
FINAL
THE STATE OF MONTANA'S RESPONSES
TO PUBLIC COMMENTS ON THE DRAFT 2005
UPPER CLARK FORK RIVER BASIN
RESTORATION WORK PLAN

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Acronyms or Abbreviations

Advisory Council	Upper Clark Fork River Basin Remediation and Restoration Education Advisory Council
BPSOU	Butte Priority Soils Operable Unit
B-SB	Butte-Silver Bow
<i>Draft Work Plan</i>	<i>Draft 2005 UCFRB Restoration Work Plan</i>
<i>Final Work Plan</i>	<i>Final 2005 UCFRB Restoration Work Plan</i>
NRDP	Natural Resource Damage Program
RPPC	<i>Restoration Plan Procedures and Criteria</i>
UCFRB	Upper Clark Fork River Basin

STATE OF MONTANA'S RESPONSES TO PUBLIC COMMENTS ON THE *DRAFT 2005 UPPER CLARK FORK RIVER BASIN RESTORATION WORK PLAN* (December 2005)

Introduction

On September 8, 2005, the State of Montana released the *Draft 2005 Upper Clark Fork River Basin Restoration Work Plan (Draft Work Plan)* for public comment. The State advertised the release of this plan for public comment in three newspapers in the Upper Clark Fork River Basin (UCFRB) and posted it on the Montana Natural Resource Damage Program's (NRDP) website. In addition, the State sent either copies of the plan or notices that it was available to individuals or entities that, in the past, have demonstrated a special interest in this matter. Those individuals included grant applicants, members of the UCFRB Remediation and Restoration Education Advisory Council (Advisory Council), environmental groups, members of the public, and local governmental entities in the Basin.

A total of 25 individuals, including representatives of 6 entities, submitted formal comments during the public comment period. The State held a public hearing on the *Draft Work Plan*. Fifteen individuals commented at the Butte hearing held on October 4, 2005. The State received ten comment letters before the public comment period closed on October 7, 2005. Appendix 1 provides summary tables on the comments and copies of the public comment letters and hearing transcripts.

This document provides the State's responses to these comments. The NRDP has prepared these responses on behalf of the Governor based on his final funding decisions.

Each of the comment letters and hearing comments have been numbered and each comment has been assigned an alphabetic designation so that readers of this document can readily refer to the precise text of the various comments to which the NRDP is responding. Similar comments are listed and addressed together. Under the "Category" heading, the NRDP summarizes these comments. Under the "Response" heading, the NRDP indicates what changes, if any, will be made to the *Draft Work Plan* and incorporated into the *Final 2005 Upper Clark Fork River Basin Restoration Work Plan (Final Work Plan)*.

Appendix 2 contains the letters that were received before the *Draft Work Plan* was submitted for public comment. Those letters were summarized in the *Draft Work Plan*.

CATEGORY 1: Support for the Big Butte Acquisition Project. The NRDP received 13 comments from 12 individuals, including representatives of 5 entities, supporting the Big Butte Acquisition Project. (See Letters 1B and 2A; Public Hearing Comments PH-1A, PH-3A, PH-4B, PH-5A, PH-6B, PH-6F, PH-6G, PH-7B, PH-9B, PH-10, PH-11B, PH-12B, and PH-13B.) Reasons provided for support include, but are not limited to:

- Without protection, Big Butte will continue to deteriorate mostly from off-road vehicles.
- The Big Butte functions for the people of Butte, the same way that Mt. Jumbo does in Missoula.
- It is a place to invite nature and wildlife values into our backyards.
- We have a heritage of being a part of Montana, a beautiful place with wildlife and open spaces and nature coming into our backyard. Acquiring Big Butte is a major step in celebrating, not only our heritage as a mining town, but our heritage as a Montana town with open space and beauty available.

Prior to the public comment period, the NRDP received 6 letters of support for the Big Butte project and a petition with 24 signatures. These letters are provided in Appendix 2.

RESPONSE: The Governor has approved the Big Butte Acquisition project for funding as recommended in the *Draft Work Plan*. These commenters' support of this project will be noted in the *Final Work Plan* under the NRDP's analysis of the "Public Support" criterion of this project in Appendix A of this work plan. In total, the NRDP received 19 support comments and a support petition with 24 names for this project, which is indicated in the *Final Work Plan*. The *Draft Work Plan* generally covers the benefits of this project highlighted by these comments under the "Relationship of Expected Costs to Expected Benefits" criterion and other criteria discussions. Therefore, no other changes will be made to the criteria evaluations based on these comments.

COMMENT: One commenter voiced the hope that restoration dollars would be spent on revegetation to address sedimentation problems caused by off-road vehicle use. (See Public Hearing comment PH-6G.)

RESPONSE: The acquisition area will be designated non-motorized with the exception of approximately 76 acres located on west of the Whiskey Gulch road. Motorized use will be allowed in this area on only the two main access roads and existing trails. Butte-Silver Bow will manage impacts from motorized use. Signs will be erected to compel users to stay on existing roads and trails. Soil erosion and vegetation damage will be monitored to determine the need for further regulation or management changes.

In order protect the area from further physical degradation, Butte-Silver Bow intends on hiring a contractor experienced in trail design to complete analysis of the current trail system. Field surveys will outline the appropriate classification (e.g., such as hiking and mountain biking) and specific trail action such as maintenance, re-design, obliteration, or abandonment.

Based on the trail survey results, certain existing trails will need to be obliterated. Trail obliteration involves scarification (breaking up the harden crust), contouring the surface, out-sloping the land for runoff control, fertilizing, and re-seeding with native species seeds. Project funding includes \$74,049 for initial protection measures such as fencing, signage and trail work. They have indicated that they intend to seek additional grant sources besides NRDP for long-term rehabilitation, trail and protection work. In addition, Butte-Silver Bow also agrees to assume the long-term operations and management responsibility for the Big Butte Open Space.

COMMENT: One commenter requested that covenants be placed on the Big Butte property to ensure the land is open to all Montanans as open space. (See Letter 1B.)

RESPONSE: This commenters' support of the project will be noted in the *Final Work Plan* under the NRDP's analysis of the "Public Support" criterion of these projects in Appendix A of this work plan. No additional changes are needed as a result of this comment. If this project is given final approval by the Governor, Butte Silver-Bow would request the Council of Commissioners to change the designation of the Big Butte Area to open space. In addition, they intend to finalize and adopt the Big Butte Open Space Operations and Management Plan. The NRDP has placed a funding condition on this acquisition requiring approval of the final Operations and Management Plan to verify that it is consistent with what was represented in the application process, namely that the area would be maintained as open space for low-impact recreation.

CATEGORY 2: Support for multiple projects. The NRDP received 10 comments from 5 individuals and 3 entities voicing support for more than one project. (See Letter 2A; Public Hearing comments PH-3A, PH-3B, PH-4A, PH-5A, PH-6B, PH-7A, PH-8C, PH-9A, PH-11A, and PH-13A.)

RESPONSE: The Governor has approved all seven projects for funding. These commenters' support of the projects will be noted in the *Final Work Plan* under the NRDP's analysis of the "Public Support" criterion for each of the projects in Appendix A of this work plan.

COMMENT: One commenter voiced support for the Duhamé project and the German Gulch project but noted that he would like to see "some action" in Deer Lodge County. (See public hearing comment PH-8C.)

RESPONSE: This comment is outside the scope of the *Draft Work Plan*, thus no changes will be made as a result of this comment. To date, the State has funded a total of 42 projects totaling \$29 million dollars. Of this total, 12 projects totaling \$12 million are projects that are located in Deer Lodge County, which amounts to 40% of the total restoration dollars spent.

COMMENT: One commenter noted that the funding the 2005 grants would not only be one step toward restoring damaged resources, but will also be creating opportunities for students with the Clark Fork Watershed Education Program to get involved with these projects, giving them

tangible ownership in the restoration of the watershed. (See Letter 2A and Public Hearing comment PH-3-B.)

RESPONSE: These commenters' support of the projects will be noted in the *Final Work Plan* under the NRDP's analysis of the "Public Support" criterion of these projects in Appendix A of this work plan.

CATEGORY 3: Support for the Duhome Project. The NRDP received 15 comments from 15 individuals, including representatives of 6 entities supporting the Duhome project. The NRDP also received additional support petitions containing 197 names. (See Letters 2A, 3, 4, 5, 6, 7, 8, 9, 10; Public Hearing comments PH-1B, PH-2B, PH-3A, PH-5A, PH-5C, PH-6B, PH-6C, PH-6D, and PH-8A.) Reasons provided for support include, but are not limited to:

- It is prime wintering area for mule deer and elk.
- It is an obvious extension to the game range and to Silver Bow Creek.
- The property borders the German Gulch project and also borders both sides of German Gulch.
- The property provides historic winter range for elk and provides habitat for other wildlife populations.
- Because the property borders 4 miles of Silver Bow Creek in Durant Canyon, it will increase aesthetic values provided by the Greenway trail through the Canyon.
- The acquisition will provide aesthetic and recreational value for generations to come.

Prior to the public comment period, the NRDP received 28 letters of support for the Duhome project and a support petition with 196 signatures. These letters are provided in Appendix 2.

RESPONSE: The Governor has approved the Duhome project for funding at the requested amount, subject to certain funding conditions. These commenters' support of this project will be noted in the *Final Work Plan* under the NRDP's analysis of the "Public Support" criterion of these projects in Appendix A of this work plan. In total, the NRDP received 43 support comments and a support petition with 393 names, which will be indicated in the *Final Work Plan*. The NRDP notes a correction to the comment regarding German Gulch—the Duhome property is close to but does not directly border German Gulch.

COMMENT: Pat Munday, representing the George Grant Chapter of Trout Unlimited (GGTU), requests that the NRDP find every possible means to resolve the outstanding issues associated with the appraisal of the Duhome property so the State does not lose the opportunity to acquire this important property for public ownership. He characterizes these issues as "seeming technicalities." (See public hearing comment PH-6D.)

RESPONSE: The support of the GGTU group for the Duhome project was noted in the *Draft Work Plan* and will be so noted in the *Final Work Plan* (see above response to comment # PH-6C.) No other changes will be made to the *Draft Work Plan* as a result of this comment.

The NRDP disagrees with the commenter's characterization of the outstanding appraisal issues as "seeming technicalities." The deficiencies associated with the fair market valuation of the property that are summarized in the *Draft Work Plan* are substantive, not minor. As a representative of the Trustee, the NRDP has a duty to protect the corpus of the Restoration Trust Fund and to see that money from that fund is properly spent. The State's *Upper Clark Fork River Basin Restoration Plan Procedures and Criteria* requires the State to "evaluate whether the land, easements or other property interests proposed to be acquired are being offered at fair market value." The NRDP obtained a new appraisal because the purchase price proposed in the application was not based on a valid appraisal.

The Greenway Service District's proposed purchase price for the property is the sum of the fair market value determined in a January 2005 appraisal and a separately derived valuation of the merchantable timber on the property. This additive methodology does not constitute a valid fair market valuation of the property as a whole (i.e., with the timber on it). Rule 1-4(e) of the *Uniform Standards of Appraisal Practice* states: "An appraiser must analyze the effect on value, if any, of the assemblage of the various estates or component parts of a property and refrain from valuing the whole solely by adding together the individual values of the various estates or component parts." According to the original appraiser, the January 2005 appraisal did not consider the merchantable timber to be on the property and the property, including the timber, was not valued as a whole. Therefore, this earlier appraisal was not a valid appraisal of the property being considered for acquisition.

The original appraisal was also completed without complete title and other due diligence information that can influence the fair market valuation of the property. It assumed that there are no encumbrances on the property; however, through its evaluation of the application the NRDP discovered that a "no build" covenant covers about 270 acres of the property along Silver Bow Creek. The covenant contains an indemnification clause that requires the Duhames and any subsequent landowners of this portion of the property to indemnify ARCO and release ARCO from certain liabilities; the State cannot agree to such indemnification. At the time of the NRDP's decision to require a new appraisal, a cell tower lease was being considered which would have further encumbered the property. Under this proposal, the lease proceeds would have gone to the Duhames but the burdens of maintaining the lease would have been borne by subsequent landowners. While the lease proposal was later withdrawn, it was another factor that was not considered in the original appraisal that could have affected the property valuation. Furthermore, the original appraisal assumed there is legal access to the property; however, further title work and investigation has shown that legal, vehicular access to the property does not exist. Finally, the original appraisal did not acknowledge or consider the existence of mine tailings on a portion of the property.

For all these reasons, the NRDP required a new appraisal of the property. The commenter requests that the NRDP find every possible means to resolve the outstanding issues associated with the appraisal. Since the NRDP's initial evaluation of this project for the July 2005 *Pre-Draft Work Plan*, most of the uncertainties associated with appraisal and title work have been resolved. The State's 10/21/05 appraisal concluded a value of \$1,275,000. Title work completed in September 2005 verified that legal access did not exist to the property, and the new appraisal reduced the estimated value of the property because of the lack of legal access. In his

final funding decision, the Governor settled these issues of purchase price and legal access by approving the project for funding at requested amount of \$1,643,809, subject to the Duhames obtaining legal access to the Duhome property from a third party that would provide FWP access to the property in a manner acceptable to it.

CATEGORY 4: Support for the Greenway project. The NRDP received 5 comments from 5 entities supporting the Greenway project. One commenter noted that the Greenway is important from a watershed prospective, particularly because of the natural resource amenities and the stream restoration amenities that the Greenway is adding to Silver Bow Creek. (See Letter 2A; Public Hearing comments PH-2A, PH-3A, PH-5A, PH-6B, and PH-6E.)

Prior to the public comment period, the NRDP received 2 letters of support for the Greenway project. Those letters are provided in Appendix 2.

RESPONSE: The Governor has approved the Greenway project for funding as recommended in the *Draft Work Plan*. These commenters' support of this project will be noted in the *Final Work Plan* under the NRDP's analysis of the "Public Support" criterion of these projects in Appendix A of this work plan. In total, the NRDP received 7 support comments for the Greenway project, which will be indicated in the *Final Work Plan*.

CATEGORY 5: Support for the German Gulch project: The NRDP received 4 comments from 3 entities and 1 individual in support of the German Gulch project. (See Letter 2A; Public Hearing comments PH-3A, PH-5B, PH-6A, and PH-8B.)

Prior to the comment period, the NRDP received 12 letters of support for this project. Those letters are provided in Appendix 2.

RESPONSE: The Governor has approved the German Gulch project as recommended in the *Draft Work Plan*. These commenters' support of this project will be noted in the *Final Work Plan* under the NRDP's analysis of the "Public Support" criterion of these projects in Appendix A of this work plan. In total, the NRDP received 16 support comments for the German Gulch project, which will be indicated in the *Final Work Plan*.

CATEGORY 6: Support for the Butte and Anaconda Waterline projects. The NRDP received 2 comments from 2 individuals supporting the waterline projects. (See Public Hearing comments PH-12A , PH-15A and PH-15B.)

Prior to the public comment period, the NRDP received 2 letters of support for the Butte water project and 5 letters of support for the Anaconda project. These letters are provided in Appendix 2.

RESPONSE: The Governor has approved the Butte and Anaconda Waterline projects as recommended in the *Draft Work Plan*. These commenters' support of these waterline projects will be noted in the *Final Work Plan* under the NRDP's analysis of the "Public Support" criterion of these projects in Appendix A of the work plan. In total, the NRDP received 4

support comments for the Butte Waterline project and 7 support comments for the Anaconda Waterline project, which will be indicated in the *Final Work Plan*.

COMMENT: A commenter indicated that there is rust coming from his bathtub and a “chuckhole” problem on 4th Street in Anaconda and he requested NRDP to look into these matters, which may be related to the waterline work. (See Public Hearing comment PH-15A.)

RESPONSE: These comments are not related to the *Draft Work Plan*; therefore, no changes to the in the *Draft Work Plan* are necessary. The NRDP did request Anaconda Deer Lodge County investigate the rust and road problems. Both matters were satisfactorily resolved.

CATEGORY 7: Support for the Butte Master Plan project. The NRDP received 2 comments from 2 individuals, both representing the Clark Fork Watershed Education Program (CFWEP), in support of the Butte Master Plan project. (See Letter 2B and Public Hearing comment PH-3A.)

Prior to the public comment period, the NRDP received 2 letters of support for the Butte Master Plan project. These letters are provided in Appendix 2.

RESPONSE: The Governor has approved the Big Master Plan for funding as recommended in the *Draft Work Plan*. These commenters’ support of this project will be noted in the *Final Work Plan* under the NRDP’s analysis of the “Public Support” criterion of these projects in Appendix A of the work plan. In total, the NRDP received 4 support comments for the Butte Master Plan project, which will be indicated in the *Final Work Plan*.

CATEGORY 8: Opposition to Butte infrastructure projects. The NRDP received 1 comment from an individual in opposition to Butte infrastructure projects and any other community infrastructure repairs or upgrades in Butte. Reasons for the commenter’s opposition are summarized as follows:

- More funds need to be spent on the tributaries of Silver Bow Creek and other downstream communities verses in Butte because other sites are more impacted than Butte.
- Butte water users should have to pay for the infrastructure improvements.
- Butte-Silver Bow (B-SB) is doing a poor job in water conservation, such as in not implementing mandatory metering. The NRDP is supporting this activity by funding a wasteful local government.
- B-SB signed a pact with Atlantic Richfield Company on Butte Priority Soils Operable Unit (BPSOU) cleanup that, in his opinion, will perpetuate continuing damage to Silver Bow Creek. This should disqualify B-SB from NRDP funding.
- B-SB infrastructure projects should be funded only after all other work in the Basin is completed.
- NRDP should be monitoring the construction activities to ensure that work is being done correctly.
- It is unclear who is responsible for failure of the funded waterline in the future due to shoddy work.

RESPONSE: For purposes of the response, NRDP will assume that the commenter also opposes the Butte Master Plan. The commenters' opposition to the Butte Waterline and Butte Master Plan projects was noted in the *Draft Work Plan* under the State's analysis of the "Public Support" criterion and will be noted again in the *Final Work Plan*. The State disagrees with the reasons provided for not funding these projects, which the Governor has approved for funding as recommended in the *Draft Work Plan*.

The Butte community may rightfully seek to benefit from the expenditures of NRD funds primarily because the damages recovered for injuries to natural resources covered in the Montana v. ARCO 1998 partial settlement included damages for injury to groundwater and surface water in the Butte area. The Butte Waterline and Butte Master Plan projects similarly address injured resources for which remediation and restoration had been determined to be technically impracticable in the State's *1995 Restoration Determination Plan* and EPA's Record of Decision for the Butte Hill bedrock aquifer.

Repair of leaking waterlines in Butte constitutes the public's replacement of both drinking water services and the past and future lost use values as a result of the groundwater contamination in the Butte Hill bedrock aquifer. By fixing the waterlines, the supply of drinking water is increased and that, in effect, in part replaces the supply of drinking water that has been lost as a result of the contamination. Also, since a groundwater aquifer acts as an underground drinking water transport facility, replacing leaking pipelines for drinking water transport purposes, in effect, also partially replaces these lost drinking water transport services. Repair of the leaking pipelines constitutes a form of compensatory restoration since such repairs compensate the public for the lost drinking water use and existence values. The Butte Master Plan will serve to determine the best alternatives for compensatory restoration. Given that this contaminated bedrock aquifer cannot be restored, it is appropriate to fund replacement of services lost due to this injury. This direct connection between lost services and the services these projects will replace is addressed in the Funding Recommendations (Section 4) and Project Criteria Narratives (Appendix A) in the *Draft Work Plan*.

The commenter states that Butte water users rather than the Restoration fund should have to pay for the infrastructure improvements. B-SB ratepayer's costs are presently significantly higher than other similar communities as the ratepayers pay off the \$40 million initial investment in system improvements conducted when B-SB acquired the dilapidated system in the early 1990's. For example, in a 2003 study of the monthly water rates of Montana's cities with populations over 7,500 based on 10,000 gallons of water used, Butte's water rate of \$65.58/10,000 gal was the highest and more than two times the rate of the next highest cities, Bozeman (\$33.74/10,000 gal.) and Helena (\$33.76/10,000 gal).¹ The NRDP has classified these projects as ones that augment normal agency function, but does not replace it, since communities typically rely on a combination of grant funds and user fees for such infrastructure projects.

The commenter states that more conservation by B-SB should be required, including mandatory metering. Requiring mandatory metering is outside the scope of the *RPPC*, though

¹ *Survey of Water, Wastewater and Solid Waste Facility Rate in Montana*: by Department of Commerce July 2, 2003.

the NRDP believes that B-SB should continue to expand the use of meters in order to conserve water. B-SB has expressed a strong desire to place meters throughout the City. Presently 45% of all system users are meters and all new connections require water meters, however, due to the severity of the present water problems facing the B-SB water system, such as leaking pipes, metering is not a high priority at this time. Nonetheless, the Butte Waterline and Butte Master Plan projects do contribute to conservation and protection of natural resources. As recognized in the *Draft Work Plan*, the benefits of the waterline project include the opportunity to conserve more water as a result of reduced leakage. Also, optimization and conservation of existing water resources from the current leaking water supply system in Butte is an effective means of protecting Butte's alternate water resources. The Butte Master Plan will consider water conservation as part of the analyses of optimizing future water system improvements, including any proposed changes to metering requirements. B-SB will provide the opportunity for public comment on the master plan when it has been completed and this is the appropriate public forum for consideration of mandatory metering.

The commenter states that Butte infrastructure projects should have a lower priority than other projects in the basin. The Butte Waterline Project's priority was judged against other grant projects submitted this year, similarly to how it was judged in the past four years. To date, the ranking of a project recommended for funding has not affected whether or not it is funded because the total recommended for funding has not exceeded the annual funding cap. A possibility exists that in the future, other projects deemed as having a higher priority would be funded and B-SB's infrastructure project would not, due to funding cap limitations. However, this determination is made on a year-by-year basis. Currently, the Trustee's policy is to spend only the interest revenues from the partial settlement between ARCO and the State of Montana for the natural resource damages in the Basin. This conservative spending policy was adopted since litigation remains to be resolved for three injured areas. Since the annual grant funding approved to date has been below the annual interest earned, the current Restoration Fund balance of \$156 million is substantially more than the \$118 million in damages awarded in 1999. The NRDP believes this conservative spending policy adequately addresses concerns of the commenter and others about the need to reserve monies for injured natural resources impacted by mining in the Basin.

The commenter also opposes the funding of the project due to the B-SB's present or past positions on environmental issues and contributions to environmental impacts in the area. An example provided was B-SB's negotiation with ARCO specific to BPSOU. These issues are not a part of the grant evaluation process and are outside the scope of the *Restoration Work Plan*.

The commenter also states that past construction work has been inadequate and therefore the NRDP should not fund future activities. As part of the process, the NRDP evaluates the ability of an applicant to successfully complete the project in the Technical Feasibility section of the evaluation in the *Draft Work Plan*. The NRDP determined this project to be reasonably feasible and likely cost-effective primarily based on similar past construction activities. As of December 2004, B-SB has replaced approximately 285,000 feet of transmission and system upgrades that exceeded \$47 million. B-SB successfully implemented 3 years of waterline replacement projects funded by the NRDP and is currently implementing the Year 4 project. Since the commenter gave no specifics on what work was inadequate, and since the NRDP does

not have information supporting this claim of inadequacy, there is not a basis to judge B-SB as incapable of conducting the funded work. Therefore the project is deemed reasonably feasible.

B-SB is responsible to complete the waterline project as proposed in the application. Defects in the construction are ultimately B-SB's responsibility, and the B-SB construction contractor is under contract to complete the work as specified, with the oversight engineer responsible in ensuring that the contractor completes the work as specified. Additional oversight by NRDP would be an unwarranted expense.

The commenter questions if NRDP will be responsible for funding of future waterline replacement if the construction is substandard. The indemnity and liability clause in the contract between B-SB and NRDP ensures that NRDP will not be responsible for replacement of the waterlines due to substandard construction. Typically construction activities have a one-year warranty by the contractor. There are other professional license requirements that could hold the project engineer responsible for errors or omissions in the design or oversight of the project. B-SB has a 15-year plan, which started in 2002, to replace water lines system-wide to address the long-term maintenance problems of the system. This 15-year effort, combined with improvements made by B-SB between 1992 and 2001 (independent of NRDP funding), would replace a total of 255,000 feet of waterline, would represent about 40% of the entire water distribution system and about half of the sections in most need of replacement. Although this effort lags behind the accepted rule-of-thumb for a waterline replacement of 1% each year, the project would achieve substantial progress toward getting the community's infrastructure needs met. Longer-term problems and future waterlines replacement projects will be evaluated by the NRDP on a year-to-year basis.

CATEGORY 9: Support for recreation projects. The NRDP received 1 comment from 1 entity expressing the desire for increased recreational opportunities such as fishing, hunting, hiking, and bird watching. (See hearing comment PH-14.)

RESPONSE: These comments will be noted; however, since these comments are not specifically related to the *Draft Work Plan* no changes to the in the *Draft Work Plan* are necessary. Restoration can be and have been used for such enhanced recreational opportunities.

APPENDIX 1

Guide to Comments and Public
Comments Received During the
Comment Period

List of Letters

Letter No.	Organization	Author	Date
1		Tom Bowler	4/12/05*
2	CFWEP	Matt Vincent	10/04/05
3		J. LeFever	9/12/05
4		Phil Madrozo	9/12/05
5		Dan Krzan	9/12/05
6		James Maloney	9/12/05
7		Mike Stefanac	9/12/05
8		Mary LeFever	9/12/05
9		Jack Henry	9/12/05
10		Terry Kivela	9/12/05

*Although this letter was received before the public comment period commenced, the NRDP is formally responding to it in the response document as if it had been submitted during the public comment period.

List of Public Hearing Comments

Comment No.	Organization	Commenter	Date
PH-1	Skyline Sportsmen	Richard Douglas	10/04/05
PH-2	Greenway Service District	Joe Shoemaker	10/04/05
PH-3	CFWEP	Kyle Gunderman	10/04/05
PH-4		Dan Harrington	10/04/05
PH-5		Tony Schoonen	10/04/05
PH-6	George Grant Trout Unlimited	Pat Munday	10/04/05
PH-7		Jim Daily	10/04/05
PH-8	Anaconda Sportmen	Lorry Thomas	10/04/05
PH-9		Rich Penhaligen	10/04/05
PH-10		Sherry Vogel	10/04/05
PH-11		Andrea Stierle	10/04/05
PH-12		Susanne Nordwick	10/04/05
PH-13		Jack Hollow	10/04/05
PH-14	Public Lands/ Water Access Association	Tony Schoonen	10/04/05
PH-15		Ernest Edwards	10/04/05

PUBLIC COMMENT SUMMARY TABLE

Category 1: Support for the Big Butte Acquisition Project	Letters 1B and 2A; Public Hearing Comments PH-1A, PH-3A, PH-4B, PH-5A, PH-6B, PH-6F, PH-6G, PH-7B, PH-9B, PH-10, PH-11B, PH-12B, PH-13B
Category 2: Support for Multiple Projects	Letter 2A; PH-3A, PH-3B, PH-4A, PH-5A, PH-6B, PH-6F, PH-7A, PH-9A, PH-11A, PH-13A
Category 3: Support for the Duhamel Project	Letters 2A, 3, 4, 5, 6, 7, 8, 9, 10; PH-1B, PH-2B, PH-3A, PH-5A, PH-5C, PH-6B, PH-6C, PH-8A
Category 4: Support for Greenway project	Letter 2A; PH-2A, PH-3A, PH-5A, PH-6B, PH-6E
Category 5: Support for German Gulch project	Letter 2A; PH-3A, PH-5B, PH-6A, PH-8B
Category 6: Support for the waterline projects	PH-12A, PH-15A, PH-15B
Category 7: Support for the Butte Master Plan	Letter 2B and PH-3A
Category 8: Opposition to Butte Infrastructure projects	Letter 1A
Category 9: Support for Recreation projects	PH-14

APPENDIX 2

Comment Letters Received Before Public Comment Period

Is available upon request from the
Natural Resource Damage Program

(406) 444-0205 or nrdp@mt.gov