. He was enthusiastic about adding another school to his circuit which made me want to follow through.

Fast forward, his anticipated scheduled date had arrived, and the presentation and experience didn't disappoint. Our students in grades K-8 were engaged with the question-answer presentation but even more so when they got to examine and dissect their fish under his supervision and direction. My students had never done something like this before, nor do I think I would facilitate this type of learning myself so the program is beneficial to small, rural schools like ours.

Now that I feel we have an added resource in learning about our watershed, I foresee that we will include them into our curriculum on a regular basis. We'd also like to take part in other opportunities offered through the program and therefore strongly advocate for their program to continue.With continued support for CFWEP by the Natural Resource Damage Program, our students at Sunset School would benefit in the following ways:

- targeted and high-quality professional development about the on-going restoration in the basin would be available for free to teachers.
- field trips to the restored areas and learning about the story of re-birth would be afforded to all children in the basin.
- high quality summer research opportunities and restoration learning activities for high school students would be available.

As a newbee to the program, I am looking forward to accessing more of the program to enhance my own learning and that of my students.

Sincerely,

Toni Hatten

Toni Hatten
Supervising Teacher
Sunset School, District 30
Greenough, MT 59823
406-244-5544

Bonner School District #14
9045 Hwy 200, PO Box 1004
Bonner, MT 59823
(406) 258-6151
(406) 258-6153 Fax
Jim Howard, Superintendent

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I'm writing this letter to strongly advocate on behalf of the Clark Fork Watershed Education Program (CFWEP). The CFWEP program has been a valuable part of the Bonner School curriculum by providing high quality inquiry-based instruction in the field of science and watershed conservation. We have worked directly with CFWEP from its inception. The meaningful experiences and depth of instruction provided by the CFWEP program has had an immeasurable impact on the students of Bonner School over the course of several years.

The Bonner community is directly tied to the Superfund cleanup happening along the Clark Fork river. The CFWEP program offers Bonner students a deep understanding of the scientific, ecological and historical events of the past 100 plus years. The genuine and engaging educational experiences provided by CFWEP have become an invaluable part of my curriculum.

Without continued support for CFWEP by the Natural Resource Damage Program, our students, teachers and schools will lose out in many ways. The targeted and high-quality professional development about the on-going restoration in the basin will no longer be available for free to teachers. Students will no longer receive the dynamic guest presenters that CFWEP brings to the classroom. The field trips to the restored areas and learning about the story of the re-birth of a watershed will not be afforded to all children in the basin either. Additionally, high quality summer research opportunities and restoration learning activities for students will no longer be available.

Once again, the CFWEP program has been an immensely important part of the Bonner School science curriculum. I strongly advise that support for this program is continued. Please contact me with any questions or concerns.

Sincerely,

Sean J Kiffe
Bonner School District
(406) 258-6151
skiffe@bonner.k12.mt us

Helmville School
PO Box 104
Helmville, MT 59843
April 25, 2023

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

This is my twenty-fifth year in education and I have been working with CFWEP for many years. Originally, I started working with them around 15 years ago when I was in Elliston. At that time they provided the opportunity to watch trout develop in tanks in the classroom. For the past 15 years we have been fortunate to learn about trout in Montana through their presentations, as well as, provide the opportunity for our rural kids to experience science dissection. Dissection experiences are much harder to provide in middle school in rural schools due to the lack of science labs. CFWEP has provided many opportunities for professional development that is directly related to science and our watershed. Opportunities for field trips and for presenters have been wonderful to take advantage of and CFWEP always works hard to have presentations for our watershed students on their field days.

Without continued support for CFWEP by the Natural Resource Damage Program, our students in the watershed will not have the opportunities to dissect fish or learn from experts about the restoration process and what that means for future fish populations as well as what it means for them as outdoor enthusiasts. Without them, we will also be impacted by the lack of free and high quality professional development for local teachers about the on-going restoration in the area. Not having the opportunity to learn about the restored areas and the re-birth will be detrimental to future students because they won't have the opportunity to travel to these places and see how such an impacted environment can be rejuvenated.

Clark Fork Watershed Education Program provides many opportunities for students in this watershed. If this program were to no longer be funded, it would be a disservice to the students. CFWEP has worked very hard to create future generations of stewards and leaders in their communities through their educational opportunities for meaningful and relevant experiences involving and beyond the restoration of the area.

As educators in this watershed, we would love to see the program and the work that is being done continue for our students and the many communities CFWEP has been working with to provide these meaningful experiences and opportunities.

Sincerely,
Brooks L. Phillips
Brooks L. Phillips

HELLGATE ELEMENTARY SCHOOL

DISTRICT NO. 4
2385 FLYNN LANE
MISSOULA, MONTANA 59808
(406)728-5626 FAX (406)728-5636

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing to encourage you to continue the support of CFWEP for the benefit of all Montana teachers and students. I am a teacher with over 30 years of experience in teaching science to middle school students. The CFWEP programs have had a significant impact on my professional development and growth as well as directly provicing positive experiences in authentic science research for Hellgate Elementary students. Through their unique programs, CFWEP continues to lead the region in providing quality teacher instruction and student involvement in meaningful research. The opportunities for teacher and student growth provided by CFWEP guarantee a future with an informed Montana citizenry possessing greater understanding of science and environmental issues affecting our state.

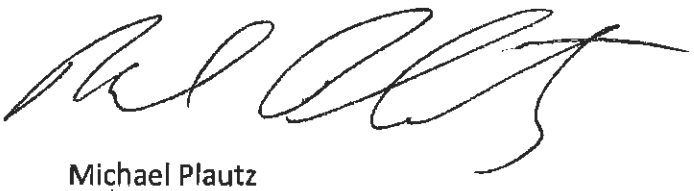
My first experience with CFWEP was through the *Montana Partnership with Regions for Excellence in STEM* (MPRES). This professional development opportunity was my first and most meaningful training on the The National Research Council's (NRC) Framework for K-12 Science Education and truly guided me in understanding the Next Generation Science Standards (NGSS) and helped me transition to being a confident 3 Dimensional Teacher. In addition to improving my professional practices and lessons to be more focused on implementing content, practices as well as connecting to cross-cutting concepts, I also am able to guide colleagues in my school to a similar pedagogy approach. Without CFWEP's guidance and training opportunities, my district would have lagged in making the significant shift to this new approach and missed the benefits of strong implementation of NGSS and Montana Science Standards.

Following my initial positive experience with CFWEP and MPRES, I sought out more professional development opportunities with CFWEP. Soon after MPRES, I was able to participate in *Bringing Research Into the Classroom* (BRIC). This collaborative effort between CFWEP staff with bacteriophage researchers at Montana Tech and schools was an exciting and engaging

experience for me as a teacher and, more importantly, for my students. The opportunity for my students to be part of authentic research was the most memorable learning experience for my students during those years. I am confident that those three days working with CFWEP staff was powerful enough to move some of my students to pursue more training and experience towards science and health profession careers at the secondary level

I recommend that the UCFRB Advisory Council continue its support of CFWEP. This support will continue the significant and purposeful growth of quality science instruction in the state through targeted and valuable professional development about best practice. Additionally, students will again be offered experiences and meaningful involvement in authentic research related to on-going restoration in the basin and beyond. The scope of impact from this kind of support extends well beyond teachers and students as families, schools and communities in the Clark Fork Watershed, in fact the whole state, benefit from the knowledge and positive experiences provided by CFWEP

Sincerely,



Michael Plautz

Science Teacher

Hellgate Middle School

Missoula, Montana

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing in support of the Clark Fork Watershed Education Program and urging to you provide continued financial support for their programming.

As a fifth grade teacher CFWEP was an integral part of my students' school year. The CFWEP program impacted my students by providing deep, rigorous and inspiring learning for students, as well as unique field trips to see ecological re-birth first hand. My fifth grade students showed a deeper understanding and appreciation of their local history as well as enhanced stewardship of local natural resources. I saw this through students independently organizing river clean-up events, creating educational materials for younger students, and traveling with their families to other critical spots on the Clark Fork Watershed for volunteer restoration opportunities.

Without continued support for CFWEP by the Natural Resource Damage Program, our students will lose an incredible opportunity to experience science and history firsthand. My colleagues will lose no-cost, targeted and high-quality professional development. Our community will lose an organization that has created a generation of environmental stewards and leaders.

Sincerely,

Sara Ibis
Educator
Missoula, MT

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

My name is Bryce Nederhoed and I am a 7th grade teacher at Washington Middle School in Missoula. My class has had the privilege of having Dalit Guscio and other members of the CFWEP team in my classroom over the last few years. This program has piqued the interests of so many students to be more involved in the community around them. The hands-on activities and engaging conversations my students have been a part of have strengthened the curriculum we already teach.

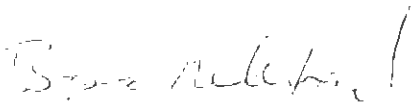
Without continued support for CFWEP by the Natural Resource Damage Program, Washington Middle School students will not get the education they need and deserve living in Missoula.

Our students will be missing out on:

- Group activities that help with team building.
- Field trips to the river seeing what is actually happening where we all recreate.
- Learning about Montana history and the reason for the superfund site.
- Cross curricular units in school that tie it all together.

Please consider funding all the wonderful activities these middle schoolers are gaining by having such a worthwhile organization in our community. This is one thing that our kids look forward to every spring. If it does not continue it will truly be missed.

Sincerely,



Bryce Nederhoed
7th grade science teacher
Washington Middle School

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The CFWEP program has impacted my students and I in the state of Montana. The students have been fully engaged in the lessons presented by the facilitators. They especially love the trout dissection. While many of my students fish and have experience gutting fish, they have never taken the time to examine and identify the internal organs. The program encourages me to add watershed components to my science curriculum.

Without continued support for CFWEP by the Natural Resource Damage Program, our students will no longer have access to this place based, hands-on education.
longer be available for free to teachers. Furthermore, the restoration programs in the community will come to an end.

I urge you to continue to support this beneficial program.

Sincerely,

Chantel Thornsberry, NBCT
Seeley Lake Elementary
Grade 7-8 Science Teacher

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I have been a 5th grade teacher the last two years for MCPS. I have had the opportunity to work with the CFWEP team to provide education in regards to the restoration process at Milltown. This has been an invaluable experience for both me and my students. I think this is such a crucial, regional based unit that students need to have. This gives them insight on the history of our area, but also sets them up to be advocates and interact with the environment around them.

The CFWEP program has impacted my school/city/personal life/professional life by….

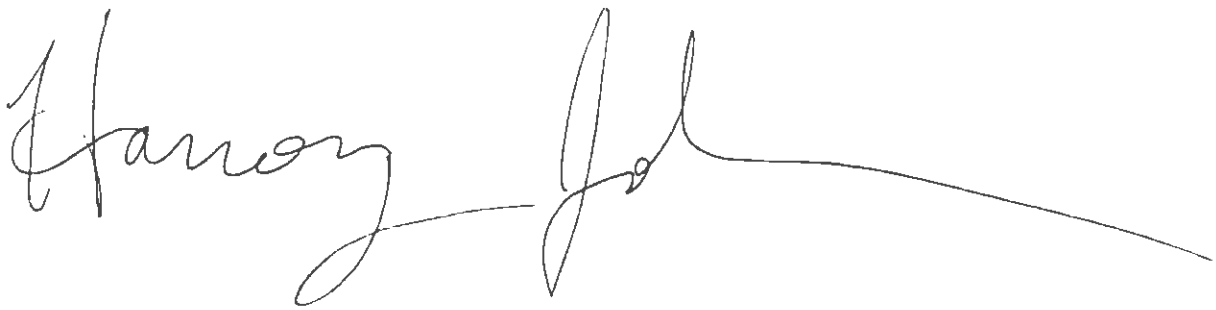
Without continued support for CFWEP by the Natural Resource Damage Program, our students schools the watershed will be impacted in the following ways:

-targeted and high-quality professional development about the on-going restoration in the basin will no longer be available for free to teachers.
-field trips to the restored areas and learning about the story of re-birth will not be afforded to all children in the basin.

This program is such an incredible opportunity for students to interact with our local environment. CFWEP allows students to learn and interact with conservation concepts, that they would otherwise not be taught. This is so important for creating individuals who value respect, advocacy, and problem solving.

Sincerely,

Harmony Johnson



UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing on behalf of my 5th grade classroom at Rattlesnake Elementary School. As a teacher new to the school and to Missoula, I was fortunate to participate in this wonderful educational experience, both personally and professionally. Personally, I was not aware of the history of the area that I now call home, the remarkable recovery efforts put forth, and the educational outreach afforded by the program. Professionally, I am amazed at the level and knowledge that my students have of their watershed and the challenges their community has overcome to reclaim and restore the Milltown Dam site.

Please continue to support the CFWEP Natural Resource Damage Program Educational outreach. Without it, our future 5th grade students will miss out on this valuable opportunity, including the knowledge-filled lessons and hands-on field trip to the restored areas.

Sincerely,

Sarah Silver

5th Grade Teacher
Rattlesnake Elementary
ssilver@mcpsmt.org

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members.

I can not begin to express on paper how much the CFWEP program has impacted my school, my students' lives, and my personal life. Every school year we started off with 2-3 weeks learning about the world around us and how water plays a part in our world. The students would make models representing where all of the water is in the world with the tiniest sliver showing how much fresh water we actually have ready access to. This emphasized for them the importance of taking care of our water and, as they would learn in the CFWEP classroom lessons, our watershed. When the lessons were being taught before the trip to the river, kids were learning to make the connections to things they have control over, things they can change. Then when we went to the river, the lightbulbs came on 110%. The kids would be able to see the data collection in action and were able to understand how and why the restoration was necessary. As an adult I learned right along with my students. I mucked in the water and counted larvae, measured the shoreline, observed the changes in the river flow and watched my students grow and connect with the local world around them.

Without continued support for CFWEP by the Natural Resource Damage Program, our students and the watershed will be impacted by
Our teachers will no longer have access to targeted and high-quality professional development about the on-going restoration in the basin.
The students will no longer get to attend field trips to the restored areas and learn about the story of re-birth.
High school students will no longer have the opportunity for high quality summer research opportunities and restoration learning activities.

This program has helped to create a generation of stewards and leaders in our community through the well orchestrated CFWEP, and that would be a disservice to this great state for years to come.

Sincerely,

Kimberly D. Johnson

Kimberly Johnson
Previous 5th grader teacher
MCPS
406-369-1805

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

As a fifth-grade teacher for Missoula County Public Schools, CFWEP has a direct impact on classrooms. Every year the program brings engaging, high-quality lessons to my classroom. Students learn to ask questions, investigate, and analyze real-time data.

Without continued support for CFWEP by the Natural Resource Damage Program, students would be missing out on an extremely valuable opportunity to learn about a piece of their state's history, the impact of mining, and how we continue to make sure our watershed is healthy now and for the future.

CFWEP is one of the best programs that we have in our schools: students, teachers, and community members across the Clark Fork Watershed benefit from this fantastic program.

Sincerely,

Katherine Ellison

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

Our grade 5 classes at Rattlesnake Elementary all participated in the amazing Clark Fork Watershed Education Program. This is the kind of collaboration that needs to continue between the University and public schools. The CFWEP program has had a powerful impact on bringing local real life science and history to our fifth grade students.

Without continued support for CFWEP by the Natural Resource Damage Program, our schools watershed will be impacted in the following ways:

-targeted and high-quality professional development about the on-going restoration in the basin will no longer be available for free to teachers.
-field trips to the restored areas and learning about the story of re-birth will not be afforded to all children in the basin.
-high quality summer research opportunities and restoration learning activities for high school students will no longer be available.

In my long history as a teacher and specifically a science teacher, this is one of the best programs I have seen. This program is well organized, informative, and hard science based. Students employ real world scientific procedures and analyze the data they have collected in the field.

Sincerely,

Michael J Heriza

Grade 5 teacher Rattlesnake Elementary

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing to express my support for the Clark Fork Watershed Education Program (CFWEP) and to urge you to continue funding this important program. The impact that CFWEP has had on my personal and professional life has been immeasurable, and I know that I am not alone in this sentiment.

CFWEP has had a sincere and lasting impact on my career. When I began as a first year teacher, I inspected the district standards and curriculum resource materials for science. At the time, life cycles were at the core of our standards, and I had heard local anglers mention life cycles. I sought out community resources to learn more and found that fishing and water connected to almost everything I was responsible for teaching. CFWEP has provided targeted and high-quality professional development about the on-going restoration in the basin, free of charge to teachers, and CFWEP was hosting watershed-based teacher professional development in 2008. I signed up and drove two hours both ways for the duration of the project, found a passion, and continued my professional development the next four years as a watershed science understudy. Everything I do and I strive to do is rooted in those experiences. What I learned has influenced me beyond words.

CFWEP's guidance was invaluable in helping me to teach my students about the importance of watershed restoration through the specific example of NRD efforts which continually improve the health of the Clark Fork Watershed, its ecosystem, and the quality of life for its residents. The Clark Fork is a story of people, solutions, and resiliency, and its legacy reaches students throughout Montana through the excellence of CFWEP. The Clark Fork story is a foundation of year-long study in Livingston for all fifth-grade students. This is a district-wide program. Watersheds connect everything in context and community. We all live in a watershed and are connected by the world's water, and CFWEP has been at the heart of this message.

In total, I was engaged in mentee and mentor roles within CFWEP projects for the entirety of my 14 year teaching career, earned a Master's degree, and am close to receiving my PhD in

Curriculum and Instruction. CFWEP provided an opportunity to grow teacher capacity and talent not available through school resources. The organization changed my life and impacted my students measurable by two Presidential Awards in science teaching. I believe in the mission of CFWEP so much that I have now dedicated my career to it exclusively, accepting a position as the Director of Program Services and Evaluation. I hope to contribute to the mission of CFWEP for the next generation of teachers and students, building intergenerational knowledge necessary to continue the legacy of restoration throughout the next era of ecological challenges.

Thank you for your consideration of this request. I strongly urge you to continue funding the Clark Fork Watershed Education Program and to support the important work that it does in our state.

Sincerely,

Chris Pavlovich

Chris Pavlovich
Livingston 5th Grade Teacher, 2008-2022
Clark Fork Watershed Education Program, Director of Program Services and Evaluation

Baker Public Schools

Baker Spartans

AARON SKOGEN, Superintendent of School
DOM VERGARA, High School Principal
BO LINGLE, Vice Principal

1015 South Third West
P.O. Box 659
Baker, Montana 59313
High School Phone . . .(406) 778-3329

ERIN NEVERS, Elementary Principal
JENNIFER METTLER, District Clerk

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue, PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing to share with you all how the CFWEP program has impacted my students, school, community, and professional career. I have been working with CFWEP for at least a decade in a variety of different programs. First, I was part of the Montana Partnerships with Regions for Excellence in STEM (MPRES). This was a grassroots program with K-12 science teachers to learn and master the new Next Generation science standards before they were even adopted in Montana. This was the first time I had been involved in teacher leadership and Rayelynn Brandl selected me as a teacher leader to train even more teachers the following year. Many of us were also involved in writing the new science standards for the state. Through this program, I was able to map my entire curriculum with the new standards and develop many new standards-aligned, published and even award-winning lessons. MPRES completely transformed my teaching and pushed me to learn and implement the new standards like I never would have been able to on my own. CFWEP even provided support so that I could present at the National Science Teaching Association conference. All of these experiences were incredibly valuable and formative; they truly encouraged and pushed me into a new phase of my professional career.

Following my leadership experiences in the MPRES program, CFWEP launched a program called Bringing Research into the Classroom, which was in partnership with Montana Tech through a SEPA grant. Traveling all the way from Butte, Rayelynn and her team have trekked out to Baker to work with my students for nearly a decade to work with them in phage discovery. Phages are viruses that infect bacteria, and they are hoping to discover phages that will help treat diseases like Tuberculosis. In 2015, one of my students, Bo Rost, discovered a novel phage which he named Yodasoda from a soil sample in his goat pasture. For a small town kid from Baker, this was a big deal. He made the front page of the paper more than once and he began conducting research on his phage. Bo was not planning to go to college, nor were any of his siblings. After this experience with research, he was accepted for an internship at Montana Tech and pursued a college degree. He and his sister are currently in college pursuing degrees in science fields.

While Bo and other students were engaged in authentic scientific research in phages, I was also able to conduct graduate phage research for the completion of my M.S. degree. Working both in my high school classroom lab and in a lab at the Montana Tech campus, I conducted research on how phages infect *Staphylococcus aureus,* the bacteria that causes "staph" infections. After I completed my degree, I was invited by CFWEP to present my work at an NIH meeting in Washington, D.C., which was a once-in-a-lifetime experience for a high school science teacher.

My experiences with CFWEP galvanized my interest in research, so I decided to pursue a PhD from Texas Tech University, which I recently completed with the support and encouragement of my friends at CFWEP and Montana Tech. Additionally, there have been many research projects and lessons I have helped students tackle directly because of my experiences with CFWEP. For example, community members were getting sick after swimming in our local Baker Lake this summer. My students were eager to find out why. With the help of CFWEP and Montana Tech, we initiated a year-long project with the county and DEQ to identify and characterize pathogens in the lake causing disease. The project will continue next year, at least. If not for the support and expertise from CFWEP, I would never have had the confidence or opportunity to even approach this project.

All of these experiences with CFWEP have also directly led to several awards that I and other CFWEP teachers have received. In fact, most of the current cohort of PHAGE teachers have received state-level awards. This year, three of us (Sarah Urban, Megan Lane, and I) were named as finalists for the prestigious Presidential Award for Excellence in Math and Science Teaching (PAEMST). CFWEP's Director of Program Services and Evaluation, Chris Pavlovich, is a winner of the national honor. Judy Boyle, Chris Pavlovich, Bill Stockton, and I were all part of the MPRES program with CFWEP and are all finalist or winners for the Montana Teacher of the Year award. CFWEP/MPRES teachers Kate Mattern, Sarah Urban, Lily Apedaile, and Katie Capp have all been awarded the Montana Outstanding Biology Teachers award. Rayelynn Brandl, the CFWEP director and an incredible leader, also received the National Science Teaching Assocation Distinguished Informal Education Award. Many others with whom I have lost contact have undoubtedly also been honored with awards.

The impacts and programs of CFWEP of which I have not written are those with which I have not been involved. However, I have heard of the public engagement outreach projects and other student programs that involve youth and the community a variety of watershed and natural resource education programs. I can confidently say that CFWEP has been the most impactful and significant organization with which I have been involved that has propelled me forward in my career. In so many ways, the people of CFWEP have grown, encouraged, and cultivated me throughout my journey. Their leadership and guidance has been paramount to my success as an educator. I passionately and unreservedly advocate for the continued funding of this treasure of an organization.

Sincerely,

Linda C Rost

Linda Rost, PhD, Science teacher 10-12
2020 Montana Teacher of the Year & National Finalist

Robin J Hehn
5312 Onyx Blvd
Billings, MT 59106

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 20145
Helena, MT 59620

April 25, 2023

Re: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The Clark Fork Watershed Education Program (CFWEP) has made long term positive influences on myself as an educator and in turn, many students in the classroom. The CFWEP program inspired my teaching of local ecology, environmental studies, and awareness of the environment in and around the community of Columbus Montana where I taught for 16 years. Countless students have learned the basics of stewardship, appreciation for the environment, and a deep understanding of our role in helping maintain a healthy environment for generations to come. Many Columbus students went on to advance college studies and careers in the environmental science field.

The continued support for CFWEP by the Natural Resources Damage Program is essential for maintaining education and awareness of the environment for teachers, students, and community members all across Montana. The professional development for teachers who in turn help educate future generations of stewards is a tremendous value to all citizens across the state. The value of the CFWEP program is truly immeasurable.

Please consider continuing to help fund CFWEP as a request to help all Montanans maintain and improve the environment and the understanding of how we interact with our lands.

Sincerely,

Robin Hehn

Robin J Hehn

C. R. Anderson Middle School
1200 Knight Street
Helena, MT 59601

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing this letter in support of the Clark Fork Watershed Education Program (CFWEP).

I have been involved in CFWEP programming since 2005. CFWEP has, hands down, provided some of the most important and impactful professional development I've done throughout my 20-year career as a biology teacher.

With the guidance and support of CFWEP I have participated in summer research projects for more than six years now. With their further support I wrote a paper detailing some of that research. That paper, "Characterization of a Bacterium Isolated from Hailstone in Butte, Montana," was accepted for scientific publication in the Intermountain Journal of Sciences in 2021. Having the opportunity to do scientific research, writing a scientific paper, and submitting that paper for publication are things I never could have done on my own. As a middle school teacher, I don't have the experience or resources to make that happen. However, with the support of CFWEP staff I've had those opportunities, plus so many more. After these experiences, I'm able to bring the world of scientific research alive for my students. All thanks to CFWEP and their training, expertise, and guidance.

My students have also greatly benefitted from the real-world, hands-on science experiences provided by CFWEP. My former students often visit me when they're in high school and college. Many of them bring up their CFWEP experiences and point to them as pivotal moments that helped them see the impact of science on the world around them. Many have also said that those experiences encouraged or inspired them to consider pursuing advanced science classes and careers.

I sincerely believe that CFWEP's programming is creating a long-lasting legacy of science appreciation and understanding for students and communities across Montana. My sincere hope is that your council will continue its generous financial support of this incredible program.

Sincerely,

Megan Lane
Biology Teacher
CR Anderson Middle School

Office: (406) 324-2800 Fax: (406) 324-2801 Attendance: (406) 324-2802

Park High School

102 View Vista Drive · Livingston, Montana 59047
(406) 222-0448 · Fax (406) 222-9404

Lori Dust
Principal
(406) 222-0448

Becky Ayler
Vice Principal
(406)222-0449

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 596020

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing to ask for your continued support of the Clark Fork Watershed Education Program. This program has helped me grow as a teacher and has directly influenced my students and their understanding of Montana watersheds and water quality.

This program and its leaders have a deep-rooted sense of community and appreciation for the Clark Fork Watershed. Their passion for teaching, conveying local history and a vision for a restored future are what makes this program special. This program is not like any other education program in the state. The leader's ability to paint a picture of the history of the Clark Fork Watershed is not lost on their audience. Local industry and its deep-rooted ties to the local culture of the community and a shared vision of a healthy future watershed are more understood by this organization than any other in our state. CFWEP is a valuable resource, whose educational philosophy and methods should be applauded. I would like to see the program grow to include other watersheds and communities in our state.

Through their excellent professional development program, I learned how miners and scientists collaborate so that business and nature can succeed. Their way of teaching allows students to develop conclusive thoughts about watershed health and its continued restoration.

I feel that there is no better way to learn science than being in the field. With the guidance of CFWEP you are given the tools to collect samples, process data and have productive peer collaboration. Their methods bring science alive. This program is teaching the next generation Montanans to be effective scientists and objective thinkers.

I need the Clark Fork Watershed Education Program to continue its quality education program. Their methods are fostering a deep appreciation for water management, directly affecting the next generation of Montanans. I highly recommend this program and ask the council members to please continue supporting CFWEP for the sake of our local community and our global community.

Sincerely,

Natalie L. McGrath
Park High School-Science Educator

HELENA HIGH SCHOOL
1300 BILLINGS AVE.
HELENA, MONTANA 59601-3981

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

April 27, 2023

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

Thank you for the opportunity to support the Clark Fork Watershed Education Program (CFWEP) and recommend them for your NRDP funding.

Missy and I are currently science educators at Helena High School in Helena, Montana. Our combined years of service add up to about 50 years in public and outdoor education, and we are drafting this letter on a bus full of kids in the Seeley-Swan valley! We're returning from a three-day field trip with Junior and Senior high-school-aged students showcasing conservation and stewardship on the land in the Blackfoot watershed. We believe deeply in hands-on, experiential learning for kids in real-world settings and we spend a lot of our own time, money, and heart to make trips like this happen for kids.

Since our participation in the Bringing Research into the Classroom (BRIC) program in 2015, we've been relying on CFWEP to be a defining force in our teaching, teacher training, and student engagement. We first got involved with CFWEP through our colleague, Sandra Wardell, who connected us with Dr. Marisa Pedulla and collaborated with her to bring bacteriophage research into public school settings.

Over the past 10 years, CFWEP has impacted our students by giving them the opportunity to experience and immerse themselves in science that matters; science that has a purpose. At all levels, CFWEP programs empower students to believe they can do science, and that the science they do can be meaningful. It gives them the chance to build confidence and skills they can carry with them into whatever field they choose. As an example, the BRIC program has invited groups of students at the middle- and high-school levels to participate in phage discovery and isolation in the comfort of our own classrooms. We've served over 2,000 students with this program and will continue to serve hundreds of students a year with the FREE training we received courtesy of the CFWEP program. It's safe to say we would have never heard of bacteriophages (or ever considered the possibility that we could find them, isolate them, name them, and contribute to an important field of study with such young, inexperienced students and teachers!) without the fully funded trainings CFWEP provides. Grant funding, like that which NRDP will provide, is essential to our ability to participate in programs like BRIC.

Over the past decade, thanks to CFWEP, HHS teachers have engaged in trainings on environmental field work, stream restoration, bacteriophage discovery, DNA sequencing and analysis, and a myriad of other experiences. Missy and I participated in the first cohort of BRIC and were awed by the high-quality training, educational materials, and partnerships provided by CFWEP. Students from our BRIC program have gone on to become researchers, doctors, and well-informed citizens due to the time, money, and effort CFWEP was able to pour into these teacher trainings and student experiences.

CFWEP is special because it isn't just a for-profit organization providing lip service to science literacy. CFWEP has guided students into many science research professions, which in turn make our community and our world more scientifically literate, more curious, and more collaborative. Without continued support for CFWEP by the Natural Resource Damage Program, our students, our schools, and the entire Clark Fork watershed will be impacted detrimentally. Students will not get the chance to plant riparian vegetation and measure changes in the stream flow before and after the remediation. They would not get the chance to catch fish, search for macroinvertebrates, and measure water temperatures that are all affected by the improvements paid for by CFWEP education programs.

As a specific classroom example, Missy has spent many years teaching BRIC/CFWEP programs in summer school. Summer school is generally for students who have failed science courses in the regular school year and need to catch up in order to be on-grade for the fall. These are often difficult students with little or no background knowledge in science or environmental stewardship and limited resources to enjoy the beauty and grandeur of Montana's great outdoors. Because of CFWEP, summer school students at HHS can do DNA PCR, gel electrophoresis, gene identification and phage discovery that rivals graduate research at many highly respected universities.

These students would not necessarily see themselves as scientists or think they are smart enough to do science. Because of BRIC and CFWEP, they felt for the first time that they were worthy of real research. They were excited at the prospect of finding a bacteriophage cure for tuberculosis, a disease that afflicted over 8,000 people in the US in 2022 and over 10 million worldwide. The first summer school session Missy used with the BRIC model had a 100% pass rate for students who had previously failed their regular science courses in its traditional format. Giving kids a real problem to solve lights a fire under their learning that no other teaching training or high-cost curriculum can ignite.

Lastly, it would be remiss of me not to note that "free" is a big idea in teacher training. Food, lodging, travel costs, sub costs, etc. are prohibitive in most cases for teachers—especially those who are just starting out in the field. Funding grants from NRDP are the essential piece to guarantee teacher and student participation. If we don't get our students to see the importance and value of caring for our landscapes, our people and our ecosystems, Montana as we know it will be forever changed. The NRDP has an opportunity right now to set our future on the right path, and we sincerely hope you take it by choosing CFWEP for your grant program.

Please contact either of us at any time with your questions or concerns.

Sincerely,

Claire Pichette, MSSE PAEMST
cpichette@helenaschools.org
Helena High School
1300 Billings Ave.
Helena, MT 59601

Missy Sampson, MEd
msampson@helenaschools.org
Helena High School
1300 Billings Ave.
Helena, MT 59601

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The CFWEP Program has impacted my life in more ways than I can count. From the time I was in High School this program gave me the spark that started my science career and put me on a path to success. Without this program's spark, I am not sure I would be in the field I am today. This program really teaches the importance of our place, the history, and the duty to take care of it for our future generations. I have been attached to the CFWEP mission since my high school years and see the importance of it for students all throughout the Clark Fork River Valley.

The CFWEP program reaches more students every year than most any other non-profit organizations and gives all those students an experience about the place around where they live. This cleanup that is being done in our watershed, needs to be taught to our younger generations continually so that they will understand the importance of it and will take care of it in the future. If we do not continue to give money to programs like CFWEP for the education of our young folks in our communities, then why should anyone care about the work that is being done in the basin. I know countless times I have heard stories of students coming home and talking with their parents about the history and damages to the Clark Fork and the Cleanup and then engaging in conversation with their parents, after going through the CFWEP Program. I truly believe there is no stronger voice in our community than that of our youth and if we want to talk about the great work that is being done in the Clark Fork, then these programs are what get that message out.

Without continued support for CFWEP by the Natural Resource Damage Program, our students, teachers and schools are going to miss out on opportunities that have been a great way to bring high quality education programs into their lives. This program has not only impacted all the students over the years, but helped to build stronger and better teachers in our communities through place-based educational trainings about our watershed and using the Cleanup as the tool. Without continued funding, this type of program will not be available any longer and then new teachers will not have the opportunity to incorporate these important lessons in their classrooms.

It is very hard for teachers and students to get out on high quality science fieldtrips anymore, and through CFWEP and the funding from NRDP, they are able to that, because it allows them to come for free and not pay out of their budgets. That benefit goes away without the funding.

In the end, CFWEP is in my mind a critical program for the future of our cleanup here in the Clark Fork River Basin. As a professional in a top conservation organization in the country, I see the importance of

our youth getting to experience as much of the natural world as possible. If CFWEP was to no longer exist, the communities would be missing a crucial piece to the future of these beautiful new areas. Without the amazing story being told about the cutting-edge restoration that is being done here, it all just goes away. No one will know about it and that puts the future of these areas in jeopardy. Education of our young folks by programs like CFWEP should be our top priority. We need to give students more outdoor and in-depth science experiences in the future, or we may end up with a generation of folks that are not stewards of the land.

CFWEP has spent the last 20 years in a partnership with NRDP to create Stewards of our local area and a scientifically literate community to help engage in tough discussions. This is a great partnership that has changed countless folks outlooks on this place and even put them on a new career path in this field. I know it has done just that for me and now I get to share that with my two young boys. I hope this letter finds you well and that continued support for CFWEP will be at the forefront of every conversation, because without them we will lose a great program that impacts many students, teachers, and schools here in the Clark Fork.

Sincerely,

Christopher Doyle

Butte Community Member

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The CFWEP has significantly impacted our family over the last several years. During the pandemic, my daughter, Dorothy, became enamored with birds and bird watching. Through friends and colleagues we learned about the bird banding program and Dorothy, 7 at the time, and I attended our first session. We left Missoula at 6 AM, met the bird banders for sunrise, helped them set up nets and spent several hours with them as they banded birds and mentored Dorothy through the entire process. If she was into birds before, words cannot describe what happened after this experience and how it altered the trajectory of our family's life.

In a world full of screens, what could be better for kids then what my daughter and countless other kids have experienced with the CFWEP. Since our first-time banding, our family has continued to join the banders each summer at the Rock Creek Confluence. Again, due to this program, our family gets to spend time together with Program staff who all share a love and passion for our region. Thanks to this program, our family learned how bird populations are indicators of a watershed's health and why we need to restore and preserve our watersheds.

I asked Dorothy, 10, and Lucy, 6, to add why they believe the advisory council should continue to fund CFWEP.

Dottie's 5 reasons to keep the program going:

1. *It is a great opportunity to get up close and learn about birds.*
2. *The program has encouraging people.*
3. *It is fun to see a banded bird while bird watching and to report it to CFWEP.*
4. *The Program is an important part of science.*
5. *I like to hang out with people who love birds as much as I do.*

Lucy's Response:

We should keep the bird banding project going because most kids have not seen birds very close and they might want to. It is really fun to see a banded bird!

When considering where UCFRB's funding should go, I hope you continue to support the CFWEP. The program does it all in terms of monitoring watershed healthy while also inspiring the next generation of scientist and conservationist!

Sincerely,

The Herring Family; Josh, Jamie, Dorothy, and Lucy

JUSTIN RINGSAK

760 Laurel St | 406.498.926 | justin.ringsak@gmail.com

April 27, 2023

RE: 2023 UCFRB Restoration Plans Revision/Scoping – Public Comment
Natural Resource Damage Program
P.O. Box 201425
Helena, MT 59620-1425
nrdp@mt.gov

Dear RE: 2023 UCFRB Restoration Plans Revision/Scoping – Public Comment Natural Resource Damage Program:

I am writing to submit public comment on the "Draft 2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans, Update, Solicitation of New Restoration Action Concepts and Potential Revisions" in support of providing additional NDRP funding for the Clark Fork Watershed Education Program (CFWEP).

In the interest of transparency, I want to note that I previously served as an AmeriCorps VISTA with CFWEP in 2007, was employed as the Public Education & Communications Coordinator from 2008 – 2011, did some web and curriculum development work for CFWEP and Montana Tech as an independent contractor from 2012 – 2013, and have served as a volunteer member of the CFWEP Advisory Board since about 2013.

I am offering my support for continued NRDP funding not only as someone who is familiar with CFWEP and the demonstrably excellent work the organization has done – I strongly suggest all council members review the readily available data on the number of students and teachers CFWEP has served, the achievement data for students who have participated in CFWEP programs, and the reach the organization has had with public education programs and publications about the UCFRB restoration over the past nearly two decades. I am also offering my support as a Butte native; longtime Montana resident; avid user of the UCFRB landscape for hiking, fishing and camping; and as a student of the sciences who wants to see the

tremendous investment the State of Montana has made in the UCFRB protected in the long term through education.

Furthermore, having worked with numerous local, state, and federal programs and nonprofit organizations, I believe you would be hard-pressed to find an entity that delivers more "bang for the buck" than CFWEP. Aside from the quantitative educational benefits, CFWEP has provided a fair and trusted source of information about restoration activities – and the historical context and future goals around the restoration – to the citizens of the basin, and has helped to spread the scientific and practical knowledge gained throughout the restoration around Montana and beyond.

Considering the magnitude – in time, work, cost, effort – that has gone into the UCFRB restoration, and that will continue to go on for the foreseeable future, this type of community engagement is invaluable to the NRDP, the Council and the State of Montana. The bottom line is that as long as environmental restoration work is ongoing in and around the basin, NRDP investment in CFWEP should be an essential component, because it is the key element that involves the community the restoration effects.

Of all the worthwhile projects NRDP funds, CFWEP provides the greatest return in the form of communities engaged with the restoration, and students – who will become future community leaders – who understand the tremendous efforts undertaken here, and how to protect our fishery or wildlife resources, ensuring that they remain key parts of our communities that future generations of Montanans can enjoy.

Sincerely,

Justin Ringsak

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The Clark Fork Watershed Education Program (CFWEP) is a collaborative effort amongst the University of Montana, Montana Technological University, local schools, and community members functioning to promote watershed stewardship through hands-on education and research opportunities.

CFWEP facilitates a variety of educational programs for teachers, students, and community members. Some of the program offerings include field trips to local waterways and wetlands, classroom presentations, and teacher workshops. Additionally, professional development opportunities are offered to educators, such as a summer institute on watershed science and teaching.

Furthermore, CFWEP provides multiple high-quality research opportunities for high school students across Montana, including the PHAGES program. I participated in the Phage Hunters Advancing Genomics and Evolutionary Science (PHAGES) program following high school graduation. From this program, I was not only able to gain valuable, hands-on research experience, but the program blossomed into continued research employment throughout my college career. The skills I acquired through this program directly applied toward other summer research internships that I participated in and enhanced my growth as a scientist.

Without continued support for CFWEP by the Natural Resource Damage Program, local students would miss the opportunity for essential hands-on experience that can only be obtained outside of the classroom. Without the PHAGES program, I would not be continuing research at Montana Tech, and I would not have become infatuated with research. Similar programs would no longer be available for high school students. Additionally, targeted and high-quality professional development regarding restoration in the basin will no longer be available or free to teachers. Field trips to the restored areas, many of which I volunteered for, and learning about the story of re-birth will not be afforded to all children in the basin.

CFWEP plays an integral role in promoting awareness of the Clark Fork Watershed and its environmental challenges. Furthermore, CWFEP has empowered people of all ages and diverse backgrounds to take action to protect and restore this important natural resource.

Sincerely,

Kylie Marks

UCFRB Advisory Council
Natural Resource Damage Program
1720 9th Ave. PO Box 201425
Helen, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I had the opportunity to intern for the Clark Fork Watershed Education Program (CFWEP) for nearly 3 years while attending Montana Tech. I was first introduced to CFWEP in a biology class that I was taking as a science elective. For our class we went on a trip to Silver Bow Creek near Fairmont. Growing up in Deer Lodge I had heard of the pollution and the cleanup but that was about it. It was through that field trip that I learned of the severity of the contamination and about all the work that went into cleaning it up and the restoration that followed. On that trip we looked at water quality, macroinvertebrates, and riparian habitat. I could not believe that this stream had been lifeless less than 25 years earlier. This moment sparked my interest in restoration and biology, so much so that I switched my major to biology and also decided to pursue the restoration certificate. I knew that I wanted to work with animals and I want to spread the message of restoration and conservation.

The next semester I had an opportunity to volunteer for CFWEP, helping with field trips for grade schools from around the watershed. The kids would go through the same stations we had gone through on our trip. The whole time I found myself saying "I wish they had something like this when I was their age". The kids enjoyed going to the different stations learning about how to identify macroinvertebrates and how we can use them as indicators of environmental health, how water quality is crucial for life to exist in a small stream, and about how important a healthy riparian habitat is. I heard some of these kids talking about wanting to be scientists or about how much they enjoy fishing and the CFWEP staff members would tie this all together for them.

I was then offered an intern position at CFWEP and that's when I realized these field trips, as much work as they were, are only a small part of everything CFWEP does to educate the communities about the watershed. Fly camp, which is a fly-fishing camp held in the summers on Georgetown Lake, is another awesome experience for younger kids to get outdoors and enjoy fishing. This offers a great opportunity to offer the kids a hobby or expand on an existing hobby of fishing, while educating them on why conservation is so important and hopefully giving them a sense of stewardship. Aside from fishing the kids get a chance to participate in hands on restoration activities.

CFWEP was a driving factor for my decision to pursue a degree in biology and restoration. I gained invaluable experience and knowledge and had a part in spreading that knowledge to others. Without support of CFWEP by the Natural Resource Damage Program I feel that future students, both college and middle school, will be missing out on the chance to be inspired like I was and like many of the kids we taught were. The entire watershed community would be at a

loss without this program that takes conservation from the classroom to the field. Every teacher I have met while working for CFWEP has had nothing but praise and gratitude for this program. It would be a shame to know that future classes of students will be missing out on such a high-quality educational opportunity.

Whatever the cost of the CFWEP program, you can guarantee that it is a bargain compared to the value of this program to our communities, our children, and to our state.

Sincerely,
Shawn Moorman

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

Thinking back on my last semester of college at the University of Montana, I couldn't have imagined it without joining in the Clark Fork Watershed Education Program. Being immersed in watershed education by going into classrooms and teaching students about the watershed they live in, and going on field trips based off those lectures has made my college experience so much more meaningful. I think these experiences are a vital component for students to understand where they are, and the importance of a healthy watershed. I grew up in Butte, MT and back when I was young, I did a field trip similar to the Clark Fork Watershed Education Program. Once learning about CFWEP I was inspired to dedicate time to doing the same thing with students in Missoula. It was always so gratifying to teach the lectures, go on the field trips and watch the students understand and talk about the things they learned about their own watershed. Without this program, students would be missing out on an opportunity to get outside, learn about, and interact with their watershed. My best memory of this program is after the field trip, having a student approach me and tell me that what they want to do when they grow up is to be a biologist or ecologist and they absolutely loved this program. This field trip sparked their interests even more and they were fully engaged in every step. I like to think about just how many students this program might inspire to be stewards of our watershed.

Sincerely,

Lauren Sampson

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing to express my support for the Clark Fork Watershed Education Program. My name is Lauren Spaeth, and I am an intern with CFWEP in Missoula. My internship involves providing educational lectures to 5th and 6th grade students at a diversity of elementary schools in and around Missoula as well as a field trip to Milltown State Park.

It is difficult to put into words how meaningful and impactful my experience with CFWEP has been for me and other elementary and college students. However, what I can say is that providing the power of education to students at such a pivotal age and making scientific education accessible is invaluable for me, my peers, and the students. We have the unique ability to expand on students' interests and encourage students to be leaders in and out of the classroom.

When giving lectures in the classroom, I will never forget the amazing, and creative questions that the kids come up with at the end of the lectures that make me think more deeply about what I am teaching. I learn just as much from the students as they learn from me. On the field trips, I always remember the initial shock and the awe the students feel when they first see a macroinvertebrate. There was one field trip with the kids from Lowell, where she was so afraid to even look at the macroinvertebrates at first, but by the end, she was the one sorting them and leading the species identification process. This field trip helped her become a leader. It is truly a life changing experience for them and for the other interns teaching. We are educating the next generation of environmental stewards. These students cannot be environmental stewards without proper scientific literacy skills, and we provide those.

In terms of my own experience learning from the CFWEP program, I feel so much better prepared for a career in environmental education. My experience goes beyond just learning about the science and history of our watershed but also how to feel confident in a classroom in front of an audience. I have also strengthened my science communication skills, which are invaluable in order to think critically.

With your support, this impactful work can continue. Elementary students can continue to be leaders and be exposed to critical thinking and communication skills. Finally, interns like me can continue to have unforgettable experiences in and out of the classroom and develop invaluable career skills.

Sincerely,

Lauren Spaeth

To whom it may concern,

Hello, my name is McKenzie. I am currently a senior at the University of Montana hoping to graduate this spring. I am interning for the Clark Fork Education Program (CFWEP) and working for TRIO Student Support Services. I have been with CFWEP for about 2 years now and have loved every minute of it. I got to experience the same science curriculum from 5th grade up to 12th grade, which is another reason why I am so excited to be apart of this amazing program. I have witnessed young children get beyond excited as soon as us interns walk into the room, and it is the best feeling a person could have.

I enjoy having the opportunity to teach the same curriculum that was taught to me by someone from the CFWEP program, which had a huge impact on me and is the reason why I got into the program and started teaching. I am also a STEM major, about to graduate with a bachelor's degree in Wildlife Biology with a concentration in aquatics. The curriculum taught by CFWEP not only helps young students learn why it's important to maintain a healthy watershed, but it also helps when going into college, as some of the concepts are also taught in more advanced STEM courses. This shows how critical this program is not only for these young children, but also for us adult interns, as we are also learning some of this material for the first time.

I want to thank you for taking the time to read this letter, and I hope you will continue to fund the CFWEP program!

Sincerely,
McKenzie Norton

Email: mckenzie.norton@umontana.edu
Phone: (406)565-7927

Memo

To: UCFRB Advisory Council
Natural Resource Damage Program
1720 9th Avenue PO Box 201425
Helena, MT 59620

From: Terry Biere, M.S., P.E.
Senior Environmental Engineer

Date: 5/2/2023

Re: Clark Fork Watershed Education Program Request

CLARK FORK WATERSHED EDUCATION PROGRAM REQUEST

Dear Advisory Council Members,

The CFWEP program has not only impacted my personal and professional life, but has left a profound impact on our Clark Fork Watershed communities by teaching place-based past and present restoration and remediation efforts while highlighting the importance of environmental stewardship. Our current and future community leaders gain imperative knowledge from our past and current practices while gaining an understanding of what the consequences of environmental damage are, as well as how much effort it takes to try and fix/improve environmental mistakes.

Without continued support for CFWEP by the Natural Resource Damage Program, our future leaders (students), our current leaders (teachers and the community), and our watershed (as a whole) will be impacted in the following ways:

- Targeted and high-quality professional development about the on-going restoration in the basin will no longer be available for free to teachers.
- Field trips to the restored areas and learning about the story of re-birth will not be afforded to all children in the basin.
- High quality summer research opportunities and restoration learning activities for high school students will no longer be available.

From my own experience while I was a student, CFWEP's participation in schools within the local communities helped to shape my passion for environmental stewardship. By participation in this program, I was made aware of the unique environmental issues within the Clark Fork Watershed, and have built my career as a Professional Environmental Engineer around environmental responsibility and the importance of conducting industry in an environmentally responsible manner. It is through programs like CFWEP, that we will be able to educate our communities from the ground up, and strive to achieve the critical sustainable future by demonstrating that environmental responsibility is achievable and that conducting industry responsibly is a win-win for all. CFWEP's work will continue to be a critical component for our unique community long after the restoration work has been completed. Therefore, I ask that the Advisory Council Members continue to support this critical program.

Additionally, I want to say thank you for all the support you have given CFWEP over the years as it has had a profoundly positive and lasting impact on our watershed.

Sincerely,

Terry Biere

Terry Biere, M.S., P.E.
Senior Environmental Engineer
406-438-2333
terrybiere@outlook.com

Naomi Alhadeff
609 N. 2nd Street W
Missoula, MT 59802
April 20, 2023

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The CFWEP program has impacted my Missoula community as well as my professional life with the National Wildlife Federation by promoting watershed education, teaching all 5th graders about the Clark Fork Watershed, and bringing water conservation and soil health awareness to thousands of students since for twenty years.

Not only does CFWEP teach about water ecology and systemic river health, but CFWEP tells a larger story of long-term damage coupled with long-term mitigation. They teach *every 5th grader in Missoula*, as well as other Montana communities, what the Clark Fork River has gone through and its vital role and importance in our own daily ecology.

Without continued support for CFWEP by the Natural Resource Damage Program, our watershed will be impacted in the following ways:

- targeted and high-quality professional development about the ongoing restoration in the basin will no longer be available for free to teachers.
- field trips to the restored areas and learning about the story of re-birth will not be afforded to all children in the basin.
- high-quality summer research opportunities and restoration learning activities for high school students will no longer be available.

Students who participate in this free program gain access to scientists and experts to not only learn about the watershed, but are privileged to see *real* people in a career, they themselves could one day fill. Ensuring this program remains funded means ensuring students are given the same opportunities listed above. Without funding, CFWEP would fail to provide access to myriad students who have an interest to learn about our watershed. However, with funding CFWEP will provide knowledge to those students who don't know how to ask, an equally important task.

As a fellow educator, teaching students in our communities about water is not just about pH balance, macro-invertebrate ecology, or what fishes are present. Discussing the watershed as a vibrant, dynamic, and ever-present ecological family member on our landscape is an important and needed role. CFWEP helps fill that role and teach the next generation of stewards who *need* to learn the impacts of the past, so as to not repeat history.

Sincerely,
Naomi Alhadeff

Naomi Alhadeff

MBMG
Montana Bureau of Mines and Geology

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

April 21, 2023

RE: Support for the Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I feel very strongly about CFWEP's primary goal, which is to educate our community about the damage to the Clark Fork watershed and how they have been remedied. Our kids need to know this because they are the ones who will be monitoring the effects of damage and remedy long after we are gone. Nobody under the age of 20 will remember what our environment looked like before the remedy, so they need to be told. And told again.

If the Natural Resource Damage Program does not continue to support CFWEP, the millions of dollars that have been spent to restore the Clark Fork will not be remembered or understood. The future stewards of the watershed will be working in the dark. This will be bad for everyone.

We need CFWEP to continue to provide free teacher professional development about the on-going restoration in the basin. We need them to help the next generation understand the environmental history of the basin. Most importantly, we need CFWEP to continue taking all the children in the basin on field trips to the restored areas to learn to evaluate the success of the remedy.

We need to empower the next generation to continue all the good work that has been done here!

Please vote to continue supporting CFWEP, for everyone's sake.

Sincerely,

Colleen Elliott
Ph.D., P. Geol.

MONTANA TECH
Natural Resources Building | 1300 West Park Street | Butte, MT 59701 | 406-496-4180 | www.mbmg.mtech.edu

MBMG
Montana Bureau of Mines and Geology

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

Since I moved to Butte, I have volunteered with the CFWEP program on their spring field trips. I'm really impressed at how many students this program engages with. I think it's so important to give students opportunities to get outside and learn about their local environment. The best way to create stewards of the land is to give people the opportunity to learn in a hands-on way in a place that means something to them.

On top of that, having the opportunity to engage with local professionals in the STEM field is such a valuable experience, one I wish I'd had when I was growing up. Being able to talk directly with someone who does this type of work can really open a student's eyes to future career paths they may not have considered before. I also admit, that as a professional scientist, these opportunities to share my knowledge with students are really invigorating; they remind me why I love what I do, and I feel so honored to share that with students.

I urge the Natural Resource Damage Program to continue their support of the CFWEP program.

Sincerely,

Jenna Dohman

Jenna Dohman

MONTANA TECH
Natural Resources Building | 1300 West Park Street | Butte, MT 59701 | 406-496-4180 | www.mbmg.mtech.edu

Mark Mariano Jr.
105 Obrien Lane
Butte, MT 59701

1 May 2023

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The Clark Fork Watershed Education Program (CFWEP) is an invaluable resource for our state and region. The students are exposed to nature in an intimate and exciting way that creates interest in science and conservation. More importantly, the kids learn about the local history, the ecological degradation resulting from historic mining practices, and how the damage is being remedied.

Without continued support for CFWEP by the Natural Resource Damage Program, our students and schools would lose the opportunity to take kids outside, to use hands-on learning about their environment, and to understand their interconnection with and influence on watershed. The best way for students (and educators) to learn about stewardship of the land is through hands-on experiences, and without CFWEP, they may not get that opportunity.

CFWEP has been invaluable in encouraging interest and stewardship within the community, and continued funding from the NRDP is absolutely in the best interest of the community and critical to the long-term goal of restoring and understanding the watershed.

Sincerely,

Mark Mariano Jr.

Mary Sutherland
105 O'Brien Lane
Butte MT 59701

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

CFWEP is an invaluable program to the region. Through the program, students are exposed to nature in an intimate and exciting way that creates interest in science and conservation. The kids learn about the ecology of their local river system in a way that is personal- in a way that encourages them to look around and understand the world outside their front doors. They learn about the local history and the impacts of historic mining practices and how the damage is remedied, and they learn the importance of interacting with nature.

CFWEP offers teachers high-quality professional development about the history of the watershed and the ongoing efforts to restore the basin. Young students are offered field trips to see restored areas and understand how they were repaired and what has changed. Older students are offered research opportunities and education targeted to specific areas of interest. All of these would be lost to the community without continued funding for CFWEP.

Without continued support for CFWEP by the Natural Resource Damage Program, our students and schools would lose the opportunity to take kids outside, to use hands-on learning about their environment, and to understand their interconnection with and influence on watershed. The best way for students (and educators) to learn about stewardship of the land is through hands-on experiences, and without CFWEP, they may not get that opportunity.

CFWEP has been invaluable in encouraging interest and stewardship within the community, and continued funding from the NRDP is absolutely in the best interest of the community and critical to the long-term goal of restoring and understanding the watershed.

Sincerely,

Mary Sutherland

THE CITY-COUNTY OF
Butte-Silver Bow

Reclamation & Environmental Services
Eric Hassler, Director
Ph: 406-497-5042 | E-Mail: ehassler@bsb.mt.gov

May 1, 2023

Doug Martin
Restoration Program Chief
Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

Christie Beal
Chair, UCFRB Advisory Council
NRDP Upper Clark Fork River Basin AC
PO Box 201425
Helena, MT 59620

RE: Letter of Support for the Clark Fork Watershed Education Program

Dear Mr. Martin and Ms. Beal,

I write today in support of the Clark Fork Watershed Education Program and its service to the Upper Clark Fork River Basin.

The Clark Fork Watershed Education Program is a valued partner of the Department of Reclamation and Environmental Services. CFWEP has served as a contractor to our department, providing essential objective evaluation of Superfund remedy on the Butte Hill informing both management decisions within our program, and information that had led to more comprehensive remedial clean-up of reclaimed sites throughout the Butte Priority Soils Operable Unit.

In addition to their work as a contractor, CFWEP has collaborated with our department to develop tools for educating local students about environmental clean-up, providing tours of historic mineyards and mine sites, and perhaps most directly facilitating the annual Clean Up Blacktail Stream Day (CUBS Day).

It is inspiring to see CFWEP bring the local students they educate throughout the school year to our local surface waters to perform direct clean-up of the resource. Our staff sees the impact of this program first hand helping to dispose of the significant volumes of garbage removed from Blacktail Stream by local students. This clean-up project is the first time many of our young people spend time in and around Blacktail Creek and it is contributing to an improved awareness of the importance of caring for our environmental resources and the joy of spending time recreating within them. As a region, we will bear the benefit of our future generations aware of their role in protecting our region's natural resources for themselves and those to come.

I encourage the Natural Resource Damage Program to renew CFWEP's funding and support their continued work with the young people of our region.

Sincerely,

Eric Hassler

THE CITY-COUNTY OF
Butte-Silver Bow

Reclamation & Environmental Services
Julia Crain, Assistant Director
Ph: 406-497-6264 | E-Mail: jcrain@bsb.mt.gov

May 1, 2023

Doug Martin
Restoration Program Chief
Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

Christie Beal
Chair, UCFRB Advisory Council
NRDP Upper Clark Fork River Basin AC
PO Box 201425
Helena, MT 59620

RE: Letter of Support for the Clark Fork Watershed Education Program

Dear Mr. Martin and Ms. Beal,

I write today in support of the Clark Fork Watershed Education Program and its service to the Upper Clark Fork River Basin.

The Berkeley Pit Public Education Committee is responsible for educating the public about the Berkeley Pit and its environmental management. CFWEP is a valued PitWatch partner bringing years of experience developing solutions to the challenges of communicating the Berkeley's complex history, environmental challenges, and remedial science to our local public and Butte's many annual visitors.

CFWEP staff has taken time to develop narratives for published materials, draft content for our newly launched website, and design mechanisms to communicate information visually, including providing dozens of tours to a broad range of visitors including primary and secondary schools, academics from across the country, and international travelers visiting Butte during the summer.

With so much technical information circulating, it is reassuring to have a partner in the region that is able to draw connections between Butte and communities downstream and strives to ensure information is approachable and accessible to a variety of abilities and aptitudes. The CFWEP approach invites us all to participate as stewards of our environment, where we learn not just why, but how to contribute to the long-term sustainability of our shared natural resources. I encourage NRDP to renew CFWEP's funding to sustain your investment in the demonstrated successes of this program well into the future.

Sincerely,

Julia M Crain

Julia Crain
Assistant Director
Butte-Silver Bow Department of Reclamation and Environmental Services
Staff to Berkeley Pit Public Education Committee (PitWatch)

Montana Fish, Wildlife and Parks
1420 East 6th Avenue
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UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

May 3, 2023

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing on behalf of Montana Fish, Wildlife and Parks (MFWP) to urge the Natural Resource Damage Program to continue financial support for the Clark Fork Watershed Education Program (CFWEP). Because of the council's unwavering support UMBEL and partners have been operating this popular program for 15 years. By all metrics the program has been a success – reaching 60,000 children and adults in the Clark Fork and adjacent valleys while simultaneously providing critical information on bird survival and productivity through bird banding stations and osprey monitoring. From MFWP's perspective, the data collected through this program help put other bird monitoring efforts in a regional context. There are no other education programs in the state that produce the same caliber of bird demographic data while providing an opportunity for the public to observe wildlife biologists at work.

The objectives of this program – to teach the public about the basin's mining history and environmental contamination, as well as well as the story of remediation and restoration, is critical to building an eco-literate public that understands the value of a healthy river ecosystem that in turn provides homes for the people and bird communities of Montana. Maintaining long-term funding is a challenge, but the need to educate the next generation of students, and new transplants to Montana, is a long-term need that CFWEP is uniquely well qualified to meet.

Thank you for taking the time to consider continued funding for this important research and education program – it is truly one of a kind.

Kristina Smucker
Wildlife Division
Nongame Bureau Chief
Montana Fish, Wildlife & Parks

FIVE VALLEYS AUDUBON SOCIETY
P.O. BOX 8425
MISSOULA, MT 59807

27 April 2023

Upper Clark Fork River Basin Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

Subject: Continued Support for University of Montana Bird Ecology Lab partnership with the Clark Fork Watershed Education Program

Dear Advisory Council Members:

The Five Valleys Audubon Society fully supports the continued funding for the partnership between the University of Montana Bird Ecology Lab and the Clark Fork Watershed Education Program. This collaborative effort has reached over 60,000 people in the Clark Fork Valley, with education and outreach related to our mining history, long-term environmental effects to our community, and the restoration of healthy riparian ecosystems in our area.

Their combined work compliments our Audubon Chapter's mission of education and habitat conservation to support bird communities in the Clark Fork area. In fact, the importance of healthy watersheds is reflected in our name, honoring the five major river valleys surrounding Missoula. Each year we partner with the Bird Lab in a bird tour and field trip to the superfund area near Warm Springs, to review the restoration-to-date and learn about future work in the area.

In order to make informed decisions about our surrounding landscapes, students and community members need the valuable first-hand experiences provided by the Bird Lab staff and the Watershed educators. By visiting our impaired and restored riparian and wetland habitats with knowledgeable specialists, participants can better understand our resource management history and help to guide our future. These restoration and education programs are critical for supporting our native bird communities in Montana. We hope you will join us in continuing to support the efforts of the Bird Lab and the Watershed Education Program.

Respectfully,

Rosemary H Leach

Rosemary H. Leach, Certified Wildlife Biologist
President, Five Valleys Audubon Society

Elsie Arntzen, Superintendent
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OFFICE OF PUBLIC INSTRUCTION
STATE OF MONTANA

Putting Montana Students First

TRC Meeting Packet Attachment C

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

April 21, 2023

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The CFWEP program has impacted the state of Montana's students, educators, and communities by educating us all in assessing the needs of our communities. We are learning about the necessity for the materials that mining provides society, and the balancing of that process to make certain that care and reparations are conducted to maintain clean water. We are shown the damages and dangers if we are careless. CFWEP explains this through our own history because we, as a state, have experienced it. CFWEP embraces Citizen Science that keeps us informed so that we can maintain our watersheds, that all life depends upon. It is a complex linking web that needs our attention. Especially in Montana, where tourism, hiking, fishing, and hunting boosts our state revenue, by providing employment and income.

Without continued support for CFWEP by the Natural Resource Damage Program, we, the citizens of Montana, will suffer by losing a crucial transference of knowledge to our youth and educators who continually share. We would lose:

- Targeted and high-quality professional development about the on-going restoration in the basin will no longer be available for free to teachers.
- Field trips to the restored areas and learning about the story of re-birth will not be afforded to all children in the basin.
- High quality summer research opportunities and restoration learning activities for high school students will no longer be available.

The CFWEP program creates opportunities for diverse students who are looking to engage in relevant and meaningful experiences that have meaning for them because it involves them and their "place." The programs also illuminate opportunities around careers that could lead to being a professional in restoration, ensuring that the legacy of the council's work will continue far beyond the restoration work.

In a time when schools are struggling, please do not take away an opportunity to enrich them!

Sincerely,

Michelle McCarthy

Michelle M McCarthy, M.Ed.
Science Instructional Coordinator
Montana Office of Public Instruction

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BUTTE-SILVER BOW
OFFICE OF THE CHIEF EXECUTIVE
Courthouse, 155 W. Granite Street, Suite 106
Butte, Montana 59701-9256

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

One of my main focuses as Chief Executive is to build a resilient community with the citizens of Butte-Silver Bow. This starts by valuing resilient ecosystems that surround our community. The education, restoration, and conservation programs that CFWEP offers and supports are key elements to keeping our ecosystems viable and sustainable.

As a former educator and avid outdoorsman, I know the importance of getting kids excited and interested in the outdoors. CFWEP gives kids the opportunity to play an active role in contributing to the betterment of their environment. When kids are included in land and water stewardship, they become invested, and that investment leads to the next generation of stewards.

CFWEP serves thousands of Montanans each year through science-based, real-world activities. Some of these include the Clark Fork Watershed Science Program, the Montana Osprey Project, and many professional development courses to help teachers introduce research projects to their students. Kids also get an opportunity to sign up for the Southwest Montana Fly Fishing and Conservation Camp. This camp has opened a new world to kids who haven't experienced camps, and it is a valuable tool that we have used to expose at-risk youth to pro-social activities. One of the important aspects is the funding CFWEP receives so they can offer scholarships for kids that couldn't otherwise afford this experience.

Without continued support for CFWEP by the Natural Resource Damage Program, many projects and programs will no longer be available for free to teachers and students. The Clark Fork River connects many Superfund environmental clean-up sites in Montana and is the biggest complex of sites in the United States. With the continued support of the Natural Resource Damage Program, CFWEP can continue their support and partnership of these sites and lead a new generation of students onto a professional path in restoration, ensuring the legacy of the council's work will continue far beyond restoration.

I look forward to Butte-Silver Bow's continuing and building our partnership with CFWEP and I hope the Natural Resource Damage Program does as well. Thank you for your time.

Sincerely,

J.P. Gallagher

Chief Executive, Butte- Silver Bow

bldc BUTTE LOCAL DEVELOPMENT CORPORATION

headwaters

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

The economic benefit that the Clark Fork Watershed Education Program (CFWEP) brings to our region extends far beyond the classroom. CFWEP has brought in millions of dollars in grant funding to our region, won national awards, and has helped to put this region on the map for being leaders in environmental education; making the knowledge of this billon-dollar clean up accessible and equitable to all in the region.

Sustainability isn't just a buzzword; ESG (Environmental Social Governance) is a huge concern for businesses looking to expand their operations. Communities that operate under demonstrated ESG principles have a leading edge over their competitors. The Global Sustainable Investment Alliance reported that global sustainable investment topped $30 trillion in 2018, up 1,000⅜ percent since 2004. CFWEP's resources and sucess rate with student perceptions of our region can be a reassurance to potential businesses that we deeply care about the future of our community and are invested in its future.

In today's landscape of business attraction and economic growth—yau can't afford to fall behind in ESG. Companies are incresingly looking for a workforce that is skilled and educated in scientific fields of study, and our region is no exception. CFWEP has played an instrumental role in helping students understand scientific concepts and has also helped attract them to degree programs related to science.

To have the CFWEP program go away because of lack of funding from the Natural Resource Damage Program would not just hurt teachers and our students, it would also extend into our local economies, our workforce capabilities, and the attraction af businesses to the region for many generations to come.

Sincerely,

Kayla Lappin

Kayla Lappin
Director of Morketing & Business Recruitment
Butte Local Development Corporation (BLDC)/Headwaters RC&D

Office of the Chancellor
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UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

April 27, 2023

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am writing to you today as the Chancellor of Montana Technological University and as a very committed supporter of the Clark Fork Watershed Education Program (CFWEP) which is housed at our institution. Since its beginning, CFWEP has had far-reaching impact on science education in the state of Montana serving nearly 80,000 students and 900-plus educators in over 43 different communities. Having first-hand knowledge of the students and teachers that participate in this program, I can think of no other that prepares either with an understanding and awareness of science education. There are a variety of challenges that face our state, nation, and world. While some are related to the environment, others are societal, economic, and cultural. Since the Covid19 pandemic, almost all sectors of society have been impacted by a less prepared and available workforce. This challenge alone has had a significant influence on the ability of our communities, the state of Montana, and beyond to accomplish the work we are trying to do. CFWEP is a program that provides hands-on, high-impact experiential education and training in math and science education that prepares students to enter into STEM fields as professionals.

Montana Tech has a nearly 100% placement rate for graduates pursuing STEM-related careers. We have far more employers coming to our campus to recruit students in science, technology, engineering, and math than we can provide graduates for. This past year we have had increased interest from many outside organizations including national defense organizations, national labs, and others focused on rare earth and critical elements hoping to attract students with interest in these areas. CFWEP is a program that introduces students to ideas like these and so much more. Students who have been engaged with CFWEP programs are adept at balancing a healthy mining/extraction industry economy with a healthy environment. Our engineers who have this background are better prepared to meet future challenges and design innovative solutions to meet those challenges.

It's probably evident by now that I could go on and on about the CFWEP program and its impact. I've worked in higher education for over thirty years and few programs provide the type of real-world, hands-on education that make information and activity come to life in the way CFWEP does. Nearly 3,000 students each year are provided real, authentic summer research experiences that are quite honestly unparalleled. Beyond this, teachers are provided training and professional development that makes them more effective in their classrooms and better prepared to educate our students, ensuring that they are ready for workplaces and STEM careers that are increasingly more technical.

Your continued support of CFWEP is encouraged not only by Montana Tech but by all of the other higher education partner institutions including The University of Montana; Montana State University; Salish Kootenai College; University of Montana- Western; Fort Peck Community College; and Montana State- Billings. Without your continued support for CFWEP by the Natural Resource Damage Program, K-12 students, K-12 teachers, and our Tech college students will be

deeply impacted as they will no longer have access to high quality science education and research experiences within this watershed. The lessons learned from the nation's largest Superfund site and the resultant restoration are at risk of being lost to academia without CFWEP's continued education within communities.

Thank you for your previous support and continued commitment to the Clark Fork Watershed Education Program. The program has had incredible success since its inception with a focus on the science of restoration, our environment, and preparing leaders who can steward our communities and the state forward. Partnering with industry, community leaders, scientists, and other organizations we can all accomplish an environment that is not only sustainable but provides a healthy ecosystem for generations to come. CFWEP helps to set this tone, cultivate interest and prepare students for careers in this critical field.

Best wishes and thanks again for your commitment to science education and making a difference in the lives of our students and those who educate them.

Sincerely,

Les P. Cook, Ed.D
Chancellor

MONTANA
TECHNOLOGICAL UNIVERSITY

Marisa Pedulla, Ph.D.
Professor, Department of Biological Sciences
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mpedulla@mtech.edu

April 26, 2023

TRC Meeting Packet Attachment C

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members:

I am writing to express gratitude for my longstanding partners at the Clark Fork Watershed Education Program (CFWEP) and to strongly advocate for your continued support of their outstanding programming.

CFWEP's extensive community contributions have been in the areas of teacher professional development and in community education of students and adult learners of all ages. The settings in which CFWEP engages citizens in environmental awareness programming include formal, non-formal, and informal. The more than 15 years of professional interactions in varied projects that I have with CFWEP leave me in awe of the numerous, important, and varied contributions they have made, not only to my projects, their separately funded projects, to Montana Tech, to K-12 teachers, students and schools throughout Montana, and to the community at large.

As you are all well aware, our community's environmental health was historically ravaged by the past practices of underground and open pit mining. Before remediation and restoration, our creeks and rivers were polluted; Butte and the surrounding area remain the EPA's largest Superfund site. Environmental stewardship is central to the CFWEP mission and all of its programs. CFWEP's work bridges all settings, from riverbanks, to our community's hands-on science museum (Science Mine), to research science labs at Montana Tech. CFWEP orchestrates ad campaigns on social media and television for storm-water awareness, and has championed community awareness of storm water with public presentation of art illustrating that the storm drains connect to the rivers and ocean. CFWEP illustrates its staff's passionate understanding that students and adult learners learn best when the setting is outdoors and place-based. In other words, citizens of all ages and education levels should be knowledgeable about the damage from past practices and will be vested in and contribute to our community's future.

During CFWEP teacher workshops that were developed, coordinated, and led by CFWEP in the summer of 2007, I participated with area K-12 classroom teachers to acquire the latest information regarding inquiry-based learning. Instead of the dry lectures I had feared, CFWEP organized a dynamic and engaging workshop where teachers and STEM faculty actively participated, interacted, and learned from one another and the presenters. Over many subsequent workshops (for which CFWEP was principally responsible for obtaining the grant funding, recruiting the teachers, and developing and delivering the curricula), I have been consistently impressed not only by the quality and quantity of information but also by the truly enjoyable format they created. When I presented at several workshops, CFWEP provided all of the supporting materials, including outstanding web course interfaces, which I could not myself obtain or develop. Their staff worked tirelessly to make the workshops' environments both energetic and educational. CFWEP personnel ensured that presenters and participants were compensated in a timely manner.

Additionally, some of the funded projects CFWEP leads involve the development on blended delivery format (combined online and workshops) courses for graduate credit. CFWEP works with Montana Tech Office of Graduate Studies, educational faculty from Montana State University, Montana State University, Billings, and University of Montana Western, and enrollment services to create these courses and enroll the participating teachers. CFWEP has developed strong relationships with professional evaluators from within and beyond Montana. These evaluators provide valuable input to inform the methodologies and experimental design for the science education research projects we propose. CFWEP's ability, under the leadership of Rayelynn Brandl, to form collaborative and highly productive partnerships among diverse individuals, programs, and institutions is truly remarkable.

It is not only by participating CFWEP's workshops in varied roles that I learned of their team's exceptional talents for leadership, project management, organization, grantsmanship, and education. I have been part of several successful grant writing teams with CFWEP. We use brainstorming, problem solving, and constant communication to bring together the diverse skills of education professionals, scientists, and staff members to produce well written proposals that bring funding to CFWEP and to Montana Tech.

Finally, I would like to detail CFWEP's role in the preparation and execution of a 2012 National Institutes of Health Science Education Partnership Award grant proposal. The proposal was due in late June. For several months prior to the deadline, CFWEP leadership and I had regular meetings for fine tuning our scientific question, our hypothesis, our methodology and experimental design. We had the Request for Proposals (RFP) in hand and regularly returned to it to refocus our efforts. CFWEP gathered all of the relevant demographic information on our target populations, previously published educational research literature, and state and national science standards relevant to our project. The grant requires external evaluation, and CFWEP's colleagues from many previous projects enabled us to recruit strong external partners for this evaluation. Separate from the main body of the proposal, CFWEP gathered all of the supporting documentation and worked with our campus's Office of Sponsored Programs personnel to develop the budget, current and pending support, biosketches (resumes) and IRB approval and worked to enter these into the online submission system. The large number and challenging format of these forms required determination, attention to detail, and large amounts of stamina to dedicate to the painstaking work; CFWEP's leadership took this all on, and more.

Months before the grant was due, we began writing, exchanging, and editing the main body of the proposal. Much of this work was done at home, late in the night, with iterative improvements and finally over 25 drafts brought to the final night of grant-writing, which took place on a Thursday night in mid-June, 2012. Even with an established research question, hypothesis, experimental design and background demographics all established, the document evolved tremendously during that night, with printed pages laid out on the circumference of a long table. Four people worked late into the night, rearranging said papers, cutting them, moving them, and then transferring these changes to the electronic version and editing it for grammar, content, and flow. At about three-o-clock in the morning on the day the grant was due, we had a final version prepared and I headed home. CFWEP leadership stayed another hour to upload the document and clean up. I was headed to a conference in Washington, D.C. and they were also travelling that day. When our fiscal officer came to work Friday, our grant was ready for final submission. This process was not without glitches, and CFWEP's director, after working for weeks, and for the final days without rest, stayed in touch with her and our proposal met the deadline. The reason I relay this process in such length is that it is just one example where CFWEP's team goes the extra mile to make others successful. We learned that the NIH panel that reviewed our grant scored it between exceptional and outstanding, 14 on a scale of 10-90, with low scores better. After delays from Congressional shutdowns, in 2014 we received 1.2 million dollars over five years for our project, for which Montana Tech receives much good public recognition of our work. Through Ms. Brandl's leadership, the CFWEP staff spent several hundreds of days providing citizen science outreach to pre-college students. After a deliberate, focused, many-month writing process, we submitted a new NIH SEPA grant application in 2018 requesting five years of funding for citizen-science education, and were awarded 5 years of funding totaling 1.3 million dollars to work with 6 teacher leaders and 6 mentee teachers toward their independent delivery of bacteriophage discovery in their classrooms. Together the BRIC and PHAGES projects have served over 10,000

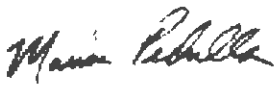
Montana K-12 students and teachers, made possible by my partnership with the outstanding CFWEP team members. I look forward to working with CFWEP in future collaborations should you continue to support their programs.

CFWEP provides training opportunities for students as well as teachers, including volunteer events, summer academies, paid internships, and peer-mentoring opportunities. These individuals will pass on to future generations their knowledge and environmental stewardship.

Without continued support for CFWEP by the Natural Resource Damage Program, targeted and high-quality professional development about the on-going restoration in the basin will no longer be available at no charge to teachers; field trips to the restored areas and learning about the story of the ecosystem's re-birth will not be afforded to all children in the basin; -high quality summer research opportunities and restoration learning activities for high school students will no longer be available. The vaunted fly-fishing camps for area youths who may not have access to fishing mentors will no longer occur. Each of these in and of itself would be a great loss to our community and to the community's pooled knowledge of and appreciation for the watershed and its history.

Please do not hesitate to contact me if I may provide any additional information.

Sincerely,



Marisa Pedulla, Ph.D.
Professor of Biology, Montana Tech
1996 US Olympian; 2004 US Olympic Coach
2007 Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education 2007 Montana Professor of the Year
2008 Montana Academy of Sciences Science Mentor of the Year
2009 Montana Tech Rose and Anna Bush Faculty Achievement Award
2012 Montana Tech Faculty Merit Award
2015 Montana Tech Faculty Merit Award for Service
2016 Montana Tech Distinguished Researcher Award
2019 Montana Tech Acknowledgement of Excellence Award for University Ambassador
2019 Montana Tech Faculty Merit Award for Service
Fellow, American Association for the Advancement of Science
2022 Montana Tech College of Letters Science Professional Studies Faculty Community Engagement Award
2023 Montana Tech Distinguished Researcher Award
2023 Montana Tech Faculty Merit Award for Exceptional Achievement in Service and Scholarship

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Michele E Hardy, PhD
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MONTANA
TECHNOLOGICAL UNIVERSITY

April 25th, 2023

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I want to lend my voice to the importance of continuing support for the Clark Fork Watershed Education Project. The impact that CFWEP has had over the years on students and teachers at all levels of education, formal or otherwise is immeasurable. The data from the previous term of support are clear evidence of this fact.

Professional development opportunities provided by CFWEP for teachers to acquire the knowledge and skills to incorporate experiential instructional methods position them well to promote science literacy to our next generation. This is consistent with the stated mission of CFWEP. All participants, no matter what age or context of engagement will leave with a sense of value for the environment, the importance of restoration and remediation efforts, and evidence-based strategies for teaching and learning. Notably, with NRDP support, these opportunities are *provided at no cost to participants*.

I am writing both as a community member as well as a dean at Montana Technological University. In my professional academic role, I have seen the benefits of instilling in students a genuine interest in science education while they are young, and the value of providing development opportunities for teachers to foster passion and become role models. Along with interest comes the knowledge that both students and teachers can make an impact by ensuring a generation of environmental stewards of our communities and beyond. Without support from NRDP, all the opportunities provided by CFWEP will simply go away. I strongly urge the council to continue support of this program, it is an unequivocally sound investment.

Sincerely,

Michele E Hardy, PhD
Dean
College of Letters, Sciences and Professional Studies
Montana Technological University
Butte, MT
406-539-8557 (cell)

The University of Montana

Division of Biological Sciences
The University of Montana
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UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,

I am an Emeritus Professor at The University of Montana, and have helped direct the Montana Osprey Project and the UM Bird Ecology Lab. I have had a front-row seat over the last decade to witness the phenomenal impact of the Clark Fork Watershed Education Program (CFWEP). For full disclosure, I have directed the "Birds' Eye View of the Clark Fork River" and the Osprey projects that have been supported by NRD funding through CFWEP.

In my opinion, the impact of the CFWEP programs have been incredibly important along the entire reach of the Upper Clark Fork Watershed. Tens of thousands of students, teachers and people of all ages have had an opportunity to learn about this amazing river that is the life blood that runs through western Montana. The diverse portfolio of CFWEP educational programs have allowed so many to learn about the important history of mining in Montana, its legacy, how rivers and aquatic ecosystems function, and the on-going the clean-up of the river.

These programs have offered FREE curriculum and week-long modules for classes from Butte to Missoula, which include field trips to the Clark Fork River so students can learn about various aspects of the river for themselves. Students get to sample water and learn how to test the water quality, sample macroinvertebrates and learn how they can tell us about the health of rivers, learn about food webs and how heavy metal toxins affect them, and get to see osprey chicks up close and personal.

I know that the CFWEP programs have been life-changing experiences for many students. I have seen young students who have had these classes, then several years later have helped teach them to others, and then go on to careers that were inspired by their early experiences with CFWEP.

In addition, CFWEP has offered FREE professional development workshops for teachers throughout the river basin. In addition, our "Wings Over Water" is a year-long curriculum focused on middle school grades. It is loosely based on ospreys, water and the environment in the Clark Fork Watershed. This is a FREE professional development program, and we get some of the best teachers from Montana and all over the world coming for a week-long workshop on the program. This program was recognized as one of the most innovative STEM educational programs in the world, and it is a testimony to the highest caliber of science, technology, engineering and math educational programs offered by CFWEP.

CFWEP programs connect with a wide diversity of students and teachers in the watershed, including Native students and teachers especially on the Flathead Reservation. The CFWEP programs have been so important in educating the next generations of stewards of the Clark Fork River. Without programs like this we risk repeating history. The CFWEP programs have been remarkably cost effective. I have rarely seen educational programs that offer so much bang for the buck! Without continued critical support from the Natural Resources Damage Program, we will lose these invaluable programs for students, teachers and the general public.

Sincerely,

Dr. Erick Greene
Emeritus Professor
Division of Biological Sciences, and Wildlife Biology Program
406 243-2179
Erick.greene@mso.umt.edu

MONTANA
STATE UNIVERSITY
College of
LETTERS & SCIENCE

I am writing to express my strong support for the Clark Fork Watershed Educational Program (CFWEP) and its vital role in science education in Montana.

As we all know, Montana is home to some of the most breathtaking landscapes and natural resources in the world. The Clark Fork Watershed, in particular, is an incredibly valuable and unique ecosystem that provides critical habitat for a wide variety of wildlife and plant species. It is also an important source of clean water for the surrounding communities.

CFWEP is doing important work to educate the next generation of teachers, students and environmental stewards about the importance of this watershed and its conservation. Through a variety of hands-on activities and field trips, teachers and students are able to learn about the ecological and hydrological processes that shape the watershed, as well as the human activities that can impact its health.

By engaging with the natural world in this way, learners develop a deeper appreciation for the environment and gain valuable scientific skills that will serve them well in the future. In addition, the program provides an excellent opportunity for teachers to incorporate science education into their curriculum in a meaningful and engaging way.

Over the years I have had the privilege to partner with CFWEP in several grant projects for teachers and as a science education consultant. I have witnessed first -hand the professional development teachers receive and then take to their classrooms. As a result of our collaborative effort, numerous teachers have continued their professional development and complete a masters degree through the Master of Science in Science Education Program at Montana State University.

I believe that the Clark Fork Watershed Educational Program is an essential resource for science education in Montana and that it deserves our support. It is only through programs like this that we can ensure that future generations are equipped to understand and protect the natural resources that make Montana such a special place.

Thank you for your consideration.

Sincerely,

John Graves

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Mountains & Minds

UNIVERSITY OF MONTANA | W.A. FRANKE COLLEGE OF FORESTRY AND CONSERVATION

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May 1, 2023

UCFRB Advisory Council
NATURAL RESOURCE DAMAGE PROGRAM
1720 9th Avenue PO Box 201425
Helena, MT 59620

RE: Clark Fork Watershed Education Program Request

Dear Advisory Council Members,
I am writing to express my unequivocal and enthusiastic support for the Clark Fork Watershed Education Program. I have had the good fortune of interacting with personnel in CFWEP and the affiliated monitoring programs, including songbird monitoring on the Upper Clark Fork River through UMBEL and osprey banding and blood sampling through the Osprey Project. I am writing to urge an ongoing commitment by the Natural Resource Damage Program to this outstanding program. From elementary school through graduate school students and their parents, CFWEP contributes to knowledge about the history, damage, remediation, and restoration of the Clark Fork in an unparalleled way.

My first substantive exposure to CFWEP was through an undergraduate student in one of my classes who was partaking in the "Watershed science education and practice" class at the University of Montana. This student, Bridger Creel, was passionate about the subject matter and enjoyed communicating it to grade-school kids. After graduating, Bridger worked for a while for UMBEL before coming back to pursue graduate studies on the Upper Clark Fork River, working with Dr. Creagh Breuner and me to better understand the movement of contaminant metals through linked aquatic and terrestrial food webs with a focus on the impacts of metals on songbirds. Most recently, Bridger was awarded the prestigious NSF Graduate Research Fellowship award to support continuing and expanding their research project, a project forged in no small part by Bridger's experiences in CFWEP.

I also have had the good fortune of watching my daughter, a 5th grader at Paxson Elementary, go through the CFWEP program this past year. I was impressed to hear about what she learned in the classroom and field. I have also taken her to a bird banding outreach event on the Clark Fork River and osprey banding at Fort Missoula and have been delighted to see a passion and pride in her about the Clark Fork River, and efforts to repair past damages.

Please help ensure continuous support for CFWEP so they can continue to educate Clark Fork River community members, young and old, about the past and future of our hometown river.

Sincerely,

Ben Colman

Comment #61

From: Bruce Hall
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic & Terrestrial Resources Restoration Plans Draft Revisions
Date: Tuesday, July 11, 2023 7:31:27 PM

Natural Resource Damage Program
State of Montana
July 11, 2023

RE: 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions

I am writing in support of Montana FWP's funding request for $225,000 to relocate the Milltown Overlook Exhibit and make permanent safety improvements to Tunnel 16.5 .

The value of the Milltown Overlook and exhibits is well demonstrated and supported by the public's use and visitation. FWP's funding request is appropriate use of NRDP funds.

My personal involvement with the NRDP goes back to the Marc Racicot Administration and the formation of the NRDP alongside community stakeholders Evan Barrett and Jim Flynn. I am encouraged that the NRDP has preliminary recommended funding this project and trust that approval of the request is forthcoming.

Thank you for the opportunity to comment.

Sincerely,

Bruce Hall

Comment #62

From: Eric Huseth
To: Natural Resource Damage Program
Subject: [EXTERNAL] "2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions."
Date: Tuesday, July 11, 2023 4:21:30 PM

I'm writing in support of this revision and plan. The church that I am pastor at is located next to Milltown State Park which would, under this revision, be receiving $225,000 to move the Overlook exhibit and make permanent safety changes to the Railroad Tunnel in the middle of the park. Our church community relies a lot on the programming and safe area for gathering that Milltown State Park provides. I wholeheartedly support this plan and hope that it is adopted as soon as possible. Thankyou for taking this public comment.

Pastor Eric Huseth

churchlogo.jpg

8985 MT. HWY 200
P.O. Box 1005
Bonner, MT 59823
www.oursaviorsbonner.org [oursaviorsbonner.org]
406-258-6245

Comment #63

From: Knight, Ian
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions
Date: Thursday, July 13, 2023 8:11:18 AM

Good Morning.

My name is Ian Knight. I am a Missoula resident and Alumni Engagement and Project Manager at the Maureen and Mike Mansfield Center at the University of Montana.

I am reaching out to voice my support for the funding of the MSP Overlook Project. At the Mansfield Center, we have been fortunate to be able to bring participants of our U.S. Department of State programs on environmental issues to MSP for a decade. In addition to being a marvelous view, the MSP Overlook has been a great point of discussion for our international participants, often young rising leaders, to learn about the confluence of the Clark Fork and Blackfoot rivers, the role of Salish history in the land, and the dam and superfund site that took place in that area. This knowledge has inspired hundreds of our alumni who visited the spot to return to their home countries to share about the unthought-out impacts of creating a dam.

In addition to supporting these international leaders, the MSP Overlook serves Missoula Country's public schools as an essential educational program to our community's students. To not fund the MSP Overlook project, is to risk losing this vital educational opportunity for Montanans.

I hope that you consider funding the MSP Overlook Project.

Best Wishes,
Ian

IAN KNIGHT (he/him)
ALUMNI ENGAGEMENT AND PROJECT MANAGER

Maureen and Mike Mansfield Center
University of Montana | 32 Campus Drive – MLIB 450 | 406-763-6881
ian.knight@mso.umt.edu

UNIVERSITY OF MONTANA

The University of Montana acknowledges that we are in the aboriginal territories of the Salish and Kalispel people. We honor the path they have always shown us in caring for this place for the generations to come.

Comment #64

From: simrio@aol.com
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions
Date: Friday, July 14, 2023 8:23:41 AM

July 14, 2023

Upper Clark Fork River Basin Advisory Council/ NRDP

Re: **2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions.**

I am writing in strong support for the approval of funding for the completion of the Greenway from Butte to Opportunity. A recent request for expenditure to complete two of the remaining four sections in the amount of $3,471,278 has been provided to you. It is essential that this request be granted in full so that this Special Project continues as originally envisioned.

The greenway was originally approved as a Special Project by the Trustee in 2012 and has always included both ecological and access elements. However, delays in remedy implementation and lengthy land access and acquisition issues have reduced the buying power of the original funds. In addition, interest on these funds was retained by the NRDP which would have provided the needed expenditures to complete the project and provide necessary O&M funding. Completing the Greenway to protect and manage the remediated and restored corridor is essential to meet ROD requirements.

This project is one of the most successful cleanup/restoration projects undertaken in the Upper Clark Fork River Basin. Not providing complete funding for the remainder four projects would be unconscionable.

Thus, your approval for funding request of $3,471,278 for two of the remaining four projects as well as O&M funds for five years is hereby requested.

Respectfully submitted,

Edward L Simonich

Greenway Board Member

Comment #65

From: wwdaily@aol.com
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans -- Draft Revisions
Date: Saturday, July 15, 2023 11:57:49 AM

July 15, 2023

To: Upper Clark Fork River Basin Advisory Council/ NRDP

E-Mail: nrdp@mt.gov

Re: Silver Bow Creek Greenway Funding Request

2023 Aquatic and Terrestrial Resources Restoration Plans -- Draft Revisions

To Whom It May Concern:

I am writing to give support for the approval of the $3.5 million funding that has been requested for the completion of the Greenway from Butte to Opportunity. This Special Project, as it now stands, is one of the most successful cleanup/remediation projects undertaken in the Upper Clark Fork River Basin.

It is in the mutual best interest of all the Special Project's stakeholders that this request be granted in full. This increment of funding provides the means for this Special Project to proceed as originally envisioned. Completing the Greenway intended to protect and manage the re-mediated and restored corridor is essential to meet ROD requirements.

Your approval of the funding needed to complete two of the remaining four projects, including the operating and maintenance funds for five years, is respectfully requested.

Sincerely,

William W. Daily

Comment #66

From: Watson, Vicki
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions
Date: Sunday, July 16, 2023 5:21:38 PM

I wish to express my support for a funding proposal before the MT NRDP.
A very valuable educational exhibit at Milltown State Park is no longer accessible because it is on a bluff that overlooks the river and that bluff has become unstable.
Geotechnical consultants strongly recommend that the Overlook be relocated and that the historic train Tunnel 16 ½ be permanently closed off.

MT FWP is asking for $225,000 to relocate the Overlook exhibit roughly 100 feet to the south and make permanent safety improvements to the tunnel below. I thank NRDP for its preliminary recommendation to fund this project.
And I hope with this funding that the public, schools, etc. will once again be able to have a good (& safe) view of the confluence of the Clark Fork and Blackfoot Rivers -- with those valuable educational displays to inform them of the history of the site.

Vicki Watson, 509 Daly, Missoula, MT

Comment #67

From: Rick Griffith
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023; Aquatic and terrestrial project
Date: Sunday, July 16, 2023 7:09:08 PM

Nrdp staff,
I stand in support for this project. It is a necessity to help cleanup and finish the hard work that was started 30 years ago. Please accept this letter as support for the project.
Sincerely
Rick Griffith
135 Rye Road
Butte Montana 59701

Comment #68

From: jim kambich
To: Natural Resource Damage Program
Subject: [EXTERNAL] comment
Date: Sunday, July 16, 2023 7:40:25 PM

Dear Doug and Staff,

I thank you for the opportunity to comment on this most important project, the Greenway.All of you know my history , 12 years on the AC, part of Project Green the project initiator back in 1996 and presently the Chief of Staff at BSB.

I want to continue to stress. I realize the stress put on the SSTOU $$ in the past, more specifically the Parrot Tailings remedial clean-up. I have reviewed the MBOI doc and it looks as if there is $18M remaining in the SSTOU remaining balance. With MDEQ holding the funds and EPA approval needed to utilize these funds, I firmly believe the NRD, MDEQ, and the EPA need to get together and figure the way forward to complete the Greenway Project. and do so with time limits to get the Ramsey to Miles Crossing section completed along with the Miles Crossing thru Durant Canyon completed. Realize this has been going on for 24 years!
This situation is no different than when the epiphany came to everyone that the Parrot's needed to be removed and how do we pay for it! I remember that until that Oct. 2015 announcement that the Parrot's were coming out -- EPA, DEQ, Arco, and BSB was in favor of waste in place. I knew that at that point the SSTOU $$ would be used.

If you follow the record from 2010 to 2012 I had projected the SSTOU $$ would be around the $50M mark. I had meetings in Butte several times pointing out the fact the Corridor through the town needed to be cleaned up. Well in 2021 the art work was pulled out and lets make it look pretty at the cheapest cost.I am hopeful that the agencies can get together and find a way to complete the project. If someone cannot take the lead and bring everyone together then we have all failed.

We have used the SSTOU remaining balance up and the pressure was so intense to clean the Parrot Tailings we have and without the SSTO $$ funds and BSB sacrificing the GW $5.2M Parrot's would not have happened.

Finally, the money spent down stream for the present proposed projects, if any of these are the SSTOU funds then NRD can only fund from 'Cottonwood Creek back to Butte.I believe that was in the 2012 doc , however that said , the money is such a puzzle not sure exactly the funds can be traced back.

The Greenway needs to get completed , in no way should the local government be responsible to for the long term O and M . It has been evident that the agreements that were made on remedial clean-up and restoration there is a significant shortfall. Not enough money -- maybe everyone should get in a room and figure out how to complete projects in progress and prioritize projects there is simply not enough money. Thank you for this opportunity to comment. Hopefully this will get completed. It would be a travesty if we cannot get together and be innovative on how to fund projects that have a great economic impact and with a true clean creek that is safe for future generations .

Jim Kambich 2935 White Blvd Butte, Montana.

Comment #69

From: Byrnes, Karen
To: Natural Resource Damage Program
Subject: 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions.
Date: Monday, July 17, 2023 11:23:04 AM

Members of the Upper Clark Fork River Basin Remediation and Restoration Advisory Council,

Please accept my comments related to the revision of the 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions and draft 2023 funding allocation. I am writing to comment on the funding request for the Silver Bow Creek Greenway, and urge you to fund the project at the $3.4 million originally requested as part of this revision. The Greenway is not solely a Recreation project and historically, has never been categorized as such, the Greenway integrates restoration and remediation, while providing recreational access points to Silver Bow Creek. The trail also functions as an Institutional Control -IC for the long term protection and management of the restored corridor. Without the Greenway trail, there is no controlled access to the creek. I have to wonder what the end result would be of this project is not complete, and maintained into the future? Will the uncompleted sections be remediated fully and then fenced off to the public?
I believe the answer is, a failed remediation and restoration of the Silver Bow Creek corridor to what was intended in the ROD.

I urge you to fully fund this request at the $3.4 million and remove the 25% matching requirement.

Thank you,

Karen Byrnes
Community Development Director
City-County of Butte-SilverBow
Courthouse
155 W. Granite
Butte, MT 59701
Phone: (406)497-6467
Cell: (406)498-4696

Community Development Services of Montana

954 Caledonia Street, Butte, MT 59701-9002

July 17, 2023

Upper Clark Fork River Basin Advisory Council
NRDP/DOJ
P.O. Box 201425
Helena, MT 59620-1425

Subject: Full Funding of the Silver Bow Creek Greenway

Dear Members of the Advisory Council:

I am writing to express my wholehearted support for full funding of the Silver Bow Creek Greenway Trail projects, rather than requiring a 25 percent match. I understand your desire to leverage NRDP dollars in order to increase the overall effect of your program; however, placing matching requirements for the Greenway delays what has already been a decades long effort to protect human health and the environment. In addition, there is an urgent need to limit inappropriate development along the trail corridor.

I also understand that the Council receives more grant requests than it is able to fund. I would counter that the Greenway Trail is a cornerstone project that ties multiple jurisdictions and agencies together and links key remediated sites in Butte, Anaconda and Warm Springs together. As I noted in my letter to you in May of this year, the Greenway project embodies a multi-pronged approach that encompasses environmental remediation and restoration, historic preservation, economic development and recreation. The Trail has become part of the fabric of the Butte and Anaconda communities for residents and visitors alike.

I urge you to fully fund the Greenway Projects as proposed and thank you for your consideration.

Sincerely,

Janet A. Cornish

Janet A. Cornish, Principal

PHONE	FAX	WEB
406-723-7993	406-723-7993	cdsofmontana.com

Comment #71

From: Randall Simkins
To: Natural Resource Damage Program
Subject: [EXTERNAL]
Date: Monday, July 17, 2023 2:19:04 PM

I am writing to as you to please fund in full the proposed Greenway projects. Since moving to Butte 25 years ago we have watched this area slowly cleaned up and world class recreational opportunities have been created as a result. I am asking you to complete the corridor to protect the investment that has been made in the remediation!

I thank you and my Wife and four kids do as well!

Thank-you,
Randy Simkins

Summit Financial Advisors
29 Discovery Drive
Butte, MT 59701
406-494-6262

Comment #72

From: Casey Briggs
To: Natural Resource Damage Program
Subject: [EXTERNAL] Greenway Trail
Date: Monday, July 17, 2023 2:36:45 PM

Hello,

This comment is in response to the proposed Greenway projects. Please remove the 25% match requirement and fund in full. We must complete the corridor to protect the investment we've made in remedy and restoration, and to protect human health and the environment by preventing improper development.

Thank you

Casey Briggs
(406) 491-5720

Comment #73

From: Jennifer Robinson
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions
Date: Monday, July 17, 2023 2:44:55 PM

Dear Advisory Council Members,

I am writing on behalf of the Clark Fork Watershed Education Program and Milltown State Park Overlook Relocation. CFWEP and Milltown State Park are both vital partners in programming that we offer to the public in Western Montana and beyond.

For example, in partnership with CFWEP and Milltown State Park, the Montana Natural History Center is able to provide osprey monitoring, bird-banding and watershed education opportunities to over 300 Missoula area children through summer program activities. These experiences are unique and expose children of varying ages to wildlife biology and ecology. It also teaches them about the realities of environmental resource damage. But these opportunities for hundreds of children from the Missoula area are not only learning moments. These amazing moments are mentorship keystones that stick with kids, in some cases for a lifetime. These moments are what creates stewards of our natural resources. Stewards that will help to mitigate the kinds of damages caused to the Clark Fork Watershed by prior mining and other human-caused practices.

CFWEP and Milltown State Park are vital partners of the Montana Natural History Center in other ways as well. They have both provided essential content, activities, and assistance to the Wings Over Water Program. This joint venture provides 40 hours of professional development for up to twelve teachers per year. These teachers return to their classrooms with a better understanding of how to teach Science, Technology, Ecology, Engineering, and Math. They also engage their students in service learning, examples of which include cleaning bailing twine from Osprey nests and erecting new Osprey Nest platforms away from powerlines. None of this would be possible without CFWEP and Milltown State Park's assistance and programming.

The above partnerships represent the Montana Natural History Center's two largest programmatic areas in partnership with CFWEP and Milltown State Park. However, we collaborate in many other ways. Because of our close work, and well beyond our partnership with CFWEP and Milltown State Park, I know that removing support for the quality, place-based teacher professional development, public outreach, and scientific research they conduct would leave a large hole in Missoula, Butte, and the communities in between that line the Clark Fork River.

Please continue to support CFWEP and Milltown State Park so Montanans and visitors can continue to access quality programming and interpretation.

Sincerely,

Thurston Elfstrom & Jennifer Robinson

Executive and Education Directors, Montana Natural History Center

--
Jennifer Robinson, M.Ed. (she|her)
Director of Education

Montana Natural History Center
Connecting People with Nature

120 Hickory St, Suite A
Missoula, MT 59801
406-541-8689 Ex. 203 (Office)
530-329-6027 (Cell)
www.MontanaNaturalist.org [montananaturalist.org]
Follow us: Facebook [facebook.com]

Comment #74

From: Cook, Les
To: Natural Resource Damage Program
Subject: [EXTERNAL] Funding for greenway trail
Date: Monday, July 17, 2023 3:54:34 PM

To whom it may concern,

I am writing to encourage your support of funding to complete the Butte Silver Bow Greenway trail corridor. This has been an incredible project which benefits all of the citizens of Butte and beyond and as the chancellor of Montana Technological University it is helpful in our efforts to prove our students and others access to trails like this. Continued development helps to reaffirm the commitment to the restoration processes in place and will reassure our community that these projects remain a priority.

Thank you for your consideration and support.

Les

Les P. Cook, Ed.D
Chancellor
406.496.4129 | lpcook@mtech.edu

Montana Tech [mtech.edu]

Comment #75

From: Lee Whitney
To: Natural Resource Damage Program
Subject: [EXTERNAL] Silver Bow Creek Greenway
Date: Monday, July 17, 2023 4:23:27 PM

I believe the Upper Clark Fork River Basin Remediation & Restoration Advisory Council should consider the continuation of the Silver Bow Creek Greenway a special project rather than recreational. It began as a special project, and to reclassify it as recreational would be burdensome to the project because of the required 25% match. Please reconsider this. The recreational aspect of the Greenway is a byproduct of the work that has been done and not the primary focus. Thank you. A concerned citizen of Butte-Silver Bow.

Lee Whitney
3151 Quincy St.
Butte, MT 59701
406 559—0993

Comment #76

From: Bob Chamberlin
To: Natural Resource Damage Program
Subject: [EXTERNAL] Greenway Project Butte to the Opportunity Ponds
Date: Monday, July 17, 2023 5:34:14 PM

Please fully fund this project, it needs to be completed as it is a very necessary to finish a wonderful trail system. Enough environmental projects in this area remain partly finished!
Robert Chamberlin
Get Outlook for iOS [aka.ms]

Comment #77

From: Barbara Miller
To: Natural Resource Damage Program
Subject: [EXTERNAL] Comment on 2023 Upper Clark Fork Funding Allocations
Date: Tuesday, July 18, 2023 9:51:21 AM

Comment On:
2023 Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans Draft Revisions and Funding Allocations

Please restore full funding (without a 25 percent match requirement) for the Silver Bow Creek Greenway project, which is an ongoing project to improve the environment along with the health and safety of our communities after decades of significant pollution exposures that are still occurring. On behalf of disadvantaged citizens, we ask that this important project be continued at full funding, and not be forced to bear an unfair burden on financing for this effort, which may threaten the project overall.

We are 501 C 3 nonprofit organization that has worked on behalf of low-income citizens since 1994, with our headquarters in Butte.

Sincerely,
--

Barbara Miller
Executive Director
National Affordable Housing Network
"Affordable Housing through Sustainable Technology"
(406)565-9405 CELL

Comment #78

EVAN D. BARRETT
807 W. SILVER ST.
BUTTE, MT 59701
406-490-4349
evanbutte@bresnan.net

July 18, 2023

Re: 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions – Urging Funding of Greenway Trail Butte to Warm Springs Pond

Natural Resource Damage Program (NRDP)
Helena, MT 59624

Dear NRDP:

I am sorry that I was not able to attend your Upper Clark Fork Advisory Panel meeting last week to discuss these issues. I have been involved with the Advisory Council and the NRDP since its first days. In fact, you could say I was "there at the creation, as Jim Flynn and I helped former Governor Marc Racicot write the initial Executive Order creating the Advisory Council. Later while in Governor Schweitzer's office I drafted the Executive Order changing the nature of the Advisory Council from being focused on technical expertise to one based upon representation of the geographical areas (counties) of the Clark Fork basin from Butte to Missoula.

Back in the 1990s I was on the first Board of Project Green, which initiated the concept of a restored Creek/River (Streamside Tailings) and a Greenway from Butte to Warm Springs Ponds. I am now back on that Board. Additionally, I am a Board member of CTEC (Citizens Technical Environmental Committee) and a steering committee member of ROCC (the Restore Our Creek Coalition). But I write you this formal request as a citizen of Butte and Montana.

The purpose of this letter is to urge the NRDP and the Governor as Trustee, to allocate the full $3.5 million request from the Greenway Service District (Butte-Silver Bow [BSB] and Anaconda-Deer Lodge) for the NRD funds for completing the project that has been in the works over twenty years. The citizens of the upper reaches of Silver Bow Creek are impatient for that completion, especially the part that runs through Durant Canyon. But it needs to be fully completed and made operational.

NRDP has been kind to the Greenway to this point and needs to continue in that vein. While some may want to expend more of the available NRD money downstream, I must remind you of the (what I think was arbitrary) decision made by the NRDP to rule Butte (above the interstate bridges) ineligible for any restoration funding until the area's CD was completed, putting remedial dollars to work where remediation was required. As a result, BSB spent 20 years on the outside looking in as NRD monies were allocated all

along the Clark Fork. That history needs to be taken into consideration as the program weighs the Greenway request before it.

The NRDP should allocate the full $3.5 million and waive the 25% requirement as it helps bring this important project to completion – a project that will provide access and use of Silver Bow Creek for folks from the area and use by visitors which is an enhancement of the restoration economy that has long been on our radar screen.

Thank you for your consideration of the $3.5 million request. I urge you to "do the right thing" by fulfilling one of the original visions of the NRDP as applied to the upper reaches.

Tap 'er light!

EVAN D. BARRETT
Butte Citizen

Comment #79

From:	Kathy Hadley
To:	Natural Resource Damage Program
Cc:	Alex Leone
Subject:	[EXTERNAL] "2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions."
Date:	Tuesday, July 18, 2023 11:20:22 AM

July 18, 2023

Montana Natural Resource Damage Program
Attn: CFROU Strategic Plan Comments
P.O. Box 201425
1720 Ninth Avenue
Helena, MT 59620-1425

The Clark Fork River Technical Advisory Council (CFRTAC) appreciates this opportunity to comment on the NRDP's Aquatic and Terrestrial Plan Amendments for 2023. With a decade plus of work remaining in the Basin, it's critical that we work collaboratively to ensure that cleanup actions on the mainstem and restoration work in the tributaries is effective in addressing some of the crucial factors inhibiting aquatic and terrestrial ecosystems.

CFRTAC supports NRDP's commitment to evaluate factors limiting aquatic ecosystems on the mainstem. In addition to assessing limiting factors, we also recommend that NRDP begins to tackle some of the known challenges. Instream aquatic habitat considerations and geomorphic processes need to be an integral part of the restoration framework. Using an applied and adaptive approach, NRDP should consider integrating a built restoration component into the assessment work budgeted for the mainstem (in both completed and future phases).

Our group just recently commented on the State's new Strategic Plan for the Clark Fork River mainstem and although remedy and restoration are officially separated, they are fundamentally joined at the hip and working towards a common goal. The current funding situation on the Clark Fork is challenging and CFRTAC is deeply concerned about the budget realities and inherent tradeoffs that will result with less money available per river mile moving forward. We encourage NRDP to work creatively to augment mainstem restoration efforts when possible.

CFRTAC believes that the crash in fish populations on the upper River, and current funding reality on the mainstem, are reflective of the need for a paradigm shift in the evolution of cleanup in the Basin.

Thank you again for the opportunity to comment.

Sincerely,

Kathy Hadley

Board President, CFRTAC

Comment #80

From: Bill Henne
To: Natural Resource Damage Program
Subject: [EXTERNAL] Greenway project funding
Date: Tuesday, July 18, 2023 11:26:23 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png

Good day,

I write today to ask that you please fund in full the proposed Greenway projects. The corridor must be completed to protect the investment that's been made in remedy and restoration, as well as to protect human health and the environment by preventing improper development. If you have any questions or need anything further from me, please let me know.

Thank you!

-bill

Water & Environmental TECHNOLOGIES
Bill Henne, PE, CFM
Senior Engineer
C: (406) 565-6567
O: (406) 782-5220
waterenvtech.com [waterenvtech.com]
[facebook.com] [instagram.com] [twitter.com] [youtube.com] [linkedin.com]

Comment #81

From: Ryan, Sean
To: Natural Resource Damage Program
Subject: [EXTERNAL] Please Fund in Full the Greenway Projects
Date: Tuesday, July 18, 2023 12:29:12 PM
Attachments: image002.png

To Whom it May Concern,

Please consider the following comment for the Greenway Project:

In light of the recent recommendations by the NRDP, I would strongly encourage the NRDP to grant the full $3.5 million that was requested for the Greenway project to complete the Durant Canyon and Highway 1 to Opportunity trail. Completing this corridor will protect the investments that have already been made in remediation and restoration in our local area, but the full funding is needed to get this done correctly and completed to the level that is required.

Thank you,
Sean

SEAN RYAN
Director of Alumni Engagement
Head Men's & Women's Golf Coach

Office 406.496.4402 | Cell 406.231.8765
Email SRyan@mtech.edu

MONTANA
TECHNOLOGICAL UNIVERSITY [mtech.edu]

I GIVE TO MONTANA TECHNOLOGICAL UNIVERSITY
[foundation.mtech.edu]

Comment #82

From: Jacqueline Janosko
To: Natural Resource Damage Program
Subject: [EXTERNAL] Greenway Project Funding
Date: Tuesday, July 18, 2023 12:44:07 PM

To whom it may concern,

I'm writing to express my support of funding in full, the proposed Silver Bow Creek Greenway projects. Not only will completion of the Greenway through Opportunity will bridge our communities and serve as a reminder for generations to come of where we started with the remedy and how much we've achieved together, completion of these reaches of trail will protect the remedy itself by facilitating proper public access and preventing unsuitable development near the Silver Bow Creek floodplain.

If project funding is further delayed, we risk losing momentum and support of land owners facilitating access. Without the Greenway project seeing completion, we risk compromise of the Silver Bow Creek remedy in entirety.

Thank you for your time, but most importantly, for all you continue to do for our communities and your commitment to making a difference.

Jackie Janosko
Butte, MT
406-559-7279

Comment #83

July 18, 2023

ATTN: Montana Natural Resource Damage Program

RE: Letter of Support for Montana Natural Resource Damage Program's 2023 Upper Clark Fork River Basin Aquatic and Terrestrial Restoration Plans Draft Revisions

To the Montana Natural Resource Damage Program:

This letter is written in support of the Montana Natural Resource Damage Program's (NRDP) "2023 Upper Clark Fork River Basin Aquatic and Terrestrial Restoration Plans Draft Revisions." NRDP's revised funding plan will help the restoration work in Flint Creek and Rock Creek done by Trout Unlimited (TU) and partners. This plan will also support three of the Upper Clark Fork River Basin Aquatic Restoration Plan Goals to restore the mainstem trout fishery, by improving recruitment from tributaries; replace lost angling opportunities by improving trout populations in tributaries; and improve/maintain native trout in the Upper Clark Fork River Basin.

Granite Headwaters Watershed Group (GHWG) promotes the responsible use of the watershed's natural, human, and socio-economic resources to protect and enhance the rural lifestyles valued by our communities within Granite County. This revision aligns with our group's mission and goals, which will benefit our watershed now as well as for the future generations to come.

We support Montana Natural Resource Damage Program's "2023 Upper Clark Fork River Basin Aquatic and Terrestrial Restoration Plans Draft Revisions" and will work collaboratively with TU and NRDP to align community outreach and education activities with the restoration plan goals. Granite Headwaters Watershed Group believes that the revisions of the restoration plans will position TU and water users to implement infrastructure improvement projects with widespread benefits to water managers and irrigators, native fisheries, and enhance long-term ecosystem resiliency and watershed health across the region.

We look forward to working with NRDP and TU to ensure the success of the restoration plan goals.

Sincerely,

Michael L. Miller, President
Granite Headwaters Watershed Group
105 S Holland St, PO Box 926
Philipsburg, MT 59858
406-859-3291 graniteheadwaters@gmail.com

Comment #84

From: Carey Schmidt
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Plans Draft Revisions
Date: Tuesday, July 18, 2023 2:23:24 PM

Greetings,

I represent members of the Westslope Chapter of Trout Unlimited, a group that consists of 1000+ members in and around Missoula that recreate in the Upper Clark Fork and surrounding areas. Our organization, while small, is 100% volunteer based and provides important matching funds for projects in the Upper Clark Fork.

We generally support the 2023 Plan Revisions as proposed. We make the following additional comments:

1. We support allocating additional aquatic funds to Flint Creek, which provides important connection for migrating fish between the main Clark Fork and cool rearing tributaries like Boulder Creek. We have committed significant funds (for our membership) to Flint Creek because of its continued importance to establishing better recruitment to the low fish population reach of the Clark Fork.
2. While Rock Creek remains an excellent fishery on its own, studies show it is very important to main Clark Fork recruitment. This remains an important area where we send matching funds to improve recruitment. We support continued funding for projects on this important tributary.

Flint Creek and Rock Creek drain a large area and are critical points of focus for the NRDP restoration plans. Thank you for all the hard work put into this matter.

Carey Schmidt
Conservation Chair, Westslope Trout Unlimited

Comment #85

From: Judy Matson
To: Natural Resource Damage Program
Subject: [EXTERNAL] "2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions"
Date: Tuesday, July 18, 2023 4:44:09 PM

The Milltown State Park Overlook exhibits and vista point have served as the venue for countless educational presentations about the dam removal and river restoration – from grade school to grad school -- over the last decade. I have personally given talks there and always take guests to the Overlook for a spectacular view and the story of the Superfund experience. Unfortunately the bluff's instability has ended this opportunity but the site is so meaningful that the proposed moving of the interpretive site and closing the tunnel for safety are good alternatives for allowing the public to continue to learn of the historic achievements of the remediation, restoration, and redevelopment of the Superfund site at Milltown as well as to experience the natural amenities of the confluence and its surroundings. I enthusiastically support the proposal to create a safe viewing site at the Milltown State Overlook and tunnel.

Thanks for this opportunity to comment.

Judy Matson

--
Judy Matson
(406)370-5929

Comment #86

From: mikepatt1952@gmail.com
To: Natural Resource Damage Program
Cc: mikepatt1952@gmail.com
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions
Date: Tuesday, July 18, 2023 4:51:57 PM

I am writing to encourage you to consider funding the Greenway Service Districts request for the full amount they have asked for($3,471,278) with no matching funds required by the District to get this amount of money. By requiring large matching funds and other requirements you are simply saying NO to the request, but pretending to say that you are in favor of funding the Greenway. Your just making it not reasonably possible to move forward. It makes no sense to me that the Greenway project has been funded for over 17 years and is nearing completion, but you want to call it quits now that the end is in sight. That makes no common sense to me. I use the Greenway trail several days a week to run, walk and ride my bicycle. So I, as well as many others use this feature for a healthy benefit. The Greenway, in my opinion is more than a recreation trail, it serves as a special project, which has included both ecological and access elements. Is this an example of how the rest of the clean up will be handled? Start a phase of the clean up and then simply call it quits! The Greenway district has already shown how important it is to thousands of people locally and far away. This project has consistently been the highest ranked project from the beginning and was awarded funds for completion from the Trustee.
In summary, I would like to say that it would be a huge mistake to pull the rug out from under the Greenway Service District at this point in time.
Thank You

Mike Patterson
1150 Steel St.
Butte, MT. 59701
406-491-6235
Mikepatt1952@gmail.com

Comment #87

From: Riordan, John
To: Natural Resource Damage Program
Cc: Skrukrud, Dori
Subject: Aquatic and Terrestrial Resources Plans Draft Revisions
Date: Tuesday, July 18, 2023 6:17:04 PM

To whom it may concern: my name is John Riordan, and I am a commissioner for Butte Silver-Bow. I have been assigned to the Greenway Trail committee and have learned a lot about the costing/bidding/funding/uses of the Greenway Trail. I encourage the full funding to complete this project as it is one of the most successful endeavors that's associated with the cleanup. True the trail has some recreational aspects, but it encapsulates the real purpose of the cleanup corridor. It would be a crime to not fund the completion of a great project for the people of the counties that the Greenway is located in. In this case, it is about the money and doing what is right.

Sincerely,

John O Riordan, Commissioner BSB

Comment #88

From: Guscio, Dalit
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions
Date: Tuesday, July 18, 2023 10:49:42 PM
Attachments: Outlook-0psokjmx.png

To whom it may concern,

I wanted to inform NRDP that the various Milltown State park sites have been the place we bring our students to learn about the biggest restoration site in the superfund complex and to summarize the learning of the history and science of our watershed. Our students spend a full day at the confluence collecting watershed health data and interpret them. We used to start our field day with the students up at the overlook where the view of the restoration site and confluence is breathtaking and would provide children and chaperones some free time, as the interpretative signs at the overlook are excellent. Currently the signs are unfortunately out of reach as well as the view of the site. We hope the site becomes accessible to educational programs and the general public in the near future.

Sincerely,

Dalit Guscio
Click for contact info [qrcodes.pro]

Clark Fork Watershed
Education Program

Comment #89

July 19, 2023

Natural Resource Damage Program
Montana Department of Justice
Via Email: nrdp@mt.gov

Re: Greenway Service District Funding Request

Dear NRDP Staff,

Please fully support Greenway Service District's request of $3.5M. Greenway's remarkable trail system provides controlled, public access to the restored Silver Bow Creek and flood plain channel. The Greenway Service District and their partnerships with Silver Bow County, Anaconda-Deer Lodge County, DEQ, and NRDP all play an integral part in NRDP's mission to "… restore, rehabilitate, replace or acquire the equivalent of the injured natural resources."

I encourage NRDP staff and their advisory board to take a trip to one of the existing trail segments. Chat with the trail users and get their input. On a recent outing to the Gregson Station trailhead, I saw multiple families walking and riding bikes, people jogging, anglers, handicap users, campers, and senior citizens utilizing the tailhead, trail, and Silver Bow Creek. This is superfund land, unusable to the public just a few years ago. Now, through remedy and restoration, it is open to the public in a controlled manner to protect human health and the environment.

Provide the full request of $3.5M without strings and matching fund requirements. Governor Gianforte has a Red Tape initiative to streamline and simplify rules and regulations in the State. Please follow this mindset to ensure Greenway's shovel ready project (Durant Canyon trail) is constructed in 2024. Matching requirements will indefinitely delay all future projects.

In closing, please fully fund Greenway's request to help get the trail system to the finish line.

Sincerely,

Michael Browne
Helena, MT
mbrowne2000@hotmail.com
406-498-3372

Gregson Station Trailhead and Trail Use in May 2023.

Region 2 Headquarters
3201 Spurgin Road
Missoula, MT 59804
Phone 406-542-5500
July 14, 2023

Montana Department of Justice
Natural Resource Damage Program
Attn: Doug Martin
1720 9th Avenue
PO Box 201425 Helena, MT 59620-1425

RE: FWP Comments – UCFRB Aquatic and Terrestrial Resources Restoration Plans – 2023 Revision

Dear Mr. Martin:

The Montana Department of Fish, Wildlife and Parks (FWP) appreciates the opportunity to comment on the 2023 revision of the Upper Clark Fork River Basin (UCFRB) Aquatic and Terrestrial Resources Restoration Plans. FWP Region 2 staff have identified a suite of priority projects in the Terrestrial Priority Landscapes where funds could be best spent to both work towards the goals of the Restoration Plans and conform with the guidelines contained therein.

Land Acquisitions and Conservation Easements

In general, FWP is highly supportive of directing funding towards conservation easements and land acquisitions that work to conserve key wildlife habitats and movement corridors to benefit game and nongame species in the UCFRB. More specifically, we recommend prioritizing lands that are connected to existing state or federal lands or that are adjacent to private lands protected by conservation easements. Providing incentives that help retain working landscapes (e.g., ranchlands, timberlands) that provide healthy and diverse wildlife habitats is a high priority for the department.

Beyond these general recommendations, a few specific areas are a priority for the department:

- Private land inholdings and other lands adjacent to the Spotted Dog Wildlife Management Area (WMA) where there is sufficient local support for such lands to be included as part of the WMA.

- Private lands adjacent to public lands in the floodplain corridor of the Clark Fork River that would allow for public access and closer involvement of the state with remediation and restoration efforts. An example would be lands close to or adjacent to NRDP's Clark Fork River Ranch north of Deer Lodge.

- Private lands along the "Stucky Front" that lie between the Stucky Ridge WMA and the Blue-eyed Nellie WMA on the north side of Warm Springs Creek. These foothill habitats encompass important winter range for elk and movement corridors for bighorn sheep and are highly visible from much of the Anaconda valley.

- Smaller private land parcels adjacent to the Blue-eyed Nellie WMA for which there is documented evidence of substantial use by the bighorn sheep herd in the area.

- Other private lands in the hills south of Anaconda that can shore up ownership around Garrity Mountain WMA and may involve partnerships with, or at least support from, Anaconda – Deer Lodge County.

Wildlife Habitat Restoration

In general, FWP is supportive of habitat restoration actions that address key habitat needs for important game species as well as nongame species and their habitats identified in the State Wildlife Action Plan as in need of conservation attention. This includes:

- Key areas of winter range for elk and deer.

- Shrublands that support intact sagebrush stands as well as antelope bitterbrush and other important forage species.

- Critical movement corridors between areas of protected lands and across valley bottoms for wide-ranging wildlife like elk, deer, bears, and other carnivores.

- Wetlands, active floodplains, beaver-modified habitats, and associated riparian areas, as well as the disturbance regimes that enhance and maintain these habitats.

- Well-managed forest habitats with sufficient habitat diversity, snags and downed wood, and functioning disturbance regimes to support the full suite of forest-dwelling wildlife species.

Again, FWP is always seeking opportunities to do restoration on working lands where wildlife habitat and economic output for local residents function on the same landscape. This includes infrastructure and restoration actions that facilitate well-managed cattle grazing, invasive weed treatments to improve forage, and strategic timber harvest to improve stands that have fallen outside historic conditions and to remove encroaching conifers from other key habitats such as shrublands, aspen stands, winter range, and riparian areas.

FWP is also interested in further refining mapping and prioritization of important habitats within Terrestrial Priority Landscapes to better focus remaining funds where they will have the greatest cumulative, positive impact.

Beyond these general recommendations, a few specific restoration actions are a priority for the department:

- Use the Beaver Restoration Assessment Tool (BRAT) and beaver dam mapping information to identify key riparian corridors where various forms of beaver restoration, including process-based restoration, would be most likely to result in beneficial changes to stream and riparian habitats. Then, implement restoration in these areas preferably using on-site materials that may

be produced through other restoration actions (e.g., addressing conifer encroachment). These sites may then be suitable for translocation of nuisance beavers from other areas in the UCFRB, pending approval by the Fish and Wildlife Commission.

  - Develop a beaver holding facility to enable translocation of nuisance beavers in the UCFRB to priority areas where they can help restore degraded stream conditions while minimizing the potential for conflict with infrastructure.

- Mapping of aspen stands within the Terrestrial Priority Landscapes to better direct funding to enhance aspens stands through removal of conifers and/or introduction of disturbance (e.g., fire, timber harvest, etc.). These treatments could be combined with riparian restoration treatments that require woody structures within a stream. Overlaying BRAT model results and aspen stand mapping would help prioritize landscapes where multiple restoration objectives could be achieved through complimentary projects in close proximity.

- Mapping of conifer encroachment in grasslands, shrublands, and riparian areas in the Terrestrial Priority Landscapes to better understand where encroachments are compromising key habitat values (e.g., winter range, healthy riparian corridors, antelope bitterbrush stands). Removal of encroaching conifers could be combined with riparian restoration treatments that require woody structures in the stream or where woody material could be piled along stream corridors as a form of "soft fencing" to help reduce cattle impacts. Conifer encroachment mapping would complement the other two mapping and prioritization efforts listed above.

- Removal of encroaching junipers on the Stumptown Addition to the Garrity Mountain WMA, recently acquired by FWP and NRDP. Junipers are encroaching into the riparian area along Warm Springs Creek and in meadow/shrub habitats in the upland portions of the property, potentially compromising habitat values.

- An evaluation of water management regimes in managed wetlands in the UCFRB to assess the potential for more natural wetland management that includes periodic drying periods to improve wetland productivity and habitat diversity. This would include subsequent planning and infrastructure needed to implement any identified changes to wetland management.
  - Infrastructure to adjust water regimes in ponds on the Warm Springs WMA that are fed by Warm Springs Creek. The goal of this project would be to maximize instream flows in Warm Springs Creek to benefit the Clark Fork River by minimizing flows to these ponds as much as possible while maintaining their value for migratory birds, amphibians, and other wetland species. This may involve additional infrastructure that would allow for adjusting water volumes, timing, or both to make sure we are using the water from Warm Springs Creek as efficiently as possible.

- Develop and implement a project to reintroduce northern leopard frogs to the UCFRB, mirroring efforts undertaken by the Confederated Salish and Kootenai Tribes in the Little Bitterroot River drainage. This project would involve habitat assessments and mapping, surveys for invasive species (e.g., bullfrogs, snapping turtles), acquisition and transport of egg masses from source populations east of the Continental Divide, captive rearing facilities, and ongoing monitoring and habitat restoration to support the frogs once they are released.

- Contribution to the construction and maintenance of seasonal ponds, backwaters, oxbows, side channels, and other floodplain wetland features in upcoming and completed phases of remediation and restoration along the Clark Fork River. Multiple potential funding sources are looking at this issue and funding from the Restoration Plans would complement these other inputs. The overall goal is to enhance the restoration work that is occurring as part of remediation to make sure the Clark Fork River has the form and functions of a natural, low-gradient, wide-valley bottom floodplain including associated disturbance regimes and associated habitat diversity.

Maintenance and Monitoring

Much of the terrestrial restoration work undertaken so far through the Restoration Plans has not been paired with rigorous monitoring of outcomes related to these projects. FWP is highly supportive of developing a monitoring program, mirroring that of the aquatic side, to better understand and demonstrate the natural resource benefits being sought through these restoration projects.

- Expand IMBCR bird and vegetation surveys to private lands where larger-scale restoration efforts are occurring (e.g., riparian restoration, grazing management, aspen restoration, timber harvest, encroaching conifer removal).

- Expand nongame surveys beyond birds to small mammal, reptile, and amphibian surveys on private lands where restoration is occurring and on public lands where surveys were conducted in the early 2010s (e.g., Spotted Dog WMA). These would provide data to evaluate the impacts of restoration actions and shifts to public land ownership.

- Potentially deploy GPS collars on pronghorn in Deer Lodge Valley to better understand key habitat patches and movement corridors. These data could then be used to implement range enhancements and adjust fencing to better facilitate movement across the landscape and better direct funds to protecting or enhancing key areas of the pronghorn's range in the valley. This project would be dependent on review and approval through FWP's research prioritization process.

- Deploy GPS collars on elk that use the Spotted Dog WMA and surrounding public and private lands to better understand the effects of grazing management and hunting regulations on elk movements and habitat use. Information would be used to make management decisions for the WMA to address goals and objectives outlined in the Spotted Dog WMA Management Plan. This project would be dependent on review and approval through FWP's research prioritization process.

Recreation

FWP is highly supportive of continuing to identify and prioritize recreational opportunities on public and private lands in the Terrestrial Priority Areas. We are especially interested in looking for opportunities to expand access for mobility limited members of the public to activities like wildlife watching, photography, fishing, and hunting. FWP would also like to work on signage to highlight where restoration dollars have been put in place to better advertise the immense benefits of the NRDP. Public access to the Clark Fork River corridor for hunting, fishing, and floating is also a high priority for FWP.

FWP and NRDP have demonstrated an effective partnership with local land trust organizations to manage hunter access as a part of the land trusts' conservation easement programs that rely on NRDP funding. FWP is highly supportive of these partnerships and supports continuing to seek these opportunities.

Thank you again for the opportunity to comment on these important planning documents. We appreciate the ongoing coordination between FWP and NRDP and look forward to helping the Program implement the Restoration Plans moving forward.

Sincerely,

Randy Arnold
Region 2 Supervisor

Comment #91

From: gjmatson@montana.com
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions
Date: Wednesday, July 19, 2023 10:36:48 AM

I strongly support the proposals to relocate the Milltown State Park Overlook and to close access to the north end of the railroad tunnel below the Overlook. As a long-time local resident I am fully aware of the Overlook's public benefits. As a member of the local, grassroots non-profit Friends of Two Rivers, Inc. I shared in the early advocacy of dam removal and total clean-up of the Milltown Reservoir. As a member of the Milltown Superfund Site Redevelopment Working Group, I shared in the multi-year effort to promote the "3 Rs," Remediation, Restoration, and Redevelopment of the Milltown site that led to the creation of the Milltown State Park.

The Overlook gives the public an invaluable view of a uniquely historic place, the Milltown State Park Confluence. A place of great importance to Native American life, it was subsequently a focus for exploration and development that included a route used by the Lewis and Clark expedition. The first wagon road across the Rocky Mountains, the Mullan Road, passed through the Milltown State Park Confluence at a site uniquely viewed from the Overlook. The Confluence featured developments by the early industrialists, the "Copper Kings" W. A. Clark and Marcus Daily. Throughout history, the site has provided key habitat and migration routes for fish and wildlife. The Overlook and its informational displays provide the public with an exceptionally unique opportunity to learn not only about a very important historic place but also about a remarkable success of the 3Rs. A once-contaminated spot dangerous to human health has been restored to a beautiful and naturally functioning stretch of river.

I also support closure of the north segment of the tunnel, which should be accomplished using a form of stonework that fits the natural environment and not simply by a concrete slab. It is appropriate that a small section on the southern end be left open to historic viewing.

I appreciate this opportunity to comment.

Gary Matson
PO Box 308
Milltown MT 59851
(406) 370-6584

Comment #92

From:	Minie
To:	Natural Resource Damage Program
Cc:	Kustudia, Michael
Subject:	[EXTERNAL] 2023 aquatic and terrestrial resources restoration plans draft revision
Date:	Wednesday, July 19, 2023 10:41:40 AM

I support the proposed revisions. The overlook is an important part of Milltown state park and it should be made safe so that visitors can appreciate the Confluence
better.
Minie Smith
Independent researcher and co-director of the Bonner Milltown History Center

Sent from my iPhone

From:	Fritz Daily
To:	Natural Resource Damage Program
Cc:	simrio@aol.com; Jim Kambich; Mick Ringsak; Ford, Jim; Cunneen, Padraig; Harris, Harley
Subject:	[EXTERNAL] "2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions"
Date:	Wednesday, July 19, 2023 10:52:02 AM

Fritz Daily
100 East Broadway
Finlen Hotel Apt. 803
Butte, MT 59701

Natural Resource Damage Program:
Subject: "2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions"

As a former seven-term Montana Legislator and an original Board member of Project Green, I would like to go on record of supporting the FULL funding request for a total of $3.4 million for completion of the Greenway Corridor and Trail System from Butte to the Warm Springs Ponds! The request includes funding for completion of the final two remaining sections and for 5 years of O&M funds.
In the late 1900's Project Green was created through the efforts of MSE Chief Executive Don Peoples and Jim Kambich of MERDI.
Project Green is responsible for "spear heading" what I believe is one of the only successful outcomes in dealing with Butte Superfund issues. A Greenway concept, as Don Peoples describes as a green corridor along with a trail system, that is near completion from Butte to Warm springs Ponds along Silver Bow Creek.
Through our efforts funding for the project was secured in the original $118 million Natural Resource Damage Settlement and again later in the process, mostly by the efforts of Joe Shoemaker, to successfully complete the project where funds were secured and are still needed today!
Several members of the group besides Don Peoples and I included Rick Griffith---chairman, Jim Kambich, Joe Shoemaker, Connie Kenney, Karen Sullivan, Tom Piercy, Don Ulrich, Sam Wooster, Margie Thompson, Evan Barrett, Dan Dennehy, Brian Holland, Robbie Taylor, and others.
Six distinguished members of that committee are now deceased. They contributed countless volunteer hours developing and working on this proposal! Including: Don Ulrich, Tom Piercy, Sam Wooster, Joe Shoemaker, Margie Thompson, and Connie Kenny. They were all great community leaders and it's a shame they are no longer with us to see the fruits of their labor!
I urge completion of the Greenway Corridor and Trail System in recognition of their efforts!
Fritz Daily

Comment #94

From:	Kathryn Manz
To:	Natural Resource Damage Program
Cc:	Kyle; Meghan Larson; Skrukrud, Dori
Subject:	[EXTERNAL] "2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions."
Date:	Wednesday, July 19, 2023 11:02:28 AM

ATTN: Outdoor Recreation Roundtable

As part of the management team for the Butte KOA, I attended the RERC Conference this year and became more aware of the ongoing restoration projects in our community. Knowing additional funding can expand and strengthen the efforts to fulfill this vision, is so critical to fulfilling the conservation initiatives in the City/County and I am in favor of the proposed revision to the Draft Revision and the Butte-Silver Bow Community Development grant requesting ORR planning assistance to help tackle Goal #1 of the Butte Silver Bow Community Action Plan:

- Identify and Marketing of Butte as a Recreation Destination: Coordinate new and existing marketing initiatives into a cohesive identity for Butte as an outdoor recreation destination and create consistent messaging, marketing and promotion that highlights outdoor recreation as a means of attracting visitors, new residents, and employers.

The SBC grant application to the Outdoor Recreation Roundtable is an important piece of completion for conservation and restoration along the Greenway, and asserts that the Greenway is a Special Project. In addition, it has been made clear to me the importance of granting the GSD the full $3,471,278 requested instead of the $2.5 million recommended in the Draft Revision.

Why?

- The Draft Revision incorrectly categorized the Greenway as solely a recreation project.
- The Greenway was approved as a Special Project by the Trustee in 2012 and has always included both ecological and access elements and continues to be a Special Project.
- Completing the Greenway to protect and manage the remediated and restored corridor is essential to meet ROD requirements.
- Consistently the highest ranked project from the beginning and was awarded funds for completion from Trustee.
- Complete the Greenway as approved by the Trustee in the 2012 Restoration Plan.
- Delays in remedy implementation – including the effort to properly integrate remedy and restoration - and lengthy land access and acquisition issues have reduced the buying power the original funds.

Our vision a the Butte KOA (a Certified KOA Kamp Green property - https://koa.com/kamp-green/ [koa.com]), aligns very closely with so many of the concepts and goals of the Natural Resource Damage Program Restoration Work Plan and the proposed funds for the Silver Bow Creek Greenway, Black Creek Restoration and soil, water and area restoration projects. As business land owners with land

situation right along this greenway corridor, we fully support and applaud ongoing and future efforts to fulfill the Greenway Project as approved by the Trustees in the 2012 Restoration Plan with full funding as originally designated and stand in unity with our local Community Development team and their grant proposal. Thank you.

Sincerely,
Kathryn Manz

Kathryn Manz
General Manager
Butte KOA Journey
406-782-8080

Comment #95

Good Afternoon,

My name is Dori Skrukrud and I am the Project Manager for the Silver Bow Creek Project. I have stood before the Advisory and Trustee Restoration Councils dozens of times to provide comments to updated Restoration Plans and Funding recommendations. However, this is the first time that I have objections to the draft Plan revisions.

It is not that previous grant requests have been approved without serious deliberations, debate, and compromise. The Greenway Service District and the Natural Resource Damage Program have worked closely together to craft project development that protects the significant investments in remedy and restoration.

Our proposed funding for this cycle was indeed a compromise. Your staff requested that we reconsider our proposal and submit a 2–3-year work plan and we delivered.

That being said, I respectfully request that

- The Draft Restoration plan be revised to reflect that the Greenway is a Special Project.
- That the Plan be revised to grant the full request of $3.5M instead of the $2.5M as recommended.

Why?

- The Draft Revision has incorrectly categorized the Greenway as solely a recreation project.
- The Silver Bow Creek Greenway was approved as a Special Project by the Trustee in 2012 and has always included both ecological and access elements and continues to be a Special Project.
- The Silver Bow Creek Greenway has consistently been the highest ranked project based on the Restoration Program criteria from the beginning of the Grant Program and was awarded funds for completion from Trustee in the 2012 Restoration Plan.
- Completing the Greenway is integral to the protection and management of the remediated and restored corridor and is essential to meet Record of Decision requirements.

The information we will provide in written comments will discuss these points in more detail and describe those impacts that have delayed the completion of the project, including:

- The documented history of the Silver Bow Creek Greenway's designation a Special Project
- Delays in remedy implementation – including the effort to properly integrate remedy and restoration, and
- Lengthy land access and acquisition issues that have reduced the buying power the original funds.

Thank you.

From: WMO
To: Natural Resource Damage Program
Subject: [EXTERNAL] Greenway Funding
Date: Wednesday, July 19, 2023 3:19:57 PM

Greetings:

As a life-long resident of Butte, and frequent user/biker of the Greenway Trail System, I would like to express my support for the full funding of the currently proposed Greenway projects.

The restoration of Silver Bow Creek is nothing short of remarkable, and the trail provides the best access for both the citizens of Butte and Anaconda, as well as visitors, to explore and enjoy the restored areas. It is personally amazing to be able to ride my bicycle and observe the wildlife that now thrives in the creek corridor.

I look forward to the day when I can ride my bike from Butte to Anaconda. In the meantime, completion of the trail from Ramsey thru Durant Canyon to Mt. Highway 1 to Opportunity would be a spectacular addition. It seems that with the completion of the Durant Canyon work, the linkage of the trail can now be accomplished with adequate funding.

Therefore, I respectfully request that NRDP fully grant and fund the Durant Canyon and Highway 1 to Opportunity portions of the trail. Completion of the corridor not only protects the investment made for restoration, and the environment going forward, but also provides the Community and its citizens with a first class recreational area, and the benefits resulting therefrom.

Thank you for your time and attention.

Sincerely,

William M. O'Leary
2906 Elizabeth Warren Ave.
Butte, MT 59701

Comment #97

From:	Brad Archibald
To:	Natural Resource Damage Program
Subject:	[EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions
Date:	Wednesday, July 19, 2023 4:06:14 PM

Dear Montana Natural Resource Damage Program:

Thank you for the opportunity to comment on the Draft Revisions. And thank you very much for the past grants you have provided to the Greenway Service District for the restoration and protection of the Greenway corridor. That investment in our community to restore lost natural resources is very much appreciated.

In the Draft Revisions, the NRDP recommends awarding $2.5 million of the $3.5 million requested by the Greenway Service District, on the basis that the proposed projects are recreation projects and therefore should be subject to a 25% matching funds requirement and not eligible for any NRDP funds for future operation and maintenance.

The Greenway, however, is not just a recreation project. Establishing a recreational corridor through the entire Streamside Tailings Operable Unit is imperative to protecting human health and the environment, not to mention preserving the huge investment that has been made in remedy and restoration. The Greenway is the means to implement the institutional controls required by the Streamside Tailings Operable Unit Record of Decision to prevent land use that is incompatible with the remedy. Therefore, I suggest that the Draft Revisions should be changed to award the full $3.5 million requested by the Greenway Service District, and the projects not be subjected to the 25% match requirement or the limitation on using NRDP funding for maintenance.

Furthermore, I encourage NRDP to work cooperatively with the Greenway Service District and the Montana Department of Environmental Quality to come up with a long-term plan for completing the Greenway and maintaining it for the long-term, as required by the Record of Decision.

I am an employee of Pioneer Technical Services and a consultant to the Greenway Service District. However, I am submitting these comments as a citizen of Butte-Silver Bow.

Thank you for the opportunity and for considering these comments.

Sincerely,

Brad Archibald

2817 State Street, Butte, MT 59701

(406) 490-3032

Comment #98

July 18, 2023

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

RE: *2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans Draft Revisions*

Dear Mr. Martin,

Thank you for the opportunity to comment on NRDP's Draft Revisions to the UCFRB Restoration Plans. We appreciate the considerable effort that your staff has invested in updating the Plans. NRDP has done a good job of incorporating past project experience, monitoring data, and public input in the process while balancing a broad range of restoration needs with a limited budget. TU supports the Plan Revisions as proposed and offers the following additional comments:

1. **Aquatic Monitoring.** TU supports the additional budget allocation of $1M in the monitoring budget to identify factors limiting fisheries populations in the Upper Clark Fork River headwaters. Determining the cause of the historically low fish numbers in the upper reaches of the Clark Fork River should be a top priority for NRDP to ensure that future restoration investment of UCFRB settlement funding has the highest likelihood of achieving the fisheries goals of the Plans.

2. **Flow Restoration.** TU supports the plan revisions recognizing the diversity of flow restoration project opportunities and increased flexibility in their implementation. We will continue to work with NRDP and other partners to solve streamflow challenges limiting fisheries in the Upper Clark Fork.

3. **Rock Creek.** TU supports the allocation of additional aquatics funding for completion of priority fish passage projects on Rock Creek. Given the overlap with NRDP priorities and bull trout recovery actions in Rock Creek, we are working to leverage NRDP investment in the watershed with federal and other funds to complete the approximately $2-3M in project work to reconnect migratory fish habitat in Rock Creek.

4. **Flint Creek.** TU support allocation of additional aquatics funding in Flint Creek to provide the resources necessary to reconnect migratory fish habitats in lower Flint Creek maximizing recruitment to the Clark Fork River in the chronically underpopulated reach from Flint Creek to Rock Creek.

5. **Little Blackfoot River.** TU understands the need to reallocate a portion of Little Blackfoot River funding to other priority watersheds where priority projects are more readily available. We will continue to pursue priority project opportunities as they become

available in this important tributary and will continue to seek opportunities to partner with NRDP in implementation of the Little Blackfoot priorities in the Plan.

6. **Warm Springs Creek.** TU supports the increased budget allocation for Warm Springs Creek. We are looking forward to our continued partnership in implementation of fish passage priorities in Warm Springs Creek. As these projects are completed, we anticipate opportunities to assess and improve degraded riparian and instream habitat on Warm Springs Creek and encourage NRDP to consider investigation of habitat limitations and restoration opportunities here that would contribute to the health of the Warm Springs Creek and Clark Fork River fisheries.

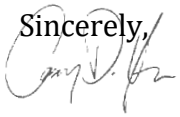
7. **Silver Bow Creek.** TU supports aquatic budget allocation for Silver Bow Creek. While early recolonization of Westslope cutthroat trout to Silver Bow Creek was encouraging, fisheries populations in Silver Bow Creek have been slow to recover to their potential and TU supports investment in project work to improve habitat in the watershed. We also understand reallocation of funding previously dedicated to German Gulch but would encourage NRDP to consider investment of funding here if future projects in this key tributary emerge that would contribute to the health of the Silver Bow Creek fishery.

8. **Clark Fork River Mainstem.** TU supports allocation of funding for mainstem fish passage work to reconnect the Clark Fork River through Reach A. TU, the Clark Fork Coalition, and our partners look forward to working with NRDP to complete the remaining fish passage projects in this reach that will contribute to the health and resilience of the fishery in this reach.

9. **Matching funds.** Given that the aquatic and terrestrial restoration needs in the UCFRB exceed the remaining settlement funds, TU supports NRDP's emphasis on matching funding in the Plan revisions and commits to leveraging NRDP funds whenever possible on future projects in the basin. Developing funding strategies with partners that leverage outside investment in the recovery of the Clark Fork Basin will ensure that NRDP funds have maximum impact on the ground.

Thank you for your continued effort to restore aquatic and terrestrial natural resources in the Upper Clark Fork. We look forward to working with NRDP to help achieve the goals of the updated Plans.

Sincerely,



Casey Hackathorn
Upper Clark Fork Program Manager
Trout Unlimited

Clayton Elliot
Government Affairs and Conservation Director
Montana Trout Unlimited

Comment #99

Greenway Service District
Comments on Draft 2023 Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans Revision
Date: July 19, 2023

These comments represent the Greenway Service District's written comments on the Draft 2023 Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans Revision ("2023 Draft Revision"), prepared by the Montana Natural Resource Damages Program ("NRDP"). The Greenway Service District appreciates the opportunity to submit these formal written comments to the public record. These comments echo the slide deck provided by GSD to the Advisory Council at its July 11, 2023 meeting, which is attached as Exhibit A to ensure its inclusion in the official public record.

Introduction

The Silver Bow Creek Greenway project ("Greenway") began in the mid-1990s with goals to restore and protect the aquatic, riparian/wetland, and upland ecosystems along the 26-mile Silver Bow Creek ("SBC") corridor between Butte and the Warm Springs Ponds. Since its inception, the Greenway has been an essential part of the greater restoration and remediation efforts undertaken in the Upper Clark Fork River Basin ("UCFRB"), as part of one of the largest Superfund cleanups in U.S. history. Action to create the Greenway Service District ("GSD") began in 1996, and the District was officially formed in 1998. Since then, and up to today, GSD continues to facilitate the completion of the Greenway project, with plans to complete the remaining work in the SBC corridor in the next few calendar years.

In the 2023 Draft Revision, NRDP has proposed to reduce GSD's requested funding of $3,471,278 for this funding cycle by almost one million dollars to $2,500,000.[1] While GSD appreciates that $2.5 million is a significant amount in this funding cycle, and is grateful for this $2.5 million allocation, the allocation is unfortunately tied to NRDP's mischaracterization of the Greenway as purely a "recreational project." That unfortunate mischaracterization leads the 2023 Draft Revision to propose new conditions and restrictions on Greenway funding that only apply to purely recreational projects, namely that GSD be required to provide a minimum 25% match to this funding allocation, and not be able to use any funding for operations and maintenance ("O&M").[2] It should also be noted that the 2023 Draft Revision's proposed nearly million dollar funding cut comes after GSD *already* made substantial compromises on its initial funding request per NRDP's request.[3] Instead of embracing GSD's compromise, NRDP is proposing to cut the amended request by almost a million dollars.[4] Since the proposed funding cut is tied to mischaracterizing the Greenway as a "recreational project," correcting that mischaracterization would facilitate GSD's full requested funding of $3,471,278.

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[1] 2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans Draft Revisions, Section 5 (2023) at p. 5-4.
[2] 2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans Draft Revisions, Section 5 (2023) at p. 5-4.
[3] Silver Bow Creek Greenway Project Funding Request – AMENDED, May 2023. GSD originally requested $9.2 million to fill the funding gap necessary to construct all four remaining projects to complete the Greenway and provide for ten years of administration, operations, and maintenance. After discussions with NRDP staff, and in recognition of current funding limitations, GSD amended its request to ≈ $3.5 million by (1) reducing the level of amenities to reduce capital costs and (2) limiting the funding request to the first two (of four planned) projects and five years of administration, operation, and maintenance. GSD plans to submit applications to complete the last two projects, and for future administration, operations, and maintenance, during future funding cycles.
[4] 2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans Draft Revisions, Section 5 (2023) at p. 5-4.

The Greenway's success thus far can be attributed to the partnership between GSD, the Montana Department of Environmental Quality (Montana DEQ), and NRDP, including the funding already allocated to it by NRDP and the Trustee. However, delays in the implementation of remedy in the SBC corridor, along with lengthy land access and acquisition issues, have caused the buying power of the original funds allocated to the Greenway to be greatly reduced. As such, the full amount requested by GSD for this funding cycle ($3,471,278) should be granted to ensure that the Greenway can be pushed further towards completion and fulfill its various roles in protecting remediated and restored habitats and controlling public access in the corridor, as required by the 1995 Streamside Tailings Operable Unit ("SSTOU") Record of Decision ("SSTOU ROD"), explained below in these comments.[5]

In addition to addressing the funding gap between GSD's request and NRDP's proposed allocation, these comments also serve to address the larger and more concerning point in the 2023 Draft Revision. In the 2023 Draft Revision document, the Greenway is consistently referred to as purely a "recreation project." Prior to the 2023 Draft Revision, the Greenway has *never* been referred to as purely a "recreation project," not by NRDP nor any other state or federal agency. Despite this, NRDP now goes against its past documentation to make a fundamental change and mischaracterize the true nature of the Greenway. As approved by the Trustee in 2012, the Greenway is a special project – acting on the directly injured resource (SBC) – whose integration with remedial and restorative efforts and focus on long-term protection of remedy make it a unique project in the greater UCFRB cleanup and restoration effort. None of the goals or purposes of the Greenway have changed since the project's inception nor its approval by the Trustee as a special project in 2012, and the current request does not include any access features that were not already included in the previous approvals, yet NRDP now mischaracterizes it as purely a recreation project with no support or explanation for this change.

These comments will explain the Greenway's long-standing classification as a special project whose primary focus has been the restoration and remediation of damaged ecosystems, along with the reasoning to support a granting of the full requested funding by GSD for completion of the next phase of the project. Any and all sources that can be accessed are linked in this comment's footnotes, and as noted above, attached as Exhibit A is the slide deck that was provided to the Advisory Council at its public meeting dated July 11, 2023.

Cost of Delay

Before addressing NRDP's mischaracterization of the Greenway as a "recreation project," it is important to note that the delays associated with the project's completion have been outside the control of GSD. As a result of these delays, the monies originally allocated by the Trustee to GSD for completion of the Greenway have proven insufficient due to the reduced buying power they now hold in an inflationary market. The additional $8 million allocated to the Greenway in 2012 was intended to be sufficient for the project's completion.[6] It is important to recognize that, in 2012, the Trustee acknowledged the need and allocated the funding (thought necessary at that time) to complete the Greenway corridor.

However, the allocated funding proved to be inadequate. The remedial cleanup schedule for SBC has been extended almost *ten years* beyond its original estimated completion date, causing

[5] Streamside Tailings Operable Unit of the Silver Bow Creek/Butte Area Record of Decision, Nov. 1995.
[6] Final Upper Clark Fork River Basin Interim Restoration Process Plan, May 2012 at p. 24.

progress on the Greenway (as an integral part of the greater cleanup effort) to stall as well.[7] Compounded with these remedial delays are the long and complicated negotiation processes that GSD has had to undertake to gain access to private land within the SBC corridor, as well as the still incomplete transfer of lands owned by ARCO to Montana DEQ.[8] GSD does not have the power of eminent domain, so the most it can do is to ask landowners to voluntarily accommodate the Greenway. Together, these delays have pushed completion of the Greenway beyond its original timeline, and into an era where the remaining GSD funding for the project can no longer see it to completion.

When the Greenway received its $8 million allocation in 2012, GSD believed that allocation – plus its then-remaining funds from prior grant awards – would be sufficient to complete the project in the near future based on the timeframe for completion of remedial activity that was contemplated at that time. However, the remedial activity has taken longer to complete. Given the passage of time, along with inflation, a 2010 dollar is only worth $0.52 to $0.59 today[9], a change totally beyond the control of GSD. As a result, the Greenway's original funding allocations are insufficient to complete the project as it was planned. As such, GSD's proposed funding should be granted in full to ensure adequate completion of the next phases of the Greenway. It is also worth noting here that GSD has never realized any of the interest on funds allocated to it but not yet spent, dating back to the beginning of the project, but especially with regard to the $8 million allocation. If this interest had been realized, GSD would have substantial remaining funds and would not be seeking funding in this current funding cycle.

Project Classification

Historically, the Greenway project was never referenced purely as a "recreation" project. While some recreational components are a part of the Greenway's final "deliverable," the project's greater purpose is to protect the remedial and restorative work already completed along the SBC corridor. Without the recreation corridor, much of the work done to make the SBC corridor a healthy and functioning ecosystem would be in jeopardy of incompatible public use. As such, it is important to understand that, in the past, NRDP and other state and federal agencies have never referred to the Greenway as purely a "recreation project," but one where recreation functions as a part of the greater cleanup and restoration effort.

When the Greenway project was first announced and funded, NRDP called the project "outstanding" and said that it excelled "in terms of [its] coordination with remedial efforts, in restoring lost services, and in providing benefits to the original user groups."[10] This multifaceted approach resulted in the Greenway being designated as the top project for every cycle in which it applied for funding.[11] In the 2005 Final UCFRB Restoration Work Plan, for instance, the Greenway was labeled by NRDP as the top project, one that would "substantially benefit the injured resources of Silver Bow Creek by enhancing fish and wildlife habitat and the ecological and recreational resources associated with these restored

[7] Silver Bow Creek, Montana Department of Justice (last accessed July 19, 2023). While the main cleanup work along the SBC corridor was completed around 2015, the cleanup is still ongoing as Montana DEQ make final passes on remedial activities within the corridor.
[8] Exhibit A, Slide 7.
[9] Exhibit A, Slide 7.
[10] Roberta Forsell Stauffer, *Greenway gets nod for funding*, MONTANA STANDARD, July 14, 2000, at p. A1 and A7.
[11] *See, e.g.,* Forsell Stauffer, *supra* note 10, at A1 and A7; Final 2001 UCFRB Restoration Work Plan, Table 2 at p. 23; 2002 Draft UCFRB Restoration Work Plan, Table 2 at p. 19; Exhibit B at p. 37.

resources."[12] Acknowledging this multifaceted approach, we must first review NRDP's classification of the Greenway as a "special project."

i. Special Project

The term "special project" was used to refer to the Greenway over ten years ago in what has become one of the central guiding documents of the UCFRB cleanup effort. In the 2012 Final UCFRB Interim Restoration Process Plan ("2012 Plan"), NRDP placed almost the entirety of its discussion of the Greenway under its Section 7.0, entitled "Special Projects and Excess SSTOU/SBC Remediation Funds."[13] NRDP states that this section of the Plan "describes the funding process for *approved special projects* . . . ."[14] Section 7.1 of the Plan then goes on to discuss the Greenway specifically, noting that the project entails "the restoration of aquatic, riparian/wetland, and upland ecosystems within, and the development of a passive recreational trail along the entire Silver Bow Creek stream corridor in coordination with remedial actions being conducted by DEQ."[15] Worth noting here is that the Greenway, as characterized by NRDP's language, does not fit neatly into one of the categories laid out by NRDP for its projects and funding. The fact that the Greenway was classified as a special project and did not fit exclusively into the aquatic, terrestrial or groundwater categories detailed elsewhere in the 2012 Plan[16] shows its unique nature and complexity, which has not changed since 2012 or the project's inception.

NRDP's characterization of the Greenway as a special project is not uncommon in the realm of environmental cleanup and restoration efforts. However, NRDP never provided a definition or explanation in the 2012 Plan nor anywhere else of what constitutes a "special project." Logically, NRDP's use of the term refers to unique projects that transcend any one of the particular categories, as the Greenway project does. This is consistent with how special projects are viewed elsewhere. The U.S. EPA, for instance, has its own procedure for the delegation of funds to special projects. On it's website, the EPA notes that it is at times "directed to provide funding to a specific entity for particular study, purpose, or activity," and that those sorts of projects "are not part of an established program . . . ."[17] EPA provides funding to projects that stand unique in their ability to further the agency's efforts to cleanup and protect the environment, much as the Greenway stands unique in its multi-faceted approach to the protection of the SBC corridor. The Greenway's historical prowess as an NRDP "top project"[18] and the national and international recognition it has received[19] support strongly that it too is a special project, one whose goals and intentions are distinct from many other restoration and cleanup efforts, and entirely different from purely recreational projects.

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[12] Exhibit B at p. 8 and 37.
[13] Final Upper Clark Fork River Basin Interim Restoration Process Plan, May 2012 at p. 24.
[14] Final Upper Clark Fork River Basin Interim Restoration Process Plan, May 2012 at p. 24 (emphasis added).
[15] Final Upper Clark Fork River Basin Interim Restoration Process Plan, May 2012 at p. 24.
[16] Final Interim Restoration Process Plan (May 2012) at Table of Contents, p. i.
[17] EPA Grants: Special Appropriation Act Projects (last updated May 2, 2023).
[18] *Supra* note 11.
[19] *National and International Recognition*, Silver Bow Creek Greenway Trails, City-County of Butte Silver Bow (last accessed July 5, 2023).

ii. Record of Decision and Institutional Controls

Another key reason the Greenway is a special project is that it is a component of the 1995 SSTOU ROD, including its provisions on institutional controls. That term is often used when referencing long-term protective measures for cleanup efforts. The U.S. EPA defines institutional controls in the context of Superfund cleanup sites as "non-engineered instruments such as administrative and legal controls that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy."[20] The EPA also notes that institutional controls work to "limit[] land or resource use and guide human behavior."[21] An essential part of the Greenway project's long-term plan is to ensure the security of the restoration and remediation efforts that have been completed along SBC. Part of that protection will require institutional controls to help control public access and use.

The U.S. EPA has emphasized the importance of institutional controls in the greater UCFRB Superfund cleanup since the project's inception. In its SSTOU ROD, the EPA noted that its first Remedial Action Objective was to prevent human exposure to tailings and impacted soils through, in part, "institutional controls that will require the entire OU to be developed into a recreational corridor."[22] Also in the SSTOU ROD, the EPA explained that part of the institutional controls, monitoring, and maintenance ("ICMM") program for the operable unit was to "manage[], maintain[], and monitor[] in perpetuity . . . ."[23] The EPA stressed that this ICMM program must be "funded on a permanent basis," and that it will ensure that the remedial actions that have since taken place will be "maintained for the long-term . . . ."[24] In its most recent Five-Year Review Report for the Silver Bow Creek/Butte Area Superfund Site from 2021, the EPA also noted that Montana DEQ "is current [sic] working with the Greenway [sic] District . . . to create an institutional control plan for SSTOU, as required by the ROD."[25]

There is no doubt that the Greenway is part of the institutional control plan that the EPA and Montana agencies are required to establish for the long-term preservation of the restorative and remedial efforts undertaken in the SBC corridor. Part of those controls will be the implementation of controlled public use and other non-engineered efforts by GSD to ensure that its physical implements (trails, bridges, etc.) are properly managed and used correctly by the public. Regardless of the delays in completing the Greenway, it remains that the project must be completed to comply with the SSTOU ROD and ensure that all of the time and money invested thus far in the SSTOU cleanup and restoration – over $130 million[26] – is managed and protected appropriately to ensure protectiveness as required in the SSTOU ROD.

iii. Restoration and Remediation

Knowing that the Greenway has been classified as a special project, it is also worth noting how often the project has been referenced as one with a focus on restoration and remediation. Just as the greater SBC cleanup and restoration effort placed the restoration of habitat and water quality as a top priority,

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[20] Superfund: Institutional Controls (last updated Nov. 1, 2022).
[21] Superfund: Institutional Controls (last updated Nov. 1, 2022).
[22] Streamside Tailings Operable Unit of the Silver Bow Creek/Butte Area Record of Decision, Nov. 1995 at p. 105.
[23] Streamside Tailings Operable Unit of the Silver Bow Creek/Butte Area Record of Decision, Nov. 1995 at p. 112.
[24] Streamside Tailings Operable Unit of the Silver Bow Creek/Butte Area Record of Decision, Nov. 1995 at p. 88.
[25] Fifth Five-Year Review Report for Silver Bow Creek/Butte Area Superfund Site, Aug. 2021 at p. 14.
[26] Silver Bow Creek, Montana Department of Justice (last accessed July 19, 2023).

so too has the Greenway project done the same. As SBC has been brought back to a healthy and functioning watershed, the Greenway has prioritized working in coordination with remediation activities.

NRDP stated in its 2011 UCFRB Long Range Priorities and Fund Allocation Guidance Plan that funding for the Greenway project was meant to support "restoration activities that include ecological and recreational access features to be completed in coordination with remediation activities."[27] The quote above from Section 7.1 of the 2012 Plan also notes the focus of the Greenway on "restoration of aquatic, riparian/wetland, and upland ecosystems . . . in coordination with remedial actions . . . ."[28] NRDP's characterization of the Greenway as a restoration and remediation-focused project continued even after much of the restoration and remediation work was completed. NRDP and Montana DEQ's 2014 Fact Sheet, entitled "Silver Bow Creek: A Superfund Success Story," references GSD forming a partnership with Montana DEQ to "bring[] a restoration component to the project that goes beyond the remediation (cleanup) required under Superfund."[29] In this same document, NRDP noted that the Governor's approval of GSD's funding was "for both access features and ecological enhancements."[30] NRDP's website referencing the remedy and restoration of SBC echoes the 2014 Fact Sheet on GSD's partnership with Montana DEQ, and also notes that "[SBC] has been transformed from a severely injured, nearly lifeless stream to an ecosystem that is recovering its original character and value."[31] The website also states that "restoration actions were included in the remediation plans and designs . . . constructed by DEQ under a single contract" and that those actions were to "restore aquatic, riparian wetland, and upland ecosystems within the entire SBC corridor."[32] In its 2019 UCFRB Aquatic and Terrestrial Resources Restoration Plans, NRDP indicated that the "integrated remediation and restoration work being conducted under the . . . Silver Bow Creek Greenway project (restoration) will accomplish the needed riparian protection and enhancement efforts judged to be cost-effective."[33] All of these documents support the notion that NRDP has always viewed the Greenway project as an integral part of restoration and remediation efforts along SBC.

NRDP is not the only Montana agency to classify the Greenway as a restoration and remediation-focused project. Montana's Department of Fish, Wildlife, and Parks ("FWP") has also mentioned in multiple documents that the Greenway project supports these goals. In its 2011 UCFRB Terrestrial Wildlife Resource Prioritization document, FWP stated that "[r]estoration activities that enhance the fish and wildlife habitat along the creek are being conducted in coordination with the remediation work . . . for the Silver Bow Creek Greenway project."[34] In 2018, in its Prioritization Areas in the UCFRB for Fishery Enhancement report, FWP again stated (now in the past tense) that the Greenway project had enhanced fish and wildlife habitat along SBC and that the project helped to "enhance[] fisheries habitat by augmenting riparian vegetation and instream aquatic habitat."[35]

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[27] 2011 Final Upper Clark Fork River Basin Long Range Priorities and Fund Allocation Guidance Plan, Dec. 2011 at p. 3.
[28] Final Upper Clark Fork River Basin Interim Restoration Process Plan, May 2012 at p. 24.
[29] Exhibit C (NRDP Fact Sheet: "Silver Bow Creek: A Superfund Success Story," Spring 2014 at p. 1).
[30] Exhibit C (NRDP Fact Sheet: "Silver Bow Creek: A Superfund Success Story," Spring 2014 at p. 2).
[31] Silver Bow Creek, Montana Department of Justice (last accessed July 19, 2023).
[32] Silver Bow Creek, Montana Department of Justice (last accessed July 19, 2023).
[33] Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans, February 2019 at p. 3-23.
[34] Upper Clark Fork River Basin Terrestrial Wildlife Resource Prioritization, Dec. 2011 at p. 25.
[35] Prioritization of Areas in the Upper Clark Fork River Basin for Fishery Enhancement, Jan. 2018 at p. 3.

Montana DEQ has also characterized the Greenway as a project integral to restoration and remediation efforts. On Montana DEQ's "Federal Superfund" site, their overview of the Silver Bow Creek/Butte Area Stream Side Tailings project includes a detailed interactive story map about the greater project.[36] Within this interactive map is a section on the SBC Greenway, which notes that GSD formed a partnership with NRDP and Montana DEQ "to integrate restoration activities with the remediation (cleanup) required under Superfund."[37] Montana DEQ goes on to state that the restoration furthered by the Greenway "enhanced the environmental cleanup, improved the aesthetics of the SST OU, and created recreational opportunities along Silver Bow Creek."[38] A presentation prepared by Montana DEQ on the Greenway specifically is also included on this portion of their site, noting that GSD "was created to develop the Silver Bow Creek Greenway as one means to provide long term management and stewardship for the Silver Bow Creek corridor within the SST OU."[39] This presentation also notes that GSD's partnership with Montana DEQ and DOJ "created many opportunities to blend remedy with restoration . . . ."[40]

The cleanup and restoration of the Upper Clark Fork River Basin is widely considered to be one of the largest efforts of its kind at a Superfund site in the United States. The cleanup of SBC in particular has been one of the larger cleanup's greatest successes, in large part thanks to the work done through the Greenway project. The remedial cleanup effort and the restoration of aquatic and terrestrial habitat along SBC has brought the corridor to a state of health it has not seen in over a century. The Greenway project's contributions to those efforts cannot be understated, in particular in its part as a facilitator of restorative and remedial activities and in protecting that work for generations to come.

iv. Aquatic and Terrestrial

NRDP has also historically referred to the Greenway project as one focused on the restoration of aquatic and terrestrial resources. In its 2005 Final UCFRB Restoration Work Plan, NRDP detailed the benefits of the Greenway by explaining the how the project would "enhanc[e] fish and wildlife habitat" and accelerate recovery along the SBC corridor through "[o]rganic matter placement, plantings in the floodplain, and aquatic enhancements . . . ."[41] This same document also states that work on the Greenway will "protect and improve water quality, . . ., store floodwaters, and augment surface water drying periods."[42] NRDP and Montana DEQ's 2014 Fact Sheet also details the aquatic and terrestrial improvements along SBC, noting that restoring SBC to "a stream capable of supporting fish" and prioritizing revegetation in the floodplain and along the banks of SBC have been focuses of the greater SSTOU cleanup and the Greenway since inception.[43]

Again, the Greenway's historical standing has been viewed as a project which helps to restore habitat *and* fulfill the recreational goals that it holds. NRDP's long-running past characterization of the Greenway as a part of the larger cleanup and restoration effort along SBC could not be more accurate,

[36] Silver Bow Creek/Butte Area Stream Side Tailings Interactive Story Map, Montana DEQ, 2023.
[37] Silver Bow Creek/Butte Area Stream Side Tailings Interactive Story Map, Montana DEQ, 2023.
[38] Silver Bow Creek/Butte Area Stream Side Tailings Interactive Story Map, Montana DEQ, 2023.
[39] Silver Bow Creek Greenway Sway Presentation, Montana DEQ, 2023.
[40] Silver Bow Creek Greenway Sway Presentation, Montana DEQ, 2023.
[41] Exhibit B at p. 8.
[42] Exhibit B at p. 8.
[43] Exhibit C at p. 6.

and as such, the project must continue to be viewed and funded as a special project integral to the long-term plan to restore and protect aquatic and terrestrial habitat in the SBC corridor.

Present Reliance on Past Language

Knowing the way that NRDP has characterized the Greenway project in the past, it is imperative to see that NRDP's most recent issuances and documentation relating to the allocation of funding to the Greenway and other projects is based on this past language. In a recent 2023 draft memorandum – *UCFRB Aquatic and Terrestrial Resources Restoration Plans, Update*, Solicitation of New Restoration Action Concepts and Potential Revisions – NRDP states multiple times the materials to which it relied.[44] At the very beginning, in the "Purpose and Scope" section, NRDP states that its 2023 Restoration Plan revisions will be based "on the requirements of the *. . . 2012, 2016, and 2019 Restoration Plans*."[45] As noted above, the 2012 Plan in particular is the document which referred to the Greenway as a special project, and one of the documents which detailed Greenway funding coming from the Aquatic and Terrestrial Priority Accounts. The 2016 and 2019 Plans build on the 2012 Plan,[46] and none of these documents refer to the Greenway as purely a "recreation project." In fact, the 2019 Plan's breakdown of project funding states that of all of the funding allocated to the Greenway, less than half of it is for "recreational enhancement features," and the remaining majority is for "ecological enhancement features and acquisitions."[47] In the 2019 Plan, while the Greenway was discussed in the "Recreational Enhancements in Injured Areas" section, NRDP did not characterize the Greenway as solely a recreation project, but rather referred to the recreational access features *portion* of the project.[48]

Further down in the 2023 draft memorandum, NRDP lists other "Guidance Documents" which it relied on in coming to its conclusions. These documents include the 2011 Final UCFRB Long Range Priorities and Fund Allocation Guidance Plan (which notes the Greenway's focus on restoration in coordination with remediation),[49] the 2011 FWP UCFRB Terrestrial Wildlife Resource Prioritization (which echoes the language of NRDP's documents),[50] and the 2018 FWP Prioritization Areas in the UCFRB for Fishery Enhancement (which again notes that the Greenway project is engaged in restoration activities in coordination with remediation).[51]

None of these past documents which NRDP now relies on ever characterized the Greenway as purely a recreation project. In fact, all are very clear in their characterization of the Greenway as a facilitator of restoration and remediation of aquatic and terrestrial habitat. The Greenway does provide for the creation of a recreation corridor along SBC, and that corridor will provide the public the ability to hike, bike, fish, and generally enjoy the SBC watershed. The bigger purpose of the Greenway, though, is not to simply allow for recreation; the project's goal is to *use recreation as a tool* to support the greater cleanup effort along SBC and function to meet the requirements in the SSTOU ROD and provide for

[44] Draft 2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans, Update, Jan. 2023 at p. 1 and p. 4.
[45] Draft 2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans, Update, Jan. 2023 at p. 1.
[46] Upper Clark Fork River Basin, Montana Department of Justice (last accessed July 18, 2023).
[47] Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans, February 2019 at p. 5-3.
[48] Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans, February 2019 at p. 5-6.
[49] 2011 Final Upper Clark Fork River Basin Long Range Priorities and Fund Allocation Guidance Plan, Dec. 2011 at p. 3.
[50] Upper Clark Fork River Basin Terrestrial Wildlife Resource Prioritization, Dec. 2011 at p. 25.
[51] Prioritization of Areas in the Upper Clark Fork River Basin for Fishery Enhancement, Jan. 2018 at p. 3.

controlled public access to ensure the long-term stability of the watershed and restoration effort to ensure that the protectiveness of the cleanup is maintained.

Matching Funds and O&M

As noted previously, the Draft Revision proposes restrictions and conditions on recreation projects, namely the 25% matching funds requirement, and that no NRDP funds can be used for O&M. These restrictions would only apply to the Greenway if it were purely a recreation project, which it is not as explained in detail above. Therefore, correcting that mischaracterization would eliminate the 25% match requirement and O&M funds restriction. In the Draft Revision, aquatic projects are encouraged, *but not required*, to seek matching funds.[52] Also, aquatic projects do not have a restriction on using NRDP funds for O&M funding, and instead are allocated substantial O&M funding as detailed in Table 6-1 to the Draft Revision. The Greenway should be treated the same.

GSD has obtained substantial matching funds and in-kind donations in the past – approximately $2.4 million[53] (and that figure does not include the millions *saved* through coordination of remedy and restoration) – but all of those efforts have been undertaken without the *necessity* of a match as part of a funding allocation. If NRDP insists on continuing to categorize the Greenway as a recreation project, GSD requests that the Draft Revision be revised to provide that GSD's past matching or in-kind contributions be allowed to meet the 25% requirement. Important here is that doing this will not cause GSD to cease pursuing matching funds or in-kind donations, and other cost savings approaches. GSD fully intends to continue those efforts, and hopes to achieve success in them to add to the $2.4 million obtained in the past.

With respect to O&M, past funds allocated to GSD have included substantial funds for O&M. As written, the Draft Revision appears to eliminate the use of those funds for O&M. If NRDP insists on continuing to categorize the Greenway as a recreation project, GSD requests that the Draft Revision be revised to provide that GSD can continue to use its existing O&M allocated funds for O&M.

As a general comment, GSD would encourage that rather than proposing more restrictions and conditions on Greenway funding, NRDP should make a concerted effort to work with GSD and Montana DEQ to find and secure the funding to complete the Greenway project, as completion of the Greenway should continue to be a top priority, as discussed in the next section.

Protecting the Investment

The time and financial investment in the Greenway project to this point has yielded environmental awards at the national and international level, as well as the creation of recreation opportunities along SBC that allow for public use while protecting the developing aquatic and riparian habitat and the remedy. However, the Greenway is not yet finished. Sections of the project still remain to be completed, and until that time, the project cannot realize its full potential. A component of the Greenway's long-term purpose has been to manage public access along SBC, and in so doing, create institutional controls to protect the integrity of the remedy and restorative efforts completed thus far. This purpose has not changed since the inception of the project.

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[52] 2023 UCFRB Aquatic and Terrestrial Resources Restoration Plans Draft Revisions, Section 3 (2023) at p. 3-18.

[53] 2023 Proposed Restoration Action Concept Abstract, Silver Bow Creek Greenway Project Completion Funding at Table 6, p. 6 of "Cost Estimates."

i. Controlled Public Access

Since the project's inception, recreation has been a component of the Greenway's goals. However, an even bigger priority of the project has been to use recreation as a tool to control public use and protect the restorative and remedial work already done along SBC, as well as prevent uses incompatible with the remedy. NRDP prioritized the Greenway's control of public access in its 2012 Plan, where it noted that the Greenway's implementation of recreation installments would "prevent resource degradation by the user public" and "provide protection for a significant amount of high priority habitat."[54] It is clear that NRDP has historically viewed the Greenway's recreational implements as tools to manage and control the public's access to and use of the SBC corridor. NRDP's newfound references to the Greenway as a purely recreation project seem to convey a position that because the cleanup effort along SBC has been completed, the nature of the Greenway project has in some way changed. This is simply untrue, as the Greenway has since its inception been a project focused on coordination with, and protection of, restorative and remedial efforts. Why NRDP now chooses to think of the Greenway differently is unexplained, but it is paramount to understand that the goals and purposes of the Greenway have remained constant from its beginning.

Montana FWP has also recognized the importance of the Greenway and other public access controls in protecting the local environment. In its UCFRB Terrestrial Wildlife Resource Prioritization document from 2011, FWP noted that "[h]abitat enhancement is most effective when applied to areas that have perpetual protection . . .," and that projects like the Greenway which "span ownership boundaries" can be more cost-effective and provide more opportunities for long-term partnerships that work to ensure the protection of past restorative and remedial work.[55] In 2018, in its Prioritization Areas in the UCFRB for Fishery Enhancement report, FWP also stressed the importance of protection of habitat.[56] Referring to fisheries in particular, FWP noted that habitat security, which is assessed as a "qualitative evaluation of whether a stream or reach is vulnerable to ongoing or future habitat degradation based on land use and ownership," is an essential part of its evaluation of fishery health.[57] While this latter document does not cite the Greenway explicitly, the goals of the Greenway in controlling public use clearly align with FWP's priority of fishery/habitat security. Without completion of the Greenway as it was planned, sections of SBC and its aquatic and terrestrial habitats are left with no public access controls, creating potential for habitat degradation or other misuse.

ii. Complete the Project

The funding requested by GSD during this funding cycle will ensure the continuity of controlled public access and protection of restored and remediated habitat along SBC. One of the many purposes of the Greenway is to ensure that the injured resource upon which it sits has the proper time to heal and become a thriving and functional corridor once again. Without completion of the next phases of the Greenway, hundreds of acres of remediated and restored public lands will be inaccessible and remain unprotected, open to potential use and development inconsistent with the cleanup decisions made thus

[54] Final Upper Clark Fork River Basin Interim Restoration Process Plan, May 2012 at p. 1 of Attachment 5-4.
[55] Upper Clark Fork River Basin Terrestrial Wildlife Resource Prioritization, Dec. 2011 at p. 13.
[56] Prioritization of Areas in the Upper Clark Fork River Basin for Fishery Enhancement, Jan. 2018 at p. 8.
[57] Prioritization of Areas in the Upper Clark Fork River Basin for Fishery Enhancement, Jan. 2018 at p. 8.

far and potentially undermining the protectiveness of the remedy. Inadequate funding will also continue to bar the public's use of certain sections of the SBC corridor which it has been expecting to utilize and enjoy for years. This relates back to the 25% funding match which NRDP now proposes that GSD must find: if that funding match were to stand, once GSD's current remaining funds are exhausted, the Greenway project will come to a standstill until matching funds are obtained. If GSD is then, despite its best efforts, unable to obtain the 25% matching funds required, the Greenway may never be completed. At a minimum, what is clearly a mischaracterization of the Greenway will plague its completion and deny the public the opportunity to enjoy the SBC corridor to its fullest potential. All parties involved in the completion and use of the Greenway will benefit from its completion, but none will benefit if the project remains unfinished.

Conclusion

The Silver Bow Creek Greenway project is one essential to the long-term protection and continued success of the restoration and remediation efforts that have taken place thus far along the 26-mile Silver Bow Creek. Since its inception, the Greenway project has been a special and unique project that included the incorporation of recreation installations into a larger plan for protecting and preserving the work done in cleaning up and restoring SBC. NRDP's new mischaracterization of the Greenway project as a "recreation project" goes against its history and the guidance on which it now relies. The Greenway's completion must be fulfilled to fully ensure compliance with the SSTOU ROD and control public access and use of the SBC corridor. The Greenway project's completion has been long delayed, but delay should not result in the project remaining unfinished. The completed sections of the Greenway show thus far how important they are to the SBC cleanup effort, and as such, the remaining sections should be funded, including the current funding requested by GSD, to see the project to full completion.

Exhibit A

July 11, 2023 Advisory Council Meeting

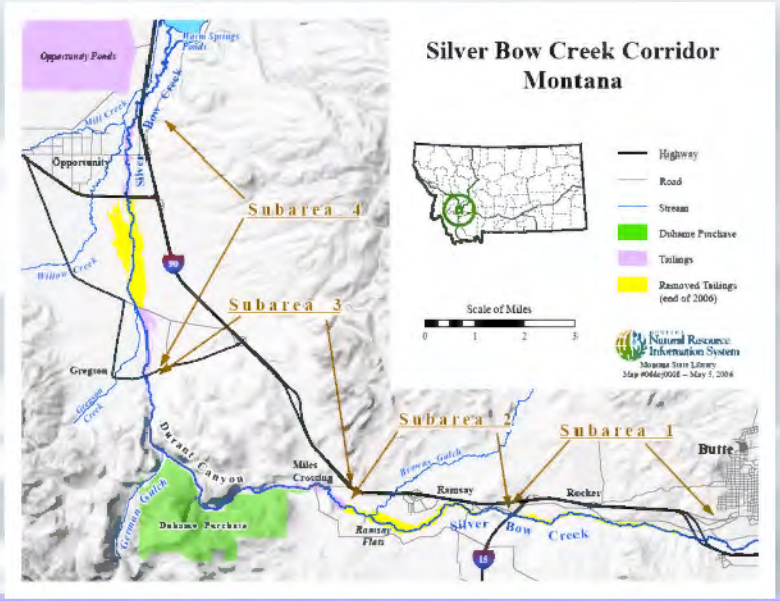
Slide Deck

THE SILVER BOW CREEK GREENWAY

Greenway Service District
Anaconda-Deer Lodge and Butte-Silver Bow Counties

1

SSTOU / Silver Bow Creek Greenway Corridor Map



2

Greenway Service District Comments to Draft Revision

- **Revise the Draft Revision to reflect that the Greenway is a Special Project.**
- **Grant the GSD the full $3,471,278 requested instead of the $2.5 million recommended in the Draft Revision.**

Why?

- ✓ **The Draft Revision incorrectly categorized the Greenway as solely a recreation project.**
- ✓ **The Greenway was approved as a Special Project by the Trustee in 2012 and has always included both ecological and access elements and continues to be a Special Project.**
- ✓ **Completing the Greenway to protect and manage the remediated and restored corridor is essential to meet ROD requirements.**
- ✓ **Consistently the highest ranked project from the beginning and was awarded funds for completion from Trustee.**
- ✓ **Complete the Greenway as approved by the Trustee in the 2012 Restoration Plan.**
- ✓ **Delays in remedy implementation – including the effort to properly integrate remedy and restoration - and lengthy land access and acquisition issues have reduced the buying power the original funds.**

3

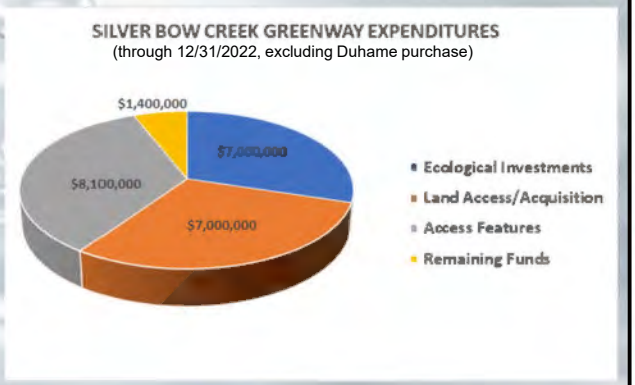
A Special Project

- ✓ Greenway Serves Many Purposes - Recreation is Just One
- ✓ Component of the Record of Decision
- ✓ Conducted Directly on an Injured Resource
- ✓ Restored native streamside, wetland, riparian and upland ecosystems
- ✓ Enhanced aquatic, terrestrial and avian wildlife habitat
- ✓ Coordination with Remedy
  - ✓ Additional Tailings Removal
  - ✓ Enhanced Stream and Floodplain Design
  - ✓ Additional Wetland Acres
  - ✓ Longer Stream Channel (~2 miles)
  - ✓ Compost and Plantings
  - ✓ Fish Barrier
  - ✓ Bridges, Underpasses, Trail Embankments
- ✓ Land acquisition to secure access & protect restored areas
- ✓ Public access to a multi-use recreation corridor
- ✓ Access and interpretation of cultural/natural resources
- ✓ Operations and Maintenance

2012 Restoration Plan

"*The Silver Bow Creek Greenway project entails the restoration of aquatic, riparian/wetland, and upland ecosystems within, and the development of a passive recreational trail along the entire Silver Bow Creek stream corridor in coordination with remedial actions being conducted by DEQ.*"

2012 Final Restoration Plan, Sec 7.1



4

Special Project Classification

SECTION 7. SPECIAL PROJECTS AND EXCESS SSTOU/SBC REMEDIATION FUNDS

This Section describes the funding process for approved special projects and the future funding process associated with any excess money made available from the Streamside Tailings Operable Unit (SSTOU) Fund, which currently funds the remediation of Silver Bow Creek (SBC). Section 7.1 addresses the approved Silver Bow Creek Greenway project. Section 7.2 addresses the Clark Fork Watershed Education Program. Section 7.3 addresses the excess SSTOU/SBC remediation funds.

7.1 Silver Bow Creek Greenway Project

The Silver Bow Creek Greenway project entails the restoration of aquatic, riparian/wetland, and upland ecosystems within, and the development of a passive recreational trail along the entire Silver Bow Creek stream corridor in coordination with remedial actions being conducted by DEQ. Previously through the annual grant process, the seven Greenway grant projects were approved for a total for $15.6 million. Of that approved amount, $9.8 million has been expended through October 1, 2011 and $5.7 million remains to be spent.

Source: Final Upper Clark Fork River Basin Interim Restoration Process Plan, Prepared By MT NRDP, May 2012

5

Acting Directly On Injured Resource Areas

With respect to aquatic and terrestrial recreational services, the Council recommends that recreational projects aimed at providing the recreational services that were the subject of *State of Montana vs. ARCO* be considered for funding from the aquatic or terrestrial resource allocation funds only if such projects are located in the aquatic and terrestrial injured resource areas for which the State made restoration claims or in the priority areas identified in the State's aquatic and terrestrial priority plans referenced above and only if such projects offer additional natural resource restoration benefits and not just recreational benefits. Such projects, which provide

Source: Upper Clark Fork River Basin Long Range Priorities and Fund Allocation Guidance Plan, Prepared By MT NRDP, Dec. 2011

6

The Cost of Delays

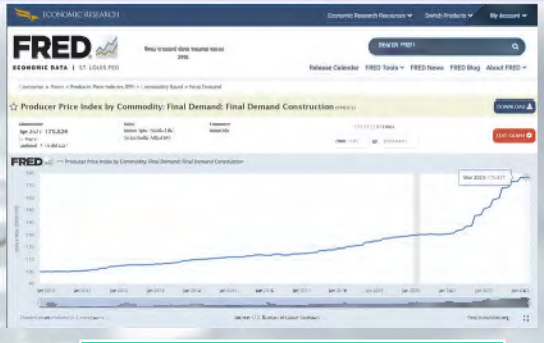
The intention of the GSD 2012 funding was to COMPLETE the project as planned. But it has taken longer because:

- The remedial cleanup schedule was extended at least 10 years.
- The GSD faced long and complicated access negotiations on private lands.
- ARCO Lands still not transferred to DEQ (Ramsay and Opportunity area).

Delays and related expenses combined with inflation reduced the buying power of the Greenway funding making the remaining fixed funds insufficient to complete the Greenway.

A 2010 $1.00 is worth only $0.52 to $0.59 in 2023

The un-spent funds allocated to the Greenway have accrued substantial interest that should be made available to complete the project.



Inflation from 2010 to 2023	
Cumulative price change	+170 to 190 %
Average inflation rate	4.1 to 5 %
Construction PI in 2010	0.98
Construction PI in 2022	1.7 to 1.9
Inflation in 2010 - 2019	2 to 3%/year
Inflation in 2020-22	~ 14.1%/year

7

SSTOU Record Of Decision

8

SSTOU Record of Decision Requirements

- *"Prevent human exposure to the tailings/impacted soils from residential or occupational activity within the SSTOU. This will be accomplished, in part, through institutional controls that will **require the entire OU to be developed into a recreational corridor**."* p. 105, Remedial Action Objectives
  This is the first RAO defined in the ROD.

- *"An institutional controls program, which must be funded on a permanent basis as part of the remedy, will be coordinated through a joint effort of the Butte-Silver Bow and Anaconda-Deer Lodge local governments. Institutional controls, monitoring and maintenance will be integrated into a Silver Bow Creek corridor management program. The program will be established and maintained in a manner that will ensure that all aspects of the OU remedial action, both within and outside of the floodplain, are maintained for the long-term, and ensure that the future land use in the area is consistent with the scenarios upon which cleanup decisions for this action have been based."* p. 5, Declaration

- *"An institutional controls program, which must be funded on a permanent basis as part of the remedy, will be coordinated through a joint effort of the Butte-Silver Bow and Anaconda-Deer Lodge local governments. Institutional controls, monitoring and maintenance will be integrated into a Silver Bow Creek corridor management program. The program will be established and maintained in a manner to be approved by the agencies that will ensure that all aspects of the OU remedial action, both within and outside of the floodplain, are maintained for the long-term, that future land uses in the area are consistent with the scenarios upon which cleanup level decisions for this action have been based (recreational) and that the institutional control, monitoring and maintenance mechanisms will be adequate to ensure protectiveness over the long term."* p. 88, Selected Remedy, Monitoring, Coordination, and Schedule

9

SSTOU Record of Decision Requirements

- *Because … contamination will remain on-site, a creative and secure institutional controls, monitoring, and maintenance (ICMM) program will be required. This ICMM program must: (1) ensure adequate land use/restrictions to safeguard the waste materials treated in-situ and/or relocated to adjacent repositories, (2) be managed, maintained and monitored in perpetuity, and (3) ensure that shallow contaminated groundwater use is controlled."* p. 112, Selected Remedy

The cleanup was to recreational standards only, so allowing residential or commercial use would not be protective of human health.

- *"Provided that the final design of the SST OU remedy can attain the SST OU cleanup criteria and performance standards, it should to the degree possible incorporate components consistent with the following environmental and community improvement actions in the project area:*

  •A Silver Bow Creek recreational corridor land uses as designated and adopted by Butte-Silver Bow and Anaconda-Deer Lodge county governments; … p. 113, Selected Remedy, Remedial Design Remedial Action Process

ADL and BSB Initiated Action in 1996 to Create the Greenway Service District to Perform These Functions

10

Integrating Restoration With Remediation

11

Greenway Integrates Restoration and Remediation

In 2000, the Montana Department of Justice, Natural Resource Damage Program and the Greenway Service District formed a partnership with DEQ to integrate restoration activities with the remediation (cleanup) required under Superfund. Restoration enhanced the environmental cleanup, improved the aesthetics of the SST OU, and created recreational opportunities along Silver Bow Creek.

Source: Silver Bow Creek/Butte Area NPL Site Streamside Tailings Operable Unit GIS Story Map Interactive Presentation, Prepared By MT DEQ

The Greenway Service District (GSD) was created to develop the Silver Bow Creek Greenway as one means to provide long-term management and stewardship for the Silver Bow Creek corridor within the SST OU. The GSD obtained more than $20 million in Department of Justice Natural Resource Damage Program (NRDP) restoration grant funds for activities in the SST OU. The DEQ-GSD-NRDP partnership created many opportunities to blend remedy with restoration and to support long-term recreational access to the restored SST OU floodplain and stream channel. This partnership facilitated direct integration of remediation and restoration planning, design, and construction efforts which saved money and enhanced the project outcome. When

Source: Source: Silver Bow Creek/Butte Area NPL Site Streamside Tailings Operable Unit GIS Story Map Interactive Presentation, Prepared By MT DEQ

12

Greenway Integrates Restoration and Remediation

Silver Bow Creek Greenway: This project will develop a recreational trail corridor and to restore aquatic and riparian resources along Silver Bow Creek between Butte and Anaconda. It will provide some of the same services that were lost as a result of natural resource injuries, such as fishing, hiking, bird watching, wildlife viewing, and open space enjoyment. Although the

Source: Guidance for Recreational Projects (Upper Clark Fork River Basin Restoration Grants), Prepared By MT NRDP, Jan. 2008

Up to a maximum additional $8 million will be encumbered and dedicated to the Silver Bow Creek Greenway project to fund restoration activities that include ecological and recreational access features to be completed in coordination with remediation activities. This set-aside is indicated under the "Encumbered UCFRB RFs" and will be initially funded out of the UCFRB RF, which shall be paid back to the UCFRB RF from the Silver Bow Creek Reserve Remediation Reserve, referenced herein and shown in Attachment D, when and if it becomes available.

Source: Upper Clark Fork River Basin Long Range Priorities and Fund Allocation Guidance Plan, Prepared By MT NRDP, Dec. 2011

13

Greenway Integrates Restoration and Remediation

7.1 Silver Bow Creek Greenway Project

The Silver Bow Creek Greenway project entails the restoration of aquatic, riparian/wetland, and upland ecosystems within, and the development of a passive recreational trail along the entire Silver Bow Creek stream corridor in coordination with remedial actions being conducted by DEQ. Previously through the annual grant process, the seven Greenway

Source: Final Upper Clark Fork River Basin Interim Restoration Process Plan, Prepared By MT NRDP, May 2012

reconstructed. Restoration activities that enhance the fish and wildlife habitat along the creek are being conducted in coordination with the remediation work via Natural Resource Damage Program grants totaling $15.5 million to the Greenway Service District for the Silver Bow Creek Greenway project. These restoration activities enhance wildlife habitat by augmenting organic matter, seeding, and restoration plantings of the remedial re-vegetation work. The Greenway

Source: Upper Clark Fork River Basin Terrestrial Wildlife Resource Prioritization, Prepared By MT FWS, Dec. 2011

14

Greenway Integrates Restoration and Remediation

tailings and 24 stream miles have been reconstructed. Restoration activities that enhance the fish and wildlife habitat along the creek were conducted in coordination with the remediation work via natural resource damage grants totaling $15.5 million to the Greenway Service District for the Silver Bow Creek Greenway project. These restoration activities enhanced fisheries habitat by augmenting riparian vegetation and instream aquatic habitat. The Greenway project

Source: Prioritization Areas in the Upper Clark Fork River Basin for Fishery Enhancement, Prepared By MT FWS, Jan. 2018

The State does not propose any additional riparian protection/enhancement along the Silver Bow Creek mainstem because the integrated remediation and restoration work being conducted under the Streamside Tailings Operable Unit (remediation) and Silver Bow Creek Greenway project (restoration) will accomplish the needed riparian protection and enhancement efforts judged to be cost-effective.

Source: Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans, Prepared By MT NRDP, Feb. 2019

15

Aquatic/Terrestrial

Silver Bow Creek Greenway: This project will develop a recreational trail corridor and to restore aquatic and riparian resources along Silver Bow Creek between Butte and Anaconda. It will provide some of the same services that were lost as a result of natural resource injuries, such as fishing, hiking, bird watching, wildlife viewing, and open space enjoyment. Although the

Source: Guidance for Recreational Projects (Upper Clark Fork River Basin Restoration Grants), Prepared By MT NRDP, Jan. 2008

additional allocation (Attachment 7-1). Similar to how the past approved Greenway funds were categorized in the *Long Range Guidance Plan*, 60% of these future Greenway expenditures would come from the Aquatic Priority Account and 40% would come from the Terrestrial Priority Account. Since this $8 million limit has been approved, it is handled as an encumbered

Source: Final Upper Clark Fork River Basin Interim Restoration Process Plan, Prepared By MT NRDP, May 2012

16

Protecting And Managing the Corridor

17

Managing Public Use

Habitat enhancement actions can improve wildlife populations and species diversity on private and public land. Habitat enhancement is most effective when applied to areas that have perpetual protection under public ownership or conservation easements. Landscape level habitat enhancement projects that span ownership boundaries, provide opportunities for partnerships, and can be more cost-effective than multiple unconnected projects. Habitat projects on private land can help build lasting, productive relationships with land-owners. Habitat enhancement opportunities are available in collaboration with other government programs, like the Natural Resource Conservation Service.

Source: Upper Clark Fork River Basin Terrestrial Wildlife Resource Prioritization, Prepared By MT FWS, Dec. 2011

As noted in section 5.6, in general, recreational projects that will, in addition, offer resource benefits are those that would prevent resource degradation by the user public, or those that provide protection for a significant amount of high priority habitat, in addition to appropriately designed recreational access features. Examples of these type of recreational projects include the recreational trail projects being implemented by the Greenway Service District along Silver Bow Creek and by Montana Fish, Wildlife, and Parks (FWP) at the

Source: Final Upper Clark Fork River Basin Interim Restoration Process Plan, Prepared By MT NRDP, May 2012

18

Habitat Protection

We next judged the value of protecting or enhancing fishery habitat in tributary areas using results of the current fishery valuation and habitat assessments. We define protection and enhancement as follows: Protection is the act of maintaining the fishery value of the area, typically through protection of the habitat; and enhancement is the act of improving the fishery value of the area, typically through restoring watershed processes and improvement of the habitat.

Habitat assessments were used to evaluate habitat quality and security associated with fish populations. They are defined as follows:

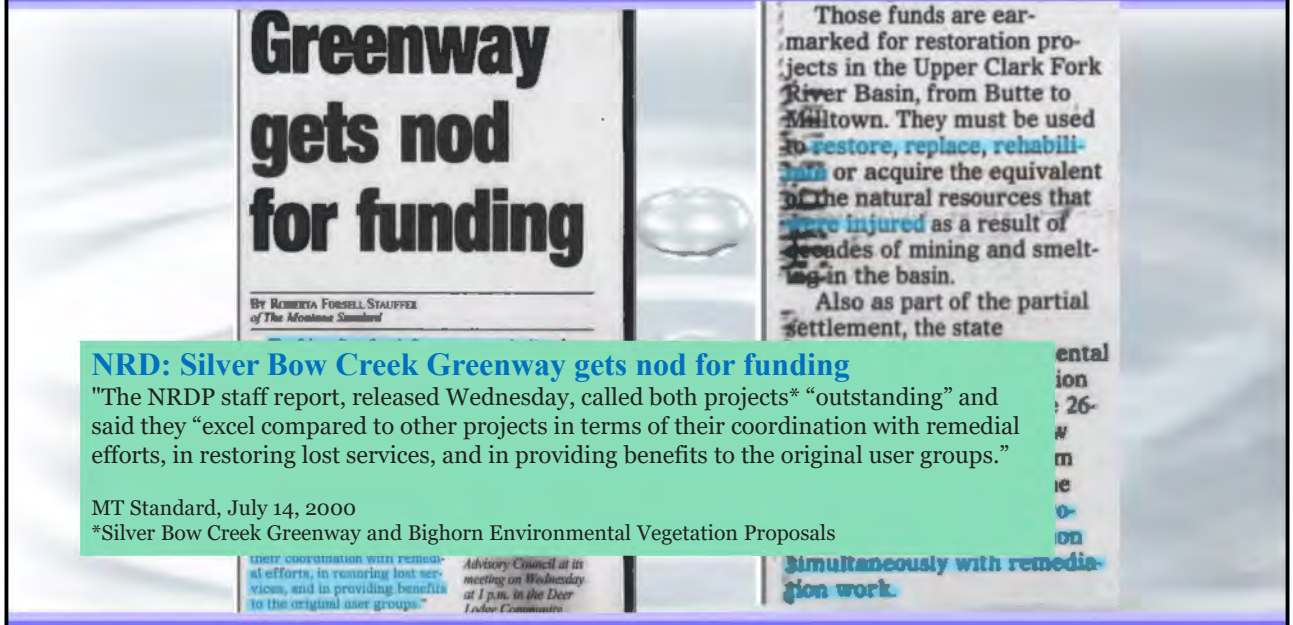
Habitat Quality: A qualitative evaluation of a stream or reach having the necessary physical components to allow trout to carry out their natural life cycle and support viable populations.

Habitat Security: A qualitative evaluation of whether a stream or reach is vulnerable to ongoing or future habitat degradation based on land use and ownership.

Source: Prioritization Areas in the Upper Clark Fork River Basin for Fishery Enhancement, Prepared By MT FWS, Jan. 2018

19

The Top Project


Greenway gets nod for funding

By Roberta Forsell Stauffer
of The Montana Standard

Those funds are earmarked for restoration projects in the Upper Clark Fork River Basin, from Butte to Milltown. They must be used to restore, replace, rehabilitate or acquire the equivalent of the natural resources that were injured as a result of decades of mining and smelting in the basin.

Also as part of the partial settlement, the state

their coordination with remedial efforts, in restoring lost services, and in providing benefits to the original user groups."

Advisory Council at its meeting on Wednesday at 1 p.m. in the Deer Lodge Community

simultaneously with remediation work.

NRD: Silver Bow Creek Greenway gets nod for funding

"The NRDP staff report, released Wednesday, called both projects* "outstanding" and said they "excel compared to other projects in terms of their coordination with remedial efforts, in restoring lost services, and in providing benefits to the original user groups."

MT Standard, July 14, 2000
*Silver Bow Creek Greenway and Bighorn Environmental Vegetation Proposals

Source: MT Standard 7/14/2000

20

Finish The Project

- The Trustee in 2012 identified completion of the Greenway as a Priority and funded it.
  - Delays and cost increases outside of Greenway control should not change the commitment to the overall Project made by the Trustee in 2012.
  - The NRD funds have accrued substantial interest on the unspent Greenway balance since the start of the Project.

- Without completion:
  - Hundreds to thousands of acres of remediated publicly-owned lands will not be fully protected through managed and controlled access.
  - The investments made in remediation and restoration of the aquatic, riparian, and terrestrial habitats are at risk.
  - Could allow potential development inconsistent with cleanup decisions.
  - Public Access to the restored services would be limited and does not meet the public's expectations.
  - Increases the Potential for Improper Land Use or Damage
    - Public use cannot be managed properly when public isn't informed of access routes and protected / off-limits areas.
    - NRDP Plans and Guidance Documents since project inception prioritize protecting completed work and managing public use.
    - The Greenway is integral to perpetual protection of human health, the environment, and the corridor.

21

Key Takeaways

- ✓ The Greenway is a Special Project - Not a Recreation Project – NRDP, Advisory Council, Trustee Restoration Council, and Trustee Established the Greenway as a Special Project Because of the Coordination with Remedial Action, Restoration of Lost Services, and Action Directly on an Injured Resource. It should not be subjected to a 25% match requirement. (Although GSD has raised substantial matching or in-kind funds for past and future projects and will continue to seek additional matching funds.)
- ✓ Corridor Management and Protection - Because of the Large Area, Controlling and Managing Access to the Cleaned Up SSTOU via the Greenway is an Essential Step in Long-Term Preservation and Protection of Ecological, Aquatic, and Terrestrial Restoration + Remediation Efforts. This is required in the Record of Decision.
- ✓ The Top Project – The Greenway has always been the Top Ranked Project based on the Restoration Program Criteria.
- ✓ Remediation Project Delays and Inflation Cost Money - Completion of Certain Greenway Access Features After Completion of Remedial Activity Reduced the Buying Power of the Previous Grant and Set Aside Funds
- ✓ Finish What Was Started - Ensure Protectiveness, Provide Public Access, and Restore Lost Services

22

Exhibit B

2005 Final UCFRB Restoration Work Plan

Pages 8-9, 37

Summary of RPPC Criteria Evaluation for Silver Bow Creek Greenway-2005 Applicant: Greenway Service District (GSD)	
CRITERIA	The overall goal of this project is to restore aquatic and riparian resources along miles 9-10 and 16-18 of Silver Bow Creek. This effort includes revegetation, organic matter placement, land acquisition, planning and monitoring activities. The total requested costs are $1,845,500 over two years, with $769,507 in 2006 and $1,075,993 in 2007. The Governor approved this project for full funding of $1,845,500 over two years, with two additional funding conditions besides the normal funding conditions that would require NRDP's approval of all land acquisitions and appraisal and compliance with SB 259 weed control requirements that are specific to public acquisitions.
1. Technical Feasibility	Reasonably Feasible: The GSD project will employ well-known and accepted technologies that for the most part have already proven successful in past Silver Bow Creek efforts. The success of the project is contingent on coordination with remedial activities. Although some uncertainty exists with some of the ecological enhancements because the GSD will rely on DEQ's and NRDP's contractors for specific designs that will be produced at a later time in coordination with remedial design efforts, the NRDP agrees with this approach because it provides for optimum coordination with remedy. The success of the land acquisition efforts depends on the results of landowner negotiations and other tasks to be conducted as part of the project.
2. Costs: Benefits	High Net Benefits: The project will substantially benefit the injured natural resources of Silver Bow Creek by enhancing fish and wildlife habitat and the ecological and recreational services associated with these restored resources. Organic matter placement, plantings in the floodplain, and aquatic enhancements will accelerate recovery of these resources. The constructed wetlands that could result from land acquisition activities would protect and improve water quality, provide fish and wildlife habitat, store floodwaters, and augment surface water during dry periods. The public will be able to access and enjoy a variety of recreational activities in a restored floodplain corridor in a controlled manner that is protective of restored resources. The project provides for optimal coordination with remedy, thereby achieving significant costs savings.
3. Cost-Effectiveness	Likely Cost Effective: The GSD considered the no-action alternative and an alternative of delaying the project until Silver Bow Creek remedial efforts are completed in 10 years. The GSD adequately addressed why both of those alternatives are inferior to the selected alternative, mainly due to an increase of recovery time to a baseline condition for aquatic and wildlife injured resources. A multi-year funding request is appropriate for optimal coordination with remedy.
4. Adverse Environmental Impacts	No Significant Adverse Impacts: Short term adverse water quality impacts during construction are possible, which the GSD notes will be addressed through best management practices. Long-term beneficial impacts to the environment will result from this project.
5. Human Health and Safety	No Significant Adverse Impacts: Only short-term impacts to human health and safety during construction activities are possible with this project and the GSD appropriately plans to mitigate these.
6. Results of Response Actions	Positive Coordination: This project positively coordinates with and augments remedial actions by enhancing both aquatic and terrestrial resources that will be essential for both effective remedy and restoration along Silver Bow Creek.
7. Natural Recovery Potential	Reduces Recovery Period: The recovery time will be reduced by the proposed additional floodplain enhancements, which will accelerate the recovery of wildlife habitat. Land acquisitions will also accelerate the recovery of injured resources by properly controlling public use, thereby protecting the remediated and restored areas.

Summary of RPPC Criteria Evaluation for Silver Bow Creek Greenway-2005 Applicant: Greenway Service District (GSD)	
8. Applicable Policies and Laws	Consistent/Sufficient Information Provided
9. Resources of Special Interest	Beneficial Impacts: The project is expected to have beneficial impacts to these resources of special interest due to the improved fish and wildlife habitat resulting from the project. The DOI and Tribes support this project.
10. Project Location	Within Basin and Proximate: All restoration activities associated with this proposal will be conducted at or near the injured resource areas of Silver Bow Creek.
11. Actual Restoration of Injured Resources	Restoration/Other: The majority of the project components and costs constitute actual restoration. Some project components contribute to restoration such as land acquisition/easements along Silver Bow Creek and the Miles Crossing planning effort.
12. Service Loss/Service Restored	Same and Similar: The project will provide some of the same services as those lost due to injuries, including ecological services that restored habitat provides to fish and wildlife and recreational services such as fishing and hiking.
13. Public Support	7 Support Comments: This project had two letters of support from Butte-Silver Bow Council of Commissioners and one from Anaconda Deer-Lodge County. During the public comment period, an additional five comments were received in support of this project.
14. Matching Funds	None
15. Public Access	Increased Access Beneficial: The proposed land acquisition and management activities will allow the public to access and recreate along Silver Bow Creek in a manner protective of restored resources.
16. Ecosystem Considerations	Positive: The project will result in improvements to the headwaters of the Clark Fork River and benefits multiple natural resources.
17. Coordination & Integration	Coordinates/Integrates: The project fits well with the restoration priorities set out in the *Draft Silver Bow Creek Watershed Restoration Plan* and coordinates with funded educational projects that are using Silver Bow Creek as an outdoor classroom. The project also coordinates with the proposed German Gulch and Duhame projects.
18. Normal Government Functions	Outside of Normal Government Function: None of the project activities entail those that a governmental entity is obliged by law to conduct or would normally conduct.
19. Desirability of Public Ownership	Restoration Beneficial: Public ownership of or an easement interest in the Greenway corridor lands provides major benefits to injured natural resources and provides replacement of lost services that are considered to outweigh the decreased tax revenues and increase in demand for governmental services anticipated with this project.
20. Price	Uncertain: The price for land parcels or easements would be determined via appraisals conducted as part of the grants process. The GSD has used a reasonable basis to estimate these costs.

4.0 PROJECT RANKING and FUNDING RECOMMENDATIONS

This section provides the Governor's final funding decisions, along with the final funding recommendations of the Trustee Restoration Council (TRC) and the UCFRB Advisory Council. The Governor's final funding decisions are the same as the funding recommended by the TRC and the Advisory Council, except for on the Duhame project, as described herein.

This section also provides the NRDP's overall ranking of projects and draft funding recommendations. The project ranking is based on the detailed criteria narratives contained in Appendix A and the project criteria comparisons contained in Appendix B. The *RPPC* does not rank criteria in terms of importance, noting that "each criterion as applied to individual projects will vary in its importance depending on the nature of the project and unique issues it raises." A project does not need to meet all of Stage 1 and Stage 2 criteria in order to be considered worth funding. A project may rank poorly compared to others for a particular criterion, but that criterion may be inapplicable or relatively unimportant for that type of project. Or, the merits of a project based on some number of criteria may significantly outweigh its deficiencies noted for a particular criterion or multiple criteria. The adequacy and quality of an application affects how well the NRDP judges that a project meets certain *RPPC* criteria and, consequently, affects the project's overall ranking as well.

Based on the NRDP's assessment of how the projects compared for the Stage 1 and 2 *RPPC* criteria, which focus on the project's anticipated benefits to the restoration or replacement of injured resources and or/lost services, the NRDP ranks the seven projects in the following order of preference.

Table 2. Project Ranking

Rank	Project
1	Silver Bow Creek Greenway
2	German Gulch
3	Butte Waterline
4	Anaconda Waterline
5	Big Butte Acquisition
6	Duhame Acquisition
7	Butte Master Plan

The following discussion also identifies the NRDP's recommended project-specific funding conditions. Two funding conditions apply to all projects. First, as required by the *RPPC*, funding should be contingent on the NRDP's approval of the final design for various components of the projects. Second, the proportionate share of matching funds recognized by the NRDP in the project-specific criteria narrative will apply to project implementation and adequate documentation of both in-kind and cash matches will be required.

Exhibit C

2014 NRDP Fact Sheet

“Silver Bow Creek: A Superfund Success Story”

The cleanup of Silver Bow Creek has been ongoing since 1999 as part of a Superfund remedial action coordinated by the Montana Department of Environmental Quality (DEQ) in consultation with the U.S. Environmental Protection Agency (EPA). In 2000, the Natural Resource Damage Program (NRDP) of the Montana Department of Justice and the Greenway Service District (GSD) formed a partnership with DEQ, bringing a restoration component to the project that goes beyond the remediation (cleanup) required under Superfund. Since 1999, much of Silver Bow Creek has been transformed from a severely injured, nearly lifeless stream to an ecosystem that is recovering its original character and value.

PROJECT BACKGROUND

Silver Bow Creek originates in Butte, Montana at the confluence of the Metro Storm Drain and Blacktail Creek and flows to the Warm Springs Ponds, the headwaters of the Clark Fork River. Starting in the late 1880s, tailings and other mine wastes containing high concentrations of metals were discharged directly to Silver Bow Creek and redistributed through flood events, including a massive flood in 1908. These toxic discharges impacted the stream and floodplain with heavy metals and virtually eliminated aquatic life in the stream. Tailing deposits resulted in a floodplain that was largely devoid of vegetation and generally incapable of supporting wildlife. In 1983, EPA listed the Silver Bow Creek/ Butte Area as one of multiple Superfund sites in the Upper Clark Fork River Basin (UCFRB). The 26 miles of streamside tailings along Silver Bow Creek were designated as the Streamside Tailings Operable Unit (SSTOU). Initially, the Atlantic Richfield Company (ARCO), through its acquisition of the Anaconda Company, was named by the EPA as the primary party responsible for the remediation of the SSTOU and other Superfund sites in the UCFRB. In 1995, EPA and DEQ issued a Record of Decision (ROD) for the SSTOU, identifying the final site remedy and the agencies' cleanup rationale. The major components of remedial action specified in the SSTOU ROD are the excavation of the tailings and related contaminated soils and reconstruction of the stream channel and floodplain.

Historic Flooding of Silver Bow Creek Deposited Tailings in Milltown Dam

INSIDE THIS ISSUE:

In a 1999 state, federal, and tribal settlement, ARCO agreed to pay $215 million to the State of Montana to resolve certain claims, of which $80 million plus interest was set aside for DEQ and EPA to cleanup Silver Bow Creek. The remaining portion of the original settlement was placed in the UCFRB Restoration Fund. The GSD uses grants from the Restoration Fund to enhance the Silver Bow Creek cleanup, including various habitat improvements and development of a recreation trail and access points along the creek. To date, DEQ, NRDP, and GSD have successfully worked together to remediate and restore more than 90% of Silver Bow Creek and its floodplain.

REMEDIATION OR RESTORATION?

Remediation is performed according to the remedy selection provisions of the Superfund law and addresses the contamination in a manner that eliminates the most direct threats to human health and the environment. Remedies are performed in accordance with specific legal requirements that set cleanup levels such as water quality standards, or that require actions to be conducted in a certain manner, such as mine reclamation laws. The majority of work necessary to clean up Silver Bow Creek falls under remediation.

Active Remedial Action in Reach T (May 2013)

Active Remedial Action in Reach T (July 2013)

Post Remedial Action and Before First Growing Season in Reach T (November 2013)

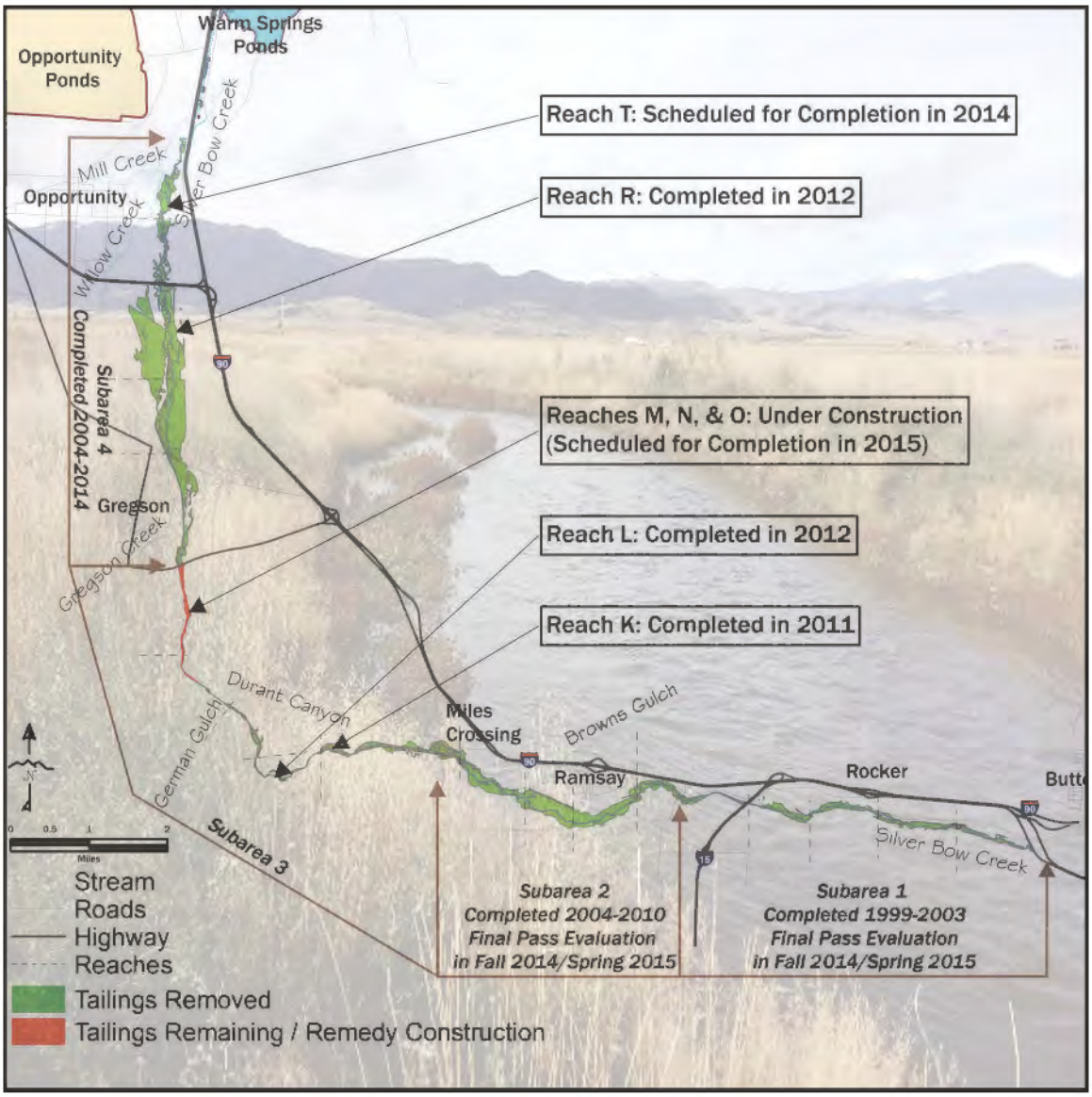
Restoration actions fall under the natural resource damages provisions of the Superfund law. Designated natural resource trustees, including the State of Montana, can obtain damages from parties responsible for the contamination to return the resource to its pre-impact condition and to compensate for the public's lost use of the resource. Damages are typically based on the residual injury to the resource after considering the benefits of remedy because remedies often do not return the area to its completely uncontaminated, or "baseline", condition. Collected monetary damages can be used by the trustee to restore injured resources to their baseline condition, replace lost resources, or acquire the equivalent of the lost resources. Restoration along Silver Bow Creek has enhanced the remedy by returning the area to a more natural condition, helping the stream and floodplain recover to baseline conditions, and providing public access to sections of the restored stream channel and floodplain.

Montana Natural Resource Damage Program - In 1999, the State of Montana received approximately $130 million for the restoration of injured natural resources in the UCFRB through a partial settlement of its natural resource damage lawsuit against ARCO. From 2000 through 2010, the Governor of Montana approved seven specific grants to the GSD totaling $15.6 million for projects that coordinated restoration and remedy actions, such as ecological improvements to the stream and floodplain habitat. These combined actions were coordinated through the NRDP, DEQ, and GSD. The GSD took the lead role in constructing and coordinating with DEQ on access feature components, such as trail construction, and acquiring fee title or easements for public recreational use and protection of the remediated and restored floodplain. The NRDP took the lead role in coordinating the ecological components with DEQ, such as additional floodplain enhancement with shrubs, trees, and wetlands. In 2011, the Governor approved an additional $8 million to the GSD for the Silver Bow Creek Greenway for both access features and ecological enhancements. The NRDP no longer manages a grant program for water and land resources and is working under a plan approved in early 2013 by the Governor, entitled *Final Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans,* which is available on the NRDP website.

PROJECT STATUS

The SSTOU is divided into four subareas based upon geologic and topographic features. Silver Bow Creek is divided into 20 stream reaches based on differences in topography and site specific conditions within each subarea.

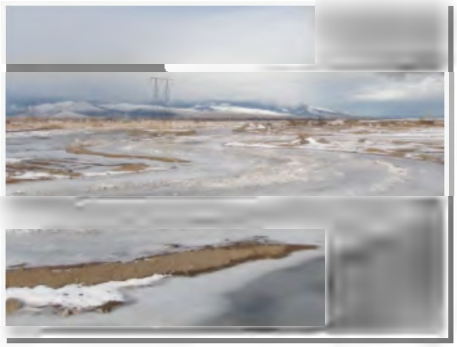
- Of the 26 miles of Silver Bow Creek in the SSTOU, 24-1/2 miles are completely reconstructed, with 1-1/2 miles under construction in Reaches M, N, and O in Subarea 3.
- Approximately 1,480 acres along Silver Bow Creek have been remediated and restored. More than 5.4 million cubic yards of the estimated 5.6 million cubic yards of tailings and impacted soils have been removed from the floodplain.



Subarea 1 - DEQ initiated cleanup activities at the upper end of Silver Bow Creek near Butte in 1999 by removing tailings to a local repository and reconstructing the stream channel and floodplain. Beginning in 2001, mine wastes were transported by train to the ARCO Waste Management Area (near Opportunity). Restoration elements to improve stream habitat were also added to the design. These efforts continued in the downstream direction until all of Subarea 1 was remediated by the end of 2003.

Subarea 2 - Construction in Subarea 2 began in 2004 and was completed in 2010, with additional wetland plants, trees, and shrubs added in 2011. The most notable accomplishment in Subarea 2 was the removal of more than 1.6 million cubic yards of tailings from the Ramsay Flats area that provided space to construct numerous wetlands and allowed Silver Bow Creek to follow a longer, more varied channel alignment. The removal of the entire Ramsay Flats tailings deposit exceeded the requirements of the ROD and was accomplished with a combination of remediation and restoration funds. Although remedial action objectives are largely achieved in Subareas 1 and 2, DEQ will implement a "***final pass***" remedy before the subareas transition into a care and maintenance status. The final pass will address very small deposits of remaining remnant tailings and impacted soils to improve and enhance the remediation as a whole, and will include wetlands enhancement work in key areas.

Reach R Prior to Remediation (May 2005)



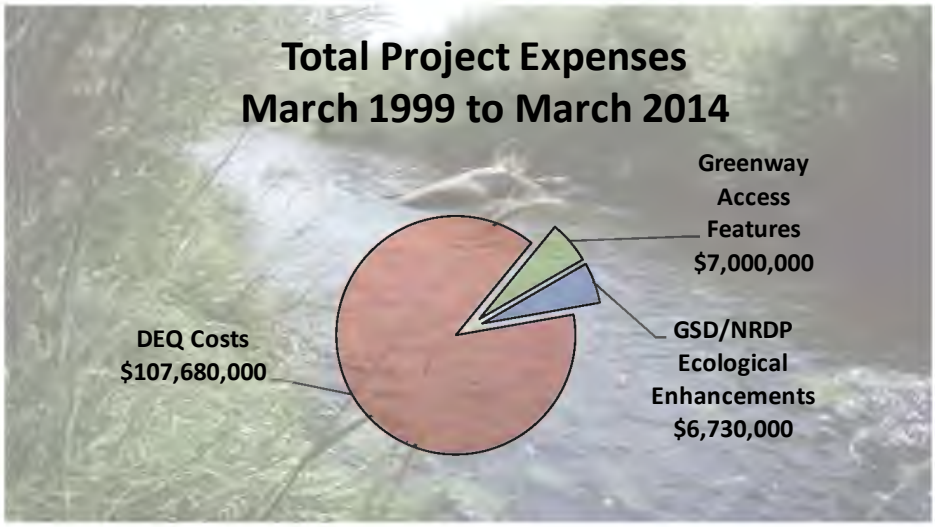
Reach R Post Remediation (November 2011)

Reach R Post Remediation (October 2013)

Subarea 3 - Cleanup began in Subarea 3 in 2009 and is mostly complete from Miles Crossing to midway through Durant Canyon. While the volume of the tailings deposited in Subarea 3 is less than the other subareas, the narrowness of the canyon combined with the constraints of two active railroads make tailings removal complicated and time consuming. In 2012 and 2013, remedial action efforts included three large-scale stream diversions in which DEQ diverted Silver Bow Creek into a large pipe to provide safe access to the work areas in the narrowest part of the canyon. Remedial design is underway in Reaches M, N, and O, with work nearly completed to the confluence of German Gulch Creek with Silver Bow Creek. The remedial design includes a large-scale fish barrier which will serve to isolate native cutthroat trout in German Gulch Creek and the upper two-thirds of Silver Bow Creek from other fish species in the greater Clark Fork River drainage basin. Using NRDP grant funds, GSD installed a large box culvert system to reroute the stream through a portion of the historical floodplain, lengthening the channel by 0.3 miles and providing access to an additional 19 acres of floodplain. The box culvert also simplified diversion of the stream for cleanup and provides a future trail underpass through one of the active railroads. Construction in Subarea 3 is scheduled to be complete by summer of 2015.

Subarea 4 - Cleanup from Fairmont Road north to the Warm Springs Ponds (end of the SSTOU) has been ongoing since 2004 and is substantially complete. Work completed in the fall of 2012 included tailings excavation and new stream channel construction in the area extending from Highway 1 north to Stewart Street. Cleanup for the area extending from Stewart Street north to the Warm Springs Ponds is scheduled for near completion in the spring of 2014. This work will incorporate numerous features from the remedy and restoration plans, including a series of ponds (approximately 22 acres) and wetlands adjacent to the newly constructed Silver Bow Creek channel. In 2013 and early 2014, DEQ removed areas of isolated remaining remnant tailings and impacted soils in Subarea 4 extending north from Fairmont Road to Stewart Street. These areas will be seeded and planted in the fall of 2014 before DEQ transitions the subarea into a care and maintenance status.

PROJECT EXPENSES



Since 2000, the Governors of Montana have approved GSD/NRDP grant applications totaling nearly $23.6 million to restore aquatic, riparian, wetland, and upland ecosystems within the entire Silver Bow Creek corridor. Wherever feasible, restoration actions were included in the remediation plans and designs and constructed by DEQ under a single contract. The State of Montana has demonstrated that both remedy and restoration activities can be conducted as one integrated project while still maintaining clear distinctions between the funding sources for accounting purposes. To date, GSD/NRDP expenses total approximately $14 million. The remaining $9.6 million in grant funds will be used for Greenway trail features, mainly in Subareas 2 and 4, and for additional ecological efforts such as plantings and creek work.

COMBINED REMEDIATION AND RESTORATION

Stream Channel Enhancements - The construction of a longer, meandering stream channel, with more pools and varying stream widths, is an example of restoration beyond remedy. The new Silver Bow Creek stream channel has successfully weathered high flows and vegetation is well established on its banks. Pools and other habitat features added through restoration funds are functioning as designed and provide increased aquatic habitat diversity, not only augmenting remedial actions but also enhancing the recovery of aquatic resources to a near pre-disturbance condition. The enhanced habitat will help the fish populations to grow and thrive. The habitat improvements are designed and constructed by DEQ with the incremental costs funded through GSD/NRDP grants.

Enhanced Stream Channel Showing Length and Sinuosity in Reach M

NOTABLE PROJECT ACHIEVEMENTS

Water Quality and Fish - A primary goal of the SSTOU remedy is to re-create a stream capable of supporting fish. Cleanup activities in Silver Bow Creek and upstream areas near Butte have greatly improved surface and groundwater quality compared to pre-cleanup levels. Recent sampling of Silver Bow Creek in the remediated areas showed metals concentrations meeting or near drinking water standards and much closer to meeting aquatic life standards than prior to cleanup. Fish surveys completed in Silver Bow Creek show that populations of westslope cutthroat, brook trout, sculpins, and suckers have been reestablished in the creek.

Vegetation and Wildlife Habitat - Grasses, trees, shrubs, and plants are well established through much of remediated area. Enhanced shrub and tree planting activities, funded by restoration grants, have enhanced wildlife habitat along with a DEQ-implemented weed management program. Sightings of over 100 bird species, including bald eagles, osprey, swans, blue heron, and sandhill crane are common in the floodplain and wetland areas, as well as deer, moose, beaver, muskrats, and mink.

Subarea 4 Recovered Stream Channel - Post 2011Flooding

Floodplain Revegetation Enhancements - To enhance the ecological character of the area, DEQ also uses GSD/NRDP grant funds to complete activities such as adding organic matter to soils placed in the floodplain, constructing wetlands, and planting trees and shrubs throughout the floodplain. These efforts have enhanced remedial efforts already completed at the SSTOU and are helping to restore severely injured wildlife habitat along the corridor. The planting efforts are carried out as a carefully coordinated effort between DEQ and NRDP. Restoration funds are also used to enhance unanticipated wetlands or floodplain swales that develop on their own after construction is complete.

Diversion Channel Construction in Reach T (April 2013)

Phase 9 (Reach T) Diversion and Floodplain Infrastructure - In cooperation with NRDP, DEQ recently completed remedial actions in Reach T which required a number of open-channel bypass diversions to access and dewater the work area. Constructing the new stream channel and floodplain incorporated unique floodplain features including overflow channels to direct floodwaters across the floodplain, wetland ponds/features, and buried riprap and stone toes to protect existing infrastructure and prevent the stream from migrating laterally before vegetation is established. Additional NRDP-funded floodplain protection measures near the stream channel utilized biodegradable coir fabric to hold vegetative media in place during high flow events to aid the recovery and restoration process.

Subarea 3 Piped Diversions and Railroad Embankment Treatments **-** DEQ completed three separate bypass diversions within the Durant Canyon area of Subarea 3 by diverting Silver Bow Creek into a 42-inch high density polyethylene (HDPE) pipe to provide safe access to the work areas in the narrowest portions of the canyon. Work along railroad embankments included removing tailings and installing railroad embankment treatments such as gabion mattresses to protect the completed remedy.

Reach L In-Stream Piped Diversion

Public Access & Trail Construction **-** Currently, the GSD is constructing a greenway trail along Silver Bow Creek with trailheads, rest areas, bridges, railroad crossings, and other features to provide and control public access to the restored Silver Bow Creek corridor. The GSD acquired easements and lands for public access along much of the stream corridor that is not owned by DEQ. To date, two trailheads and approximately 6-1/2 miles of trail is complete.

Reach R Pedestrian Bridge

Reach R Pedestrian Bridge **-** In cooperation with NRDP and GSD, DEQ installed a pedestrian bridge over Silver Bow Creek to provide access to future pedestrian trail systems that are currently in the design process for Subarea 4. The schedule includes constructing a short segment providing access to the Tailings Observation Area from the Highway 1 rest area in 2014 that will ultimately connect to the entire trail system.

Subarea 4 Tailings Observation Area - DEQ and NRDP have constructed a unique historic interpretation feature to provide the public with a visual comparison between the existing tailings deposits devoid of vegetation and the reclaimed and revegetated landscape provided by remedy and restoration. A small area of tailings was left in place and isolated from the surrounding area by an armored trail berm that serves not only as a public access trail to view the tailings deposit, but also as a flood-water protection berm. When trail construction is complete in 2014, the public will be able to access this tailings observation area from the Greenway trail access point at the Highway 1 rest area.

Subarea 4 Stream Channel and Observation Area

PROJECT RECOGNITION

The remediation and restoration of Silver Bow Creek, perhaps the largest project of its kind in the United States, has won local, national and international awards for environmental excellence.

- National Association of Environmental Professionals for environmental stewardship and conservation of excellence (2005).
- The Green Organisation based in the United Kingdom, International Green Apple Environmental Award (2005).
- Montana Contractors Association, Environmental Excellence in Habitat Restoration/Enhancement (2006)
- Montana Wetland Council and Montana Watershed Coordination Council, Special Agency Individuals Award to DEQ Superfund Project Manager Joel Chavez and Project Officer Tim Reilly for their outstanding work in taking the project far beyond procedural requirements (2011).
- Montana Contractor's Association, Environmental Excellence Award Best Heavy/Industrial Contractor for Subarea 3 Reach L (2012).
- Engineering News Record (a McGraw Hill Publication), Merit Award in the Water/Environment category for the Subarea 3 remedial action project (2013).

FOR MORE INFORMATION CONTACT:

Montana Department of Justice
Natural Resource Damage Program

GREGORY MULLEN
1301 Lockey Avenue
P.O. Box 201425
Helena, MT 59620-1425
406.444.0228 www.doj.mt.gov/lands/naturalresource

Montana Department of Environmental Quality

JOEL CHAVEZ
1401 Lockey Avenue
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Helena, MT 59620-0901
406.841.5031 www.deq.mt.gov/fedsuperfund/sst

Comment #100

From: brianholland@in-tch.com
To: Natural Resource Damage Program
Subject: [EXTERNAL] 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions
Date: Wednesday, July 19, 2023 8:41:09 PM

Dear Montana Natural Resource Damage Program:

I am writing to support the comments of the Greenway Service District (GSD) on the Draft 2023 Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans Revision. The Greenway is not just a recreation project as set out in detail in the GSD's comments. The Greenway should be treated as the high priority project it is, and it needs to be completed. I am often asked when the Greenway will be completed, and some folks often add that they will probably be dead before it is completed. Cutting the GSD's funding request, and adding new conditions and restrictions, is not the way to get the project completed. I would encourage NRDP to make a concerted effort to work with DEQ (and GSD) to figure out the funding needed to complete the project. All should visualize what a great day it would be when the project is completed, and celebrate it as a result of the partnership between GSD, NRDP, and DEQ.

While I currently work on the Greenway project as an attorney providing legal services to the GSD, I am writing these comments solely in my capacity as a resident of Butte-Silver Bow.

Brian Holland
1600 W. Steel
Butte, MT 59701

Comment #101

CLARK FORK COALITION

PO Box 7593 • Missoula, MT 59807 • 406.542.0539 • clarkfork.org

July 19, 2023

Montana Natural Resource Damage Program
P.O. Box 201425
1720 Ninth Avenue
Helena, MT 59620-1425

Attn: 2023 Aquatic and Terrestrial Resources Restoration Plans Draft Revisions

The Clark Fork Coalition (CFC) has supported the State's cleanup and restoration of the upper Clark Fork for over three decades. With thousands of acres protected and significant improvements in riparian habitats and water quality on several key tributaries, the NRDP has made substantial progress restoring damaged natural resources in the Upper Clark Fork River Basin (UCFRB). Over the past 20 years, the NRDP has distributed millions of dollars in Clark Fork settlement funding to projects across the Basin, from Milltown to the Continental Divide and the headwaters of the Clark Fork to the Big Hole River. CFC hopes to see the NRDP build on these successes and leverage remaining funds to repair and restore the most heavily damaged areas of the UCFRB. We offer the following comments for your consideration.

Section 3.2.1 – UCFRB Flow Restoration Plan

The CFC fully supports the revisions to the UCFRB Flow Restoration that recognize the need for multiple tools to address flow augmentation, given the limitations and inherent challenges associated with water right purchases and leases. These revisions provide more flexibility for NRDP and project partners to explore and combine tools to accomplish the State's flow restoration goals. We suggest NRDP also consider revising the process for water rights acquisitions to allow funding recommendations ahead of a DNRC Change Authorization. This would avoid delays in the water rights acquisition process stemming from the DNRC change of use to be finalized, which in some cases has taken many years to complete.

Section 3.2.2.1 – UCF Diversions Work

The CFC supports NRDP's decision to fund the UCF diversions work. The remaining diversions have inhibited movement for both fish and river users for decades. Past diversion upgrade projects have proven to be successful and can be paired with irrigation efficiency, leases, or other flow augmentation projects. In addition, these diversion projects can include fish screening, which reduces fish entrainment in the irrigation ditches. We request that NRDP clarify whether these funds can be expended on fish screen components of a diversion project.

Section 3.2.2.2. – Funding in Priority Tributary Watersheds

With restoration funding in the Basin becoming ever more limited, the CFC encourages the NRDP to focus its restoration investments in the most heavily damaged portions of the Clark Fork River Basin and those tributaries that support the most injured reach of the UCF. Remedial action on the mainstem is progressing slowly and there are significant restoration needs in some of the key priority tributaries. For example, very little NRDP funding has been spent to date on Warm Springs Creek, Lost Creek, and Mill Creek. All three of these tributaries have been significantly injured by historic mining activities, they are close to communities that are also severely impacted, and they have huge ecological potential.

Section 3.2.3 – Aquatic Resource Monitoring and Maintenance Plan

With upper Clark Fork fish numbers at crisis levels, we support NRDP's proposal to assess factors limiting aquatic ecosystem recovery on the mainstem. In the meantime, things can be done to address critical aquatic habitat needs on remediated portions of the mainstem as further study takes place. Instream aquatic habitat, such as large woody debris, is a hallmark of successful restoration projects and should be implemented at scale on the UCF. Wood and instream channel complexity is not only important for fish and aquatic wildlife, but it also helps preserve channel function and promote floodplain connectivity.

As part of the NRDP's 2020 revised restoration strategy for the UCF, several potential actions were identified to augment mainstem recovery, including instream habitat and mainstem diversion passage. In this 2023 Plan Revision, NRDP proposes to fund several projects that tackle limiting factors on the mainstem of the UCF and Silver Bow Creek. We encourage NRDP to invest in assessing *and* addressing known limiting factors like aquatic habitat and channel complexity. Using an adaptive management framework, NRDP could test the effectiveness of different instream habitat restoration treatments on a small and cost-effective scale in Phase 7. Partners like the CFC, WRC, and TU could be tapped to help source materials.

In conclusion, incredible headway has been made to restore aquatic and terrestrial resources in the Basin. Still, large swaths of the Clark Fork River continue to suffer from a century of injury. These impacts have been compounded by a longer-than-expected Superfund cleanup, related water quality issues, drought, and climate change. Funding challenges have also created a shortfall and now drive cleanup decisions. The needs of the entire Basin should be weighed and balanced against the current reality on the upper Clark Fork River. With 15 years of work behind us, and at least 15 years ahead, the CFC believes that it's time to bolster additional restoration capacity on the Clark Fork River mainstem.

Thank you for the opportunity to comment.

Sincerely,

Karen Knudsen
Executive Director

Comment #102

From:	Carol Link
To:	Natural Resource Damage Program
Cc:	Dori Skrukrud; Mankins, Eric
Subject:	[EXTERNAL] Greenway Special Project in Butte
Date:	Thursday, July 20, 2023 8:06:55 AM

To Whom it May Concern:

This letter is late since I did not see this article in the paper online until now and there were only 5 days to comment.

As a citizen of Butte Silver Bow I hope that you please reconsider the designation of the Butte Silver Bow Greenway as a special project (not just recreational designation) and provide the money it needs to finish this project in the fashion that the Greenway Service Committee is asking for.

This greenway is not only a place to recreate, but it is the biggest and most amazing example of taking a dead, toxic creek with moonscape banks and restoring it to a lush, living, breathing waterway that provides an incredible swath of habitat for animals, birds, and fish. Every time I walk down on the trail I cannot believe the transformation that has happened in the 30 years I have lived here. It is important for us to heal this area and do it right. Why spend 27 years working on this huge project only to see it limp across the finish line? Give it the full money it deserves to complete this award winning project and fund it to completion. It is the right thing to do.

Sincerely,

Carol Link
1101 W Gold St
Butte MT 59701

Comment #103

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

Dear Montana Natural Resource Damage Program,

The George Grant Chapter of Trout Unlimited (GGTU) has supported the NRDP's restoration efforts in the Clark Fork Basin for close to 20 years. In the early days of the NRDP Clark Fork program, our chapter worked with NRDP to successfully complete large-scale stream restoration work in German Gulch, in addition to acquiring and securing Paracini (Racetrack) Pond for public use. Over the last decade, GGTU has supported dozens of NRPD projects in the Basin by providing funding directly to our partners and colleagues at FWP, Trout Unlimited, the Clark Fork Coalition, and MT Tech.

GGTU will continue to support NRDP's restoration efforts in the basin and are encouraged by many of the proposed amendments to the Aquatic and Terrestrial Restoration Plans. We are supportive of NRDP's plans to address passage issues on the Clark Fork River mainstem and habitat limitations on Silver Bow Creek, and supportive of NRDP's push to require project partners to provide match (as we are often one of those sources).

With fish populations on the mainstem of the upper Clark Fork in crisis mode, at just 8-25 trout per mile along nearly seven miles of the Clark Fork mainstem, GGTU implores the NRDP to do more than just assess aquatic impairments. The uppermost reaches of the Clark Fork are hallowed waters for our Board of Directors and many of our 400 plus chapter members. The complete disintegration of the trout fishery in the uppermost reaches of the Clark Fork is unacceptable and although we are very aware that the causes behind the decline are diverse, there are things that could be done immediately to provide a lifeline for aquatic organisms and supplement cleanup outcomes. GGTU has supported the wonderful work on the tributaries below Deer Lodge that have benefitted the lower stretches of river. We would appreciate seeing this same level of effort and investment in the ailing upper reaches resulting in the level of success accomplished in the downstream tributaries. The recent Montana Fish, Wildlife & Parks otolith study showed that over 60% of the trout in the mainstem Upper Clark Fork River primarily originate from the upper tributaries; specifically, Warm Springs Creek, Racetrack Creek, and Mill Creek. We urge the NRDP and their project partners to improve instream aquatic habitat and channel conditions on both remediated and yet to be remediated portions of the Clark Fork as well as the tributaries that produce trout into this section of river.

GGTU also recommends that NRDP increases the funding available for work in the Warm Springs Creek drainage. Warm Springs Creek is also revered water to our Chapter and Board Members in Anaconda and beyond. GGTU believes that Warm Springs Creek has a ton of ecological potential and is significantly impaired by historic mining and smelting activities. Warm Springs Creek is the uppermost stronghold for native bull trout in the entire upper Clark Fork Basin and supports a stable population of wild and native trout that provide a lifeline to

the uppermost reaches of the Clark Fork mainstem. Warm Springs Creek is also the pride and joy of Anaconda, a community whose hillsides and streams bore the brunt of nearly 100 years of smelter and mining activities.

Warm Springs Creek deserves a restoration investment that matches this incredible potential. To date, NRDP's investment in Warm Springs Creek has been minimal. GGTU recommends that NRDP increases the amount of funding available in Warm Springs Creek during this plan revision to complete the critical habitat restoration work that is needed; and provide additional capacity for projects like the Fifer Gulch Warm Springs Creek Project that was recently submitted for grant funding by our chapter.

GGTU appreciates the critical restoration work that NRDP has spearheaded in the Basin and will continue to support actions to improve trout and native fish populations in tributaries across the basin. GGTU also recommends that NRDP invigorates work to improve aquatic habitat conditions in the most critically injured reaches of the Clark Fork River mainstem and critical tributaries like Warm Springs Creek.

Please let me know if you have questions regarding our comments.

Sincerely,

Forrest Jay (GGTU President)

Comment #104

Re: Comments NRDP further funding Greenway projects.

Will the squeaky wheel get more grease? Will gross incompetence be supplanted with additional funding? Is there enough lipstick in Butte to dress up this pig?

That sucking sound you have been hearing is Greenway diverting a long stream of money to overhead while accomplishing rather little. Twenty years is half of a professional career. One rightly expects continual accomplishments. Now, in rush to show they can do something….it builds more trail. The focus is, and always has been, recreation.

Lest we forget what humans are capable of:

> Cortez with 600 men dismantled their ships to signify his commitment to conquest. Spaniards along with and a few thousand briefly allied Indians first took Montezuma hostage, then slaughtered thousands and fought their way out of Tenochtitlan using in the miles-long aqueduct separating island from mainland. They threw human and horse carcasses into gaps the Aztecs created by pulling sections of the bridge to block their escape. Soon Cortez enlisted more Indians, built ships, and lay siege to the island, conquering the Aztec civilization and toppling a mighty civilization of millions.

In comparison, the trail base left in upper Reach A has yet to be turned into a trail. The Silver Bow parking lot is situated between the two roughest RR track crossings in MT and hundreds of yards from the creek, although I did see an RV apparently quartered there.

When Greenway speaks of ecological accomplishments, I wonder if referring to tearing out the beaver dams in lower Reach P last fall or mowing down the trailside flowers seeded by CFRWEP near Ramsay.

The main uses of the trail, pedestrian and bicycle traffic and dog-walking, are anathema to the rewilding of Silver Bow Creek. Not far from Butte just a few months ago, but importantly in reaches without the trail, I first found the remains of beaver and muskrat. Then, one reach down and one week later, I came across a poor elk that had been attacked by a mountain lion. Don't expect this continual human visitation. Waterfowl nesting is another victim of continual human traffic. One of the queries in the wetland evaluation procedure for the UCFRB is, "Is the Assessment Are affected by frequent human activity?" A Yes answer downgrades the rating.

Durant Canyon poses a threat to human traffic. Even down in Reach M, a giant boulder landed on the Milwaukee Grade a fwew years back. Many a rock was removed from the old RR grade during construction and afterwards as well, to keep the road usable. Now the probability is that one won't land on someone passing by, but it's a safety concern – more so than signed curves along the trail. Maybe a bunch of Watch for Falling Rocks signs would do the trick.

Rich Prodgers 2715 Ottawa Butte

Before throwing more money at Greenway, I suggest having NRDP fiscal calculate the amount devoted to overhead for the life of the project and how much Pioneer Technical skimmed, also overhead. Consider the anti-ecological bent. Some call it the Brownway.

Thanks for this opportunity to comment. It's all relative. Wasting more on the bloated CFR cleanup is an equally poor investment.

Rich Prodgers

ATTACHMENT D

October 4, 2023 UCFRB Advisory Council Meeting - Motions

1. The NRDP recommends funding of the Broken Circle Split Season Lease in the amount up to $404,000.00 from the UCFRB Restoration Fund-Aquatic Flow Allocation, following the execution of the Restoration Project Agreement, with the contingency that if matching funds are obtained the funding would be reduced by the amount of those funds.

Motion: Billie Kulaski Second: Maggie Schmidt/No public comment/All in favor

2. The UCFRB Advisory Council recommends the proposed 2023 revisions to the UCFRB Aquatic and Terrestrial Resources Restoration Plans as revised in the draft September 2023 Response to Comments.

Motion: Mick Ringsak Second: Steve Hill/No public comment/All in favor

3. The UCFRB Advisory Council recommends the proposed 2023 funding allocation for Aquatic Monitoring from the UCFRB Aquatic and Terrestrial Resources Restoration fund as recommended in the September 2023 draft Response to Comments as revised in this meeting.

Motion: Billie Kulaski Second: Mike Paffhausen/No public comment/ All in favor

4. The UCFRB Advisory Council recommends the proposed 2023 funding allocation for Clark Fork Watershed Education Program from the UCFRB Aquatic and Terrestrial Resources Restoration fund as recommended in the September 2023 draft Response to Comments as revised in this meeting.

Motion: Steve Hill Second: Margery Christiansen/No public comment/All in favor

5. The UCFRB Advisory Council recommends zero funding to the Milltown State Park from the UCFRB Aquatic and Terrestrial Resources Restoration fund.

Motion: Steve Hill Second: Maggie Schmidt/No public comment/All in favor

6. Motion to amend motions 3 and 4 to eliminate “as revised in this meeting.”

Motion: Kristie Beale Second: Mick Ringsak/No public comment/All in favor

7. The UCFRB Advisory Council recommends additional funding in the amount of $225,000 to Warm Springs Creek from the UCFRB Aquatic and Terrestrial Resources Restoration fund.

Motion: Steve Hill Second: Mick Ringsak/No Public comment/All in favor

8. The UCFRB Advisory Council recommends funding of $300,000 to Rock Creek from the UCFRB Aquatic and Terrestrial Resources Restoration fund.

Motion: Steve Hill Second: Mick Ringsak/No public comment/Yay:6 Nay:1

9. The UCFRB Advisory Council recommends approval of Basin Creek and German Gulch funding as recommended in the September 2023 draft Response to Comments.

Motion: Mike Paffhausen Second: Billie Kulaski/No public comment/All in favor

10. The UCFRB Advisory Council recommends the proposed 2023 funding allocation for Multi County Trail Coalition from the UCFRB Aquatic and Terrestrial Resources Restoration fund as recommended in the September 2023 draft Response to Comments.

Motion: Billie Kulaski Second: Kristie Beale/No public comment/All in favor

11. The UCFRB Advisory Council recommends the proposed 2023 funding allocation for the Greenway Service District from the UCFRB Aquatic and Terrestrial Resources Restoration fund as recommended in the September 2023 draft Response to Comments with the following amendment to the draft Response To Comments: amend the sentence in the draft Response to Comments which starts: "Based on comments received, if these funds…" to "based on comment received, if these funds are not available from the Parrot Tailings Project, the State's revised proposal is to used funds allocated form Aquatic and Terrestrial resources to ensure the GSD receives up to $2.5 million for the design and construction of two trail sections or the cost of the design and construction of these two trail sections, whichever is less."

11a. The UCFRB Advisory Council recommends the proposed 2023 funding allocation for the Greenway Service District (GSD) from the UCFRB Aquatic and Terrestrial Resources Restoration fund as recommended in the September 2023 draft Response to Comments with the following amendments to the draft Response To Comments:

a. Amend the sentence in the draft Response to Comments which starts: "Based on comments received, if these funds…" to "Based on comments received, if these funds are not available from the Parrot Tailings Project, the State's revised proposal is to use funds allocated from Aquatic and Terrestrial resources to ensure the GSD receives up to $2.5 million for the design and construction of two trail sections or the cost of the design and construction of these two trail sections, whichever is less." and

b. Amend the funding to allocate to Project 1, the Durant Canyon, Miles Crossing to German Gulch as listed in the GSD's project proposal dated May 12, 2023 with no matching funding requirement, but to keep the matching funding requirement (as defined in the NRDP Grant Program Application) for Project 2, Highway 1 to Stewart Street. The funding for Projects 1 and 2 both require the assurances regarding the Operations and Maintenance.

c. Notice to GSD that future funding requests for recreation-dominant projects will need the required matching funds (as defined in the NRDP Grant Program Application).

Motion: Kristie Beale Second: Mike Paffhausen/No public comment/Yay:6 Abstain: Mick Ringsak

12. The UCFRB Advisory Council recommends the proposed 2023 funding allocation for Mainstem Diversion, Browns Gulch, Silver Bow Creek, Cottonwood Creek, Little Black Foot River,

from the UCFRB Aquatic and Terrestrial Resources Restoration fund as recommended in the September 2023 draft Response to Comments.

Motion: Billie Kulaski Second: Kristie Beale/No public comment/All in favor

13. The UCFRB Advisory Council recommends funding of $250,000 to Flint Creek from the UCFRB Aquatic and Terrestrial Resources Restoration fund.

Motion: Mike Paffhausen Second: Steve Hill/Public discussion/Yay:6 Nay:1