DRAFT

Libby Asbestos Operable Unit 3
Interim Restoration Plan

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State of Montana
Natural Resource Damage Program

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Attachments

1.0 INTRODUCTION AND BACKGROUND

1.1 Introduction

In 2023, the court entered a Settlement Agreement between the State of Montana and W.R. Grace (Grace; the Responsible Party) that resolved the remainder of the State's claim in Grace's bankruptcy. The Settlement Agreement included $18.5 million in natural resource damages (NRD) to restore, rehabilitate, replace, or acquire the equivalent of the State natural resources injured by the operations in or relating to Operable Unit 3 of the Libby Asbestos Superfund Site. The $18.5 million will be paid to the State over 10 years and installments will be placed in the Libby Asbestos OU3 Restoration Fund, a State of Montana special revenue fund created for the settlement.

Natural resource damages under the federal Superfund law Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; 42 U.S.C. §§ 9601 *et seq.*) and the Montana Superfund law Comprehensive Environmental Cleanup and Responsibility Act (CECRA; MCA §§ 75-10-701 *et seq.*) are designed to compensate the public for injuries to natural resources caused by the release of hazardous substances. The Governor of the State of Montana is the Trustee for State natural resources. The Trustee is entitled to recover "damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from" the release of a hazardous substance (42 U.S.C. § 9607(a)(4)(C)). Natural resources include land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the State (42 U.S.C § 9601(16)).

The Montana Natural Resource Damage Program (NRDP), acting on behalf of the Governor as trustee, has prepared this *Draft Libby Asbestos Operable Unit 3 (OU3) Interim Restoration Plan* (IRP) to describe how the State of Montana will use natural resource damage funds from the Settlement Agreement before a final Restoration Plan is developed.

1.2 Site Background

The Zonolite Mountain Mine, located near the town of Libby, Montana, was a vermiculite mine that operated from the 1920s through 1990. Vermiculite from the mine was contaminated with a toxic and highly friable form of asbestos. Mining operations caused asbestos and non-asbestos contamination at the mine site and surrounding area, which led to its listing on the Superfund program National Priorities List in 2002. The Libby Asbestos Superfund Site consists of eight operable units (OUs); all OUs except OU3 have been remediated, with operations and maintenance on-going.

OU3 is the former mine area and the surrounding property where contamination has come to be located. The exact boundaries of OU3 are currently under development as Grace and Environmental Protection Agency (EPA) continue to develop the feasibility study and remedial design. Asbestos fibers were released from the site through the mining and milling process. Non-asbestos contaminants are also present in OU3 from the mining and milling process, various chemical reagents used in processing, and a historic landfill. Releases of hazardous substances injured natural resources in and around the mine site and limited the services those resources provide.

Grace, with oversight from EPA, is currently developing the feasibility study that will be used to evaluate a final remedy for OU3. The Record of Decision will describe the final remedy.

1.3 Summary of the Injury

The State did not conduct a formal natural resource damage assessment at the Site due to the nature of the settlement agreement negotiations. Instead, existing data were used to evaluate the nature of potential natural resource injuries and lost services. Exhibit E to the Settlement Agreement describes the data used in this evaluation and is provided as Attachment A. A summary of the injuries and service losses explained in Exhibit E is provided below.

Elevated concentrations of asbestos were found in the following site media:

- Surface water (Fleetwood Creek, Fleetwood Pond, Carney Creek, and Lower Rainy Creek);
- Seep water;
- Groundwater;
- Sediment pore water (Lower Rainy Creek);
- Sediment.

In addition, concentrations of non-asbestos contaminants exceeded screening levels and standards in surface water, groundwater, and sediments. Non-asbestos contaminants were not analyzed in sediment pore water. Non-asbestos contaminants mainly included metals (e.g., barium, lead, iron, chromium, copper, manganese, and vanadium) and polycyclic aromatic hydrocarbons.

The State natural resources injured or potentially injured by this contamination include:

- Small, large, and aquatic-dependent mammals;
- Birds;
- Fish;
- Reptiles and amphibians;
- Aquatic invertebrates;
- Terrestrial invertebrates;
- Terrestrial and aquatic plants; and
- Wetland and upland habitats.

In addition, the following natural resource services were reduced:

- Habitat for biological resources;
- Fishing, particularly recreational fishing below the ordinary high-water mark;
- Drinking water supply;
- Non-consumptive uses such as wildlife viewing, photography, and outdoor recreation activities below the ordinary high-water mark;
- Primary and secondary contact recreational activities (swimming and boating) below the ordinary high-water mark; and
- Option and existence values.

The natural resource damages recovered in the Settlement must be used to restore, replace, rehabilitate, or acquire the equivalent of these injured resources and the services they provide as outlined in the Settlement Agreement.

1.4 Summary of the Settlement Agreement

Grace filed for Chapter 11 Bankruptcy in 2001. The Montana Department of Environmental Quality (DEQ) filed a claim in the bankruptcy, which was partially settled in 2008 for all OUs except OU3. In March 2023, the State of Montana and Grace reached a Settlement Agreement for OU3 that resolved the remainder of the State's claims in Grace's bankruptcy, including $18.5 million in natural resource damages to be paid to the State over ten years:

- The first installment ($5 million) was due within 180 days of the settlement agreement effective date;
- The remaining balance is to be paid in nine annual installments of $1.5 million plus 4.19% interest on the unpaid balance.

The Settlement Agreement includes the following provisions related to the use of natural resource damages:

- Restoration projects within Lincoln County will be prioritized;
- Restoration projects within OU3 must meet the following requirements:
    - Design and construction of restoration projects within OU3 may not begin until EPA has certified completion of all remedial action construction in OU3 unless projects are integrated with remedial action;
    - May not hinder remedy or increase the cost of remedial action work, Kootenai Development Impoundment Dam (KDID) Operations and Maintenance, KDID spillway, or mine reclamation activities;
    - May not hinder, interfere with, or adversely impact use and enjoyment of OU3 property.
    - All restoration actions must be evaluated in accordance with the legal and policy criteria contained within Exhibit E of the Settlement Agreement; these requirements are discussed in greater detail in Section 2.1.

The requirements of the Settlement Agreement are consistent with the natural resource damage provisions of CERCLA and associated regulations, which specify that any damages recovered from natural resource damage lawsuits may only be used to restore, replace, rehabilitate, or acquire the equivalent of the injured resources that were the subject of the settlement. This includes planning, design, implementation, oversight, operations and maintenance, monitoring, permitting, administrative, program, legal, technical, and all other related costs, and to reimburse the State for natural resource damage assessment costs.

1.5 Purpose and Scope of this Document

Prior to spending NRD funds, the Trustee must complete a restoration plan and consider public input. The restoration plan must specify how funds will be spent and include an evaluation of restoration alternatives.

Restoration is the residual of the final remedy. Because the final remedy for OU3 is not yet identified (refer to Section 1.2), primary restoration needs for OU3 are not yet fully known. NRDP has prepared this IRP to describe how settlement funds will be used and managed prior to developing a final restoration plan, and the process NRDP will use to develop a final restoration plan. This IRP was developed by NRDP,

acting on behalf of the Governor of Montana (Trustee), and is based on the NRD provisions in the state and federal superfund law and the settlement agreement.

1.6 Use of NRD Funds Prior to the Final Restoration Plan

The following sections describe work that will be performed, utilizing NRD funds, prior to finalizing the Restoration Plan. This includes:

- Early Restoration (Section 2)
- Coordination with OU3 Remedy (Section 3)
- Restoration Plan Development (Section 4)
- Public Participation (Section 5)
- Budgeting and Administration (Section 6)

2.0 EARLY RESTORATION ACTIONS

CERCLA provides that prior to spending NRD funds, trustees must prepare a comprehensive restoration plan that provides for the expenditure of such funds on appropriate projects that would restore, replace, rehabilitate, or acquire the equivalent of the injured or lost natural resources that were the subject of the NRD claim. However, the final remedy for OU3 is not yet known, so the full extent of the residual injury following response at OU3 is also currently unknown. NRDP will not develop the final Restoration Plan until the final remedy is selected, at the earliest. Rather than implementing no restoration until that time, though, this IRP includes a process for identifying and funding "early restoration" projects, or projects that can be completed before the final Restoration Plan is developed. Early restoration projects must begin to restore the injured State natural resources and services provided, thereby reducing the overall time and extent of the injury, and/or compensate the public for the lost use of natural resources and the services they provide.

To solicit early restoration projects, NRDP coordinated with resource managers in Lincoln County and held a public scoping period from October 18 to November 20, 2023. In addition to the projects identified by resource managers, six early restoration project proposals were received from the public. Proposals were evaluated according to legal and policy criteria, as required by the Settlement Agreement, as well as supplemental criteria and eligible projects were selected for implementation.

2.1 Early Restoration Project Requirements

All early restoration projects must comply with the legal requirements for use of natural resource damages. The use of NRD funds is restricted by State and Federal Superfund laws to restore, replace, rehabilitate, or acquire the equivalent of the injured resources and their services and related implementation costs. The 2023 Settlement Agreement also requires that natural resource damages from the settlement must be used "solely to restore, replace, rehabilitate, or acquire the equivalent of injured natural resources and services in or related to OU3 or the Lincoln County area, and support therefor, including costs for State restoration plan development and implementation, and administrative, program, legal, technical, and all other related costs, to the extent lawful under CERCLA or CECRA[.]" (2023 Settlement Agreement at 19).

The following sections describe eligibility requirements for early restoration projects and evaluation criteria (legal criteria, policy criteria, and supplemental criteria). Project proposals that met eligibility criteria were evaluated according to legal and policy criteria contained in Exhibit E of the Settlement Agreement. These criteria are binding at this site due to their inclusion in the Settlement Agreement. The

source of the legal criteria in Exhibit E is 43 C.F.R. § 11.82(d); the policy criteria have been developed by the State to promote State of Montana goals. In addition, the Trustee implemented supplemental criteria for early restoration projects.

2.1.1 Eligibility Criteria

NRDP developed the following eligibility criteria based on legal requirements of CERCLA and CECRA as well as the 2023 Settlement Agreement. In order to be considered for early NRD funding, projects must:

1) Restore, replace, rehabilitate, or acquire the equivalent of the injured resources and services in or related to OU3;
2) Be located within Lincoln County;
3) Be time-critical, merit expedited funding, and capable of being implemented within 24 months of Trustee approval of funding;
4) Not impact remedial actions within OU3 or have the potential to be impacted by future remedial actions; and
5) Be able to be completed with the funding available, including any committed and already available match funding.

All project proposals that met these criteria were evaluated according to evaluation criteria.

2.1.2 Legal Evaluation Criteria

Possible alternatives to return injured resources to their baseline are required to be considered and may "reflect varying rates of recovery, combinations of management actions, and needs for resource replacements[.]" (43 C.F.R. § 11.82(c)). NRD legal criteria pursuant to 43 C.F.R. § 11.82 are outlined in Exhibit E and must be used when evaluating restoration options at OU3. In applying these criteria to evaluate proposed restoration projects, the criteria are evaluated qualitatively rather than quantitatively. The importance of each criterion as applied to individual alternatives will vary depending upon the nature of the alternatives. The legal criteria are:

Technical Feasibility: This criterion evaluates the degree to which an early restoration action employs well-known and accepted technologies and the likelihood that the action will achieve its objectives. (43 C.F.R. § 11.14(qq)). Actions that are technologically infeasible will be rejected. However, actions that are innovative or that have some element of uncertainty as to their results may be approved. Different actions will use different methodologies with varying degrees of feasibility. Accordingly, the application of this criterion will focus on an evaluation of an action's relative technological feasibility.

Relationship of Expected Costs to Expected Benefits: This criterion examines whether the costs of an action to restore, rehabilitate, replace, and/or acquire equivalent resources are commensurate with the benefits provided. In doing so, the costs associated with a restoration action, including costs other than those needed simply to implement the action, and the benefits that would result from an action, will be determined. Application of this criterion is not a straight cost-benefit analysis, nor does it establish a cost-benefit ratio that is by definition unacceptable. Quantifying the benefits of a project will sometimes require collection of additional data or information and additional analysis.

Cost-effectiveness: This criterion evaluates whether a particular restoration action accomplishes its goal in the least costly way possible. As outlined in the natural resource damage regulations, cost-effectiveness means that when two or more activities provide the same or a similar level of benefits, the least costly activity providing that level of benefits will be selected (43 C.F.R. § 11.14(j)). To apply this criterion in a

meaningful fashion, all of the benefits a restoration action would produce must be considered, not just cost; otherwise the focus would be too narrow. Take the example of a restoration action that would fully restore a given resource in a short period of time compared to another restoration action that would restore the same resource at less cost but over a longer period of time. Considering only that the second action is less expensive than the first action ignores the benefits resulting from a relatively shorter recovery period. In this example, since an accelerated recovery time is a benefit, it would need to be factored into a determination of cost-effectiveness.

Results of Response Actions: This criterion would consider the results or anticipated results of CERCLA response actions underway or planned in OU3 after selection of the final remedy by EPA. Evaluation of this criterion requires assessment of response actions at an adequate level of detail in order to make projections as to their effects on natural resources and services. For restoration alternatives within OU3, this criterion will include consideration of what may be necessary in the way of restoration of resources and services in light of the ongoing and planned response actions and the degree of consistency between a restoration action and the response action(s).

Because the final remedy for OU3 has not yet been selected, NRDP will need to evaluate the location of the proposed project in relation to EPA's identified areas for potential future response actions.

Adverse Environmental Impacts: This criterion weighs whether, and to what degree, a restoration action will result in adverse human or physical environmental impacts. Specifically, NRDP will evaluate significant adverse impacts that could arise from the restoration action, short term or long term, direct or indirect, including those that involve resources that are not the focus of the project. To do so, the dynamics of a restoration action and how that action will interact with the environment must be understood.

Recovery Period and Potential for Natural Recovery: This criterion evaluates the merits of a restoration action in light of whether the resource is able to recover naturally (i.e., without human intervention) and, if a resource can recover naturally, how long that will take. Given that the final response action at OU3 has not been determined, NRDP will consider the recovery period following response actions to evaluate potential restoration projects in OU3. (The term "recovery" refers to the time it will take an injured natural resource to recover to its "baseline," (i.e., pre-injury condition), as both of those terms are defined in 43 C.F.R. § 11.14.)

Human Health and Safety: This criterion evaluates the potential for a restoration action to have adverse effects on human health and safety. Such a review will be undertaken not only to judge a particular action but also to determine if protective measures should be added to the restoration action to ensure safety.

Federal, State, and Tribal Policies, Rules, and Laws: This criterion considers the degree to which a restoration action is consistent with applicable policies of the State of Montana and applicable policies of the federal government and Tribes (to the extent the State is aware of those policies and believes them to be applicable and meritorious). In addition, a restoration action must be implemented in compliance with applicable laws and rules, including the Settlement Agreement.

2.1.3 Policy Evaluation Criteria

In addition to the legal criteria, the Settlement Agreement specified policy criteria to evaluate when considering prospective restoration projects. NRDP also uses these criteria to evaluate restoration projects throughout the state. Policy criteria identified in the settlement agreement are:

Normal government function: This criterion evaluates whether a restoration action involves activities for which a governmental agency would normally be responsible or that would receive funding in the normal course of events and would be implemented if recovered natural resource damages were not available.

Settlement funds may be used to augment funds available to government agencies, if such cost sharing would result in the implementation of a restoration action that would not otherwise occur through normal government function. Based strictly on this criterion, a project involving activities that would fall within normal government responsibilities may be ranked lower than a restoration action that does not fall within this category.

Price: NRDP will evaluate whether the land, easements, water rights, or other property interests proposed to be acquired are being offered for sale at or below fair market value. Consideration of this criterion will likely require NRDP to conduct its own appraisal of the property. If the appraisal process for an acquisition was not subject to initial State review and approval, NRDP will, at a minimum, conduct a review appraisal and may conduct a full appraisal.

Location: Restoration actions are generally geographically restricted. In this case, the State has agreed to prioritize restoration actions within Lincoln County (in which OU3 is located), subject to NRDP's required administrative decision-making process.

2.1.4 Supplemental Evaluation Criteria

Additional evaluation criteria may be utilized at the Trustee's discretion. For Libby Asbestos OU3 early restoration, NRDP also evaluated the following criteria:

Match funding: This criterion evaluates whether other entities have committed match funding for the proposed project. Match could be cash, in-kind, supplying materials, etc. Projects that can bring match funding may be ranked higher than projects that cannot.

Operations and maintenance: Any recreational project that requires long-term operations and maintenance must have another entity responsible for funding and implementing that work. Operations and maintenance for non-recreational projects will be evaluated on a project basis as part of the total cost of the project using the legal and policy criteria outlined above.

2.2 Early Restoration Alternatives

Before expending natural resource damages, a Restoration Plan must be developed that evaluates a range of alternatives for restoration, including the "no action" alternative, which is also consistent with the "no action" alternative evaluated under the Montana Environmental Policy Act. (MEPA; § 75-11-101 *et seq.*). The State received eight project proposals: six from the public and two from Montana Fish, Wildlife, and Parks (FWP). All of these proposals met eligibility criteria and were considered for early restoration. All of these proposals could be funded with the available natural resource damages, so each proposal was evaluated against the "no action" alternative according to the evaluation criteria to select which projects to implement.

Each project is summarized in the sections below and the proposals are provided in Attachment B. Evaluation of these projects against the "no action" alternatives are provided in Attachment C and summarized in Section 2.3.

2.2.1 Libby Creek Restoration Feasibility Study

Project Type: Restoration Aquatic/Riparian Habitat

Funding Requested: $315,000 (revised from $700,000)

Project Sponsor: Member of the Public

The goal of this project is to restore the riparian corridor of Libby Creek, which has been simplified and straightened resulting in loss and degradation of habitat for aquatic and terrestrial species. The project would restore aquatic/riparian habitat in Lincoln County. The land adjacent to Libby Creek was historically used for a lumber and plywood mill and the creek is now within two Superfund sites: Libby Asbestos Superfund Site (Operable Units 4 and 5) and Libby Ground Water Superfund Site. Restoration of Libby Creek would need to consider potential soil and sediment contamination from these two Superfund sites.

The proposed project outlines a phased approach to restoring Libby Creek, with the first phase being a feasibility study to determine if reconnecting Libby Creek to its historic floodplain is possible given the potential contamination and on-going actions at Libby Ground Water. If the results of the feasibility study show restoration potential for Libby Creek, the project could move to Phase 2 (design) and then Phase 3 (construction). Funding is only allocated for Phase 1 at this time.

Considering the uncertainty in this project related to coordination with other stakeholders and agencies as well as potential contamination, NRDP suggested a revision to the project scope to the project sponsor. The revised project proposal is to conduct a preliminary investigation prior to a feasibility study. This approach would include:

- Coordinating with stakeholders and agencies, including EPA, DEQ, Lincoln County, International Paper, Lincoln County Port Authority, US Fish and Wildlife Service, tribes, and any landowners adjacent to Libby Creek.
- Reviewing existing data from the Libby Asbestos Superfund Site and Libby Ground Water Superfund Site to better understand potential contamination at the site and any potential hydraulic connection between Libby Creek and the contaminated groundwater currently being addressed by the Libby Ground Water Superfund Site.

It is possible that there is not enough existing information to adequately characterize the site conditions. In that case, additional data collection may be needed such as groundwater and surface water elevation, groundwater modeling, and water and sediment sampling. The revised proposal allocates $315,000, which is expected to cover coordination with stakeholders and review of existing data, as well as additional data collection and modeling if needed. If this work shows that restoration of Libby Creek is feasible, additional funding would likely be needed in the future to conduct an engineering feasibility study and design and implement the restoration actions, possibly from future early restoration funding.

2.2.2 Balsam Street Pedestrian Pathway

Project Type: Replacement Recreational

Funding Requested: $650,000

Project Sponsor: Libby Park District

This proposal requested funding to construct a sidewalk, curb, and gutter along 1,300 feet of Balsam Street (between Cabinet Avenue and Gallatin Street). This road provides access to recreational areas within and near Libby, including Ski Dale Park, US Forest Service trails, and connection to the Norgard Trailhead and Flower Creek Recreation area. This project would replace lost or injured recreational resources and services in Lincoln County.

The proposed project has been designed and additional funds are needed for construction.

2.2.3 Lincoln County Park Manager

Project Type: Replacement Recreational

Funding Requested: $240,000 (revised from $380,000)

Project Sponsor: Libby Park District

The original proposal requested funding to hire a full-time Park Manager for the Libby Park District and fund the position for four years ($95,000 per year). The proposal stated the Park Manager would be a county employee, but in conversations with the project sponsor they clarified that the Park Manager would be a contracted employee for the Libby Park District. The Park Manager would operate and manage recreational assets and programs in the greater Libby area. This would include driving the continued development of 10 miles of non-motorized trail, finalizing the creation of a local swim pond, furthering the development of 200 acres of recreation property in the Libby Port Area, and operating and managing other new and existing recreation projects and facilities in the Libby Park District. The Park Manager would work on county parks, trails, arenas, stadiums, river access points, and aquatic facilities.

Because not all of this work is eligible for natural resource damage funding (e.g., arenas, stadiums, and aquatic facilities), the proposal was revised to request $60,000 per year for four years, with the intention of using natural resource damage funding to cover only the portion of the position related to recreation in Lincoln County, which are eligible NRD projects. The Park Manager is expected to spend approximately 2/3 of their time on recreational assets and 1/3 of their time on facilities maintenance. This project would replace lost or injured recreational resources and services in Lincoln County.

Long-term funding for the position will be available from the Community Recreation restricted fund, but this will not mature and provide dividends until 2029. This proposal would partially fund the position for four years, when permanent funding is anticipated to be available.

2.2.4 Flower Creek Waste Gravel Pile Removal

Project Type: Replacement Recreational

Funding Requested: $250,000

Project Sponsor: Libby Park District

This proposal requested funding to remove a gravel pile and install a parking area. The gravel pile was created during reconstruction of the Flower Creek dam. The area is near a Nordic ski facility, biathlon shooting range, and the Norgard trail and would improve access to these recreational areas. This project would replace lost or injured recreational resources and services in Lincoln County.

2.2.5 Improve Norgard Trailhead

Project Type: Replacement Recreational

Funding Requested: $110,000

Project Sponsor: Libby Park District

This project would improve the Norgard Trailhead and connect the trailhead to property owned by the Montana Department of Natural Resources and Conservation (DNRC). The work would provide a direct connection from the city of Libby to the historic Snowshoe trail system, which runs through the Cabinet Wilderness to the Leigh Lake trailhead. The project would involve constructing:

- A 40-foot by 80-foot paved parking lot at the Norgard Trailhead, along with a headgate and vault toilet;
- A trail from the trailhead to the adjacent DNRC property boundary. The trail would run through private property on a Lincoln County trail easement; and

- A headgate at the junction with DNRC property to prevent unauthorized motorized traffic.

This project would replace lost or injured recreational resources and services in Lincoln County.

The Lincoln County Road Department would lead the project. Progress has already been made on this project, including clearing necessary trees for the parking lot and connector trail. The vault toilet has been engineered and the vault has been set. The Lincoln County Road Department can also provide in-kind contributions in the form of machinery, gravel, and personnel. The Libby Park District would be responsible for long-term operations and maintenance of the project.

2.2.6 Kootenai River Recreation Management Plan

Project Type: Replacement Recreational

Funding Requested: $250,040

Project Sponsor: Lincoln County

This proposal requested funding for the Kootenai River Recreation Project, led by Lincoln County with multiple partners and stakeholders. The objectives of the project are to develop a sustainable Kootenai River Recreation Management Plan and designate a route along the Kootenai River as a nationally recognized water trail. The project intends to strengthen the capacity to manage river use and create recreation opportunities for local communities in order to improve equitable river access, foster a long-term conservation stewardship program, increase safety, and promote community connectivity. The Kootenai River Recreation Management Plan would assess the current state of access sites and serve as an action plan to implement improved river access, including restoring adjacent riverbanks and developing uniform signage to strengthen public education. This project would replace lost or injured recreational resources and services in Lincoln County.

There are three phases of the proposed project:

- **Phase 1 – Project Planning**: partner and public outreach and engagement, website development, Recreation Management Plan development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data;
- **Phase 2 – Project Implementation**: access site improvements, placement of signage, and development of economic opportunities and education/interpretation opportunities;
- **Phase 3 – Long-term Management**: maintain stewardship position to coordinate sustainable management and stewardship program.

This proposal requested funding for Phase 1 ($172,040) and one Phase 2 project ($78,000). The Phase 2 project would involve improvements to the Kootenai Vista Boat Ramp, a gravel boat ramp and parking area that provides an exit point for boaters who do not want to navigate more difficult portions of the river downstream. Funds are requested to install a vault toilet, which has already been scoped and budgeted.

Partial initial funding for this project has been secured through a grant from the Lincoln County Community Foundation, as well as in-kind contributions from Lincoln County, FWP, and Kootenai River Network. Lincoln County would lead this project. Lincoln County currently manages the Kootenai Vista Boat Ramp and would maintain any improvements made as part of this project. Numerous opportunities have been identified for potential to provide matching funds or in-kind contributions for this project.

2.2.7 Redband Trout Broodstock Development

Project Type: Replacement Aquatic

Funding Requested: $750,000

Project Sponsor: FWP

This project was proposed by FWP and would establish infrastructure for native redband trout broodstock development and management for production of fish for recreational fishing opportunities and conservation and restoration actions. This project would replace lost or injured aquatic resources within Lincoln County.

Columbia River redband trout (redband trout) are a subspecies of rainbow trout native to the Kootenai River drainage in northwest Montana. FWP estimates that redband trout that are introgressed <10% currently occupy 20.6% of their historically occupied habitat in Montana and non-hybridized populations only remain in portions of three drainages. The management goals for Columbia River redband trout include maintaining the existing distribution and genetic diversity of remaining populations and developing conservation plans and projects that ensure the long-term, self-sustaining persistence of this subspecies in Montana. Currently, collaborative management efforts include assessing and monitoring remaining populations, protecting important habitats, and developing long-term conservation strategies, such as reintroduction and the removal of, and isolation from, non-native trout. Alternatives for reintroduction of redband trout may include wild fish transfers or hatchery production where appropriate to the specific waterbodies.

FWP plans to develop a broodstock of redband trout that can be used as a source population for conservation efforts and production fish. Genetically pure wild redband trout collected from three Kootenai drainage tributaries are currently housed at the Libby Field Station in two raceways. The intent is to use these fish to start a brood stock for redbands. However, raceway space and isolation capability at the Libby Field Station is insufficient to develop and manage a brood stock of appropriate size to be viable and usable into the future.

The proposed project would expand the capacity and organizational capabilities of the Libby Field Station raceways through installation of additional raceways. It is FWP's policy not to transfer live fish to hatcheries because of the possibility of spreading diseases, but eggs can be treated and transferred to hatcheries without the risk of disease. The raceways would be isolated from the hatchery system and allow FWP to receive redband trout from the wild that are grown and spawned on site. The fertilized eggs could be taken to a different hatchery to supplement broodfish that will be used to grow live fish for conservation and recreation stocking in area water bodies.

The additional raceways would allow for maintenance of several age classes of brood fish sufficient to produce redband trout for conservation and recreation plantings to local waterbodies. Recreational angling opportunities for the Columbia River redband trout are currently limited outside of small streams. The development of a Columbia River redband trout broodstock would provide future opportunities to establish recreational fisheries in streams and lakes in the Kootenai River drainage.

2.2.8 Parmenter Creek Fish Screen and Ditch Efficiency Evaluation

Project Type: Restoration Aquatic/Aquatic Habitat

Funding Requested: $75,000

Project Sponsor: FWP

This proposal was submitted by FWP and would reduce fish entrainment on Parmenter Creek by installing a fish screen on an existing diversion. In addition, actions would be taken to improve ditch efficiency to increase summer base flows within the creek and increase usable habitat within Parmenter Creek.

Parmenter Creek is a tributary to the Kootenai River and provides habitat for Columbia River redband trout and westslope cutthroat trout. The lower approximately 0.7 miles of Parmenter Creek is dry during most summers. Numerous existing water rights are held on Parmenter Creek, but there is a single diversion that draws water via a headgate and conveyance ditch (all other water users pump water from the creek). The cumulative flow rate of all water rights associated with this diversion totals 3.6 CFS. The proposed project would work with the water users that draw water from this point of diversion to install a fish screen to prevent fish entrainment into the water conveyance system that does not return to the creek. The proposed work would also include a ditch efficiency assessment to evaluate ditch loss and a feasibility assessment of decreasing ditch loss. Improvements to ditch efficiency would require an agreement with the water users to keep additional water in Parmenter Creek. Keeping additional water in Parmenter Creek during late summer would help maintain connection with the Kootenai River and provide additional instream habitat for resident and migrating fish. This project would restore injured aquatic resources and habitat in Lincoln County.

2.3 Alternatives Evaluation

Each proposal was evaluated according to evaluation criteria and compared to the "no action" alternative. The full evaluations are presented in Attachment C and a summary is provided below.

2.3.1 No Action Alternative

The no action alternative is the basis against which other restoration alternatives are compared. The no action alternative would leave the injured resources in their current condition, allowing only natural processes to restore them and providing for no additional restoration, rehabilitation, replacement, rehabilitation, or acquisition of equivalent resources to take place. The no action alternative would not result in restoration of any of the injured natural resources; the interim injuries and service losses would continue to accrue. Because no additional restoration would take place, the cost of the no action alternative would be $0. The no action alternative is not preferable because it does not meet the IRP goals of restoring, replacing, rehabilitating, or acquiring the equivalent of the injured or lost natural resources that were the subject of the natural resource damage claim.

2.3.2 Libby Creek Restoration Feasibility Study

The full evaluation for this project is provided in Attachment C1. This project meets eligibility criteria and is technically feasible as a desktop analysis and preliminary investigation.

The cost originally proposed is not commensurate with the expected benefits because it is possible that the feasibility study could find that restoration is not feasible. The project proposal was revised to request $315,000 for preliminary work to review existing data and coordinate with project stakeholders, as well as potentially conduct groundwater and surface water monitoring and modeling, if needed. As revised, the project is considered to have net benefits to natural resources. NRDP would be the lead agency for this project and would select a contractor to conduct the preliminary feasibility study. The work would be completed in two phases:

1) Funding will initially be used to conduct a review of existing data and begin coordination with stakeholders. The goal of this work is to determine the existing site conditions and need for additional investigation, as well as the coordination with other entities necessary to proceed with the project.

2) Upon completion of Phase 1, NRDP will reevaluate according to the legal and policy criteria to determine if the project should proceed. Phase 2 may include additional data collection, groundwater and surface water monitoring, and groundwater monitoring.

The $315,000 is expected to be sufficient to complete both phases, though funding would only be guaranteed for Phase 1 and an additional determination would be needed before continuing to Phase 2.

The project, as revised, is not expected to conflict with response actions – the initial phase will identify needed actions to ensure there is not a conflict with response actions if the project moves forward. The project is located outside of OU3 but within Lincoln County and on a tributary to the Kootenai River. As direct restoration of aquatic and riparian resources in the Kootenai River basin, the project is expected to reduce the overall time to recovery for these resources in OU3.

2.3.3 Balsam Street Pedestrian Pathway

The full evaluation of this project is provided in Attachment C2. This project meets eligibility criteria and would improve access to recreational opportunities in the Libby area. The project is technically feasible in that known technologies can be used to install a curb, gutter, and sidewalk. However, NRDP was unable to determine if the City of Libby, which was listed as the lead entity for the project, is willing and able to take on this project. Without support from the City, this project is not feasible to implement.

The project is not expected to conflict with response actions at OU3. As a replacement project, it is not expected to impact the recovery period or potential for natural recovery of resources injured within OU3. NRDP could not determine if this project could be completed in compliance with local policies, rules, and laws because support from the City is unclear. In addition, it's possible that the project falls within the normal government function of the City of Libby.

No match funding has been secured to date and no entity was identified as responsible for the long-term maintenance of the project.

2.3.4 Lincoln County Park Manager

The full evaluation for this project is provided in Attachment C3. This project generally meets eligibility criteria, though funding is requested for four years so the project would not be complete in two years. The project would improve recreational use of natural resources by funding a Libby Park District employee to operate and manage recreational assets and programs in the greater Libby area. The work of the employee would benefit recreation in Lincoln County and assist the Park District in ensuring recreational facilities are maintained in good condition. The project is technically feasible, though detailed invoices would be needed to ensure that restoration funds are only used when the Park Manager is working on eligible NRD projects.

The cost in the original proposal is not commensurate with the expected benefits because the parks manager would have job duties outside of what is eligible for NRD funding. However, the revised proposal is a net benefit to recreational resources. The revised proposal requests funding only for the portion of the Park Manager's time that would be dedicated to eligible NRD projects (e.g., park and trail maintenance, river access sites, etc.). There is no expected conflict between this project and the response actions for Libby Asbestos OU3. As a replacement project, it is not expected to impact the recovery period or potential for natural recovery of resources injured within OU3.

This project is considered augmentation of normal government funding. There is a funding source for this position through the local government, but it will not be available until 2029. Natural resource damages would provide augmentation of this funding in the interim for four years.

To best meet the criteria of completing the project in two years, the full four years of funding would be allocated to this project, but funding would only be guaranteed for the position for two years, at which time NRDP would reevaluate the project. NRDP would consider legal and policy criteria and take into consideration the performance of the initial two years (e.g., work completed by the Park Manager, ability to discern eligible NRD work from non-eligible NRD work, etc.). The second two years of funding would be made available upon approval by NRDP.

2.3.5 Flower Creek Waste Gravel Pile Removal

The full evaluation for this project is provided in Attachment C4. This project meets the eligibility criteria and would improve access to recreational opportunities in the Libby area. However, the City of Libby has expressed concern about this project and the potential contamination from a parking lot constructed near the City's water supply. The project has been brought to the City Council twice and was voted down both times. Without support from the City, who is listed as the lead entity on the proposal, this project is not feasible. It is also not clear whether the work is an existing responsibility of the City of Libby, because the pile is located on City property and created by a City project. The City previously advertised a request for proposals for the project, but no responses were received.

The project is expected to provide benefits to recreation that are commensurate with the costs of removing the gravel pile and constructing a parking lot. The work is not anticipated to conflict with response actions within OU3. As a replacement project, the project is not expected to impact the recovery period or potential for natural recovery. The Libby Park District would provide long-term maintenance of the parking lot once constructed.

2.3.6 Improve Norgard Trailhead

The full evaluation for this project is provided in Attachment C5. This project meets the eligibility criteria and would improve recreational use of natural resources by improving access to the Norgard Trailhead and connecting it to a trail on State-owned property. The project is technically feasible and considered a net benefit to recreation in Lincoln County. The project is not expected to conflict with response actions at OU3. As a replacement project, the project is not expected to impact the recovery period or potential for natural recovery. Lincoln County manages the area but is not currently funded to perform this work, so this project is considered augmentation of normal government function. Lincoln County would be the lead entity for this project and the Libby Park District would be responsible for long-term operations and maintenance.

2.3.7 Kootenai River Recreation Management Plan

The full evaluation for this project is provided in Attachment C6. This project meets the eligibility criteria and would benefit recreational use of natural resources by creating a Recreation Management Plan that could be used to further enhance recreational opportunities within Lincoln County. This plan would identify additional opportunities to improve river access, create recreation opportunities, and foster long-term stewardship. In addition, funding would be used to improve the Kootenai Vista Boat Ramp, directly benefiting recreational access to the Kootenai River.

The project is technically feasible and natural resource damages would be used for planning and implementation within Lincoln County (though the overall project scope includes additional reaches of the Kootenai River). The Kootenai Vista Boat Ramp is located within OU3 on the Kootenai River, but NRDP confirmed with EPA that the project is not expected to conflict with any response actions. As a replacement project, the project is not expected to impact recovery time or potential for natural recovery.

Lincoln County would be the lead entity for this work and would provide long-term operations and maintenance for the Kootenai Vista Boat Ramp. Partial initial funding for this project has been secured from other funding sources and Lincoln County anticipates finding additional match funding moving forward.

2.3.8 Redband Trout Broodstock Development

The full evaluation for this proposal is provided in Attachment C7. This project meets the eligibility criteria and would benefit native trout populations and recreational fishing in Lincoln County. The project is technically feasible and utilizes known technologies. The cost to expand the raceways is commensurate with the expected benefits to native fish populations and recreational services. The project is not expected to conflict with response actions at OU3 and would improve recovery of native fish populations within OU3 by increasing the fish populations. The project is considered augmentation of normal government function: FWP is responsible for operating and managing the raceways, but FWP has not been able to secure funds for raceway expansion. The project would allow FWP to expand its operations and organizational capacity, benefiting the native fish populations and recreational angling opportunities.

2.3.9 Parmenter Creek Fish Screen and Ditch Efficiency Evaluation

The full evaluation for this proposal is provided in Attachment C8. This project meets the eligibility criteria and would benefit aquatic habitat and fish populations by installing a fish screen to reduce fish entrainment and improving ditch efficiency to increase summer base flows in Parmenter Creek. The project is technically feasible and utilizes known technologies. The project provides net benefits to natural resources by improving native fish populations and aquatic habitat in the Kootenai River basin. As a restoration project in this area, it is expected to reduce the recovery period of aquatic resources in the Kootenai River by improving habitat and reducing entrainment on a tributary to the Kootenai River.

2.4 Preferred Alternative

Based on the alternatives evaluation, NRDP ranked each project (including the No Action alternative) as follows:

1. Parmenter Creek Fish Screen and Ditch Efficiency Evaluation
2. Libby Creek Restoration Feasibility Study
3. Kootenai River Recreation Management Plan
4. Redband Trout Broodstock Development
5. Improve Norgard Trailhead
6. Lincoln County Park Manager
7. No Action
8. Flower Creek Waste Gravel Pile Removal
9. Balsam Street Pedestrian Pathway

Each alternative that ranked above the No Action alternative was selected for early restoration funding, as shown in Table 1.

Table 1. Proposals Selected for Early Restoration Funding

Project	Amount Funded	Lead Entity
Libby Creek Feasibility Study	$315,000	NRDP
Lincoln County Park Manager	$240,000	Libby Park District
Improve Norgard Trailhead	$110,000	Lincoln County
Kootenai River Recreation Management Plan	$250,040	Lincoln County
Redband Trout Broodstock Development	$750,000	FWP Region 1
Parmenter Creek Fish Screen and Ditch Efficiency Evaluation	$75,000	FWP Region 1
Total	**$1,740,040**	

2.5 Future Early Restoration

The Trustee may consider additional early restoration prior to developing the final Restoration Plan. NRDP, on behalf of the Trustee, will evaluate the need for additional early restoration every three years after approval of the IRP. This will include holding a scoping period for at least 30 days during which members of the public may submit early restoration proposals. NRDP will also coordinate with resource managers in Lincoln County to identify potential early restoration projects. NRDP anticipates that approximately half of the available restoration funds could be used for early restoration after each project solicitation period, but all funding decisions will be made by the Trustee after receiving public comment.

If additional early restoration projects are identified, an addendum to this IRP will be prepared in which early restoration alternatives will be evaluated and the preferred alternative will be selected. Depending on the funding available and proposals received, the alternatives analysis may be done differently than in this IRP, but at a minimum, the criteria in Exhibit E of the Settlement Agreement will be used to evaluate the alternatives. The addendum will go out for public comment for at least 30 days before being finalized. Upon approval of the addendum by the Trustee, additional early restoration projects may be implemented.

2.6 Early Restoration Implementation

The lead entities identified for each project, as discussed in Section 2.4, will implement the proposed projects approved in this IRP, pursuant to terms of a contractual agreement with NRDP. NRDP will be responsible for overseeing implementation of the IRP, including ensuring the proper accounting of expended funds. NRDP may also serve as the lead entity for projects or portions of the projects if needed for the purposes of contracting the funds to complete the project.

Upon approval of the IRP, the lead entity will be required to enter into an agreement with NRDP before any funds can be expended or received. NRDP will enter into a contract directly with lead entities that are local or state government bodies, without a formal solicitation, as allowed under State procurement requirements. NRDP can provide a model contract upon request. Detailed scopes of work, budgets, and project schedules are required in all agreements and must be approved by NRDP before any work paid for by restoration funds can begin. Expenses incurred by lead entities before the contract agreement becomes effective will not be reimbursed. In the agreements, NRDP will require that the selected recreational projects include a commitment from the lead governmental entity to maintain the restoration action.

Funding of lead entities for project development, design, and implementation will be on a reimbursement basis. Reimbursement will occur following the submittal of a complete and correct invoice, with proper documentation of the activities covered in the invoice (including a progress report), pursuant to the provisions of the applicable contractual arrangement with NRDP.

NRDP will ensure that all approved restoration projects implemented by the lead entities are consistent with the scope and budget, as approved. NRDP may terminate funding if it finds that the project is not consistent with the approved contract. The implementation will include necessary oversight and review by NRDP. NRDP will review the proposed scope and budget for consistency with the IRP. The lead governmental entities will be responsible for ensuring compliance with all legal requirements, such as procurement and permitting.

Administrative costs incurred by NRDP related to the implementation of this IRP will be funded by the Libby Asbestos OU3 natural resource damages settlement, though they will not be taken from the funds specifically allocated to early restoration projects identified in the Preferred Alternative (Section 2.4).

2.6.1 Timing of Implementation, Leftover Funds, and Cost Increases

In order to provide clarity on the process when an IRP amendment would be required, this IRP includes the following requirements:

- If implementation of a selected restoration action has not begun within 24 months of the date of the Trustee's signature on the IRP, the funds will no longer be available. The funds will remain in the Libby Restoration Fund for allocation in a future funding cycle.
- If a project is not substantially completed within three years of the date of the Trustee's approval of the IRP, funds may be reallocated and NRDP may not consider proposals from the project sponsor in the next round of early restoration.
- NRDP may approve increases in the project cost up to 10% of the allocated funds without amending the IRP.
- If the cost of a selected restoration action exceeds more than 10% of the cost included within this IRP, the IRP will require an amendment that goes out for public review and comment and approval by the Trustee. If the IRP is not amended, the lead entity would need to complete a mutually agreed upon portion of the project and then stop work.
- Any changes to project scope must be approved in writing by NRDP. NRDP will consider how any proposed changes may impact evaluation of the project according to evaluation criteria outlined in the IRP.
- If a project is completed under budget, the remainder funds will remain in the Libby Restoration Fund.

NRDP will include these provisions in the contractual arrangement with the lead entity along with specific project schedules, milestones, and deliverables.

3.0 COORDINATION WITH REMEDY

In order to utilize NRD funds to effectively restore the injured resources, NRDP will engage with EPA, DEQ, USFS, and Grace as needed to coordinate with the on-going remedial activities at OU3. CERCLA requires coordination between the lead agency (EPA) and trustees for natural resources throughout the Superfund process. Specifically, EPA is required by the National Contingency Plan (NCP) to coordinate all assessments, evaluations, investigations, and planning with the Trustee (40 CFR §300.430(b)(7)). This includes sharing information, work plans, and documents throughout the process and providing NRDP the opportunity to review and participate. The NCP also requires the Trustee to coordinate with EPA to ensure that any restoration actions do not interfere with remedy and are not otherwise inconsistent with remedy (40 CFR §300.615).

As the Superfund process continues at OU3, including preparation of the Feasibility Study, Proposed Plan, and Record of Decision, NRDP will evaluate draft work plans, documents, and other information and provide comments to the agencies as needed. NRDP's goals in coordinating with remedy and reviewing CERCLA documents are to:

- **Ensure early restoration does not conflict with remedy and will not be impacted by future remedial actions**. NRDP must ensure that any restoration actions, including early restoration, will not interfere with remedial actions and are not inconsistent with remedy, including evaluating whether early restoration could be negatively impacted by future remedial actions. This requires coordination with EPA, DEQ, USFS, and Grace as remedial actions are developed and planned. Because the official boundary of OU3 is not yet defined, NRDP will coordinate with remedy for all early restoration actions that may occur where contamination from the mining operations has come to be located. This includes any early restoration actions on the Kootenai River downstream of the mine site.
- **Identify and evaluate potential opportunities to integrate restoration with remediation**. In addition to the requirements of the NCP, the Settlement Agreement stipulates that design and construction of restoration projects in OU3 "may not begin until EPA has certified completion of all remedial action construction in OU3, except for projects that the State, EPA, and a Grace Party agree to integrate with remedial action." While natural resource damages may not be used to attain an adequate remedy, restoration can be integrated with remedial actions if there are opportunities to supplement remedial actions to benefit the natural resources. NRDP will stay informed throughout the CERCLA process of OU3 in order to identify and evaluate potential projects that could be integrated with remedial actions. Any projects identified that may result in significant benefit to State resources will be included and evaluated in the final Restoration Plan before being implemented.
- **Ensure restoration funds will not be used to attain an adequate remedy.** The natural resource damages obtained by the State for Libby OU3 must be used to restore, replace, rehabilitate, or acquire the equivalent of the injured State natural resources; they cannot be used for remedial actions or to attain an adequate remedy, which remains the responsibility of Grace with oversight by EPA in consultation with DEQ.
- **Understand the remedial actions and their impacts on State natural resources**. Because the natural resource damages were settled with Grace before the final remedy was known, the full extent of the natural resource injuries were not known. In planning for the final Restoration Plan, NRDP will evaluate the anticipated conditions of the State natural resources after remedial actions are completed in order to best allocate natural resource damages to restore those resources.

4.0 RESTORATION PLAN DEVELOPMENT

The purpose of this IRP is to describe how settlement funds will be used and managed prior to developing a final Restoration Plan. NRDP will prepare the comprehensive Restoration Plan once the final remedy for OU3 is selected, at the earliest. This IRP may be amended as needed until that time.

NRDP will use the following general process to develop the comprehensive Restoration Plan:

1) **Scoping** – a public scoping process will be held to solicit restoration proposals from the public and concerns about environmental and other implications of potential restoration actions.
2) **Draft Restoration Plan** – NRDP will prepare a draft Restoration Plan that will include an evaluation of alternatives and selection of the preferred alternative.

3) **Public comment** – the draft Restoration Plan will go out for public comment for a minimum of 30 days.

4) **Final Restoration Plan** – NRDP and the Trustee will consider public input and finalize the Restoration Plan.

5) **Approval by the Trustee** – the Trustee has the sole authority over use of natural resource damages and the Restoration Plan will be finalized upon the Trustee's approval and signature.

6) **Implementation** – Restoration actions identified in the preferred alternative will be implemented once the Restoration Plan is finalized.

5.0 PUBLIC PARTICIPATION

NRDP has collaborated with State and federal agencies, including FWP, in preparing this IRP. NRDP established and periodically updates a website that describes the site and natural resource damage assessment activities. The website can be accessed at https://dojmt.gov/lands/sites/libby-asbestos/.

Before entering the Settlement Agreement, the State solicited public comments on the proposed settlement for an initial 30-day period from January 12, 2023, to February 13, 2023. In response to a public comment request, the State extended the public comment period through March 15, 2023, and held a public meeting on March 6, 2023, where members of the public were also able to provide oral comment. After consideration of all comments received, the Settlement Agreement was entered by the court on March 23, 2023.

On November 2, 2023, NRDP held a public scoping meeting in Libby. The meeting was advertised in the Daily Interlake (October 30 and November 1, 2023), the Kootenai Valley Record (October 23, 2023), and the Western News (October 27 and 31, 2023). Nine people attended the public scoping meeting. NRDP presented a summary of the natural resource damages received in the Settlement Agreement, explained natural resource damage assessment laws, the purpose and scope of the IRP, early restoration project ideas already scoped, and criteria for early restoration project selection. NRDP also explained how the public can be involved in the IRP preparation by submitting an early restoration project proposal and by conveying concerns about the implementation of restoration actions.

NRDP accepted public comments between October 18, 2023, and November 20, 2023. During the public scoping period, eight early restoration project proposals were received. These project proposals were evaluated according to eligibility criteria, legal evaluation criteria, policy evaluation criteria, and supplemental evaluation criteria, as described in Section 2.0.

The public comment period for the draft IRP will run from June 7 through July 10, 2024. During this comment period, the document will be available electronically through NRDP's website: https://dojmt.gov/lands/nrdp-public-notices/notices-of-public-comment/. On June 7, 2024, NRDP sent notices of the draft IRP comment opportunity to 77 individuals and entities on its mailing list. On June 18, 2024, NRDP will present the draft IRP at a public meeting in Libby. NRDP will advertise the draft IRP and public meeting through display ads in local media outlets, including the Daily Interlake, the Kootenai Valley Record, and Western News. For the public meeting, NRDP will notify and coordinate with local organizations and entities, including, but not limited to, the Lincoln County Commission, Libby City Council, and FWP Region 1.

NRDP will respond to all public comments received during the public comment period and all comments received and responses will be included as an attachment to the final IRP. Public comments will be considered when finalizing the IRP and appropriate changes to the plan will be made accordingly.

Selected early restoration projects will undergo additional public review and analysis according to the Montana Environmental Policy Act (MEPA) as needed. FWP will be responsible for the required review and analysis of the projects they propose to implement. NRDP has included checklist environmental assessments for the projects proposed for funding that involve construction and would be led by NRDP or local governmental entities (Improve Norgard Trailhead and Kootenai River Recreation Management Plan, Phases 1 and 2; Attachment D).

As needed during implementation of the IRP, NRDP will hold additional public meetings in Lincoln County. NRDP will also provide periodic notices and reports to the public on the progress of the IRP implementation.

As described in Section 2.5, additional early restoration projects may be implemented in the future. In this case, NRDP will hold an additional scoping period and prepare a draft addendum to the IRP. The draft addendum will go out for public comment before being finalized and approved by the Trustee. Development of the comprehensive Restoration Plan will also include public participation through a scoping period and public comment on the draft Restoration Plan (Section 4.0).

6.0 BUDGETING AND ADMINISTRATION

The natural resource damage funds will be received by the State over ten years. The first installment of $5 million was received in October 2023 and the second installment, approximately $2 million, was received in April 2024. There will be eight additional annual installments, due in April of each year, of $1.5 million plus 4.19% interest on the remaining balance. The funds are kept in the Libby Restoration Fund, which is operated and maintained by NRDP. NRDP will deposit the payments received, and any subsequent interest and earnings, into this Libby Restoration Fund. The amount allocated to each proposed restoration action is a total dollar amount; NRDP does not track the interest earned on each individual allocated project amount. Instead, all interest earned on funds within the Libby Restoration Fund accrue generally to the entire Libby Restoration Fund. A summary of the payments to be received by the State is given in Table 2.

Table 2. Summary of Natural Resource Damage Payments to be Received by the State

Due Date	Installment	Interest	Payment Amount	Total Received
October 2023	$5,000,000.00	$0.00	$5,000,000.00	$5,000,000.00
April 2024	$1,500,000.00	$565,650.00	$2,065,650.00	$7,065,650.00
April 2025	$1,500,000.00	$502,800.00	$2,002,800.00	$9,068,450.00
April 2026	$1,500,000.00	$439,950.00	$1,939,950.00	$11,008,400.00
April 2027	$1,500,000.00	$377,100.00	$1,877,100.00	$12,885,500.00
April 2028	$1,500,000.00	$314,250.00	$1,814,250.00	$14,699,750.00
April 2029	$1,500,000.00	$251,400.00	$1,751,400.00	$16,451,150.00
April 2030	$1,500,000.00	$188,550.00	$1,688,550.00	$18,139,700.00
April 2031	$1,500,000.00	$125,700.00	$1,625,700.00	$19,765,400.00
April 2032	$1,500,000.00	$62,850.00	$1,562,850.00	$21,328,250.00

At the time this draft IRP is published, the State has received the first two installments for a total of $7,065,650.00. This $7 million is allocated as follows:

- **$2.1 million to repay past costs incurred during settlement negotiations.** Upon receipt of the first installment, the State paid all remaining costs associated with the mediation and settlement negotiations, including all State attorney fees and loan repayments.
- **$1.7 million to early restoration projects**, as described in Section 2.4.
- **$3.2 million will be maintained in the Libby Restoration Fund.** This money will be allocated in future addenda to the IRP or the final Restoration Plan. NRDP will use this fund for staff and administrative costs.

Future installments will be maintained in the Libby Restoration Fund. Administrative costs incurred by NRDP related to this IRP will be funded by the Libby Asbestos OU3 natural resource damages settlement, though they will not be taken from the funds specifically allocated to early restoration projects identified in the Preferred Alternative (Section 2.4). NRDP reserves 15% of each payment (minus the amount used to repay past costs from the first installment) for programmatic costs such as staff time for coordination with remedy and final Restoration Plan development, staff time and costs associated with early restoration project implementation, and administrative costs. NRDP anticipates soliciting early restoration project ideas every three years, at which time an amendment to this IRP would be created and additional funds may be allocated to early restoration projects.

Attachment A

Alleged Injury and Examples of Restoration Options to Address Alleged State Natural Resource Damages at or Relating to Operable Unit 3 of the Libby Asbestos Superfund Site

Alleged Injury and Examples of Restoration Options to Address Alleged State Natural Resource Damages at or Relating to Operable Unit 3 of the Libby Asbestos Superfund Site

This report provides information and analysis in support of the State of Montana (State) and W.R. Grace & Co. (Grace)'s belief that a settlement payment of $18.5 million is sufficient to restore, replace, rehabilitate, and/or acquire the equivalent of injured natural resources within the State's trusteeship, and therefore will compensate the public for the State's claim for alleged injuries to natural resources resulting from the release of hazardous substances in or related to Operable Unit 3 (OU3) of the Libby Asbestos Superfund Site (Site).[1] This report includes an overview of the nature of the alleged injuries and service losses, with references to related studies and data; it is not an exhaustive summary of this information. This report also describes the types of restoration projects that could be implemented to compensate for losses, the types of ecological values that could be provided, and the anticipated criteria for selecting restoration projects. The settlement reflects the judgment and experience of experts for Grace and the Montana Natural Resource Damage Program ("NRDP").

The NRDP's mission is to act on behalf of the Governor of the State of Montana, the trustee, to recover damages for natural resources injured by the release of hazardous substances and to restore, rehabilitate, replace, or acquire the equivalent of the injured natural resources.

I. NATURE OF THE STATE'S ALLEGED INJURIES

Information collected at the Site under the oversight of the U.S. Environmental Protection Agency (EPA) in consultation with the Montana Department of Environmental Quality (DEQ) and other agencies pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq*. (CERCLA), as well as other information, has been used by the State and Grace to evaluate the nature of potential natural resource injuries and potential lost services in connection with the settlement agreement. Some of this information, including relevant background information, is summarized below. The State has not conducted a formal natural resource damage assessment (NRDA) at the Site under U.S. Department of Interior (DOI) regulations promulgated under CERCLA, 43 C.F.R. Part 11, or under the Montana Comprehensive Environmental Cleanup and Responsibility Act, 75-10-701, MCA, *et seq*. (CECRA). This document does not include all of the information that would be in an NRDA and is based on the information gathered to date.

[1] As indicated in the Settlement Agreement between the State and Grace, each Party denies the allegations of the other. Grace asserts that there are no significant natural resource damages (NRD) at or related to OU3; the State asserts that there are more significant NRD at or related to OU3. The Settlement Agreement represents a compromise that compensates the State (as trustee) for the damages that it alleges in exchange for a release of all of the State's NRD claims against Grace in or related to the Libby Asbestos Superfund Site. The Settlement Agreement to which this report is attached is solely on behalf of the State and Grace, and does not expand or limit the legal rights or obligations of any person or entity other than the State and Grace.

A. Site History and Assessment

OU3 of the Site consists of a former vermiculite mine and adjoining forested lands, located approximately 7 miles to the northeast of the town of Libby, Montana. The former mined area and immediately surrounding area are owned and managed by the Kootenai Development Company (KDC), a Grace subsidiary; other land within OU3 is managed by the U.S. Forest Service.

The former vermiculite mine was operated from the early 1920s to 1990, initially by the Zonolite Company, which sold the mine and processing facilities to a predecessor company to Grace in 1963. Historically, vermiculite from the former mine was used in insulation, feed additives, soil amendments, packaging, and construction materials. Vermiculite ore, excavated overburden (waste rock), mine tailings, and associated material from the former mine contain amphibole-type asbestos, a material in the geology in the mine area that is termed Libby amphibole asbestos (LA). Such materials also may contain non-asbestos hazardous substances.

Mining operations included blast and drag line mining and milling of ore, with ore processing taking place onsite during most of the time the mine was in operation. Both dry milling and wet milling were conducted at the mine site up to approximately 1974, after which the entire operation used wet processing (MWH 2016). In 1972, the State issued to Grace an operating permit under the Metal Mine Reclamation Act. Grace operated the mine under its permits, and performed reclamation of mined lands as they were taken out of operation (MWH 2016). Mining operations ceased completely by 1990, followed by further reclamation efforts that included demolition of mine facilities, re-contouring of the mined areas, and revegetation (MWH 2016).

In October 2002, EPA added the Libby Asbestos Superfund Site to the National Priorities List. EPA divided the site into multiple operable units. For OU3, a remedial investigation (RI) under CERCLA began in 2007. The RI was performed in phases, and included collection of more than 3,300 environmental samples for LA analysis and more than 500 samples for non-LA analysis (W.R. Grace & Co. et al. 2019). Surface water, sediment, sediment pore water, groundwater, soil, mine wastes, forest duff, tree bark, air, and fish and mammal tissue were sampled for analysis.

EPA conducted baseline ecological risk assessments (BERAs) as part of the RI. The objective of the risk assessments was to determine the potential for current or future unacceptable risk to ecological receptors (e.g., fish, aquatic invertebrates, terrestrial plants, terrestrial invertebrates, birds and mammals) within OU3. EPA published two BERAs that were the culmination of the ecological studies. The first evaluated ecological risks potentially associated with non-asbestos hazardous substances, such as inorganics (Non-Asbestos BERA) (USEPA 2013). The second examined ecological risk potentially associated with LA (Asbestos BERA) (USEPA 2014). A summary of the risk assessments is presented in the final RI report (MWH 2016). Grace and the State considered the data collected for the BERAs and RI, as well as additional information, in their respective evaluations of potential natural resource injuries and service losses in and relating to OU3. Some of the data and analyses are discussed in greater detail in subsequent

sections of this document. The State does not agree with all analyses and conclusions presented in these reports.

B. OU3 Habitats

OU3 provides a range of habitats for aquatic and upland species: creeks and their associated riparian zones, ponds, wetlands, and upland habitats.

1. Aquatic Habitats

The primary surface waters in OU3 that are most likely to have received asbestos and other non-asbestos hazardous substances released as a result of mining activities are within the Rainy Creek watershed (~46.1 km^2) and include Rainy Creek, Fleetwood Creek, Carney Creek, portions of the Fine Tailings Impoundment (FTI), the Mill Pond, and potentially the Kootenai River. Rainy Creek is divided into Upper Rainy Creek (north of the mine area) and Lower Rainy Creek. Rainy Creek flows into the Kootenai River approximately 3.9 km south of the mine area.

Fleetwood Creek flows east to west on the northern border of the mine area and through a portion of the coarse tailings pile prior to discharging to the FTI. Carney Creek lies south of the mine area and flows along the toe of the West Waste Rock Pile before joining Lower Rainy Creek just downstream of the Mill Pond. Rainy Creek and portions of both tributary creeks are perennial (USEPA 2013) and provide habitat for fish and aquatic invertebrate communities (MWH 2016). Riparian areas occur along the creeks and provide ecological benefits such as channel stability, shade for the stream, erosion control, energy flow, nutrient cycling, water cycling, hydrological function, and plant and animal habitat (USDA 1996).

In addition to the creeks, there are ponded areas in OU3, including Carney Pond, Fleetwood Pond, and the Mill Pond. The FTI includes a ponded area that varies in size depending on precipitation. The FTI (~70 acres) was established in 1972 to receive and settle mine tailings, through construction of the Kootenai Development Impoundment Dam (KDID) across Rainy Creek. Water enters the FTI from Upper Rainy Creek, Fleetwood Creek, surface runoff, and groundwater. The Mill Pond, which is located in the Rainy Creek channel downstream (south) of the KDID and just north of the confluence of Carney Creek, was constructed to supply water for mining operations and discharges into Rainy Creek. Wetlands are present on and adjacent to the FTI and portions of the other waterways, and provide similar ecological benefits and services as those provided by riparian habitats.

In addition to the physical impacts of mining operations, physical alterations of the OU3 habitats have occurred over the years due to a variety of other activities, including timbering operations, channelization for road construction, and placement of culverts and impoundments (USDA 2000).

2. Terrestrial Habitats

Upland habitats within OU3 consist primarily of the former mined area and surrounding forests.

The area disturbed by mining (including the former mined area and former tailings impoundment) covers approximately 1,100 acres of OU3 (MWH 2016). This area is characterized by native rock, soil, and vegetation, as well as waste rock and tailings resulting from past mining activities. During the period of mine operation, this area was largely unvegetated. Mining activities not only involve physical disturbance by heavy machinery and excavation, but also include removal of topsoil and placement of waste rock, which changes the physical conditions of the soil environment (e.g., Sheoran et al. 2010; Baig 1992).

Mined areas were reclaimed as mining in those areas was phased out. More extensive reclamation efforts at the former mine began in 1991 after mine closure. These efforts included hydroseeding and reforestation with pine and deciduous trees. Other reclamation efforts included regrading, trenching, and other physical measures to stabilize the mine surface.

At present, vegetative communities of the former mined area include forests, steppe shrub, and grassland habitat, with grassland and steppe shrub providing the predominant cover. Some bare soil areas exist, primarily on steeply sloped waste rock piles and other steep slopes.

Outside of the former mined area, the OU3 terrestrial habitats consist of temperate montane forests, portions of which have been historically logged. Douglas fir is the most common tree type, present at about 35% of the forested OU3 area, followed by lodgepole pine (17%) and spruce-fir (17%), with western larch forest on about 11% of the forested land area. The remaining area is populated with various deciduous species common in northwest Montana (MWH 2016). The OU3 forest outside of KDC/Grace ownership is part of the Kootenai National Forest.

C. Hazardous Substances Associated with Alleged Natural Resources Injuries

Due to proximity to the mine and associated access roads, the aquatic and terrestrial habitats of the Rainy Creek watershed have been exposed to LA and other non-asbestos constituents released from the mine area. Although some remediation has occurred, a final remedy has not been selected for OU3, and remediation of the entire forested watershed area within OU3 has not occurred and may not occur. Therefore, surface waters within the Rainy Creek Watershed in OU3 remain exposed to LA fibers and other non-asbestos contaminants. Depending on their concentrations and other circumstances, these constituents have the potential to adversely affect the aquatic, riparian, and terrestrial species that reside or forage in these habitats, and thereby result in natural resource injury. Natural resource injury caused by the release of a hazardous substance could be the source of natural resource damages, as defined under CERCLA, CECRA, and related guidance.

The Non-Asbestos BERA (USEPA 2013), Asbestos BERA (USEPA 2014), and RI report (MWH 2016) identified a number of hazardous substances released from the Site mining and milling activities and present within OU3 at concentrations that could pose risk to ecological receptors and/or exceed Circular DEQ-7 Montana Numeric Water Quality Standards (DEQ-7 Standards) or Residential Regional Screening Levels (RSLs). These substances include:

- Aluminum,
- Barium,
- Chromium,
- Cobalt,
- Copper,
- Iron,
- Lead,
- Manganese,
- Nickel,
- Selenium,
- Vanadium,
- Gross alpha, and
- LA.[2]

In addition, screening-level toxicity benchmarks were exceeded in one or more Site media (soil and sediment) for:

- Antimony,
- Benzo(b)fluoranthene,
- Benzo(k)fluoranthene,
- Cadmium,
- Fluoride,
- Mercury,
- Naphthalene,
- Nitrogen as nitrite,
- Thallium, and
- Asbestos.

Site investigations conducted as part of the RI and BERAs were used by EPA to assess the degree to which these constituents were present in OU3 and posed ecological risk. The RI and BERAs provide data with which to assess the range of possible natural resource damages in OU3. The data collected for these studies are referenced below in the context of potential types of natural resource injuries and service losses.

D. Per Se Injuries

Under the DOI NRDA regulations, natural resource injury is defined to exist when concentrations of hazardous substances are in excess of certain quality standards under the

[2] Regardless of whether there is a relevant standard for LA concentrations in the surface water, for purposes of this report, measured concentrations of LA in surface water are compared to DEQ-7 standards and maximum contaminant levels based on effects from exposure to chrysotile asbestos. DEQ-7 does not provide an aquatic life standard.

circumstances specified in the regulations (see 43 C.F.R. § 11.62); this is sometimes referred to as "per se" injury.

A review of the available data collected as part of the RI demonstrates the potential per se injuries described below.

1. Surface Water

As part of its screening analysis, the Non-Asbestos BERA identified the potential for risk to aquatic receptors from barium in surface water (USEPA 2013). In addition, concentrations above chronic DEQ-7 Standards for aquatic life for total lead and total iron were observed in surface water samples from Fleetwood Pond (MWH 2016). Dissolved aluminum was detected in one seep sample from the Site at a level of 110 ug/L. All other dissolved aluminum results were non-detects.[3]

Surface water was sampled in the Asbestos BERA (USEPA 2014) for LA. Results for water are typically expressed as million fibers per liter (MFL). Though there is no specific surface water quality standard for LA, for purposes of this report, the results were compared with EPA's maximum contaminant level (MCL) and the DEQ-7 Standard for surface water for asbestos fibers of 7 MFL.[4] All of the following results are from the RI (see, e.g., Table 5-17a):

- In Upper Rainy Creek, 48 samples were collected from three locations. LA was below the 7 MFL criterion in all samples, though LA was detected in two locations.
- In Fleetwood Creek and Fleetwood Pond, 46 surface water samples were collected at three stations; concentrations of LA >10 µm ranged from 0 MFL to 289 MFL.[5] Six samples were above 7 MFL in Fleetwood Creek and Fleetwood Pond (13% of the samples).
- In Carney Creek and Carney Pond, 72 surface water samples were collected at five stations; concentrations of LA >10 µm ranged from 0 MFL to 26 MFL.[6] Three samples were above 7 MFL in Carney Creek and none in Carney Pond (4% of the samples). An additional 21 samples were collected from seven seep locations near Carney Creek; concentrations of LA >10 µm ranged from 0 to 32 MFL.
- In Lower Rainy Creek, 263 samples were collected at 11 stations; concentrations of LA >10 µm ranged from 0 MFL to 66 MFL. Twenty-five samples were above 7 MFL in Lower Rainy Creek (10% of the samples).

The results tended to reflect seasonal variation. Concentrations were generally highest during high flows such as spring runoff.

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[3] The reporting limit for dissolved aluminum in surface water was 90 µg/L, which is above the DEQ-7 aquatic life chronic standard for dissolved aluminum of 87 µg/L.

[4] The 7 MFL criterion applies only to fibers greater than 10 microns (10 µm) in length.

[5] The contractor reported that the sample result of 289 MFL in Fleetwood Pond (and duplicate sample result of 219 MFL) is suspect, as it is an order of magnitude higher than the next highest sample of 28 MFL at that location and was collected through a method that might have introduced higher sediment concentrations in the sample.

[6] Resampling following the 26 MFL result, at the same location about 6 weeks later, had a 0 MFL result. The next highest sample at that location was 7.5 MFL.

Some of the above conditions, if all criteria under the DOI regulations were met, would be defined as surface water injury. This report does not determine whether any of these conditions satisfy the DOI regulatory definition, but this information was used in evaluating the scope of potential injuries.

Concentrations of LA in reference ponds and creeks in and around OU3 tended to be below detection or very low. The Asbestos BERA reports that LA fibers in the Kootenai River were low and not different between samples from upstream and downstream of the confluence of Rainy Creek.

2. Groundwater

LA was analyzed in groundwater samples as part of the RI (MWH 2016). Groundwater sampling was conducted in 8 shallow wells and 6 bedrock wells, with most wells sampled 2 to 3 times for a total of 20 shallow well samples and 14 bedrock samples. Two samples from the shallow groundwater wells showed LA concentrations above 7 MFL. The two results above 7 MFL may reflect sampling anomalies[7] and sampling issues and detections in equipment rinse blanks led to adjustment of the groundwater results (Appendix I to the RI [MWH 2016]); further samples were not collected.

Fewer samples were collected for non-asbestos contaminants. Samples for non-asbestos contaminants showed some elevated concentrations of site contaminants compared to screening levels established for assessment of potential drinking water exposures in people. Iron and manganese Residential RSLs for tap water (non-regulatory criteria) were exceeded in groundwater samples (USEPA 2013), and the DEQ-7 Standard and EPA MCL for gross alpha was exceeded in one groundwater sample from a bedrock well (USEPA 2013; MWH 2016).

Some of the above conditions, if all criteria under the DOI regulations were met, would be defined as groundwater injury. This report does not determine whether any of these conditions satisfy the DOI regulatory definition, but this information was used in evaluating the scope of potential injuries.

3. Sediment Pore Water

LA was measured in instream sediment pore water at Lower Rainy Creek and reported in the RI (MWH 2016). LA concentrations up to 623 MFL were measured in pore water (fibers >10 μm).[8] On average, LA concentrations were greater in pore water samples than in surface water samples collected from the same locations in Lower Rainy Creek. The data indicate that biological

[7] "Elevated LAA levels are thought to be related to suspended sediment in the water at the time of sampling, given that the other samples collected from both piezometers had significantly lower LAA levels. In addition, sampling pump issues were noted during the April 2015 sampling…" (MWH 2016, Table 5-16b, p. 312)
[8] Pore water sample concentrations were variable across replicate samples and across samples collected during the sample durations (MWH 2016).

resources could be exposed to higher levels of hazardous substances in pore water compared to surface water.

Non-asbestos contaminants were not analyzed in sediment pore water, which the parties have considered.

4. Sediment

In stream sediment, concentrations above screening level ecotoxicological benchmark values are not a per se injury, but indicate the potential for injury to the surface water in Montana as the State's water quality standards are based on measurements that include a fraction of suspended sediments. Sediment was analyzed in the Asbestos BERA by first sieving and grinding samples to reduce particle size to ≤250 µm and identifying LA fibers based on optical characteristics using polarized light microscopy. Visual area estimates are subjective, and results are considered semi-quantitative. Results are associated with bins of approximate ranges in percentages; Bin A represents non-detect samples, Bin B1 is <0.2% LA, B2 is 0.2% to <1% LA, and C is ≥1% LA.

Sediment samples from Lower Rainy Creek, Fleetwood Creek, Carney Creek, the FTI, and the Mill Pond contained LA fibers above detection (USEPA 2014). Sample results were highest in Carney Creek adjacent to the mine area and in Rainy Creek below the FTI. Most samples from Upper Rainy Creek were non-detect (Bin A). A total of 62 sediment samples collected in the above areas were in Bin C and ranged from 1% to 10% LA fibers.

Several non-asbestos analytes exceeded threshold effect concentrations (TECs) and/or sediment-based wildlife benchmarks in site sediments, as reported in the Non-Asbestos BERA (USEPA 2013) and summarized in Table 1, below. The TECs and other toxicity benchmark values are typically used in the screening stage of an ecological risk assessment to identify the potential for ecological risk.

A hazard quotient (HQ) is the ratio of the hazardous substance concentration in the exposed media compared to some toxicity benchmark or quality criterion. HQ values represent the maximum detected concentration divided by the toxicity benchmark, so a maximum HQ value greater than 1 indicates the maximum sediment concentration exceeded the toxicity benchmark. Calculated HQ values for OU3 sediment ranged from <1.0 to 54 for several non-asbestos analytes. Of the analytes with HQ values greater than 1, aluminum, barium, chromium, cobalt, copper, lead, manganese, nickel, vanadium, and zinc were also found to exceed sediment concentrations measured in reference samples.

Table 1. Hazard Quotient Values for Analytes that Exceeded Sediment Screening Values

Analyte	Maximum HQ for TEC-Based Benchmark	Maximum HQ for Sediment-Based Wildlife Benchmark
Aluminum	**1.6**	NC
Arsenic	*0.72*	**5.1**
Barium	NC	**23**
Cadmium	**1.0**	*0.07*

Analyte	Maximum HQ for TEC-Based Benchmark	Maximum HQ for Sediment-Based Wildlife Benchmark
Chromium	**16**	**9.7**
Cobalt	NC	**1.8**
Copper	**5.5**	**54**
Lead	**2.8**	**3.3**
Manganese	**20**	**43**
Mercury	*0.56*	**1.6**
Nickel	**6.4**	**3.2**
Selenium	NC	**1.5**
Vanadium	NC	**46**
Zinc	*0.78*	**1.1**
Benzo(b)fluoranthene	**1.4**	*0.011*
Benzo(k)fluoranthene	**1.2**	*0.0094*
Naphthalene	**16**	*0.017*

Notes: **BOLD** – sediment concentrations exceeded toxicity benchmark and were statistically greater than reference sediment concentrations; **BOLD** (no shading) – sediment concentrations exceeded toxicity benchmark but were statistically equal to or less than reference sediment concentrations; *Italics* – sediment concentrations did not exceed toxicity benchmark (HQ $\leq$ 1); HQ – hazard quotient; NC – not calculated, no screening value; TEC – threshold effect concentration; Data from Non-Asbestos BERA (USEPA 2013).

The Non-Asbestos BERA does not evaluate antimony in Site sediments, though antimony was detected in Site ponds and these data are reported in the OU3 RI. Antimony concentrations in two samples (one from Carney Creek Pond [4 mg/kg] and one from the FTI Pond [5 mg/kg]) exceeded the TEC (2 mg/kg) and the probable effect concentration (4 mg/kg).

Exposure to contaminated sediment can affect the growth and survival of invertebrates and limit the habitat available for colonization. In addition, biological resources higher in the food web potentially could be at risk from exposure to contaminants from eating contaminated invertebrates or from incidental ingestion of sediment while foraging. The studies in the EPA BERAs, noted below, evaluated such endpoints.

E. EPA Studies Performed to Evaluate Ecological Risk

The Asbestos BERA and Non-Asbestos BERA examined the potential risks to a variety of ecological receptors from LA and non-asbestos hazardous substance concentrations in soil. The following site-specific studies were conducted as part of the BERAs to evaluate the extent to which hazardous substances in surface water, sediment, and soil may pose risk to ecological receptors in OU3:

- Laboratory juvenile trout toxicity tests (non-asbestos contaminants)
- In situ juvenile trout toxicity tests
- In situ egg/alevin trout toxicity tests
- Resident trout lesion study
- Resident trout population study

- H. azteca (benthic invertebrate) sediment toxicity test
- C. tentans (benthic invertebrate) sediment toxicity test
- Resident benthic macroinvertebrate population study
- Laboratory tadpole sediment toxicity tests
- Resident frog lesion study
- Resident mouse lesion study
- Literature-based evaluation of sensitivity of birds to LA relative to small mammals

The results of these studies, along with EPA's habitat evaluations, weight of evidence evaluation, and analysis of uncertainties, are detailed in the BERAs.

F. Summary of Potential Natural Resource Injuries and Service Loss at or related to OU3

The data collected as part of the RI and BERA investigations indicate that natural resources within OU3 are exposed to LA and a subset of other non-LA hazardous substances. Past, present, and future injured OU3 resources could include:

- Small, large, and aquatic-dependent mammals
- Birds
- Fish
- Reptiles and amphibians
- Aquatic invertebrates
- Terrestrial invertebrates
- Terrestrial and aquatic plants
- Wetland and upland habitats.

To the extent that injury occurred, the following categories of resource services, among others, could theoretically have been reduced:

- Habitat services for biological resources, such as habitat for feeding and reproduction
- Fishing, particularly recreational fishing below the ordinary high-water mark per Montana stream access laws (§23-2-301, MCA, *et seq*.)
- Drinking water supply (to the extent relevant)
- Non-consumptive uses such as wildlife viewing and photography and other outdoor recreation activities below the ordinary high-water mark per Montana stream access laws (§23-2-301, MCA, *et seq*.)
- Primary and secondary contact recreational activities such as swimming and boating below the ordinary high-water mark per Montana stream access laws (§23-2-301, MCA, *et seq*.)
- Option and existence values.

II. TYPES OF RESTORATION PROJECTS AND RESULTANT SERVICES

The natural resource damages component of the Settlement between Grace and the State was negotiated and executed on a cash-out basis, with funds paid to the State over a period of 10 years. No particular project or projects are required by the Settlement, no particular project has been identified by the State at the time of this Report, and the projects ultimately implemented by the State may differ from the examples provided below, but the State must use settlement funds for restoration projects and support therefor, including costs for State restoration plan development and implementation, and administrative, program, legal, technical and all other related costs, to the extent lawful under CERCLA or CECRA. The State intends and anticipates using Settlement funds in connection with projects that provide natural resource and other benefits in and around OU3.

The following sections describe various types of exemplary restoration projects that may be constructed to benefit and improve aquatic and terrestrial natural resources and the services they provide. Additional types of restoration projects may also be considered. Other restoration actions selected to implement previous State NRD settlements at other sites can be found within the restoration plans for those sites, which are available on NRDP's website. Nothing in this report is intended to bind any party to a specific injured resource or particular type of project.

A. Aquatic Habitat Improvement Restoration Projects

Potentially injured resources identified at the Site include fish and other aquatic biota. A variety of restoration projects could be implemented to restore lost services. Below is a summary of types of aquatic habitat improvement projects that would restore aquatic ecological services.

In addition to the specific service benefits described below, the illustrative aquatic restoration activities all generally provide improved water quality, thereby providing favorable habitat to increase populations of in-stream biota. This should benefit upland predators that rely on stream food sources. Restoration of aquatic ecological resources ultimately benefits the entire ecosystem through increased biodiversity and results in enhanced recreational opportunities. Many of the restoration activities described below have been implemented in projects in the Kootenai and adjacent watersheds with significant success.

The selection of any specific creek restoration activities could be geographic (to prioritize a specific watershed or a specific creek segment to be identified, potentially including within OU3 once remediation has been completed) in accordance with the criteria outlined in Section III.

1. Riparian Improvement

Riparian improvement projects include revegetation, reducing livestock access, removing/enhancing roads, streambank stabilization, floodplain restoration, reconstructing stream channel(s), constructing floodplain wetland cells, woody debris placement, microtopography creation, bank treatment, seeding and mulching, and planting. These types of projects can provide a host of services. Revegetation of the riparian area reduces contaminant mobility by providing filtration of overland flow and reduces sedimentation by providing soil

stabilization. Vegetation provides habitat cover for both upland and in-stream species, and limits surface water temperature fluctuations by providing shade. Floodplain restoration projects, including reconnecting the floodplain area and constructed wetlands, reduce erosion and subsequent sedimentation by reducing flow velocities, and provide opportunities for natural stream channel changes over time. Road removal and streambank stabilization projects, often supported by and conducted in conjunction with revegetation and floodplain restoration, reduce sedimentation (Yochum 2018) and can lead to an overall improvement in habitat conditions, thereby contributing to more robust and abundant populations of fish and wildlife. Engineered floodplains and riparian plantings also may improve groundwater quality by providing filtration of runoff and reducing overland flow, thereby encouraging groundwater recharge.

2. In-Stream Habitat Improvements and Channel Modifications

In-stream habitat improvement and channel modification activities can create habitat for biota by providing variable structures and improved channel flow. Modifying stream morphology by adding meanders and creating variable pool-riffle-run habitat directly improves habitat for fish (particularly trout) and invertebrates. Installing boulders, woody debris, and other large structures creates shelter and resting areas for fish that mimic natural features in streams and rivers. These features also create cover and reduce flow velocity to provide habitat for invertebrates (Wohl et al. 2015). These kinds of habitat improvements would advance and restore more natural hydraulic conditions and restore natural sediment transport processes, thereby improving water quality. The improvement and addition of habitat through stream channel modifications should result in increased fish and invertebrate populations, providing both ecological and recreational benefits.

3. Fish Passage

Conceptual fish passage projects include restoration activities such as removal of fish passage barriers in creeks and streams and addition of screens to reduce fish access to artificial diversions. These types of habitat improvements would benefit a variety of native and other fish species.

Removal of barriers and enhancement of passage structures such as culverts and fish ladders can directly benefit fish survival and spawning by enabling fish to regain access to diverse habitats and additional food sources. Restored access to spawning habitat should result in a direct increase in fish numbers, which would benefit imperiled species and increase recreational fishing opportunities by increasing fish populations and expanding accessible fishing areas. Limiting access to unsuitable habitat by placing screens on irrigation and power diversions can also encourage fish to instead utilize appropriate habitats for foraging and spawning. This should increase survival and reproduction rates for fish, especially trout (Yochum 2018).

B. Terrestrial Habitat Improvement Restoration Projects

Activities can be implemented to improve upland terrestrial habitat and benefit ecological resources in the surrounding area. Example projects include selective removal of non-native plant species and/or planting of native trees and vegetation in OU3 and surrounding forest areas.

1. Native Planting and Removal of Non-Native Species

Planting native trees and vegetation has direct benefits for not only the immediate area, but globally as well. Planting in burned, logged, or other denuded areas restores habitat for wildlife, giving birds, mammals, and reptiles improved nesting/burrowing, foraging, and hunting opportunities. Invertebrates will also benefit from increased access to food and shelter, as well as improved soil health. Trees also sequester carbon, reducing atmospheric carbon dioxide levels that contribute to global climate change (Dumroese et al. 2019).

Native planting and removal of non-native species activities in targeted areas would result in increased opportunities for multiple recreational uses in forested areas. Forest planting also improves surface water quality and has the potential to improve groundwater quality, through increased soil stabilization and filtration and reduction of evaporation from soil.

C. Recreational Fishing

A replacement recreational fishing project for potential lost recreational use could include acquisition of land and construction of a fishing access site or other recreational access site in Lincoln County in cooperation with Montana Fish Wildlife, and Parks or a local governmental entity. It would be constructed in accordance with then-current construction and design requirements for fishing access sites.

III. CRITERIA FOR SELECTING RESTORATION PROJECTS[9]

Prior to use of funds, a restoration plan would be developed and adopted by the Governor after adequate public notice and opportunity for hearing and consideration of all public comment. The DOI regulations, 43 C.F.R. § 11.82(a), provide that a reasonable number of possible alternatives for the restoration, rehabilitation, or replacement of the injured natural resources be developed and considered. The overall goal of the restoration plan is to identify actions that singly or in combination restore, rehabilitate, replace, or acquire the equivalent of injured natural resources or lost services such that they can provide the level of services available under baseline conditions. Restoration in areas where remedial action will be implemented typically follows implementation of the remedial action and is intended to provide restoration beyond that provided by the remedial actions. Additional data collection and analysis may be needed to evaluate the priority of the different restoration actions.

The Natural Resource Damage Program (NRDP), which acts on behalf of the Governor as trustee, typically develops a restoration plan in consultation with the Montana Department of

[9] The criteria described in this Section III are intended to provide a synopsis of the State's process for evaluating and selecting potential restoration projects. This Section does not, however, fully define that process or otherwise affect in any way the State or the Governor's authority and discretion established by law.

Fish, Wildlife and Parks, local government (e.g., Libby and Lincoln County, the local Water Quality Protection District), watershed groups and non-profits, other agencies, and the public. A recent example of this process is outlined in the *East Helena Asarco Smelter Final Restoration Plan and Environmental Assessment Checklist* (NRDP 2019), available at 11.04.2019-East-Helena-Restoration-Plan-Signed-by-Gov.pdf (dojmt.gov). NRDP would follow a similar process and gather restoration action ideas from all relevant entities from their planning documents, meetings, and a public solicitation for project ideas. The criteria outlined below are taken from the *East Helena Asarco Smelter Final Restoration Plan and Environmental Assessment Checklist.*

In developing possible alternatives for the restoration, replacement, rehabilitation, or acquiring the equivalent of the injured natural resources or services, NRDP anticipates evaluating the alternatives under the following criteria, which meet the requirements of CERCLA and CECRA, and the provisions of 43 C.F.R. § 11.82. In addition, NRDP also anticipates evaluating the additional "policy criteria" outlined at the end of this section. These criteria have been developed by the State to promote State of Montana goals.

Technical Feasibility: This criterion evaluates the degree to which a restoration action employs well-known and accepted technologies and the likelihood that the action will achieve its objectives. Actions that are technologically infeasible will be rejected. However, actions that are innovative or that have some element of uncertainty as to their results may be approved. Different actions will use different methodologies with varying degrees of feasibility. Accordingly, application of this criterion will focus on an evaluation of an action's relative technological feasibility.

Relationship of Expected Costs to Expected Benefits: This criterion examines whether the costs of an action to restore, rehabilitate, replace, and/or acquire equivalent resources are commensurate with the benefits provided. In doing so, the costs associated with a restoration action, including costs other than those needed simply to implement the action, and the benefits that would result from an action, will be determined. Application of this criterion is not a straight cost-benefit analysis, nor does it establish a cost-benefit ratio that is by definition unacceptable. Quantifying the benefits of a project will sometimes require collection of additional data or information and additional analysis.

Cost-effectiveness: This criterion evaluates whether a particular restoration action accomplishes its goal in the least costly way possible. As outlined in the natural resource damage regulations, cost-effectiveness means that when two or more activities provide the same or a similar level of benefits, the least costly activity providing that level of benefits will be selected (43 C.F.R. § 11.14(j)). To apply this criterion in a meaningful fashion, all of the benefits a restoration action would produce must be considered, not just cost; otherwise, the focus would be too narrow. Take the example of a restoration action that would fully restore a given resource in a short period of time compared to another restoration action that would restore the same resource at less cost but over a longer period of time. Considering only that the second action is less expensive than the first action ignores the benefits resulting from a relatively shorter recovery period. In this

example, since an accelerated recovery time is a benefit, it would need to be factored into a determination of cost-effectiveness.

Results of Response Actions: This criterion would consider the results or anticipated results of CERCLA response actions underway or planned in OU3 after selection of the final remedy by EPA. Evaluation of this criterion requires assessment of response actions at an adequate level of detail in order to make projections as to their effects on natural resources and services. For restoration alternatives within OU3, this criterion will include consideration of:

- What may be necessary in the way of restoration of resources and services in light of the ongoing and planned response actions.
- The degree of consistency between a restoration action and the response action(s).

Adverse Environmental Impacts: This criterion weighs whether, and to what degree, a restoration action will result in adverse human or physical environmental impacts. Specifically, NRDP will evaluate significant adverse impacts that could arise from the restoration action, short term or long term, direct or indirect, including those that involve resources that are not the focus of the project. To do so, the dynamics of a restoration action and how that action will interact with the environment must be understood.

Recovery Period and Potential for Natural Recovery: This criterion evaluates the merits of a restoration action in light of whether the resource is able to recover naturally (i.e., without human intervention) and, if a resource can recover naturally, how long that will take. Given that the final response action at OU3 has not been determined, the NRDP will consider the recovery period following response actions to evaluate potential restoration projects in OU3. (The term "recovery period" refers to a return to "baseline," as both of those terms are defined in 43 C.F.R. 11.14.)

Human Health and Safety: This criterion evaluates the potential for a restoration action to have adverse effects on human health and safety. Such a review will be undertaken not only to judge a particular action but also to determine if protective measures should be added to the restoration action to ensure safety.

Federal, State, and Tribal Policies, Rules and Laws: This criterion considers the degree to which a restoration action is consistent with applicable policies of the State of Montana and applicable policies of the federal government and Tribes (to the extent the State is aware of those policies and believes them to be applicable and meritorious). In addition, a restoration action must be implemented in compliance with applicable laws and rules.

Policy Criteria

In addition to the above legal criteria, NRDP applies the following policy criteria when considering prospective restoration projects.

Normal Government Function: This criterion evaluates whether a restoration action involves activities for which a governmental agency would normally be responsible or that would receive funding in the normal course of events and would be implemented if

recovered natural resource damages were not available. Settlement funds may be used to augment funds available to government agencies, if such cost sharing would result in the implementation of a restoration action that would not otherwise occur through normal government function. Based strictly on this criterion, a project involving activities that would fall within normal government responsibilities may be ranked lower than a restoration action that does not fall within this category.

Price: NRDP will evaluate whether the land, easements, water rights, or other property interests proposed to be acquired are being offered for sale at or below fair market value. Consideration of this criterion will likely require NRDP to conduct its own appraisal of the property. If the appraisal process for an acquisition was not subject to initial State review and approval, NRDP will, at a minimum, conduct a review appraisal and may conduct a full appraisal.

Location: Restoration actions are generally geographically restricted. In this case, the State has agreed to prioritize restoration actions within Lincoln County (in which OU3 is located), subject to NRDP's required administrative decision-making process.

Environmental Review

An environmental review of the implementation of the restoration plan is also required to evaluate impacts of proposed State action on the physical and human environment pursuant to the requirements of the Montana Environmental Policy Act, §§ 75-1-101, MCA, *et seq*. (MEPA). As part of its analysis of impacts to human health and safety, NRDP will determine if protective measures should be added to the restoration plan alternatives to ensure safety.

Public Comment

Upon a full evaluation of the information collected through the above process and an evaluation of the above criteria, including a comparative analysis, NRDP will identify a preferred alternative and put the draft restoration plan out for public comment. NRDP will consider all public comment before making a recommendation to the Governor for the final restoration plan. 42 U.S.C. § 9611 and § 75-10-713, MCA.

IV. RESOURCES

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Attachment B

Early Restoration Project Proposals

Libby Asbestos OU3 Early Restoration Scoping Public Comment

No.	Individual/Association	City/Area
1	Keith Karoglanian/Forest Service Libby Ranger District-Kootenai National Forest	Libby, MT
2	Tony Petrusha/Cabinet Country Consulting LLC	Libby, MT
3	Tony Petrusha/Cabinet Country Consulting LLC	Libby, MT
4	Ben Scott/Libby Park District board member	Libby, MT
5	Ben Scott/Libby Park District board member	Libby, MT
6	Heather Todd/Nerdlet Consulting on behalf of Jim Hammons/Lincoln County Commissioner	Libby, MT

Comment #1

Attachment A
LIBBY ASBESTOS OU3 EARLY RESTORATION CONCEPT ABSTRACT FORM

The State of Montana, through the Natural Resource Damage Program (NRDP) is soliciting early restoration project concepts for potential inclusion in the Libby Asbestos Operable Unit 3 (OU3) Interim Restoration Plan. The plan will be released for public comment, and the Trustee will make a final decision on early restoration actions.

For early restoration project concepts to be considered, submit a project abstract to NRDP that covers the basic information indicated below **no later than 11:59 PM on November 20, 2023**. Since proposals are being requested as abstracts, submittals should not be more than four pages. For additional information, call or e-mail NRDP (see contact information below).

Name: Keith Karoglanian

Address: 295 Florence Road
Libby, MT 59923

Phone: Personal: 315 256 8558 Work: 406 283 7567
Email: Keith.karoglanian@usda.gov, karoglanian@yahoo.com

Project Purpose and Benefits: *Indicate why the project is being proposed. Include the expected goals, objectives, and outcome of the project. Address the following:*
• How will the project restore, replace, rehabilitate, or acquire the equivalent of the natural resources injured or services lost due to the operations at Libby OU3?
• How will the project benefit the public's use and enjoyment of those resources?

This project aims to address alterations of Lower Libby Creeks riparian corridor and mitigate Aquatic/Riparian habitat damage related to the Libby Asbestos Operable Unit 3 (OU3). Lower Libby Creeks riparian corridor has been simplified and straightened to accommodate the former international paper mill in Libby, resulting in loss and degradation of habitat for aquatic species (including ESA bull trout) and terrestrial (riparian dependent) species. Healthy floodplain function has been lost and the effects of such are seen up the creek for over 2 miles and at the mouth of Libby Creek.
The area surrounding the former mill that is adjacent to Libby Creek is currently its own superfund site called *The Libby Ground Water Contamination Site* (EPA ID: MTD980502736). A lumber and plywood mill that treated wood with creosote operated at the site between 1946 and 1969, resulting in groundwater contamination (see more details in Project Description). A project of this magnitude, that needs to consider an adjacent superfund site and addresses loss of riparian/aquatic habitat (home to federally listed bull trout) would not be possible without a detailed analysis and a major funding source such as this. The degradation of habitat that exists within this project area have the potential to never be addressed without a major effort and availability of funds of this magnitude. The opportunity to fix Libby Creek is now, and if not, it may never be addressed.

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

This project would take place in Northwest Montana in the town of Libby. The site exists adjacent to a superfund site where a retired international paper mill with creosote soaking ponds and portions of the Libby Asbestos Superfund site stored vermiculate. Analysis would be performed on Libby Creek from

river mile 0 to river mile 3.0. Additional analysis would be required on the footprint of the old international paper mill at Libby Creek River mile 0.5. (See attached maps).

Project Description/Background: *Describe the components of the project and how it will be implemented. Indicate what progress, if any, has been accomplished to date on the project.*

The major activities within this project would be floodplain grading, instream habitat enhancement and riparian revegetation. What makes this project unique is the adjacent superfund site and analysis needed to ensure that floodplain connection does not reconnect Libby Creek with contaminated soils and water from the superfund site. This will entail much more analysis by a more focused design group.
The EPA selected a long-term remedy for the stie in 1988. It included excavation of contaminated soils with treatment in a land treatment unit (LTU); institutional controls; in-place bioremediation of contaminants in the saturated zone of the waste pit area; extraction and treatment of groundwater and oils; in-place enhanced bioremediation of upper aquifer groundwater; and long-term monitoring. Following the rejection of a technical impracticability request for the upper aquifer in 2009. International Paper (IP), the current responsible party, conducted further investigations at the site to assist with the reevaluation of technologies to more effectively clean up contamination in the upper aquifer. A focused feasibility study (FFS) was completed in 2018 that compiled all of the investigative data and evaluated appropriate technologies. Following receipt of the FFS, the Agencies selected the most cost effective and expedient remedy to continue cleanup of the Upper Aquifer. The selected remedy, a more aggressive application of In-Situ Bioremediation (ISB) was proposed to the public in a proposed plan document published in 2019. The selected remedy was also formally presented to the public in a meeting in 2019, during which official comments on the proposed plan were accepted. Following consideration of public comments, the EPA released an amended Record of Decision that codified the new remedial path forward.
The first phase of this project would be a feasibility study to determine if reconnecting Libby Creek to its historic floodplain would not cause any reactivation of any contamination from the adjacent superfund site. It is expected that a vast amount of information about the contaminated site already exists from EPA investigations within the *Libby Ground Water Contamination Site.* Incorporation of this data into the feasibility study would reduce the costs and shorten the time frame in which a decision to move forward would take. Several remediation and engineering firms specialize in design of feasibility studies of this magnitude and a request for proposals (RFP) for a feasibility study would be suggested as phase 1.
If a feasibility study determines that restoration of Libby Creek is viable, the project would move on to phase 2, design. An engineered design of the restoration site that incorporates findings from the feasibility study would be requested. Items like floodplain connection, aquatic habitat, flood control, revegetation, adjacent zoned space, recreation, engineered drawings and cost estimates for build would be included into phase 2 design. The final phase, phase 3, would be construction. Construction of the project would be bid on the open market incorporating items from the design phase.
Libby Creek is the town of Libby's namesake tributary and is in the middle of the city of Libby. Much work has been done by the city of Libby to promote recreation in this area. Meanwhile the adjacent old mill is a brownfield that exists in the heart of Libby with amazing views of the Cabinet Mountain Wilderness, views of Libby Creek and views of the forests that Libby is known for. Not only will this project restore the one of the most important tributaries to the Middle Kootenai, but it also has the potential to be a catalyst for economic recovery for the town of Libby by restoring an existing brownfield with amazing views of the area in a creekside setting and be a "jump off" point for hiking and biking and desirable commercial space. Many trails exist and are being developed within walking and biking distance of this area.

Libby Creek has been identified as one of the most important tributaries for fish in the Middle Kootenai, but restoration work on Lower Libby Creek has never been explored due to the known superfund site. The extraordinary cost it would take to analyze the feasibility of doing the work and not connecting the superfund site to Libby Creek has always been the drawback for doing this work. A once in a lifetime funding opportunity like this is the only opportunity to address this work. This project not only aims to restore highly important fish and wildlife habitat but also would be a boon for the local economy of Libby.

Lead Entity: *Indicate any suggested lead entity (must be the State or a governmental entity) and project partners for implementing the project.*

Although a lead entity has not been identified yet, there are numerous project partners that exist in the area (MTFWP, The City of Libby, US Forest Service, Libby Outdoor Recreation Group, Lincoln County, Army Corps of Engineers and Trout Unlimited). Further conversation will be initiated to determine the local group that has the best capacity to be the lead agency or if it is best to be facilitated through MT NRDP.

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

This project would be a long-term project that could span up to 10 years. Things that would need to be completed would be: 1-Putting out a request for proposals for a feasibility study 2-selecting a firm to do the feasibility study 3-Time to complete project survey's that would feed into the design report 4-putting out a request for proposals for the design report 5-selecting a design firm 6-designing a project with input from all stakeholders 7-Selecting a contractor to build the project and finally 8-build the project.

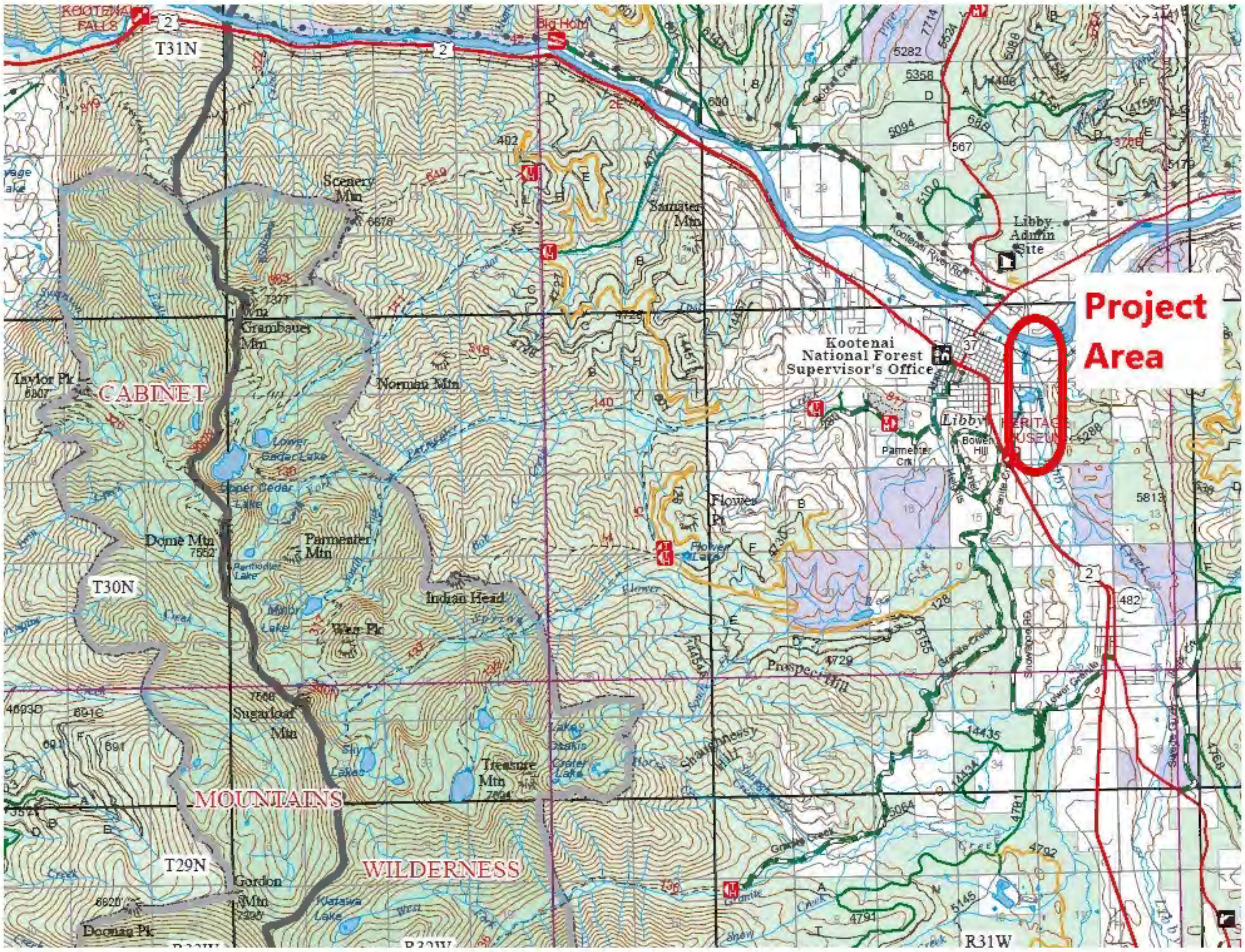
Initial request for funding would be to fund a feasibility study to determine if it's a project worth moving forward with. This feasibility study will most likely take multiple years due to the nature of the project and the need to be through.

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

General cost information would be extremely difficult to ascertain without discussing with all stakeholders. From past experience working on similar projects, but smaller in nature, would be as follows:

- Feasibility study: $700,000
- Project Design: $300,000
- Project Construction: $500,000

Matching funds for this project would most likely come at phase 2 (design) and phase 3 (build). The expectation is that if it is determined that it is viable project worth moving forward with, local municipalities would have a variety of funding sources and grants available to contribute to funding the project and match any funds coming from MT NRDP.


Project
Area
Kootenai
National Forest
Supervisor's Office
Libby
Libby
Admin
Site
CABINET
MOUNTAINS
WILDERNESS
T31N
T30N
T29N
R31W


Kootenai River
Libby
Former
International
Paper Mill
Libby Creek

Comment #2 (revised)

Contact Information:
Libby Park District
Tony Petrusha, 406.422.3528, tpetrusha@yahoo.com
559 Florence Rd, Libby MT 59923

Project: Balsam Street School Access Pedestrian Pathway

Project Purpose and Benefits:

Balsam Street in Libby is the main corridor from the southern Libby residential area to the Libby Elementary School and the Ski Dale Park Area. Located in the School - Park cluster are numerous outdoor activity features. There is a sledding hill, an outdoor running track, athletic field, playground equipment, a bicycle pedal track and two picnic areas. Connected to the Ski Dale Park is a USFS trail leading to Parmenter Creek and the Cabinet Mountain Wilderness Area, with a connection to the Norgard trail and the Flower Creek Recreation area only a short distance to the south.
Creating a pedestrian lane along 1,300 feet of Balsam Street will make safe access to many outdoor recreation facilities readily available to enthusiasts of all ages. The pedestrian lane will eliminate the current need for pedestrians and vehicles to share to roadway. The hazards increase when sharing the road in the winter, when snow berms make the road even narrower. This causes some parents to find alternatives to getting students to school. This project is to install curb, gutter and sidewalk that will provide a safe walking path for children on their way to and from Ski Dale Park and the Elementary School. We should encourage and enable Libby's children to spend time outside whenever possible, this pedestrian lane will make travel safer of all users.

The project will create a safe walkway for children going to Libby Elementary school, the previous school, Asa Wood Elementary school, was closed because the Zonolite material in the walls was asbestos containing material. The new sidewalk will provide a safe access path and encourage pedestrians to walk to the school in the great outdoors of Libby Montana.

Providing a safe walking path with ADA corners and curbs from a populated residential area to a school and recreation hub will benefit the residents (of all ages) and build good outdoor health habits with the young people of the community.

Project Location:
The project will be located within the city limits of the town of Libby. It will run from Cabinet Avenue to Gallatin Street on the North side of Balsam Street (Refer to Attachment #1 Balsam St Project).

Project Description:
The project will start with soliciting bids for the work, property owners adjacent to the right-of-way will be asked to renew the existing work access easement agreements, surveying and engineering review will take place, the design documents from the Montana DOT are with the City of Libby. While awaiting final cost estimates funding from the partner organizations will be completed.

Partners in the project are the City of Libby, Libby Public Schools, LOR Foundation and in-kind services from public and private organizations. City of Libby will be the leader of the project with field assistance from local organizations.

Project Schedule:
Bids for the project would be solicited immediately upon being granted Early Restoration funding. The deadline would be to have a new walk path for students before snow accumulates in December of 2024.

General Cost Information:
The cost of the project is $650,000. The engineering is complete, the work access easements are in place, the City of Libby, Libby School District and the LOR foundation are partners in the project. With the easements in place and the design in hand, Early Restoration funding could make the sidewalk a reality for September of 2024 school year start.


Logger Trail
City of Libby
Lincoln, County Montana
N
W
E
S
Three Corner Rd
Kootenai Views Dr
Kootenai River Rd
County Shop Rd
Mt Highway 37
Airfield Rd
W US Highway 2
W 2nd St Ext
City Service Rd
W 2nd St
W 3rd St
W 4th St
Park St
Northwood Ave
SCHOOL
Libby
Lincoln Blvd
Main Ave
Utah Ave
Dakota Ave
Minnesota Ave
Ski Dale Recreation Area
Balsam St Project Area
Parmenter Creek Rd
Flower Creek Rd
Bowen Hill Rd
S US Highway 2
Taylor Rd
Upper Flower Creek Rd
Cabinet View Country Club
Shaughnessy Rd
Spencer Rd
Legend
Sidewalk
Pedestrian Lane
Native Surface
Track
Miles
0
0.5
1
2
To Norgard Trail and Flower Creek Ski Area
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community


FINISH HERE
START HERE

Comment #3

Contact Information:
Libby Park District
Tony Petrusha, 406.422.3528, tpetrusha@yahoo.com
559 Florence Rd, Libby MT 59923

Project: Interim Funding of Park District Manager

Project Purpose and Benefits:
The purpose of the 'Park Manager' project is to provide interim funding for a county employee until the Community Recreation restricted fund is mature and providing a dividend that will fund the position. The outcome of the project will be a functioning park manager in a position funded by dividends from the fund paying wages.

Interim funding will allow immediate establishment of the park and recreation manager, the manager's role will be to drive the continued development of 10 miles of non-motorized trail, finalize the creation of a local swim pond, the further development of 200 acres of recreation property in the Libby Port Area and other new and existing recreation projects and facilities in the Libby Park District.

Managing the recreational resources in the greater Libby area will provide access to local outdoor activities, restoring the use of the out of doors following the asbestos years.

Project Location: This project will enhance outdoor recreation in the Libby Park District, the area of which is equal to the Libby School District boundary

Project Description: The project is to fund recreation operations and management in Libby Park District. Provide interim funding to the Lincoln County maintenance department while permanent funding becomes available from the community recreation restricted fund.

The funds will be used to hire a Park District employee to operate and manage recreational assets and programs in the greater Libby area. This labor effort will be applied to county parks, trails, arenas and stadiums, river access points and aquatic facilities.

The advantage to the interim funding is that during the interim period, existing and new recreational facilities in the Libby area will immediately be operated and managed to the benefit of all citizens through Early Restoration NRDP funding.
The funding to create the community foundation will come from the real property sales in the Libby Port Authority, ownership transfer (from Port Authority to Private enterprise) of parcels totaling 240 acres continues to occur. Additionally, 200 acres of land is being transferred to the Libby Park District for recreational development.

The project will be led by the Libby Park district board of directors, an element of Lincoln County.

Project Schedule: The process of developing the MOU with the County, Port Authority and the Park District in process. Selecting and hiring the individual is restrained until funding is available. With Early Restoration NRDP funding, the program manager could be working in summer 2024. Permanent funding would be available in the year 2029.

General Cost Information: The project will require an additional 1 FTE in the Lincoln County Park maintenance department
Estimate of total project costs. $95,000 per year for 4 years, these costs will be employee salaries/benefits.

NRDP Project – Early Restoration Funds for Park Management Program

Contact Information
Tony Petrusha, 406.422.3528, tpetrusha@yahoo.com
559 Florence Rd, Libby MT 59923

The project is to fund a park management position with early restoration NRD funds for a period of 4 years. Fund the position until the Port Authority property sale proceeds can be invested into a restricted fund that will provide dividends adequate to fund the position. Estimate value to be placed in the restricted fund is between 1.0 and 1.4 million dollars.

Technical Feasibility: This would require the creation of memorandums of understanding between: Lincoln County commissioners and the Libby Port Authority; the Libby Park District board of directors and Lincoln County; and the Libby Park District and the Libby Port Authority. The MOUs define the scope and responsibilities for each of the three entities covering existing and new facilities and programs. The MOU is defined in detail in the attached 'Get Outdoors Libby Initiative Appendix B'.

Relationship of Expected Costs to Expected Benefits: The cost of the program will be equal to the cost of one FTE county employee, starting in the form of a contractor working for the Park District. The contractor approach will allow the job description and duties to be clearly developed, establishing a path to success for the full-time employee. The benefit to getting the Park Manager in position now is that they can direct the maintenance of the existing facilities ensuring they get the immediate attention they require to be maintained to the level of service users expect. During the preparation of the attached 'Get Outdoors Libby Initiative' (GOLI), we performed a survey and the greatest concern of respondents was ongoing maintenance of existing facilities. The GOLI describes the Park Manager's duties in Appendix C, the duties are divided into one-third facility duties and two-third recreational duties. The majority of the managers duties will be to help engage people in outdoor recreation. The rest of the effort will be in maintaining and operating facilities to recreate in.

Cost-effectiveness: The Libby Port Authority is a county entity created under the Montana Codes Annotated to allow the county to dispose of property in the defunct sawmill site, also a double environmental superfund site. The Port property is also the boundary of a Targeted Economic Development District (TEDD). The money earned through the sale of real property in the port will be used to prepare other port property for sale, the profit from the sales will be dedicated to recreation in the Libby area including development on the 200 acres of port property designated for recreation. This will be done through the establishment of a restricted fund (invested in a Trust or Foundation). While earnings will be re-invested for the first 5 years to achieve a larger annual dividend. Using early restoration NRDP funds to pay for operations and management while the restricted fund matures, ensures that new and existing programs and facilities will be maintained and not allowed to degrade, keeping costs to a minimum and maximizing availability.

Results of Response Actions: With the NRDP funds supporting a Park and Recreation manager, the Libby Park District will immediately be able to provide continuous recreational outdoor activities. Using NRDP funds to support the program until restricted funds mature and yield adequate dividends to support the program.

Adverse Environmental Impacts: Applying NRDP funds to recreational management will ensure recreational access can continue and grow while still ensuring proper care and maintenance is carried out thus preventing degradation and environmental impacts

Recovery Period and Potential for Natural Recovery: Using NRDP funds until the restricted funds are mature will accelerate the recovery, waiting for the restricted funds to mature will delay the managed control of the resources for 5 to 7 years. The increase in taxable value for property sold within the port will result in a tax differential that will also be rolled into the restricted fund for use in recreation.

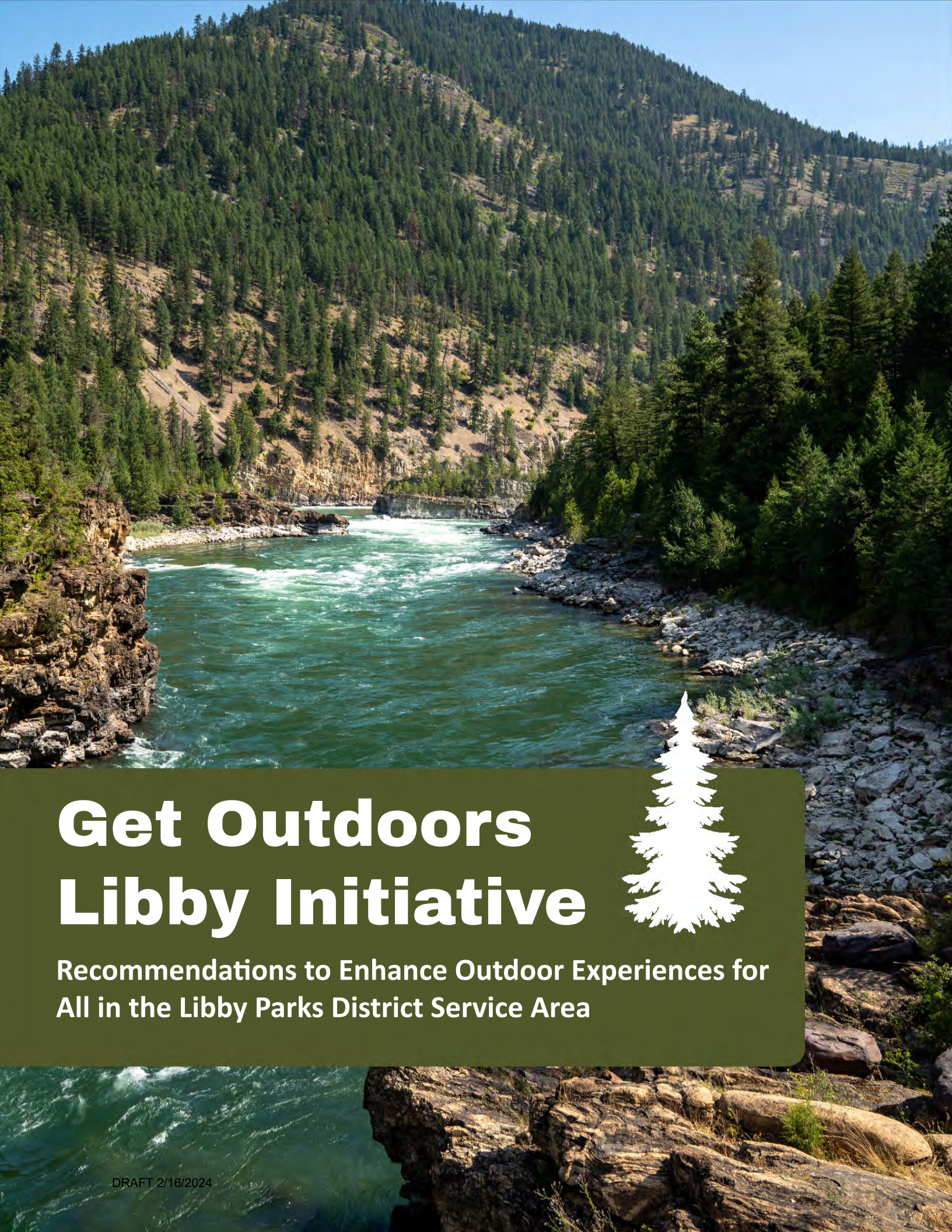
Human Health and Safety: Managing the recreational resources in the greater Libby area will provide local access to outdoor activities, promoting good health. Well managed recreational programs and facilities offer a greater return for recreators.

Federal, State, and Tribal Policies, Rules, and Laws: Funding Park District recreational management will be in accordance with Montana, Lincoln County and City of Libby rules and laws.

Normal government function: Using Early Restoration Funds will augment the implementation of the Recreation Management program. If the program is delayed and funded by the restricted fund, it will take several years to implement the program. If it is funded solely by the existing park district levied tax of 0.5 mils (about $10,000) per year, the program cannot function.

Price: $60,000 per year for 4 years

Location: The Greater Libby Area



Get Outdoors Libby Initiative

Recommendations to Enhance Outdoor Experiences for All in the Libby Parks District Service Area

DRAFT 2/16/2024

EXECUTIVE SUMMARY

The Get Outdoors Libby Initiative is an effort led by the Libby Parks District to develop, maintain, and coordinate outdoor recreation experiences within the Libby School District area and under the leadership of the Libby for the benefit of residents and visitors in the Libby Area.

This plan contains an assessment of the primary recreation assets located within the Libby area, a community survey, and a set of action-oriented recommendations to build leadership, management capacity, and future recreation projects.

The four key priorities for the Parks District Board to lead a connected, coordinated, and well-managed recreation system in the Libby area are:

Priority 1: Strengthen capacity and effectiveness of the Libby Parks District Board to ensure legal accountability, adequate resources, strong partnerships, community engagement, and effective staff and recreation management by 2027.

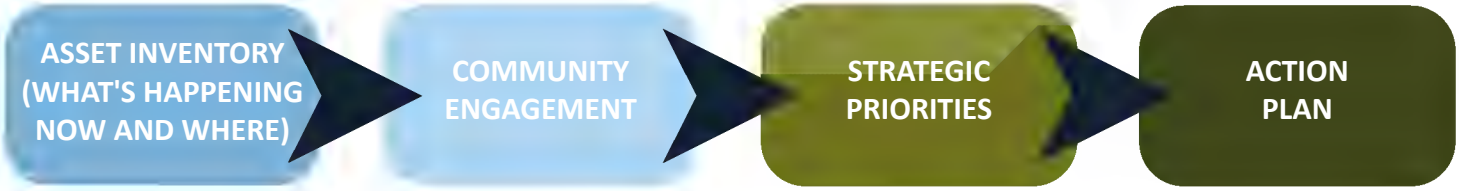
Priority 2: Establish Port Authority as a recreation hub in the Libby area for all ages and abilities

Priority 3: Operation and Management of county-led recreation facilities

Priority 4: Development of Proposed and Future Recreation Facilities

PURPOSE AND PROCESS OVERVIEW

This document aims to provide a road map for the Libby Parks District to lead a connected, coordinated, and well-managed recreation system in the Libby area anchored by the Port Authority site. The planning process was designed to build on existing planning initiatives and partnerships, assess existing conditions, and engage the community to help leaders develop actionable and impactful projects that reflect where and how people want to get outdoors every day.



CURRENT STATUS

A. About Libby Area

Lincoln County, MT is located in the northwest corner of the state and is bordered by Canada to the north and Idaho to the west. The Kootenai River, forested public lands, and mountainous terrain are the primary geographic features of the community. U.S. Highway 2 and MT Highway 37 intersect in Libby and are the primary transportation routes. BNSF railroad's main east-west line goes through the city.

Libby, MT is the county seat of Lincoln County. The U.S. Census estimated the 2021 population for the City of Libby, MT to be 2,745 and for the Lincoln County High School District to be 7,127. The State of Montana site selector estimates a 1.39% annual growth rate resulting in a population for the city of 3,061 by 2028. Per capita income in Libby in 2023 was estimated at $27,779. This compared to a statewide per capita income of $57,719.

Historically, mining and the wood products industries were major economic drivers in Lincoln County and Libby. Vermiculite deposits were first located in the early 1900s northeast of Libby and the Zonolite Company marketed the products for insulation, plaster, and soil treatments. The W. R. Grace Company bought the mine and operated it from 1963 until its closure in 1990. A stud mill was built at Libby in 1958, and a plywood plant began operations in 1960. In 1993, the Libby assets were sold to Stimson Lumber and Plum Creek Timber Company. The Libby mill closed in 2002 and was acquired by the Lincoln County Port Authority on December 31st, 2003.

As a result of the mining and industrial activities, there are two Superfund sites located within the city.

In 1979, EPA discovered PCP contamination in well water near the Stimson mill and in 1983 the area was designated a Federal Superfund site. Following cleanup, operation and maintenance activities as well as groundwater monitoring are ongoing. In 2002, the EPA placed the former Stimson Lumber Company property Operable Unit 5 (OU5) within the Libby asbestos site on the Superfund National Priorities List (NPL) EPA completed the Remedial Investigation Report for OU5 in June 2013.

B. About the Port Authority

In 2002, the Stimson Lumber Company ceased activity and in 2003 Lincoln County Port Authority was formed to assume ownership of the 400-acre site located adjacent to the City of Libby, along US Highway 2 East. The Port Authority worked with EPA and responsible parties on the remediation and redevelopment of this property, referred to as the Kootenai Business Park (KBP). While the initial remediation for Kootenai Business Park was completed in 2012, any future redevelopment must be coordinated with ongoing clean-up activities and institutional controls related to the Superfund designations.

Over the years, the Port Authority invested in infrastructure and the site is being redeveloped with commercial and industrial sites. Two hundred acres were set aside for recreational purposes. To date, recreational uses on the site include a motocross course, fishing ponds, paved trails, picnic area, and a parking lot. In 2022, the Port Authority Board engaged in discussions with Lincoln County and the Libby Park District to take over ownership and maintenance of the recreation area.

C. About Parks District

The Park District was established in 1986 according to Montana Code Annotated, Section 7-1-202. After a ballot initiative was approved in 1986, County Resolution #127 created the district. The original by-laws state that the key purpose of the district was to develop an aquatic center, which to date has not been constructed. A five-member Park District Board of Commissioners is appointed by the Lincoln County Commissioners to administer funds and plan for recreational development. The Park District is currently funded through a property tax mill levy set at 0.5 mills per year and contracts for administrative support services.

D. Key Partners

The outdoor recreation system in the Libby area relies heavily on nonprofits and volunteers for the development, funding, operation, and maintenance. For example, the volunteer leaders in the Sheldon Mountain area are Backcountry Horsemen and the Kootenai Riders. Kootenai Nordic is the nonprofit leader in the Flower Creek area. The City of Libby relies on organized sports groups and the Port Authority leads on the Port Authority property.

E. Previous Planning

The outdoor recreation system in the Libby area relies heavily on nonprofits and volunteers for the development, funding, operation, and maintenance. For example, the volunteer leaders in the Sheldon Mountain area are Backcountry Horsemen and the Kootenai Riders. Kootenai Nordic is the nonprofit leader in the Flower Creek area. The City of Libby relies on organized sports groups and the Port Authority leads on the Port Authority property.

- Libby Growth Policy Update
- Lincoln County Growth Policy Update
- Greater Libby Area Trails Plan
- South Flower Creek/Old Snowshoe Recreation Plan
- Lincoln County Comprehensive Economic Development Strategy
- Kootenai Business Park Targeted Economic Development District Comprehensive Development Plan
- University of Montana – Rebirth of Libby [CITATIONS HERE]

RECREATION ASSETS

A. Libby Municipal Parks

The City owns and operates a system of urban parks. The City Council provides oversight on the budget, capital improvements, and partnership agreements for the parks. Various sports facilities were developed and are managed in partnerships with non-profit groups.

Staff - Staff positions to maintain the parks are funded through the city's general operating budget. These include one FTE and two seasonal temps. Non-profit partners maintain various sports facilities.

i. Riverfront Park

Acres	13 acres
Location	Hwy 37 & Kootenai River
Recreation Assets	Fred Brown Log pavilion, asbestos memorial pavilion, 2 boat ramps, parking
Maintenance	City staff maintains
Partners	EPA
Comments	The park is located on the site of W.R. Grace's former export operations and was part of the larger Environmental Protection Agency Superfund cleanup.

ii. Lee Gehring Field

Acres	5 acres
Location	Hwy 37 & 3rd Street
Recreation Assets	Ball field, restroom
Maintenance/Upgrades	
Partners	American Legion maintains
Comments	

iii. Fireman Park

Acres	8.5 acres
Location	Hwy 2 & Treasure Avenue
Recreation Assets	Splash pad, playground, camping, picnic pavilions, restrooms
Maintenance/Upgrades	Wood playground equipment needs replacement, sprinkler system upgrade, old picnic tables
Partners	Rotary Club installed a new restroom. The Chamber of Commerce built Fireman's Memorial Pavilion.
Comments	City staff maintains the park.

iv. Tennis Courts

Acres	3 acres
Location	E. 9th Street near city hall
Recreation Assets	Six Tennis courts & surrounding open space
Maintenance/Upgrades	
Partners	U-Serve maintains tennis courts
Comments	Recently resurfaced. High school tennis teams use courts.

v. Ball Field/Fray Olson Park

Acres	18.5 acres
Location	Treasure Ave. and Croteau Rd.
Recreation Assets	Ball fields, trail
Maintenance/Upgrades	
Partners	Little League
Comments	Flower Creek runs between Ball Field & Fray Olson Park.

vi. Asa Wood

Acres	6 acres
Location	6th Street
Recreation Assets	Community Gardens, former school playground & sports fields
Maintenance/Upgrades	
Partners	Libby Community Gardens, Inc. volunteers for gardens on-site
Comments	Former Asa Woods School purchased by Compass Health for Development. School District received $388,000 grant in 2021 for property clean-up

vii. Mineral Park

Acres	0.5 acres
Location	Mineral Ave. and E. 1st St.
Recreation Assets	Picnic tables
Maintenance/Upgrades	
Partners	BNSF Railroad maintains
Comments	

B. Lincoln County Parks

i. J. Neils Park

Acres	80 acres
Location	Hwy 37 north of Kootenai River near Airport Rd.
Recreation Assets	Rodeo grounds, 2 soccer fields, frisbee golf, basketball courts, dog park, pavilion, picnic areas, bandstand, softball fields, baseball fields, Equine Rest facility, paved trails (1.4 miles), horseshoe pits, playground, bathrooms
Maintenance/Upgrades	Signage (replace broken signs, update info), vegetation management, restroom (paint, repairs, replace fixtures), lighting/fence repairs, bear-proof trash cans. Connect trails to City of Libby trail system.
Partners	Rodeo Club, Libby Youth Soccer, [OTHERS??]
Comments	County staff and partner organizations maintain

ii. Pioneer Park

Acres	10 acres
Location	Balsam St. & Main
Recreation Assets	Food pantry, undeveloped open space, natural trails
Maintenance/Upgrades	Natural surface pump track in development
Partners	
Comments	Development is deed-restricted in granting documents

iii. Other County Parks (Undeveloped or Homeowner Parks)

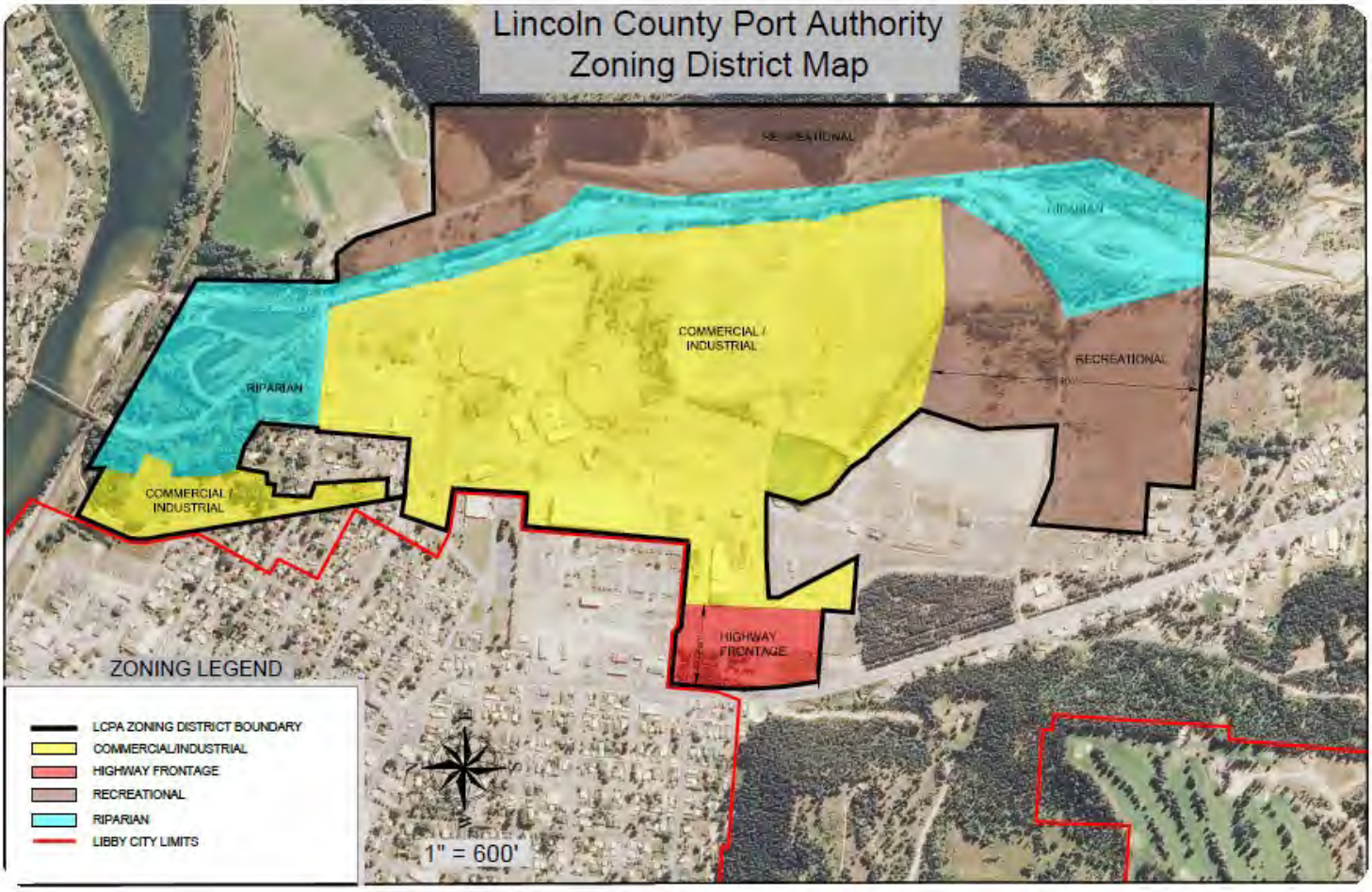
Residential Subdivision Parks	Undeveloped
Edgewater Estates Parks	Ski Dale Park (limited County maintenance)
Northwood Manor Park (West)	
Northwood Manor Park (East)	
Sunrise Terrace Park	
Cabinet View Highwood Park	

MAP 6: TABLE OF PUBLIC PARKS

Id #	Park Name	City or County
0	J Neils Park	County Park
1	Edgewater Estates Park	County Park
2	Northwood Manor Park (west)	County Park
3	Northwood Manor Park (east)	County Park
4	Sunrise Terrace Park	County Park
5	Riverfront Park	City Park
6	Lee Gehring Field	City Park
7	City Tennis Courts	City Park
8	Pioneer Park	County Park
9	Cabinet View Highwood Park	County Park
10	Ball Field	City Park
11	Fireman Park	City Park
12	Frary Olson Park	City Park
13	Mineral Park	City Park
14	Ski Dale Park	County Park
15	Asa Wood Park	City Park
16	Central School	City Park

C. Lincoln County Port Authority

Lincoln County Port Authority was formed in 2003 to develop the 400 acres acquired after Stimson Lumber Company ceased activity on the property in 2002. Half of the site was set aside for recreational purposes. The current fishing pond and trails were developed through grants obtained by the Port Authority and in partnership with the Rotary Club and Montana Department of Fish, Wildlife and Parks (FWP). The Motocross Course is owned and operated independently by a non-profit organization. Additional acreage is still undeveloped. Planning and development of the recreation site should be done in coordination with the Montana Department of Environmental Quality and Environmental Protection Agency (EPA) regarding the necessary remediation for Superfund sites.



Recreation Assets: The recreation zones on site have direct access from Highway 2. Current recreational uses on-site include the Motocross Park and the Fishing Pond. A non-motorized trail runs next to Libby Creek for more than 1 mile. The Port Authority received a grant through Montana Department of Natural Resources and Conservation to create a parking area with a bathroom on the property. Lincoln County has designs for the creation of a swimming pond adjacent to the fishing pond and is awaiting DEQ permits. FWP, Rotary, and local businesses/civic groups provided funding for the development of the fishing pond.

Maintenance/Upgrades: Connect to City of Libby Trails. Add amenities such as drinking water, lighting, improved trail surfaces, signage, and a wayfinding system. Maintenance needs include replacing broken/deteriorated signage, vegetation management, restroom painting & repairs, trail grading, and ongoing repairs. There is still acreage that is undeveloped and potential to expand on adjacent Stimson Lumber land. A facility/site plan for the remaining recreation and riparian site would provide a basis for identifying potential funding sources and partnerships.

D. FLOWER CREEK/SNOWSHOE TRAILS

Management: The trail area crosses private, state, and federal lands in the area from north and east of the South Flower Creek trailhead adjacent to the Cabinet View Golf Course.

- The U.S. Forest Service oversees recreation licenses in the Kootenai National Forest.
- The Montana Department of Natural Resources is responsible for recreation easements and licenses on state lands.
- County holds easements from the Forest Service and private landowners
- Partnerships include the Kootenai Cross Country Ski Club, Libby Outdoor Recreation Association,
- Other stakeholders: Kootenai Mountain Bike Club, Cabinet Mountain Backcountry Horseman, Lincoln County Sno Cat Club, Libby Area Chamber of Commerce
- Planning documents provide management direction (Greater Libby Trails Plan, South Flower Creek/Old Snowshoe Recreation Plan)

Recreation Assets: Total trail system 15 – 30 miles. County trail segment = 1 miles (historic easement) DNRC trail segment = 1.5 miles. City owns an undeveloped parking area in the South Flower Creek trailhead area. Rest of trail is primarily USFS land.
Kootenai Nordic Club ski trails, Biathlon Range, parking area, restrooms, warming shed

The Old Snowshoe area runs in a southerly direction from the South Flower Creek Trailhead along historic wagon routes and reclaimed trails to connect to the Leigh Lake parking area at the edge of the Cabinet Mountain Wilderness. It provides a more remote non-motorized user experience with access to an expansive network of roads and trails.

Maintenance and Development:
North Norgard/South Flower Creek Priorities:

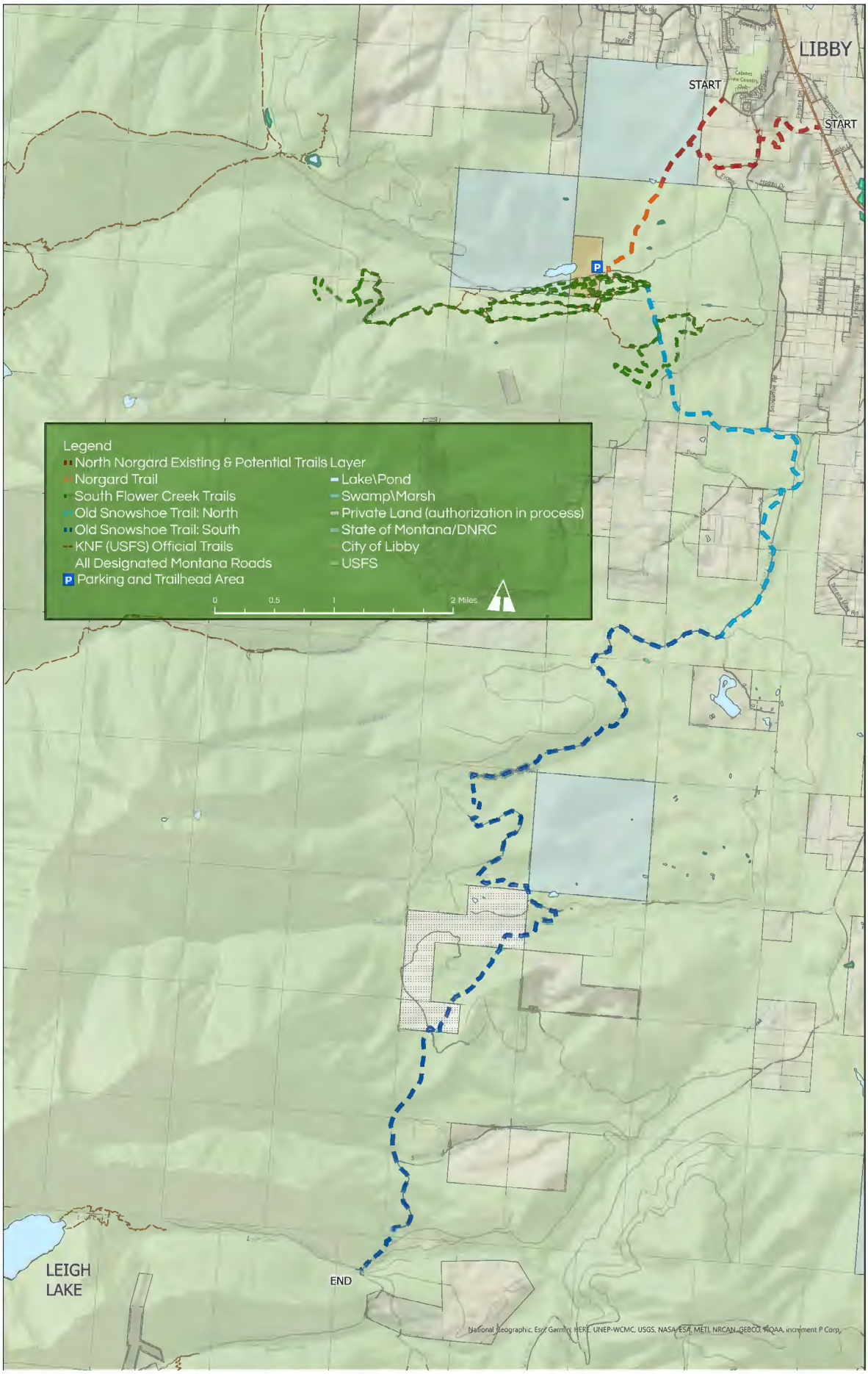
- Establish “North Norgard” which includes a dedicated and developed public parking area and trailhead from Granite Creek Road.
- Seek a dedicated connection to Norgard Trail from Cabinet Heights Road.
- Seek a connection from North Norgard/Granite Creek trailhead to Highway 2.
- Seek expansion of the Norgard Trail area to include all-abilities mobility trails.
- Maintain Flower Ck Rd (FS#128) access to South Flower Creek Trailhead Continue to improve/refine parking and trailhead at South Flower Creek

Overall South Flower Creek/Old Snowshoe Trail System Priorities:

- Restore historic and resource management routes to create a connected natural surface, non-motorized system from South Flower Creek trailhead to the Leigh Lake parking area.

The Plan also provides direction for the prioritization of projects, costs and funding strategies, and trail stewardship for the development of trails, trailheads, wayfinding signage, additional connections to town and to other trail systems, and operations and maintenance. It also provides guidelines for recreating responsibly in grizzly and other wildlife habitat.

OVERVIEW MAP: SOUTH FLOWER CREEK/SNOWSHOE TRAIL



SECTION 1
SECTION 2
SECTION 3
SECTION 4
SECTION 5

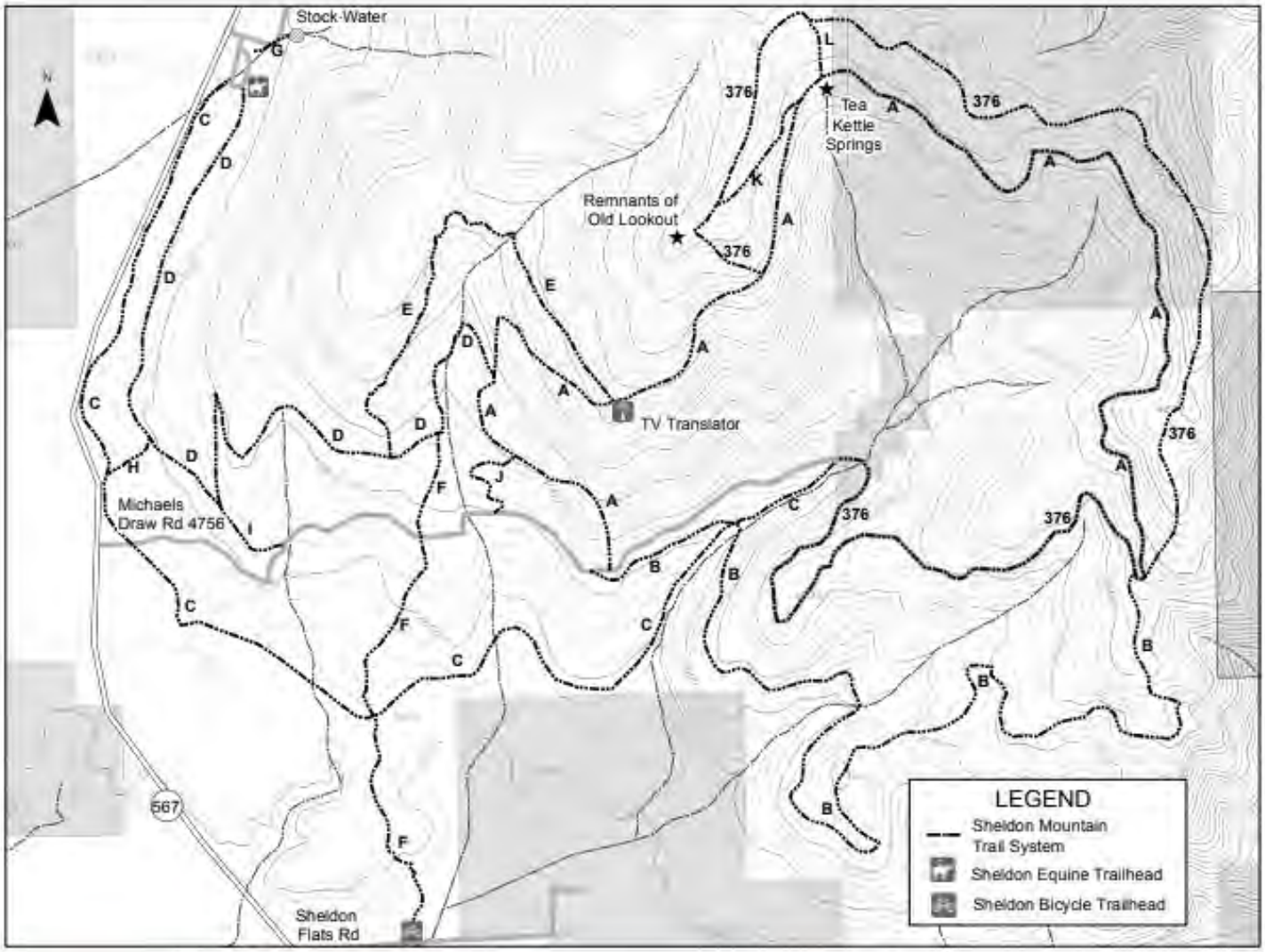
LIBBY OUTDOOR RECREATION ASSOCIATION

MAP DATE 10/10/2022
GREATER THAN IMAGE, LLC
WHITEFISH, MT

E. SHELDON MOUNTAIN

Management: The Sheldon Mountain Trailhead is located in the Kootenai National Forest 5.5 miles north of Libby, MT. The trail was constructed through a partnership with the U.S. Forest Service, Cabinet Backcountry Horseman, and Montana Fish, Wildlife and Park. The U.S. Forest Service oversees all recreation uses in the Kootenai National Forest. The Cabinet Backcountry Horseman and Kootenai Mountain Riders Mountain Bike Club also assist with maintenance projects.

Recreation Assets: The trailhead accesses over 25 miles of multi-use trails for hiking, horseback riding, and mountain bike riding. The equine trailhead provides hitching posts, fire rings, stock water, a trail training course, and a pit toilet. There is space for trailer parking.



https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd605809.pdf

F. LOGGER TRAIL

Management: The City of Libby maintains a system of paved walking paths, natural surface trails, and bike routes throughout town.

Staffing: City Street Department maintains sidewalks and bike routes located on streets.

Maintenance/Upgrades: Sidewalk improvements, trail maintenance, trailhead development, signage, ADA improvements,trail connectivity to J. Neils & Port Authority, user-friendly mapping

The Logger Trail provides a safe walking path for pedestrians. One of the primary functions of the Logger Trail is to provide connectivity between Libby schools and link both private and public schools to local neighborhoods.

The Logger Trail will provide walking access to the downtown area and the Libby medical campus.

The Logger Trail will allow walking access to outdoor recreation opportunities including J. Neils Park, baseball fields, tennis court, Pioneer Park, and the Port Authority recreation.

COMMUNITY GOALS

The goals and objectives in this plan reflect the common themes from previous planning initiatives as well as the themes from the public input. Goals provide the basis for action items and offer a benchmark to evaluate the progress of the plan.

Goal 1: Promote community vitality, support local businesses, and boost the tourism economy.

Goal 2: Create a safe, connected trail system and walkable community.

Goal 3: Engage the community to develop a recreation system that promotes quality of life.

Goal 4: Identify funding mechanisms and partnerships for ongoing development and maintenance of a park and trail system.

Goal 5: Promote sustainability principles such as water conservation, use of native vegetation, remediation, and resiliency.

COMMUNITY ENGAGEMENT

a. General Outreach

The Libby Park District initiated the planning process in the spring of 2023. Information about the planning process, updates, and links to surveys/comment forms, were all posted to the project website.

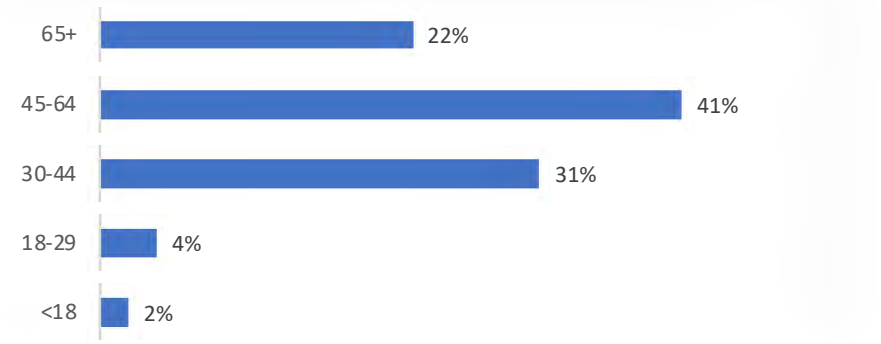
https://mtaccessproject.com/libby-parks-district/

b. Survey Methodology

The online survey was designed to provide a means for interested parties to provide public input at their convenience. From July 1 through August 18, 2023, community members were invited to take an online survey. The survey link was posted on the Montana Access Project (MAP) project page. The Libby Park District forwarded the web link for the survey to multiple stakeholders. Community members were encouraged to share the link with interested parties. Additionally, printed copies of the surveys were available on request. A total of 162 surveys were completed with a total of 148 coming from the Libby zip code (59923) and six from Troy (59935).

c. Survey Results

1. Respondents Age



2. Recreational Objectives

Highest Priority	Other Priorities
● Promote Community Vitality and quality of life ● Identify funding mechanisms and partnerships for ongoing development and maintenance of a park and trail system ● Create a safe and connected trail system and walkable community ● Promote sustainability principles such as water conservation use, native vegetation, and site reclamation	● Support local business and boost the tourism economy ● Provide education about the natural and historic surroundings ● Enhance visitor experience ● Be supported with tax dollars

3. Existing Recreation Facilities Most Likely to Use

Facility	% Respondents
Paved Share Use Walking – Bike Trail system	81%
Natural Surface Trails	73%
X-Country Ski	44%
Picnic/table shelter	43%
Swimming pond	42%
Playgrounds	41%
Baseball/softball fields	31%
Dog Park	24%
Basketball Court	20%
Shooting Sports	20%
Soccer Fields	19%
Tennis/Pickleball Courts	19%
Frisbee Golf	17%
Equestrian	6%

4. Future Recreation Facilities Would Like to See

Facility	% Respondents
Swimming pool	72%
Indoor Recreation Center	51%
Ice Rink	43%
Bicycle pump track	27%
Skate park	20%

5. Planning Area Comments

Below is a summary of the major themes from the comment sections. (See appendix for actual comments.)

Libby Municipal Parks (e.g. Fireman's, Pioneer, Riverfront)	Maintenance (Trash, vegetation), bathrooms, proposed upgrades to facilities, Illegal activity (vandalism, drugs, camping), parking & lighting upgrades, safety on walking paths
Port Authority – Fishing Pond & Trails	Maintenance (Vegetation, trash, trails, etc.), safety on bike paths, dogs, fish pond upgrades, support for swimming pond
Flower Creek – Snowshoe	Proposed upgrades/expansion to trails, mapping, promote for tourism, funding, user conflicts (dogs, motorized use, horses)
Sheldon Mountain	Maintenance, signage & mapping, promote for tourism, user conflicts, wildlife conflicts
J. Neils Park	Maintenance (sports fields, trash, vegetation), upgrades to facilities, connecting paths, illegal activity, dogs
Logger Trail System	Maintenance, safety (cars, dogs, lighting), signage/mapping, people not aware of trails – need more info

DISTRICT STRATEGIC DIRECTION

If the District decides to pursue a leadership role in conjunction with the County as a primary partner and the City and other NGOs, the District will undertake actions to achieve the following community goals. These goals were derived from existing plans and recreation initiatives and discussions with the Libby Parks District Board:

- Provides leadership in outdoor recreation in the Libby area
- Ensure well-maintained, coordinated, and operated recreation facilities in the District area
- Provide direction and resources for the operation and management of existing and proposed facilities
- Provide leadership in future recreation development

ACTION PLAN

This Action Plan outlines the recommended steps for the District to initiate and implement the Get Outdoors Libby Recreation Initiative. The actions are not sequential, they are concurrent and interrelated.

Priority 1: Strengthen capacity and effectiveness of the LPDB to ensure legal accountability, adequate resources, strong partnerships, community engagement, and effective staff and recreation management by 2027.

- Action 1.1 Board Governance—bylaws, membership, and compliance
- Action 1.2 MOU to establish partnership between County, Board, and Port Authority (sample terms attached as **Appendix A)**
- Action 1.3 Three-year Strategic Plan for the District Board
- Action 1.4 Three-year budget (revenues and expenses) for position, programs, and projects (sample budget worksheet template attached as **Appendix B**)
- Action 1.5 Secure Funding for position, programs, and projects
- Action 1.6 Create a Recreation Coordinator position (sample job tasks attached as **Appendix C**)

Priority 2: Establish Port Authority as a recreation hub in the Libby area for all ages and abilities

- Action 2.1 Maintain current Port resources
- Action 2.2 Complete and operate pending projects
- Action 2.3 Master Plan for Port Park and connections (e.g. Logger Trails)

Priority 3: Operation and Management

- Action 3.1 Staff Work Plan
- Action 3.2 Maintenance Schedule
- Action 3.3 Port Authority (see 2.1 above)
- Action 3.4 Special Projects
- Action 3.5 Flower Creek/Snowshoe

Priority 4: Development of Proposed and Future Recreation Facilities

- Action 4.1 Pump Track
- Action 4.2 Flower Creek—N Norgard
- Action 4.3 Flower Creek—Snowshoe
- Action 4.4 Planning for Logger Trail (coordinate with Port Park Master Plan)
- Action 4.5 Mapping and Wayfinding

APPENDIX A

Get Outdoors Libby Program Budget Worksheet

Revenue

General Fund

Parks District Revenue

Dedicated Port Authority Fund Revenue

TEDD Revenue

Earned Revenue

Grants

Other

Expenditures

Personnel Services

- Salary
- Benefits

Operating Expenditures

- Materials, Supplies, Equipment
- Utilities

Capital Expenditures

Debt Finance Cost (TEDD)

Misc

- Fund Management
- Rent
- Travel

APPENDIX B

DRAFT FOR DISCUSSION PURPOSES ONLY

MOU Overview

In order to develop an effective and sustainable outdoor recreation program that builds on the strengths and capacities of area public and private outdoor recreation entities, it is recommended that the key partners develop a Memorandum of Understanding with key partners which outlines the roles and responsibilities of each party. Based on discussions and research that have taken place during the course of this plan development process with the Libby Parks and Recreation Board, Lincoln County, and their affiliated partners, we recommend that the following considerations be incorporated into a more formal agreement, or series of agreements, adopted by the relevant bodies:

Key Concepts:

A. Citizens of the Libby area deeply value access to developed and maintained places for residents and visitors to get outdoors every day;
B. Parks District seeks to work with multiple entities to provide opportunities for outdoor recreation in the Libby area, including Lincoln County, City of Libby, MT Department of Natural Resources and Conservation, the United States Forest Service
C. The current Libby area outdoor recreation system has physical connectivity gaps among recreation amenities which could be filled through a longer-term systematic, multi-jurisdictional, coordinated planning and development process;
D. The current Libby area outdoor recreation system has operational and maintenance gaps among recreation providers which could be filled through a dedicated Parks and Recreation Manager;
E. City of Libby provides staffing and resources for City of Libby-owned and led parks and amenities;
F. Lincoln County provides staffing, financial, and volunteer resources for County-owned and led parks and amenities but seeks to work with the Parks District to develop a Parks and Recreation Program to improve current and future management and development of other recreation assets including the Port Authority site;
G. The Port Authority holds real property with existing and potential recreation assets and opportunities such as the Fishing Pond and the proposed Swimming Pond; and
H. The Parks District seeks to provide program planning, leadership, management, and coordination to support and improve recreation experiences in the Libby area.

Potential Roles

County:

1. Holding recreation properties including fixtures and existing recreation development;
2. Hold and assume financial responsibility for designated trail and other easements, leases, and licenses throughout the District;
3. Provide in-kind services such as design, construction, and permitting of certain recreation facilities;
4. Support creation of a Master Plan for Port recreation development.
5. Grant support for recreation priorities;
6. Administrative services for Parks and Recreation Manager subject to the direction of the Parks District Board (e.g. HR, risk and contract management, financial reporting, workers' compensation, recruitment)
7. Allocate dedicated funding to support the Parks and Recreation Manager, operations and maintenance, and project development.

Parks District:

1. Recruit and recommend hiring Parks and Recreation Manager (includes developing job description, etc.)
2. Hire and manage Parks and Recreation Manager in conjunction with the County
3. Develop Parks and Recreation Program Budget in coordination with the County
4. Develop and Approve Operations and Maintenance Schedule for recreation projects
5. Develop and Approve Manager's work plan
6. Develop 3-5 year Recreation Development Plan (capital improvements)
7. Seek grants and other funding resources
8. Direct distribution and spending of the dedicated funds through county budgeting process

Port Authority

1. Support District-led efforts to plan and develop Port Authority recreation-designated property
2. Extend the effective period of the TEDD (currently established through 2031).
3. Continue to maintain Port Authority property until otherwise determined (contract or in-house)
4. Coordinate with the County and Parks District to create a dedicated fund for the purpose of supporting outdoor recreation development, operations, and maintenance in the Parks District area.

City of Libby

1. Partner on common projects
2. In-kind contribution to the Libby Area Parks and Recreation Program
3. Grant support such as Letters of Support
4. Partner on facilities/infrastructure projects, as needed
5. Continue municipal program

Other Partners

1. KRDC
2. Volunteer programs such as sports teams, Boy Scout projects, community groups
3. Area non-profits such as Nordic, and Backcountry Horsemen, for financial and operational support

APPENDIX C

FOR DISCUSSION PURPOSES ONLY

Park & Recreation Coordinator

Job Title: Parks and Recreation Coordinator

Organization: Libby Parks District

Location: Libby, Montana

Job Summary: The Parks and Recreation Manager for the Libby Parks District is responsible for overseeing the planning, development, maintenance, and programming of parks and recreational facilities within the district. This role involves coordinating various recreational activities, managing staff, and ensuring the effective utilization of resources to enhance the overall community well-being.

Key Responsibilities:

1. Strategic Planning:

    • Develop and implement long-term strategic plans for the parks and recreational facilities in alignment with the goals and objectives of the Libby Parks District.

2. Facility Management:

    • Supervise the maintenance and improvement of parks, trails, sports fields, and other recreational facilities.

    • Ensure compliance with safety standards and regulations in all park areas.

3. Program Development:

    • Plan, organize, and implement a variety of recreational programs and events catering to the diverse needs and interests of the community.

    • Collaborate with local organizations to enhance program offerings and community engagement.

4. Budget Management:

    • Develop and manage the annual budget for the Parks and Recreation Department, ensuring efficient use of financial resources.

    • Seek and secure grants, sponsorships, and partnerships to support park projects and programs.

5. Staff/Volunteer Supervision:

    • Recruit, train, and supervise a team of park rangers, maintenance staff, and program coordinators.

    • Foster a positive work environment that encourages collaboration and professional development.

6. Community Engagement:

    • Work closely with community members, local businesses, and organizations to assess needs and gather feedback on park services and programs.

    • Foster positive relationships with stakeholders to enhance community support for park initiatives.

7. Policy Implementation:

- Enforce park rules and regulations, and develop policies that ensure the responsible and sustainable use of park resources.
- Collaborate with law enforcement and other agencies to address safety and security concerns.

8. Environmental Stewardship:

- Promote and implement environmentally sustainable practices in park management and development.
- Identify opportunities for conservation and preservation of natural resources within the district.

Qualifications:

- Bachelor's degree in Parks and Recreation Management, Leisure Studies, or a related field (Master's degree preferred).
- Proven experience in parks and recreation management, with a track record of successful program development and facility management.
- Strong leadership and communication skills.
- Knowledge of local and state regulations related to parks and recreation.
- Ability to work collaboratively with diverse community groups and stakeholders.

Comment #4 (revised)

Contact Information: Primary agency is the Libby Park District
Ben Scott, 406.291.8091, jbenscott@hotmail.com
Tony Petrusha, 406.422.3528, tpetrusha@yahoo.com
559 Florence Rd, Libby MT 59923

Project: Flower Creek Waste Gravel Pile Removal

Project Purpose and Benefits: The purpose for removing the gravel pile is to add a parking facility that will accommodate School buses, horse trailers and 50 light vehicles. Parking will provide access to the Nodic ski facility and Biathlon shooting range in the winter season. In the spring season, convenient parking for cars and buses for well attended multi-Highschool Cross County running events.
Review of the Access map(attachment #1) shows how this parking facility will be the hub, center point for the Ski course, the Cabinet Mtn Wilderness area, the Norgard Trail and the Flower Creek/Snowshoe trail. The non-motorized trails are popular with hikers, mountain bikers and horseback riders.
Working in conjunction with the Libby Outdoor Recreation Association (LORA) we have improved the Forest Service road (FS128) which is the primary access road. The original 1.5 mile road was upgraded from a single lane gravel with pull-outs to a two-lane paved road. This not only improved snow season access for buses, but greatly reduced sediment runoff from the gravel/dirt road. These improvements were made with grants and in-kind services from the Lincoln County Road department.

Project Location: The Nordic Ski facility is located 5 miles from Libby in the Flower Creek drainage. The dam on Flower Creek is the sole source of the Libby municipal water supply, this creates a unique set of circumstances when performing civil works in the area. The LORA group worked with the City of Libby to perform a source water delineation study to ensure all aspects of potential impact were considered when planning work in the area, removal of the gravel/spoils pile was considered in this study.

Project Description: Refer to attachment #2 to better understand the location and size of the mound. The pile was created when excavating for the reconstruction of the Flower Creek dam, as the project progressed, removal of the spoils pile was overlooked, and the city was left with a huge mound in a very inconvenient location.
The City engineer has reviewed the pile and proposed a solution (attachment #3), and the City has approved an RFP for the removal (attachment #4). The Libby Park District, the Nordic Ski Club and LORA all support the proposals. We are working with local contractors to salvage useable materials to help offset some of the cost to dispose of concrete and rebar waste buried in the pile

Project Schedule: The start date would be as soon as funding is available, the duration is dependent on amount of concrete encountered and the amount of salvageable material.

General Cost Information: Removal of the pile, grade work to establish controlled drainage, the placement of finish grading material, and the installation of a culvert to direct runoff away from Libby Creek is estimated to cost $250,000. The beneficial reuse of some material as crusher feed stock will offset some of the transportation cost, but the amount and value will only be determined during the excavation process. Concrete and rebar will be disposed of at a fee, in the Libby Landfill concrete cell, amount to be determined.

SOUTH FLOWER CREEK/OLD SNOWSHOE RECREATION PLAN

Final Version 1, 01/23/23

TABLE OF CONTENTS

ACKNOWLEDGMENTS

SPONSOR:

The South Flower Creek/Old Snowshoe Recreation Plan was funded by a generous grant from Glacier Bank. The project was led and managed by Montana Access Project with support from the Libby Outdoor Recreation Association (LORA). The planning team thanks them for their support of outdoor recreation in the Libby area.

PLAN DEVELOPED FOR:

Libby Outdoor Recreation Association (LORA)
LORA seeks to create, enhance, maintain and promote sustainable outdoor recreation opportunities in the greater Libby area, to enhance community lifestyle, and to stimulate the growth of the local economy.

PLANNING TEAM:

Project Advisory Committee:
Micah Miller – U.S. Forest Service
Marc McCully – Lincoln County, LORA
Tina Oliphant – Kootenai River Development Council, LORA
Bill Pepper – LORA
Tony Petrusha – LORA

With help from:
Ben Scott – Kootenai Nordic
Andy Evensen – Evensen Engineering

PROJECT CONSULTANT TEAM:

Diane Conradi, Montana Access Project
Rachel Shouse, Montana Access Project
Kate McMahon, Applied Communications
Lech Naumovich, Greater Than Image

EXECUTIVE SUMMARY

INTRODUCTION

The Libby area has an amazing wealth of places to explore nature on land, water, and snow. From family fishing ponds and competitive nordic and biathlon activities to mountain biking and wilderness hiking, the Libby area offers outdoor recreation experiences that fulfill local families, attract businesses and remote workers seeking a high quality of life, and encourage visitors to stay longer.

This South Flower Creek/Snowshoe Recreation Development Plan (Plan) seeks to connect and expand those outdoor opportunities. The South Flower Creek/Old Snowshoe trail, built on the backbone of Libby's historic system of wagon roads, will be a draw for residents and visitors alike. The community-driven plan envisions a thirty-plus mile connected non-motorized trail system of existing and new natural surface frontcountry to backcountry trail that links the city of Libby to the eastern face of the Cabinet Mountain Wilderness and serves as a gateway to access hundreds of miles of recreational trails throughout the area.

ABOUT THIS PLAN

This Plan takes a more detailed look at the South Flower Creek/Old Snowshoe complex which was identified as a priority trail area in the 2016 Greater Libby Area Trails Plan. This challenging area involves current and potential trails and trailheads on private, state, and federal lands.

The Plan is divided into two main trail areas which connect at the South Flower Creek Trailhead: "South Flower Creek" area (Sections 1, 2, and 3) and "Old Snowshoe" (Sections 4 and 5).

- The South Flower Creek trail area crosses private, state and federal lands in the area from north and east of the South Flower Creek trailhead adjacent to the Cabinet View Golf Course and includes the Kootenai Nordic Club ski trails. It provides a variety of frontcountry recreation opportunities close to town.
- The Old Snowshoe area runs in a southerly direction from the South Flower Creek Trailhead along historic wagon routes and reclaimed trails to connect to the Leigh Lake parking area at the edge of the Cabinet Mountain Wilderness. It provides a more remote non-motorized user experience with access to an expansive network of roads and trails.

The Plan also provides direction for the prioritization of projects, costs and funding strategies, and trail stewardship for the development of trails, trailheads, wayfinding signage, additional connections to town and to other trail systems, and operations and maintenance. It also provides guidelines for recreating responsibly in grizzly and other wildlife habitat.

KEY PLAN CONCEPTS

- Enhance nature-based trails close to town
- Increase connectivity between area recreation destinations and town
- Build strong partnerships for sustainability
- Increase accessibility for all ages and abilities
- Recreate responsibly on land and water

TOP SOUTH FLOWER CREEK/OLD SNOWSHOE TRAIL SYSTEM PRIORITIES

Overall South Flower Creek/Old Snowshoe Trail System priorities are:

- Integrate into local, state, and federal government planning efforts.
- Pilot a coordinated, scaleable wayfinding strategy with signage and maps.
- Maintain system through volunteers and staff.
- Adequate funding and operational support.
- Engage kids, families, and recreationists outdoors safely and responsibly through programming.

South Flower Creek Area Priorities:

- Establish "North Norgard" which includes a dedicated and developed public parking area and trailhead from Granite Creek Road.
- Seek a dedicated connection to Norgard Trail from Cabinet Heights Road.
- Seek a connection from North Norgard/Granite Creek trailhead to Highway 2.
- Seek expansion of the Norgard Trail area to include all-abilities mobility trails.
- Expand and improve road access to South Flower Creek Trailhead through improvements to Flower Ck Rd (FS#128)
- Continue to improve/refine parking and trailhead at South Flower Creek

Old Snowshoe Priorities:

- Restore historic and resource management routes to create a connected natural surface, non-motorized system from South Flower Creek trailhead to the Leigh Lake parking area.

WHY IT'S IMPORTANT

QUALITY OF LIFE

ECONOMIC VITALITY

HEALTH AND WELLNESS

CHAPTER 1: INTRODUCTION

This document outlines the South Flower Creek/Old Snowshoe Recreation Development Plan (Plan). The overall goal of this Plan is to guide the development of a permanent and sustainable non-motorized recreation destination, the South Flower Creek/Old Snowshoe Area which connects the outskirts of the city of Libby to the Leigh Lake parking area through a series of non-motorized natural surface trails on multiple ownerships. It sets the framework for recreation enhancement and development and is intended to be a "dynamic" plan that can be updated as conditions or use patterns change and to guide the development of recreation infrastructure to support outdoor recreation as an economic driver.

While most of the system will be located on federal land managed by the United States Forest Service (USFS) in the Kootenai National Forest Libby Ranger District, there are segments on private and state lands. In addition to providing direction for the development of the trail system, the Plan also contains a set of guidelines for wayfinding and signage that the community can pursue to improve safety, navigation, and interpretation on the South Flower Creek/Old Snowshoe Trail and other trails in the Libby area.

A. BACKGROUND

In 2021, a group of stakeholders, including Kootenai River Development Corporation, Lincoln County, Libby Outdoor Recreation Association (LORA), and the Kootenai Cross Country Ski Club, initiated the planning process for the "South Flower Creek/Old Snowshoe Recreation Development Plan" to implement the recommendations in the Greater Libby Area Trail Plan (GLATP). LORA engaged Montana Access Project to assist in: i) implementation strategies for the South Flower Creek/Old Snowshoe segments; and ii) to form and develop Libby Outdoor Recreation Association (LORA) as an effective non-profit entity to coordinate recreation activities on multiple jurisdictions, to partner with public and private land managers, and to accomplish the goals and projects outlined in the Plan.

The 2016 GLATP identified the South Flower Creek/Old Snowshoe area as a priority for trail development and enhancement in order to boost the local economy, increase community health and wellness, and enhance quality of life in the Libby area. The other two identified priorities are: Bobtail Ridge-Sheldon Mountain and Lincoln County Port Authority. GLATP, p. 13. South Flower Creek/Old Snowshoe Trail, as proposed, is a 31-mile trail system that connects the outskirts of the city of Libby with the parking area near the Leigh Lake Trail, a popular destination in the Cabinet Mountain Wilderness. The trail system provides a variety of primarily non-motorized recreation experiences such as hiking, biking, winter sports, and equestrian experiences on natural surface trails and unpaved roads. The primary users involved in the development of the plan are hikers/walkers/runners, mountain bikers, equestrians, hunters, wildlife viewers, groomed and non-groomed cross-country skiers, snowshoers, over-snow motorized non-groomed trail users.

B. ECONOMIC IMPACT OF OUTDOOR RECREATION

Montana's outdoor recreation economy constitutes 4.3% of the state's GDP – the highest in the nation. Access to outdoor recreation offers a well-documented competitive advantage for making a community a great place to live, work, and play.

Trail systems like the proposed South Flower Creek/Snowshoe System provide access to high-quality outdoor recreation and therefore promote the following:

- **Economic Vitality** – Enhancing recreation amenities and opportunities to increase community quality of life, and therefore attracting new businesses, residents and improving resident retention.
- **Sustainable Tourism Development** – Utilizing recreational amenities and opportunities as a way to attract visitors, and in turn support local businesses.
- **Community Revitalization and Health** – Creating a more livable community through enhancing recreation amenities and opportunities and attracting new, long-term residents.

Study after study has shown that quality outdoor recreation amenities close to town boost the local economy. For example, a 2019 study conducted by Headwaters Economics found that the Whitefish Trail contributes $6.4 million in annual spending by visitors who come to enjoy the trail and by residents who purchase or rent outdoor gear at local stores. Spending by visitors who use the Whitefish Trail translates to 68 additional jobs and $1.9 million in labor income in Whitefish.

For more information on the economic impacts of outdoor recreation, see **Appendix 1.**

Photo: Kootenai Nordic

CHAPTER 2: SOUTH FLOWER CREEK/OLD SNOWSHOE TRAIL SYSTEM OVERVIEW

This Plan is divided into two trail areas accessed from the primary trailhead at the South Flower Creek Trailhead and parking area which serves as the "access hub" for both sections of the 31-mile system.

The first section is known as "South Flower Creek Trail Complex" which includes North Norgard, Norgard Trail, and the South Flower Creek Ski Area Trails.

The second area is known as the "Old Snowshoe Trail" which runs in a southerly direction from the South Flower Creek Trailhead.

Each area is divided into separate sections and each section description includes a map, the current status of the individual section (access, trail information), and opportunities. Finally, the action steps for each of the sections are compiled in the "Implementation" chapter (Chapter 5).

Finally, the Plan also includes a set of "Wayfinding Guidelines" in **Appendix 2** which will guide the development of an effective and replicable wayfinding system.

A. SOUTH FLOWER CREEK/OLD SNOWSHOE RECREATION DEVELOPMENT PLAN GOALS

- Provide a sustainable and maintained 4-season trail system.
- Provide adequate trail opportunities for all user types, including winter use.
- Minimize conflict among user groups.
- Provide a variety of experiences and a range of terrain-driven challenges for all ages and all abilities.
- Preserve a balance between recreational users and wildlife needs.
- Respect both public and private property and mitigate impacts to adjacent private lands.
- Provide appropriate access points to the trail system.
- Provide features to discourage illegal motorized use.
- Provide design standards with long-term maintenance in mind.
- Develop a clear and intuitive wayfinding system.
- Develop maps and an information package that can be available through local outlets and via mobile devices and the internet.

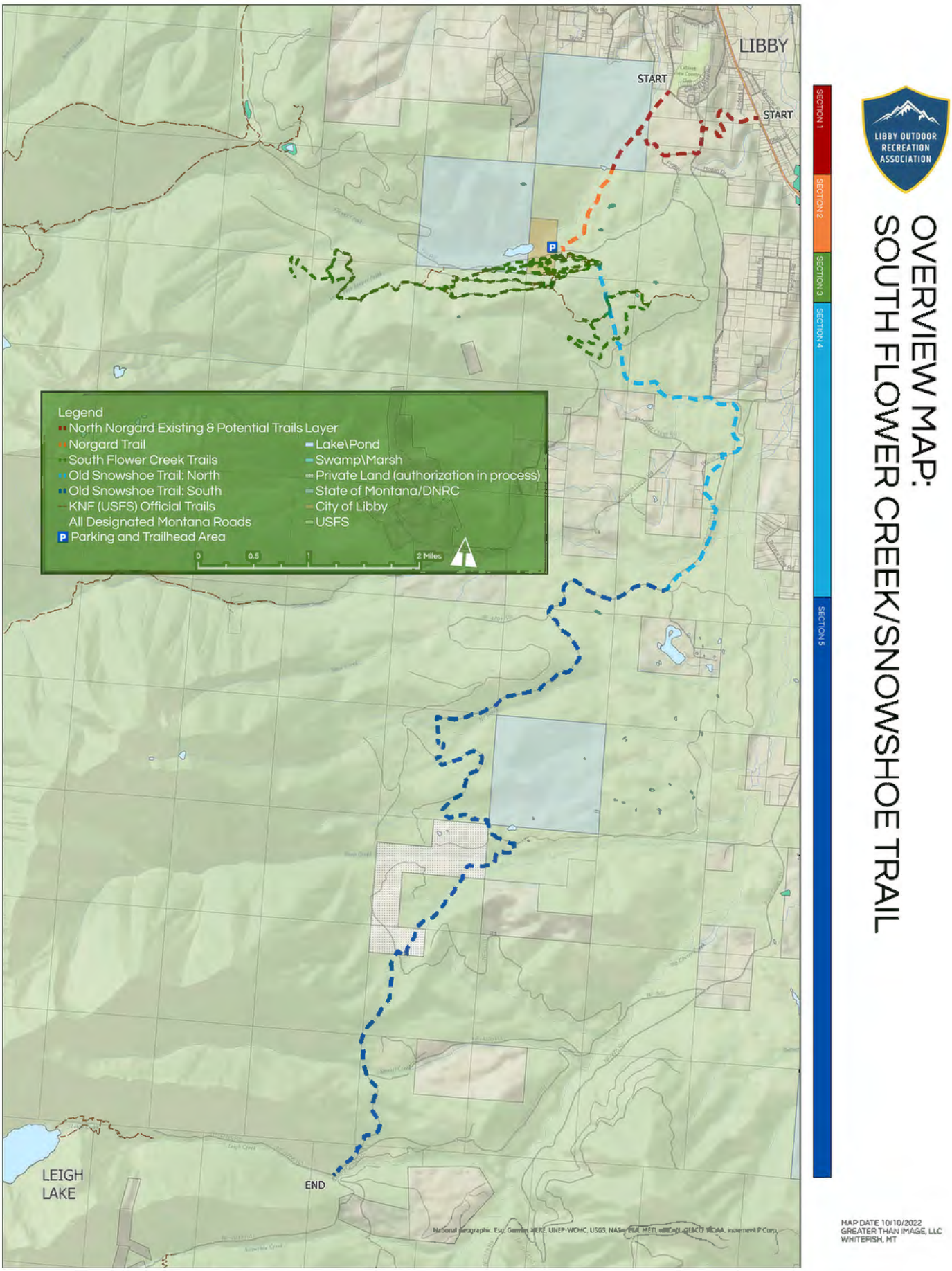


Figure 1 – Overview Map: South Flower Creek/Snowshoe Trail

B. COMMUNITY ENGAGEMENT

The following agencies and organizations have contributed to or influenced this plan:

Key Stakeholders:

Agencies
United States Forest Service (USFS) - Kootenai National Forest
Montana Department of Natural Resources and Conservation (DNRC)
City of Libby
Lincoln County

Organizations:
Cabinet Back Country Horsemen
Kootenai Mountain Riders
Libby Outdoor Recreation Association
Kootenai Cross Country Ski Club
Lincoln County SnoCat Club
Libby Area Chamber of Commerce

C. IMPLEMENTATION AND FUNDING

In order to implement this ambitious multi-jurisdictional trail system, project partners will rely on various public and private funding sources, partnerships, and in-kind support for planning, design and construction, management, and maintenance.

Land managers such as USFS, DNRC, and private landowners will contribute by providing authorization for public trail construction and use, technical assistance, and access to funding sources.

Public partners, such as Lincoln County and the City of Libby will integrate the concepts of the Plan into land use and other governing documents, provide technical assistance when able, and cooperate as 'land owner' with groups seeking grants and securing access rights on behalf of the public.

The Libby Chamber of Commerce will engage business support and also help in providing a common portal for maps and trail overviews.

Construction or demolition of structures, tree removal, significant soil disruption, or other activities that change or alter the existing buildings, terrain, or usage located on City property, must be approved by the City of Libby.

Nonprofit partners such as LORA, Backcountry Horsemen, Kootenai Mountain Riders, and Kootenai Cross-country Ski Club will contribute by gathering and coordinating volunteers, entering into maintenance agreements, raising funds for project work through grant writing, grant administration, and other private fundraising, and by building public support and engagement.

For more information about funding resources, see **Appendix 3.**

CHAPTER 3: SOUTH FLOWER CREEK TRAIL COMPLEX (SECTIONS 1, 2, AND 3)

The South Flower Creek Trail complex, proximate to the city of Libby, is comprised of a series of developed, natural surface "stacked loop" hiking/biking/groomed nordic trails with various entry points. The trail is used primarily by walkers, hikers/runners, cyclists, and nordic skiers in winter. The current and proposed trail system is located on Montana state trust, private, USFS land; the trail will serve as a "close to town" recreation destination for a variety of non-motorized users. From the south, the system is accessed from the South Flower Creek trailhead and parking area which is located on land owned by USFS. From the north, the trail system currently is accessed from Cabinet View Road, with plans to create (on private property) a new parking area and trailhead at the junction of Snowshoe and Granite Creek Roads.

- Section 1 is the North Norgard section which traverses the City of Libby easement (access to lower reservoir), DNRC, and adjacent private lands; the future private access easement is to be determined.
- Section 2 is the Norgard Trail which connects Montana state trust land to the South Flower Creek Trailhead; and
- Section 3 is the South Flower Creek Ski Trails and South Flower Creek trailhead.
- Many trails and trail access points are in the Flower Creek drainage. This drainage is the source of the Libby municipal water supply. All development and recreational activities must be undertaken with the understanding that the protection of the source water is paramount.

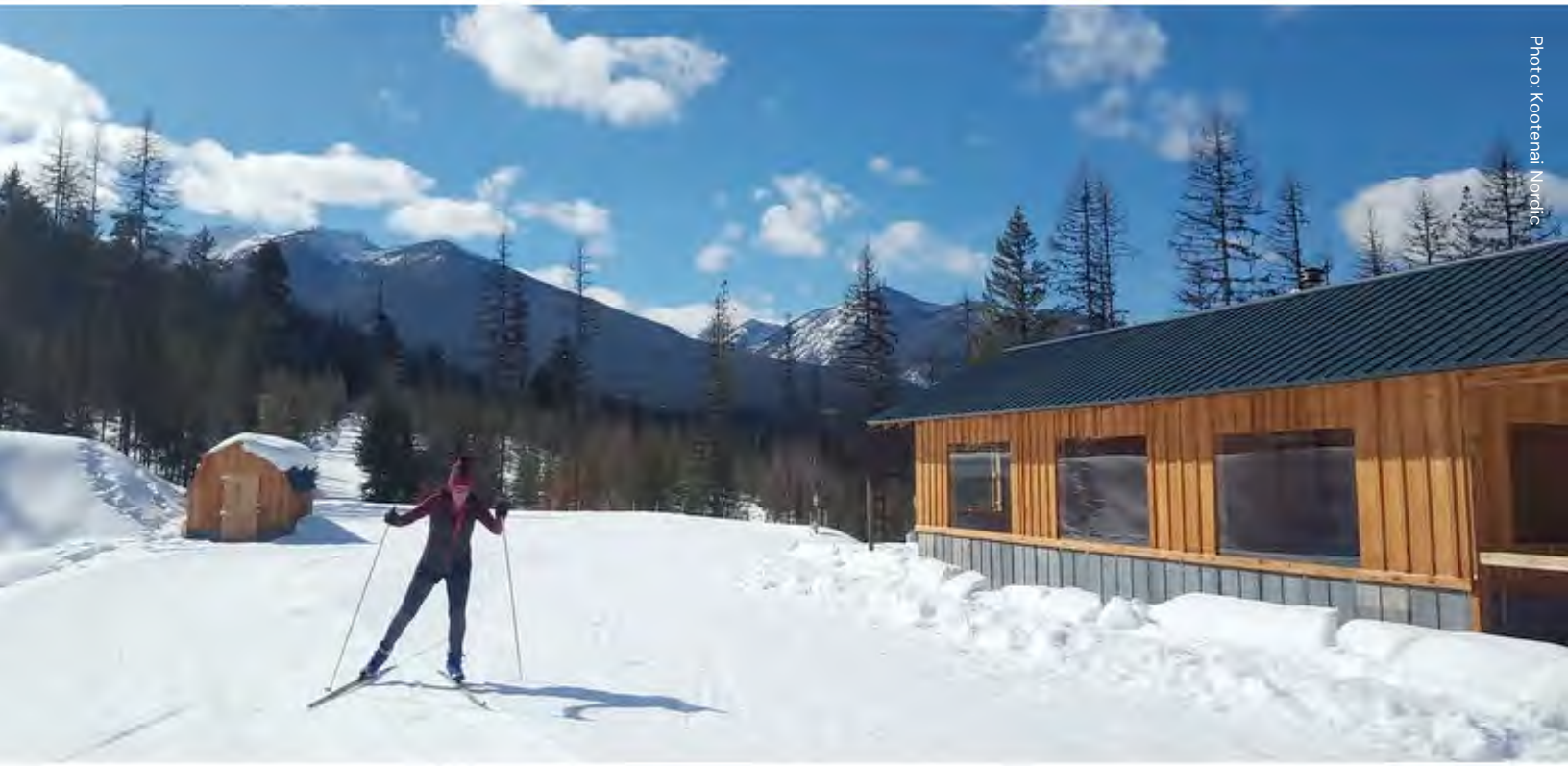


Photo: Kootenai Nordic

Figure 2 – Sections 1-3: Norgard & South Flower Creek

A. SECTION 1 – NORTH NORGARD

Current Status:

This section of the trail is accessed from the south side of Cabinet Heights Road along an existing City of Libby easement on private and state lands to a South Flower Creek in-stream crossing. (Note: This section can also be accessed from the north via Upper Flower Creek Road which leads to existing gated state roads.)

The state section in Section 16, T30N, Range 31W, managed by the Montana Department of Natural Resources and Conservation (DNRC), is classified as forest land and is managed by the DNRC for timber production but based on a recent project list, the DNRC anticipates residential development adjacent to the golf course (http://dnrc.mt.gov/divisions/trust/docs/real-estate-management/real-estate-management-plan-docs/fy22-pit-project-list.pdf). The state lands are accessible to the public for hunting and trapping with a conservation license and for recreational uses with a state trust lands recreation use permit. The natural surface easement is used by the City of Libby to service the Lower Flower Creek dam for the city's drinking water supply and historically, the City has allowed limited public use for walking and biking. The trail section splits on a path to the south, transitions to the Norgard Trail and the southwest path continues to the Flower Creek crossing.

At present, the desired condition for this section is to: 1) continue use for non-motorized recreation from Cabinet Heights Road across the southeast corner of Section 16, to connect with the Norgard Trail; and 2) develop a new trailhead, trail and parking area on private land near Snowshoe and Granite Lake roads which crosses the SE corner of the state section and connects to both the Norgard Trail and facilitates dispersed recreation opportunities on state trust lands. The location of the proposed trailhead and connector trail is designated on the map in Figure 2.

The longer-term community vision for the parcel is to develop a mountain bike course with terrain and features available for all skill levels, consisting of a series of stacked loops and connections to adjacent public and private lands; however, there are challenges to the development of a course, as described more fully below.

Development on State Trust Lands:

Developing recreational use on this state parcel is challenging because it is state trust land, managed for the benefit of Montana's schools and universities. Unlike other types of public lands, the flexibility of the land manager to provide a community benefit is limited and land transactions require payment of fees. The customary transaction type for managed public trail systems on state lands is the special recreational use license (SRUL). There are several additional transaction types available to secure permanent public access such as a public recreation use easement, land bank or land exchange; however, those transactions are more complicated and expensive but provide a level of permanence and predictability for the community investment on this parcel that is located right on the outskirts of town and adjacent to rapidly developing golf course.

Opportunities:

- Additional Access/Trailhead: The development of a trailhead, trail, and parking area is underway. Neighboring private property owners have designated the features in the preliminary plat for a subdivision which is pending final approval, are working with adjacent public and private landowners to create a connected route for the public, and have had discussions with Lincoln County which has expressed a willingness to hold the easement for the benefit of the public. See, Nordic Way Preliminary Plat Map attached as Exhibit A.

- Trailhead Connection to Highway 2: Area landowner, HILT Venture, is exploring the feasibility of providing a trail-to-town connection to the proposed Granite Creek Road trailhead. If constructed, the trail would provide a non-motorized connection from Highway 2 uphill to the Granite Creek Road trailhead and then to the entire system. See, Figure 2.

- Revise Bike Trail System Proposal: In August 2020, Lincoln County, in coordination with LORA submitted a community-driven development proposal to DNRC for 9.1 miles of mountain bike trails constructed to IMBA standards and 2.5 miles of existing roads. The trail was designed by area mountain bikers with an emphasis on providing an excellent user experience for children. The proposal went through the public scoping process which generated about 60 comments, including those from neighbors. In response to the comments and agency feedback, in October 2020, the DNRC proposed an alternative route that eliminated the flow features in the northwest corner. This proposal is undesirable to the applicant Lincoln County as it would require a high cost for a low benefit in terms of user experience. Community leaders should continue to pursue a bike trail system that would complement and connect to adjacent trails and connections to town. If developed, the trail would be authorized by the State of Montana/DNRC to Lincoln County on behalf of the public.

B. SECTION 2 – NORGARD TRAIL

Current Status:

The Norgard Trail transitions from state and private lands to USFS land and continues .8 miles to the South Flower Creek trailhead and parking area. It is currently an out-and-back trail that provides non-motorized trail access for hikers, walkers, mountain bikers, equestrians, hunters, wildlife viewers, cross-country skiers, snowshoers, over snow motorized non-groomed trail users. The Norgard Trail is secured by an easement between Lincoln County and USFS which is attached as Exhibit B. This area is located in the municipal watershed for the City of Libby's municipal water system. The City conducted a source water runoff study to ensure the protection of the water quality in the watershed.

The primary parking lot/trailhead known as South Flower Creek Trailhead was constructed by Lincoln County on USFS land and is maintained by Lincoln County. It serves as a central "hub" that provides access to the South Flower Creek Ski Trails, the Old Snowshoe Trail to the south, and the Norgard/North Norgard Trail to the north.

There is a potential for additional parking on land owned by the City of Libby and adjacent to the ski trails, this area is a remnant of the new Flower Creek Dam construction, but there remains a large gravel and debris pile that impedes parking.

A portion of the roadway accessing the South Flower Creek trailhead is unpaved. There is an effort underway to pave the remaining portion of the roadway in order to improve all-season access and to enhance the safety and accessibility of the trail system for a wide variety of users.

Opportunities:

- Expanded Parking Area: The preferred location of the parking area to access the South Flower Creek/Old Snowshoe trail system is on the City of Libby property which is bisected by South Flower Creek Ski trails. The South Flower Creek Ski trail system is authorized by the USFS, DNRC, and City of Libby.

- Additional Access Point/Trailhead: As discussed above, there are discussions underway with adjacent and nearby landowners to provide additional connections to the South Flower Creek/Old Snowshoe system from private property.

- Expanded Trail System: In addition to the new trailhead, LORA is exploring the feasibility of establishing a shorter, stacked loop, accessible natural surface trail system for the disabled, children and families. The system, located on low-elevation USFS lands close to town with moderate elevation changes, could provide much-needed nature-based access close to home.

C. SECTION 3 – SOUTH FLOWER CREEK SKI TRAIL COMPLEX

Current Status:

The South Flower Creek Ski Area is comprised of thirteen miles of ski trails on the Kootenai National Forest (KNF), state lands, and City of Libby properties. Kootenai Cross Country Ski Club (KCCSC) manages the trails under various agreements including a 10-year lease with the City of Libby, cost share agreement with the KNF, and State Land Special Recreation Use License with the State of Montana. Current improvements include a biathlon range, storage shed/event center, timing cabin, gate, signage and related improvements.

The South Flower Creek Trailhead and parking area is intended to serve as the "hub" for the South Flower Creek/Old Snowshoe Trail system. Developed by KCCSC for the purpose of vehicle parking for a nordic ski area, this .5-acre site is located 1.1 miles up Flower Creek Road (FS# 128) and is positioned directly across from the South Flower Creek Trails nordic complex. Ample space is provided for turning around large trailers and there is parking for 35-40 units. An adjacent area suitable for parking (20 units), located in front of the main gate and warming hut of South Flower Creek Trails would provide convenient access to the Nordic ski course.

Located on USFS property, the South Flower Creek parking lot will provide a parking lot for trailers of equestrian and snowmobile vehicles (snowmobile users will continue to use the Flower Creek Road (FS #128). The parking area currently provides no other services i.e. campsites, picnic tables, fire rings. There is 1 existing vault toilet available near the biathlon range on the adjacent ski course, and a second toilet proposed near the warming hut. The new toilet is approved but is under construction.

Opportunities:

- Additional Trails: There is a current proposal under consideration to construct three short connector trails to allow for appropriate distances in biathlon, nordic, and endurance events.

- Paved Roadway and Natural Surface Parking Area: See discussion above re: South Flower Creek Trailhead improvements.

CHAPTER 4: OLD SNOWSHOE TRAIL SYSTEM (SECTIONS 4 AND 5)

Sections 4 and 5 are known as the "Old Snowshoe Trail." This non-motorized trail section will provide a connection from the developed South Flower Creek Trail System to a less developed, more remote non-motorized hiking, biking and equestrian system terminating at the Leigh Lake Road parking area. The Old Snowshoe Trail will be established by the USFS under a cooperative management agreement with USFS and Lincoln County, by Lincoln County as part of its historic right of way, and by agreements from private landowner(s) to Lincoln County. Certain segments of the trail will be located on reclaimed logging roads, while a portion of the trail will be new construction.

When complete, the trail will serve as the "spine" of a "stacked loop" system consisting of trail and gated and open forest roads for hikers/walkers, mountain bikers, equestrians, hunters, winter sports including over-the-snow vehicles. The system will connect to a network of roads and trails which will allow users to travel from the frontcountry to backcountry including non-motorized connections to:

- Leigh Lake Trail, the most visited trail in the Cabinet Mountain Wilderness. The short 2-mile trail parallels Leigh Creek and climbs to Leigh Lake and provides stunning views of this alpine lake and the steep landscape surrounding the lake.
- Snowshoe Lake Trail is a highly used summer and winter use trail accessing a historic mine, stunning landscape, and excellent winter skiing and boarding terrain.
- Deep Creek, less developed trail used for fall hunting, summer hiking, and winter skiing.
- Smearl Creek, less developed trail used for fall hunting, summer hiking, and winter skiing.

Figure 3 – Sections 4-5: Old Snowshoe Trail

A. OLD SNOWSHOE SECTION 4: OLD SNOWSHOE (NORTH)

From the South Flower Creek Ski Trails south, the 9.9-mile segment is located on new and existing trails primarily on federal land with short connections on private land, which includes a minimal corner crossing on private land owned and managed by Stimson Lumber. It meanders through the low hills of the buffer zone of the northeastern Cabinet Mountains. Elevation ranges from 2500 to 3200 feet and traverses through the lowland depression landform and mixed forest vegetation.

Section 4 is divided into two segments and each will be included in the master agreement that Lincoln County has with the USFS regarding reciprocal access and cooperative management of the extensive multi-jurisdictional road system in Lincoln County. See Schedule A overview map Parts 1 and 2, attached as **Exhibit C.** Section 4, Part 1 is a 3.7-acre corridor, 7 feet wide and 22,800 feet in length; Section 4, Part 2 is a 4.8-acre corridor, 7 feet wide and 29,600 feet in length.

B. OLD SNOWSHOE SECTION 5: OLD SNOWSHOE (SOUTH)

This section of trail is located on a Lincoln County historic petitioned right-of-way under Montana Code Annotated Sec. 7-14-2601 to 2614. Originally established in 1892 as Lincoln County's first wagon road to service the mines and support trade to Kalispell, for more than a century, Lincoln County has allowed the right of way to be used for recreational purposes. In July 2019, the USFS acknowledged that "Lincoln County has full control and jurisdiction of this route." The elevation changes and grade of the trail system are moderate as it is located primarily on a historic road network that served mines south of Libby.

In Fall 2022, Lincoln County will install two bridges on Deep Creek and Smearl Creek to replace instream crossings and will install 2 culverts on a segment of the existing Old Snowshoe Trail, to reduce water quality degradation and improve and sustain trail drainage. Future activities will include the maintenance and restoration of the mostly intact roadbed.

CHAPTER 5: IMPLEMENTATION

The following is the detailed list of action items, key partners, needed resources, and estimated timeframes for completion. The overall section contains tasks and recommended actions that apply to all sections of the trail system. The tasks and recommended actions for each section follow.

OVERALL SOUTH FLOWER CREEK/OLD SNOWSHOE TRAIL SYSTEM

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
0.1	**Adopt Plan by resolution to guide land use and recreation development decisions**	Immediate		City of Libby; Lincoln County		
0.2	**Design and Construction**	1-7 years		Lincoln County; USFS; City of Libby with community support	Equipment, services, funding, volunteer	Government lead and cooperation in design and construction; community support in securing funding, management and maintenance.
0.3	**Plan, design and install appropriate signage for clear and intuitive wayfinding system**	1-3 years	TBD	LORA; USFS; Lincoln County; Historical Society (interpretive signs)	USFS Lincoln County for street level wayfinding; Tourism Grant; USFS supported philanthropic sources	This wayfinding plan and implementation would serve as the pilot for other systems on federal lands. Could be executed in whole or in part; Include bear-aware signage to minimize potential conflict; Coordinated signage (kiosk, interpretive, trail marking, trailhead and other) based on USFS style guide for trail system.

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
0.4	**Develop maps and an information package that can be available on paper and online**	1-3 years	TBD	LORA with USFS, Lincoln County, City and Chamber of Commerce	Tourism Grant; sponsorship; philanthropy	Pilot South Flower Creek Snowshoe; could be expanded to include other routes, areas and recreation destinations.
0.5	**Management**	Ongoing				Coordinated and systemwide management and operation of multiple trails segments in coordination with land managers and key partners; primary land manager is USFS.
0.6	**Maintenance**	Ongoing		LORA, USFS and Lincoln County		Develop annual maintenance plan; coordinate volunteers; execute.
0.7	**Funding**	Ongoing				Develop 5 year funding plan; Create dedicated fund to serve as local match for grant sources; Local government involvement in LWCF grant funding for larger scale projects.
0.8	**Program Development**	Ongoing		LORA, with project partners, schools, outdoor educators		Develop programs on the trail system which may include educational programming, guided hikes, volunteer day, group bike rides, etc.

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
0.9	**Volunteers**	Ongoing		LORA and Lincoln County coordinated with other groups		Develop volunteer base and regular maintenance activity schedule; Consider "adopt a trail" for segments or sections of trail.

SOUTH FLOWER CREEK TRAIL COMPLEX – SECTION 1: NORTH NORGARD

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
1.1	**Pursue authorization on State Trust land and private land for public recreation connection to Norgard Trail segment from Cabinet View Road**	1-3 years	TBD 1,500-5,000 Est.	Lincoln County and City of Libby with LORA, DNRC, private landowners	Time for transaction preparation; license fee	Authorization on state land may be by special recreational use license (SRUL); Authorization on private land TBD with easement agreement preferred.
1.2	**Explore State Trust land trail expansion for bike trails in coordination with DNRC**	3-5 years	10,000-50,000+	LORA, Lincoln County, DNRC	$ for proposal development and acquisition	Explore expanded trail system with DNRC but consider long term lease, or part of acquisition (land exchange/land bank or purchase).
1.3	**Establish official parking area/trailhead/connection from Granite Creek Road**	1-3 years	TBD	Lincoln County with LORA, Ben and Heather Scott, adjacent landowners, DNRC	Negotiation and legal easement or public dedication	Potential for access exists on Scott and/or adjacent parcels which would provide additional access point to North Norgard Trail and DNRC property; Lincoln County will holds easement on behalf of public.

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
1.4	**Explore downhill connections to Highway 2 in coordination with potential development activities**	1-5 years		USFS, Ben and Heather Scott, private landowner, LORA	Negotiation and legal easement or public dedication	Work with developers in area to establish dedicated public access for key connections; require feasibility and then design/construction; Integrate into system with signage, management and maintenance.

SOUTH FLOWER CREEK TRAIL COMPLEX – SECTION 2: NORGARD TRAIL

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
2.1	**Install barricade/ control device to discourage unauthorized motorized use on Norgard Trail**	1-3 years	TBD	USFS, Lincoln County, LORA	Equipment, supplies and funding (if necessary)	
2.2	**Explore feasibility of expanding trail to add series of loops which may include all abilities routes on state, private and federal lands**	3-5 years		USFS, Lincoln County, LORA		Includes additional trail route; requires feasibility and then design/construction .

SOUTH FLOWER CREEK TRAIL COMPLEX – SECTION 3: SOUTH FLOWER SKI TRAIL COMPLEX

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
3.1	**Improve Flower Creek Road**	1-3 years	$92,000	LORA, South Flower Creek Ski Area, Lincoln County, USFS	Transportation funding sources, County, ARPA/Budget, RAC	Lincoln County has $50,000 dedicated to paving but need additional $42,000 Explore infrastructure funding options.
3.2	**Expand Ski/Bike area in the "South Flower Creek XC Ski"**	1-3 years		USFS, Ski Club	Funding, authorization	1.5 miles of new trail construction; Course designed for sanctioned intercollegiate mountain bike events.
3.3	**Explore options with City of Libby for having primary parking area on City property as South Flower Creek "hub" including remediating site for source water protection**	1-3 years	$80-100,000	City of Libby, KCCSC, LORA	Equipment, services, funding	Remediate and testing of gravel pile; Remove gravel/recontour parking area; Expand central hub for outdoor recreation access with signage, kiosk, parking.

OLD SNOWSHOE TRAIL SYSTEM – SECTION 4: OLD SNOWSHOE TRAIL (NORTH)

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
4.1	**Establish authorization under cooperative forest road agreement between Lincoln County and USFS (Schedule A)**	Immediate		Lincoln County, USFS KNF		LORA which will provide map which identifies GPS located GIS alignment.

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
4.2	**FWP 124 Stream Permit**	1-3 years	Application Fee	Lincoln County, MT Fish, Wildlife & Parks		Required for extension of existing installation of culvert at Prospect Creek.
4.3	**Design and Construction**	1-3 years		Lincoln County		Lincoln County will lead.
4.4	**Maintenance**	Ongoing		LORA with Lincoln County and USFS		In accordance with annual maintenance plan.

OLD SNOWSHOE TRAIL SYSTEM – SECTION 5: OLD SNOWSHOE TRAIL (SOUTH)

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
5.1	**Construct and Install Bridges**	Pending		Lincoln County	Equipment, services	
5.2	**Construction of Trail**	1-3 years		Lincoln County	Equipment, services	Lincoln County Road crew.
5.3	**Maintenance**	Ongoing		LORA with Lincoln County and USFS		In accordance with annual maintenance plan.

APPENDIX 1: ECONOMICS OF OUTDOOR RECREATION

Economic Vitality

Economically, outdoor recreation in Montana is a powerhouse generating 2.2 billion dollars in consumer spending and more than 26,000 jobs (5.4% of the state's employment) (Headwaters Economics). An outdoor recreation-based economy attracts investment to support small businesses and attracts workers. For entrepreneurs who value outdoor lifestyles, Montana's wide-open public lands provide opportunities to attract a highly skilled workforce while service businesses can offer a workplace culture that values the outdoor lifestyle. According to a survey conducted by Business for Montana's Outdoors, 70% of businesses state that the "Montana outdoor lifestyle" is factored into the decision-making process to locate or expand their business in Montana (Business for Montana's Outdoors). According to Headwaters Economics, Recreation Counties show more promise to attract new residents and income to communities, and the effect of this in-migration is also seen in growth in earnings per job. The Summary Findings are as follows:

- Between 2010 and 2016, people have been more likely to move to Recreation counties. This is particularly true for Rural counties, in which the average Non-Recreation county lost 20 people per 1,000 residents due to out-migration while the average Recreation county gained just more than 1 person per 1,000 residents.
- Households moving into Recreation counties have, on average, higher income than households moving into Non-Recreation counties. The average household moving into a Rural Recreation county has a $8,700 higher income than the average household moving into a Rural Non-Recreation county.
- Recreation counties have, on average, lower earnings per job than Non-Recreation counties, with a gap of $5,100 in Rural counties. Earnings per job in Rural Recreation counties, however, grew six times faster than in Non-Recreation counties between 2010 and 2016.
- Recreation appears to drive varied economic benefits, including short-term support for tourism-related businesses and longer-term support by recruiting new residents who may be business owners, entrepreneurs, or workers, supporting growth in earnings per job across a community. (Source: Headwaters Economics, Recreation Counties Attracting New Residents and Higher Incomes, p.1)

In a 2020 report prepared by the Institute of Tourism and Recreation Research, "Quality of Life" is the number one reason entrepreneurs "start, relocate and keep their businesses and jobs in Montana." Access to "outdoor recreation/parks/open spaces" is ranked as the highest attribute of quality of life (26.2%) above the cost of living, public safety, health care, education, and culture (ITRR, 2020).

Sustainable Tourism Development

It is well known that tourism is one of Montana's leading industries with over 13.4 million non-resident visitors spending an estimated $3.14 billion in 2020. According to the Institute for Tourism and Recreation Research's Non-Resident Travel Survey Reporting System, visitors traveling through Glacier Country spent around $813 million in 2020 (figures reflect COVID uncertainty).

While tourism continues to grow, it is crucial to ensure that the growth is managed in a sustainable way. As defined by the World Tourism Organization, "A sustainable approach to tourism means that neither the natural environment nor the socio-cultural fabric of the host communities will be impaired by the arrival of tourists. On the contrary, the natural environment and the local communities should benefit from tourism, both economically and culturally. Sustainability implies that tourism resources and attractions should be utilized in such a way that their subsequent use by future generations is not compromised."

Communities with a tourism-based economy are adopting strategies to address these concerns. These strategies are based on extensive community involvement and may include:

- Promote green business practices
- Establish programs to promote affordable housing
- Work with transportation agencies to reduce congestion and promote walkability
- Adopt policies to finance infrastructure upgrades to manage growing population and visitation
- Outreach and education for visitors to minimize impact on the community and environment
- Design standards and regulations to protect community character
- Economic development to diversify the economy, promote equity, and support year-round businesses

Community Revitalization and Health

The concept of "Brain Drain" is a term that has been used to describe the outmigration of young people from rural communities into larger communities for school or work. Contrastingly, the concept of "Brain Gain" describes a movement of people in their 30s and 40s that migrate to rural communities (Winchester). This in-migration of new residents is critical to the vitality of rural communities, as they tend to bring valuable work experience, education, money and more.

The study conducted by the University of Minnesota Extension found that people migrate to rural communities for 1) a simpler life, 2) safety and security, 3) affordable housing, 4) outdoor recreation and 5) quality schools (Winchester). Enhancing the existing outdoor recreation amenities in the Libby area can improve the quality of life for existing residents, while also attracting new long-term residents and employee skills to the area.

The correlation between young people and families and their motivations for moving to and from rural communities continues to be explored. A study conducted in rural Maine and Oregon communities explored the reason(s) why rural youth aspire to remain in or leave their communities. Results showed that in "both states, youth with higher levels of outdoor place attachment were more likely to want to live in a rural place than a non-rural place" (Crandall, 2022). Studies have shown that outdoor recreation is positively correlated with developing high levels of place attachment. Facilitating place attachment through enhancing existing recreation assets in rural areas may assist with community youth retention.

APPENDIX 2: WAYFINDING GUIDELINES

Libby is a unique area with a wide array of four-season recreational opportunities and experiences ranging from developed frontcountry to undeveloped backcountry. These opportunities and experiences lie across a patchwork of ownership and management. Specifically, sections of this trail system cross state land (DNRC managed), private, and USFS lands. In addition, the trail system is located in grizzly and other wildlife habitat. Developing a consistent and cohesive wayfinding plan across multiple types of recreation experience types and ownership allows both residents and visitors to understand where they are, where they are going, what uses are appropriate, lets users know what to expect, and eliminates confusion. The following guidelines should be used to aid in the overarching wayfinding development process for the South Flower Creek/Snowshoe and greater Libby area.

Why Wayfinding Matters

A wayfinding system creates a sense of place, guides residents and visitors to new places and key destinations, instills user confidence, helps maintain user safety, reduces directional confusion, and interprets unique natural and historical resources.

Core Wayfinding Principles

- **Connections**: The primary function of wayfinding is to connect people to places. It's important to consider the needs of BOTH visitors and residents. If you were new to the area, what information would you need to get to the places you want to explore?
- **Predictability:** All elements of wayfinding should be consistent and predictable. This includes placement, distance, and design (colors, dimensions, materials, font). Constructing a predictable wayfinding system provides continuity across different landscapes and therefore prevents confusion and builds user confidence.
- **Simplicity**: A wayfinding system should be simple, clear, and follow a logical sequence. Signage should contain a manageable, easily digestible amount of information. Too much information or too little information can lead to confusion and disruption in recreation flow. Additionally, signage elements should utilize universal symbology and be easily recognizable.

Wayfinding Theory

According to the Universal Principles of Design, there are four steps in the basic process of wayfinding:

- **Orientation:** Determining one's location relative to nearby features and the destination. Utilizing nearby landmarks when developing wayfinding signage can aid in orientation cues. A recognizable example of this would be the "you are here" text and symbology on a trailhead map.
- **Route Decision:** Choosing a route to reach the destination. Providing clear navigational choices and signage at trail intersections (or decision points) can lead to easier decision-making for the users. What is the shortest route to get to the destination? What is the scenic route to get to the destination?
- **Route Monitoring:** Monitoring the chosen route for confirmation that it leads to the destination. Providing visual "breadcrumbs", such as distance markers or affirming directional signage, along the trail can help users gauge their progression along the trail.
- **Destination Recognition:** Recognizing when one has reached the destination. It is important to clearly mark when a user has reached a destination. This can be done through signage or creating natural barriers (dead ends).

Sign Types/Purpose/Location:

- **Trail Gateway/Monument Entrance Signage**
  - Purpose: Trail gateway signs provide destination recognition to users by clearly defining the entrance to a trail or important location. Similarly, a monument entrance sign identifies a site but is generally a freestanding ground sign.
  - Location: Trailhead parking lots, alternative access points (not accessed by vehicle).

- **Trail Map Kiosk**
  - Purpose: Map kiosks provide orientation for users.
  - Location: Trailheads, major trail intersections, unique features/destinations off-trail.

- **Trail Directional**
  - Purpose: Directional signage assists with orientation and route decision. These signs provide information to trail users about their route choice, commonly at a trail junction. Additionally, directional signage can act as confirmation that users are on the right trail if the trail is long.
  - Location: The beginning of a trail, trail junctions, and sporadically spaced along trail (if long-distance)

- **Regulatory**
  - Purpose: Regulatory signage established and reinforce rules and safety standards (i.e. what is and isn't allowed). These signs should be clear and concise with a singular, prominent message.
  - Location: Wherever applicable, rules should be posted at trailhead (i.e. no hunting, pets on leash, etc.).

- **Mileage Marker**
  - Purpose: Mileage markers help users monitor and estimate their progress along the route. Mileage markers can also aid in orientation in emergency situations.
  - Location: On trails longer than 4 miles, markers should be placed every 1 mile and should include the trail name as well.

- **Trail Interpretive**
  - Purpose: To enhance user experience by providing information on unique natural/historical/cultural sites along the trail.
  - Location: Sign should align with landmark or landscape that is being interpreted and should be roughly 3' - 4' from the trail.

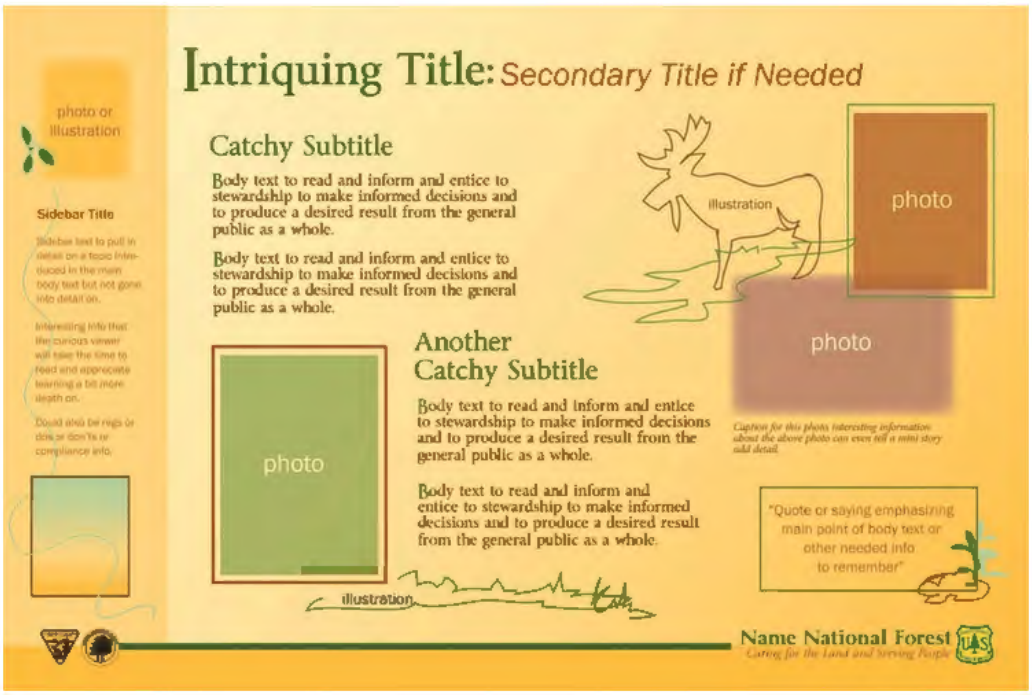
- **Interpretive Signage Principles**
  - 3 C's – Clear, Concise, Correct
  - 3/30/3 Rule – 3 seconds to hook the reader or make a first impression, 30 seconds to engage them to keep reading, 3 minutes to read content
  - KISS – Keep It Short and Simple
  - PORT – Pleasurable, Organized, Relevant, Thematic
  - Tailor vocabulary to 8th-grade reading level

U.S. Forest Service Signage Guidelines/Principles

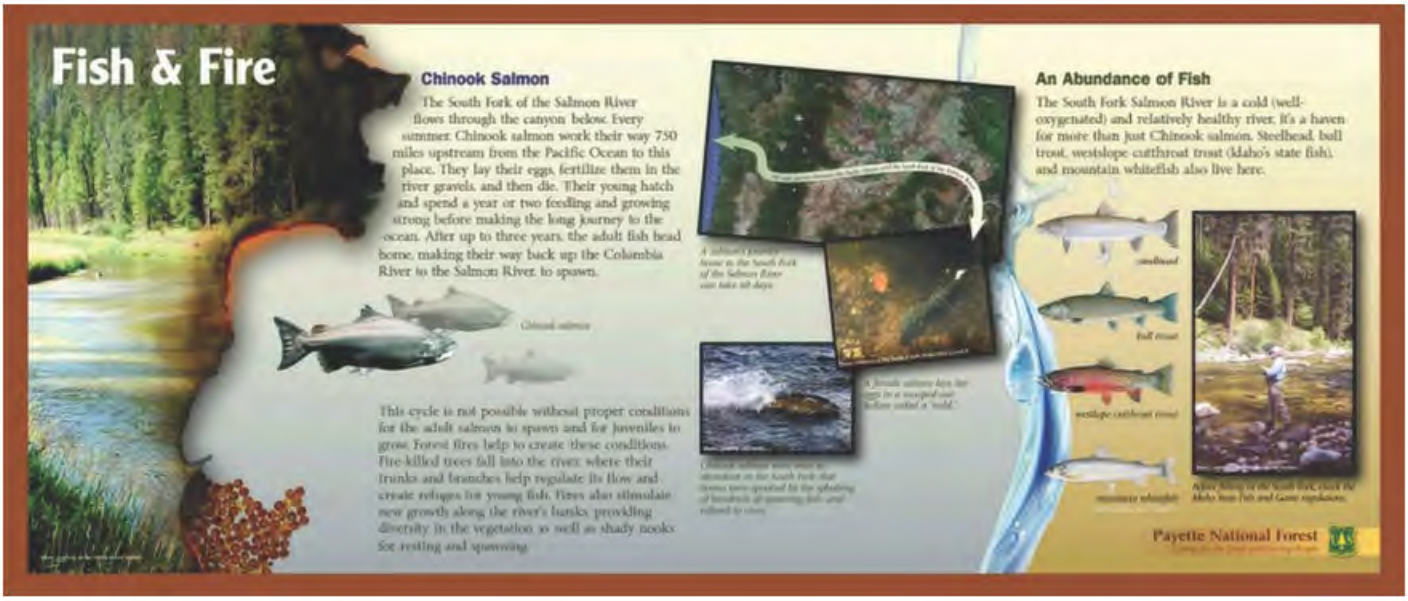
Due to the location of the trail on USFS land, signage will have to comply with USFS guidelines. These guidelines provide in-depth detail regarding planning, design, construction, accessibility, and placement. Excerpts of relevant principles and design mockups are below.

- **Overarching Signage Principles:** Signs and posters shall be designed, installed, positioned, and maintained to:
  - Fulfill a legal requirement or an important need.
  - Command attention.
  - Convey a clear, simple meaning.
  - Command respect.
  - Give adequate time for proper response.

- I**nterpretive Signage:** Use the following to develop interpretive signs:
  - Accurate information based on a solid theme and central message.
  - Detailed information. Refine the level of detail until it has relevance to your audience.
  - Stories or descriptive events to teach concepts. Stories are more effective than simply identifying and providing straight facts. Don't tell everything. Leave something for the visitors to discover. Avoid "encyclopedias on the walls."
  - The 3-30-3 rule. A person should be able to skim the bold titles on the sign and understand the key message in 3 seconds. He/she should be able to read the mid-sized text and get some details in 30 seconds and be able to read the entire text and look at the graphics in 3 minutes. The overall appearance of the sign, as a result of the combination of graphics, colors, layout, and titles, contributes to a visitor's decision to read the sign.
  - Graphics, poetry, or other art forms to illustrate the central theme. A general rule is to make 1/3 graphics, 1/3 text, and 1/3 empty space.



This interpretive signage template provides an example of the 1/3 graphics, 1/3 text, and 1/3 empty space rule.



This sign provides an example of an interpretive sign describing natural processes/resources and wildlife specific to an area.

This interpretive sign provides an example of "experience type" messaging, which provides a brief history of the area and what opportunities are available there. This sign would likely be placed at or near a trailhead.

APPENDIX 3: RECREATION FUNDING SOURCES

Funding Opportunity	Supports	Contact	Link
Recreational Trails Program (RTP)	Parks and trails (construction and acquisition)	Montana Fish, Wildlife and Parks	https://fwp.mt.gov/aboutfwp/grant-programs/recreational-trails
Summer Motorized Trail Pass Grants	Enhancing and maintaining OHV recreational opportunities for the benefit of OHV enthusiasts in Montana	Montana Fish, Wildlife and Parks	https://fwp.mt.gov/aboutfwp/grant-programs/summer-motorized-trail-pass
Montana Trail Stewardship Grant	Development, renovation, and maintenance of motorized and non-motorized recreational trails and trailside facilities	Montana Fish, Wildlife and Parks	https://fwp.mt.gov/aboutfwp/grant-programs/trail-stewardship
Tourism Grant Program	Development and enhancement of the State's tourism and recreation industry	Montana Dept. of Commerce	https://brand.mt.gov/Programs/Office-Of-Tourism/Tourism-Grant-Program
Big Sky Economic Development Trust Fund	Economic development	Montana Dept. of Commerce	https://business.mt.gov/Business-Assistance/Big-Sky-Economic-Development-Trust-Fund-Program/
Land and Water Conservation Fund	Community recreation infrastructure	Montana Fish, Wildlife and Parks	https://fwp.mt.gov/aboutfwp/grant-programs/land-and-water-conservation-fund

Funding Opportunity	Supports	Contact	Link
America the Beautiful Challenge	Habitat, connectivity, outdoor access in underserved communities	National Fish and Wildlife Foundation	https://www.nfwf.org/programs/america-beautiful-challenge/america-beautiful-challenge-2022-request-proposals
Conservation and Outdoor Recreation Cost Share Grants	Outdoor recreation access, land and water conservation projects	National Park Service	https://www.nps.gov/orgs/1837/index.htm
Community Facilities Direct Loan & Grant Program in Montana	Community infrastructure	USDA	https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loan-grant-program/mt
People for Bikes	Biking infrastructure	People for Bikes	https://www.peopleforbikes.org/grants
The Trail Fund	Trail maintenance, research, stewardship training	American Trails	https://www.americantrails.org/apply-for-the-trail-fund
Trail Trust	Trail infrastructure and maintenance	Trail Trust	https://www.trailtrust.com/
Transportation Alternatives Program	Transportation infrastructure, trail construction	Montana Department of Transportation	https://www.mdt.mt.gov/mdt/ta-application.aspx

APPENDIX 4: REVISION AND ADOPTION RECORD

Final Version 1

Entity	Date of Adoption	Resolution Number
Lincoln County		
City of Libby	Jan 17, 2023	Res #2011
Lincoln County Parks District	Dec 6, 2022	adopted by motion

EXHIBIT A: NORDIC WAY SUBDIVISION PRELIMINARY PLAT

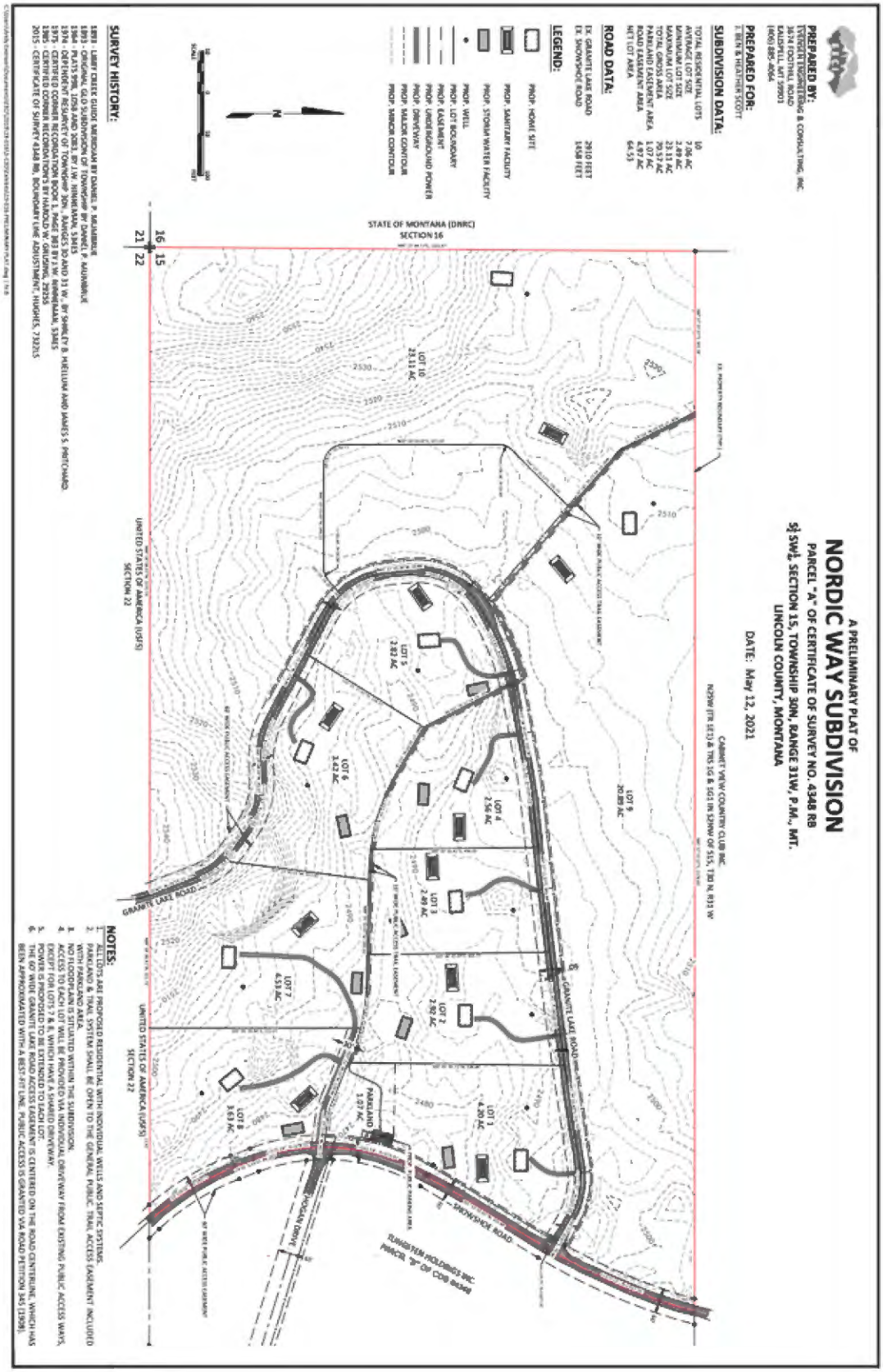


EXHIBIT B: NORGARD EASEMENT

After recording, please send a copy to:
Kootenai National Forest
31374 US Hwy 2
Libby, MT 59923
ATTN: Lands

281780 BOOK: 379 RECORDS PAGE: 64 Pages: 5
STATE OF MONTANA LINCOLN COUNTY
RECORDED: 09/18/2019 3:45 KOI: EASEMENT
ROBIN A. BENSON CLERK AND RECORDER
FEE: $0.00 BY:
FOR:US FOREST SERVICE 31374 HWY 2 LIBBY, MONTANA 59923.

Authorization ID: KNF088
Contact IDL 535410010602
Use Code: 751

U. S. DEPARTMENT OF AGRICULTURE
Forest Service
PUBLIC TRAIL EASEMENT
NATIONAL FOREST ROADS AND TRAILS ACT
October 13, 1964 (16 U.S.C. 532-538)

THIS EASEMENT, dated this 18th day of September 2019, from the **UNITED STATES OF AMERICA,** acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to **LINCOLN COUNTY, MONTANA**, hereinafter called Grantee.

WITNESSETH:

WHEREAS, the Grantee has applied for a grant of an easement under the Act of October 13, 1964 (78 Stat. 1089, 16 U.S.C. 532-538), for a non-motorized trail right-of-way owned by the United States in the County of Lincoln, State of Montana, and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor does hereby grant and convey unto the Grantee, an easement for a public non-motorized trail along and across a strip of land, hereinafter defined as the right-of-way of the Norgaard Trail No. 18, twenty feet in width, ten feet on either side of the centerline, over and across the following described lands in the County of Lincoln, State of Montana as described on Exhibit A attached hereto:

NATIONAL FOREST SYSTEM LANDS

1. **Norgaard Trail No. 18**, beginning at a point on the north line of the NW¼NE¼ of section 21, Township 30 North, Range 31 West, Principal Meridian, Montana, and crossing lands of the Grantor as follows:

Township	Range	Section	Subdivision
30 N.	31 W.	21	NW¼NE¼, SW¼NE¼, NW¼SE¼, NE¼SW¼, SE¼SW¼,

and terminating at its junction with Flower Creek Road No. 128 in the SE¼SW¼ of section 21, Township 30 North, Range 31 West, Principal Meridian, Montana.

The word "right-of-way" when used herein means said strip of land whether or not there is an existing trail located thereon. Except where it is defined more specifically, the word "trail" shall mean trails now existing or hereafter constructed on the right-of-way, or any segment of such trails.

This grant is made subject to the following terms, provisions, and conditions:

1. Outstanding valid claims, if any, existing on the date of this grant.

2. The easement herein granted is limited to use of the described right-of-way for the purpose of construction, operation, and maintenance of a non-motorized trail and does not include the grant of any rights for non-trail purposes or facilities; Provided, That the Forest Service shall not exercise its right to use or authorize the use of any portion of the right-of-way for non-trail purposes when such use would interfere with the free flow of trail use or impair the full use and safety of the trail; and Provided further, That nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction limits.

3. Any reconstruction of the trail situated on this right-of-way shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor or authorized representative prior to beginning such reconstruction.

4. Consistent with trail safety standards, the Grantee shall:

   a. Protect and preserve soil and vegetative cover and scenic and aesthetic values on the right-of-way outside of construction limits.

   b. Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation or maintenance of the trail and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed. The Grantee shall perform these activities where it is deemed necessary during a joint review between the authorized Forest Officer and Grantee prior to completion of the trail. The Grantee also shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be necessary to accomplish this objective. This provision also shall apply to waste disposal areas and slopes that are reshaped following slides that occur during or after construction.

5. The Grantee shall:

Establish no borrow, sand, or gravel pits; stone quarry; permanent storage areas; sites for trail-operation and maintenance facilities; camps; supply depots; or disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the authorized Forest Officer.

6. The Grantee shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

7. The Grantee does by the acceptance of this document covenant and agree for itself, its assigns, and its successors in interest to the property here granted or any part thereof, that the covenant set forth below shall attach to and run with the land:

   a. That the Grantee shall operate the described property and its appurtenant areas and its buildings and facilities whether or not on the land therein granted as a public trail, in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Department of Agriculture and in effect on the date of this document to the end that no person in the United States shall, on the grounds of race, sex, color, religion, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activities provided thereon; and

b. That the United States shall have the right to judicial enforcement of these covenants not only as to the Grantee, its successors and assigns, but also as to lessees and licensees doing business or extending services under contractual or other arrangements on the land therein conveyed.

The Chief, Forest Service, may terminate this easement, or any segment thereof, (1) by consent of the Grantee, (2) by condemnation, or (3) after a five (5) year period of nonuse, by a determination to cancel after notification and opportunity for hearing as prescribed by federal law and regulation.

IN WITNESS WHEREOF, the Grantor, by its Forest Supervisor, Kootenai National Forest, Northern Region, Forest Service, USDA has executed this easement pursuant to the delegation of authority to the Chief, Forest Service, 7 CFR 2 .60, and the delegation of authority by the Chief, Forest Service, dated August 22, 1984 (49 FR 34283), on the day and year first above written.

UNITED STATES OF AMERICA

By: _____

CHAD W. BENSON
Forest Supervisor
Kootenai National Forest
Northern Region, Forest Service
U.S. Department of Agriculture

ACKNOWLEDGMENT

STATE OF MONTANA)
)ss.
County of Lincoln)

On this 26th day of July, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Chad Benson, Forest Supervisor, Kootenai National Forest, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who, being by me duly sworn according to law, did say that he is the Forest Supervisor, Kootenai National Forest, and that said instrument was executed on behalf of the United States of America by its authority duly given and by him delivered as and for its act and deed. And he did further acknowledge that he executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Mark Petersen

Name: Mark Petersen
Notary Public for the State of Montana
Residing at: Libby
My commission expires: November 20, 2016

MARK PETERSEN
NOTARY PUBLIC for the
State of Montana
Residing at Libby, Montana
My Commission Expires
November 20, 2020

Burden and Non-Discrimination Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one(1) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Approved, as to Consideration, Description and Conditions.
By: Mark Petersen Date: 9-16-19

LINCOLN COUNTY, MONTANA

U.S.D.A. - Forest Service - Region One
KOOTENAI NATIONAL FOREST
Libby Ranger District
Lincoln County, Montana
Principal Meridian, Montana

Prepared by: _____ Date: 9.9.19

Checked by: _____ Date: 9/11/2019

Approved for Right-of-Way (ROW) purposes

By _____ Date: 9/16/19

Title: Forest Engineer

LEGEND

- - - Easement Granted
Subdivision Lines
USDA Forest Service
State of Montana

NFSL National Forest System Lands
CL City of Libby, MT
P Private

Based on USGS Quad: Little Hoodoo Mtn
Trail Length: 1.00 miles; 5280 feet
Trail width: Ten feet (10') each side of centerline
Trail Area: 2.42 acres (NFSL)

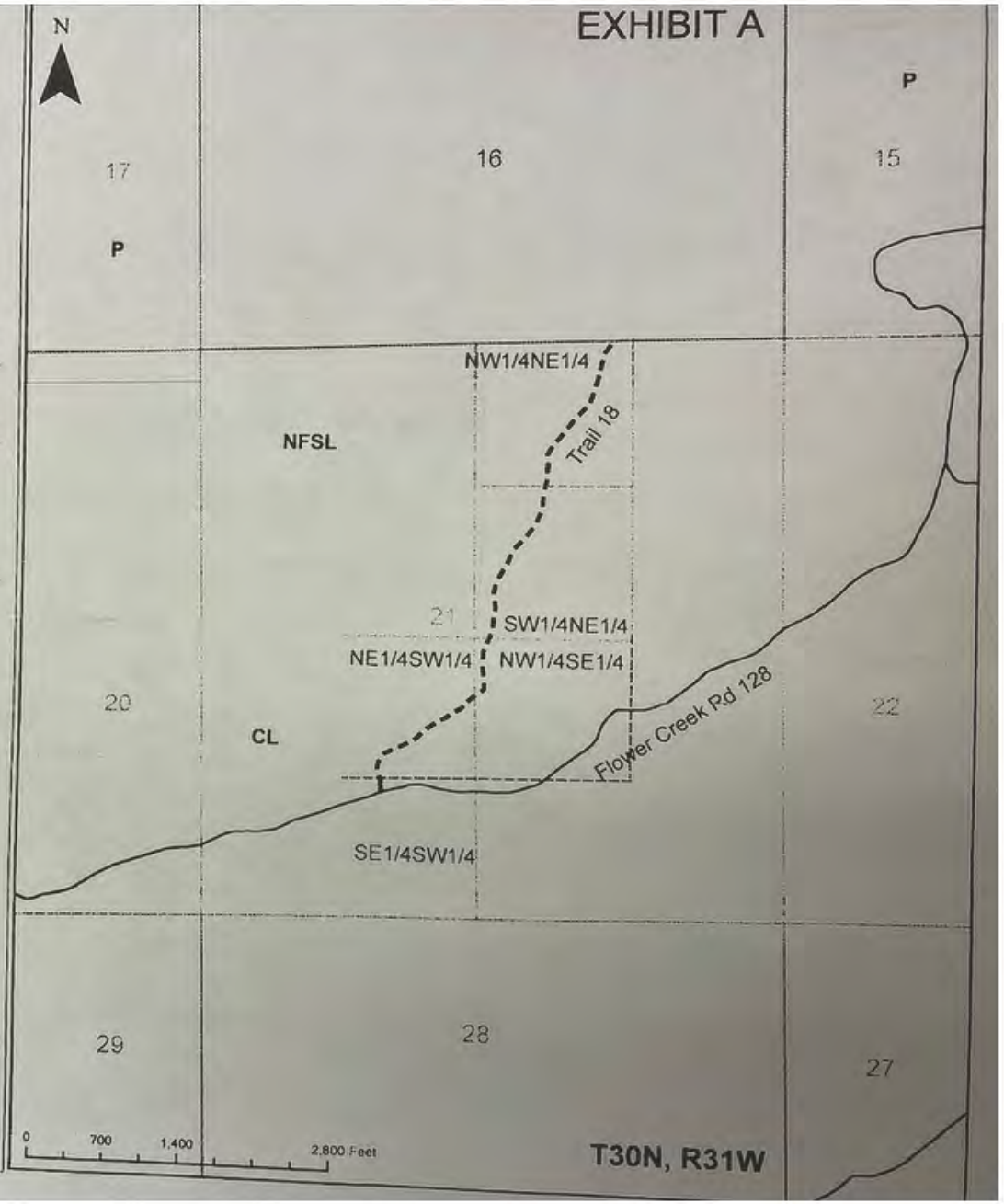


EXHIBIT C: SCHEDULE A

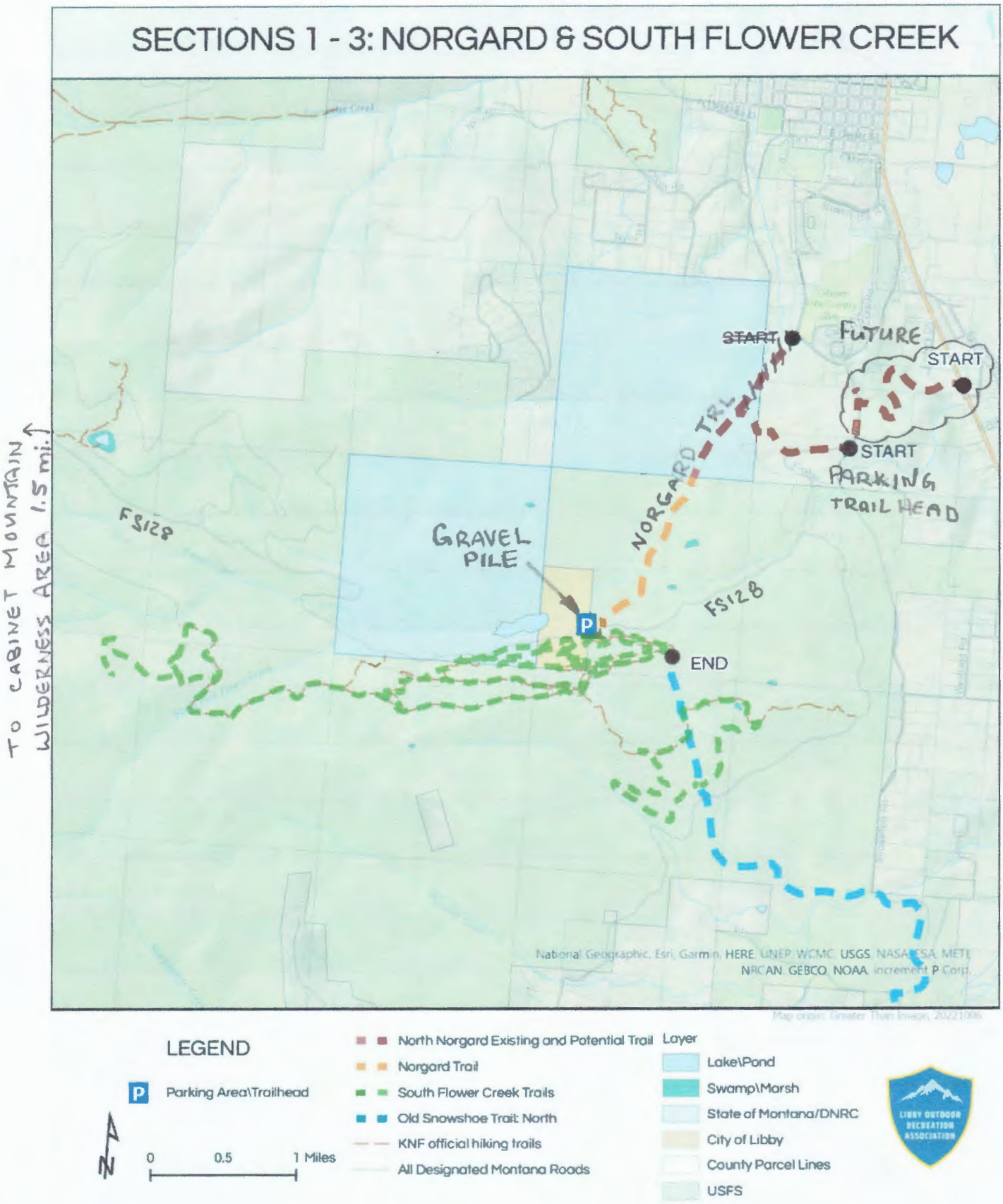


Figure 2 – Sections 1-3: Norgard & South Flower Creek

Limits of Existing Stockpile
EXISTING STOCKPILE
N
1" = 33'±
Approx. TOP FILL
193'
TOP SLOPE
REFERENCE
105'
FILL 14'
286'±
TOP SLOPE
55'
TOE
251'
TOE
133'
91'
A
B
C
C
D
D

N

1" = 30' ±

PROPOSED GRADING PLAN

Limits of Grading – – –

Existing Silt Fence — — —

REQUEST FOR PROPOSALS

REMOVAL AND DISPOSAL OF SPOILS PILE

FLOWER CREEK DAM CONSTRUCTION

During the construction of the Flower Creek Dam excavated sandy gravel, rock and concrete rubble were stock piled north of the Flower Creek Road on City Property in Section 21, T30N, R31W, W½ of the SW ¼. There is no surveyed quantity of stockpiled material. There are no records of the exact composition of the stockpile.

Currently the stockpile has significant revegetation. The surface is stable.

The City of Libby is soliciting proposals to remove the entire pile. All materials in the stockpile shall be removed from the City Property. When the material is removed the surface will be graded to control surface runoff from direct discharge to Flower Creek. Final grading will have slopes not greater than 2% in any direction. Surface preparation shall facilitate revegetation with native seed applied per the supplier's recommendations.

Responses to this request shall at a minimum contain the following information:

1. Description of method proposed for removal, equipment and any onsite processing.

2. Estimated start and completion date.

3. List of required permits. Permitting will be the responsibility of the successful respondent.

4. A preliminary construction plan with proposed finished grades and method of stabilization, revegetation.

5. Draft Construction Storm Water Plan.

6. Summary of experience with similar work.

7. Cost proposal.

The stockpile is easily accessed twelve months a year. Flower Creek Road during the year can have logging traffic, visitors to the national forest and ski users accessing the Kootenai Cross Country Trail system. Removal cannot impede users accessing the National Forest or ski area.

The City will review proposals and select the contractor whose proposal is most beneficial to the City, based on schedule and cost. All respondents agree to hold the terms of their proposal for 90 days, with no price adjustments.

The City reserves the right to reject any or all proposals. Any costs incurred in preparing a proposal are the respondent's responsibility.

The successful contractor shall enter into a contract with the City in the form contained in the Montana Standard Public Works Specifications, 2021 Edition, including insurance, performance bond and labor and equipment bond. A detailed final grading and revegetation plan shall be prepared by the successful contract and included in the Construction Agreement.

Address all questions to the City Engineer, Michael W. Fraser, PE at 406-253-4326 or mfraser@montanasky.net.

Proposals shall be received until 4:30 PM, MDT, August 4th, 2023, at the Libby City Clerk/Treasurer's office, 952 East Spruce Street, Libby, MT. 59923. Proposals will be opened and read at 12:00 PM, MDT, August 7th, 2023.

Done this the 19th day of July 2023.

By: Peggy Williams
Peggy Williams, Mayor

Published Western News: July 21st, 2023

July 28th, 2023

Comment #5

Norgard Trailhead and Enhancements

Purpose and Benefits:

The Norgard Trailhead and its trail enhancements will provide a direction connection from the city of Libby to the historic Snowshoe trail system. The historic Snowshoe trail system will travel from Libby along the face of the Cabinet Wilderness to the Leigh Lake trailhead. This system of trails provides stunning views of the Cabinet Wilderness and access into previously remote and undisturbed locations. The completion of this trail system is one of the primary goals of The Greater Libby Area Trails Plan and will replace similar resources of those found in Libby 0U 3.

Location:

Adjacent to the Cabinet View Golf Course and city limits at the crossroads of Upper Granite Creek Road and the Snowshoe Road.

Project Description:

-Construct a 40 ft. by 80 ft. paved parking lot at the Norgard trailhead, headgate and vault toilet.

-Construct .7-mile-long trail 6 feet wide with associated fence from the trailhead through private property on a Lincoln County trail easement to the adjacent DNRC property boundary.

-Construct a headgate at the junction of DNRC property and the Forest Service property boundary of the Norgard trail to prevent unauthorized motorized traffic.

The Lincoln County Road Department will lead the project in conjunction with local private subcontractors. The Kootenai Cross Country Ski Club and the Kootenai Mountain Riders (local mountain bike club) both support the project.

Progress on this project is well underway. The parking lot has been cleared of necessary trees as well as the trail through private property to the DNRC property boundary. The vault toilet has been engineered and the vault set.

Funds and some portions of the building materials have been secured for the construction of the vault toilet.

Project Schedule:

Spring and Summer 2024

General Cost information: Contracted services

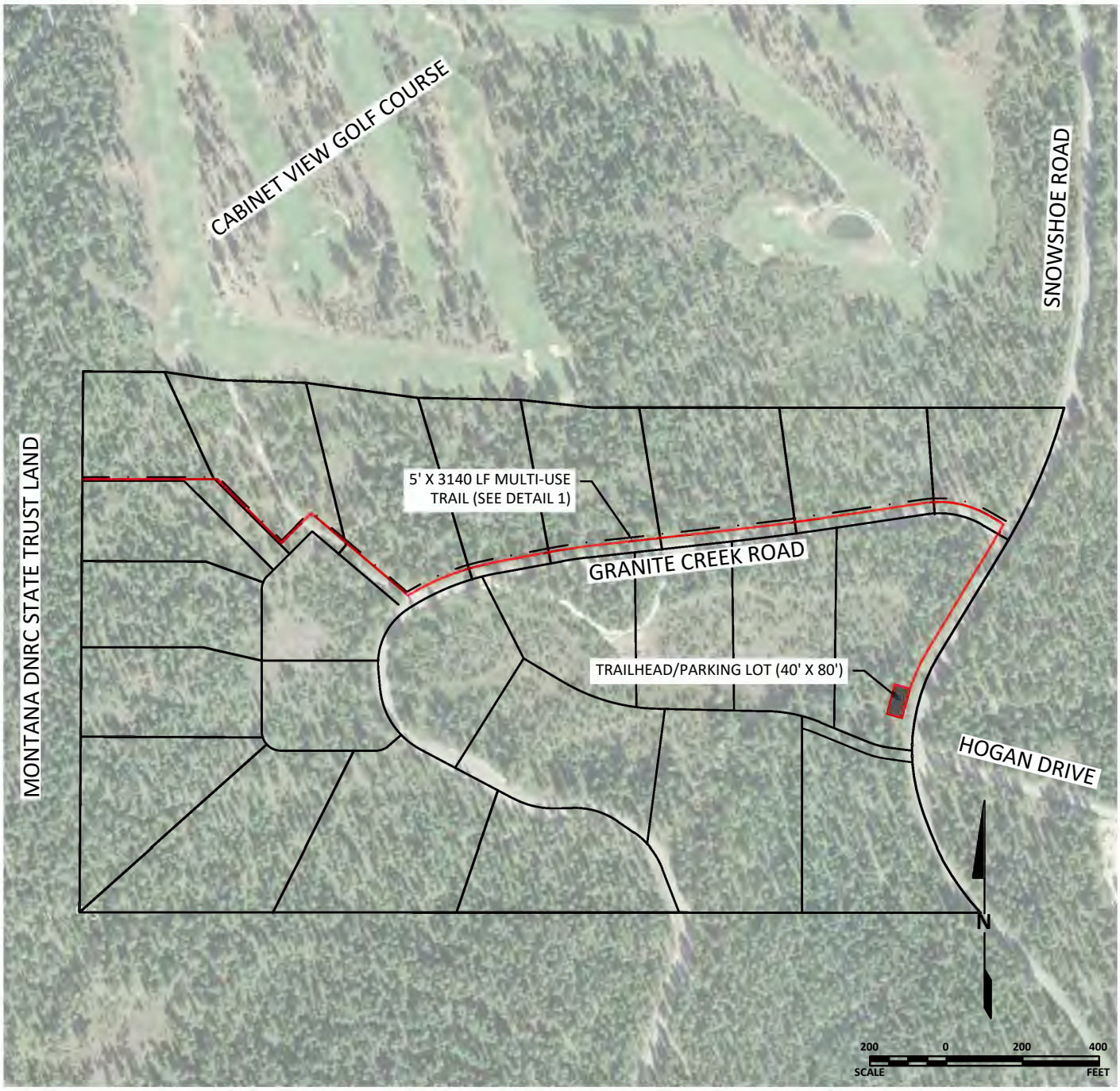
-40 X 80-foot paved parking lot= $20,000

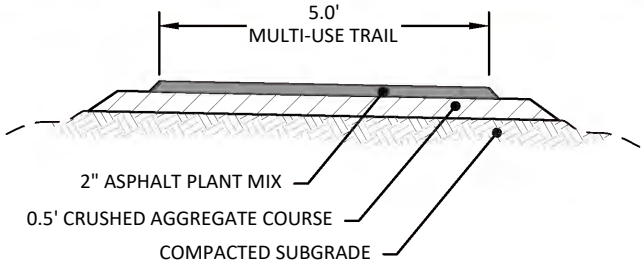
-.7-mile fence= $30,000

-.7-mile 8’ gravel path= $35,000

- construct vault toilet, headgates= $25,000

The Lincoln County Road department is committed to this project and will provide in-kind services in machinery, gravel, and personnel.



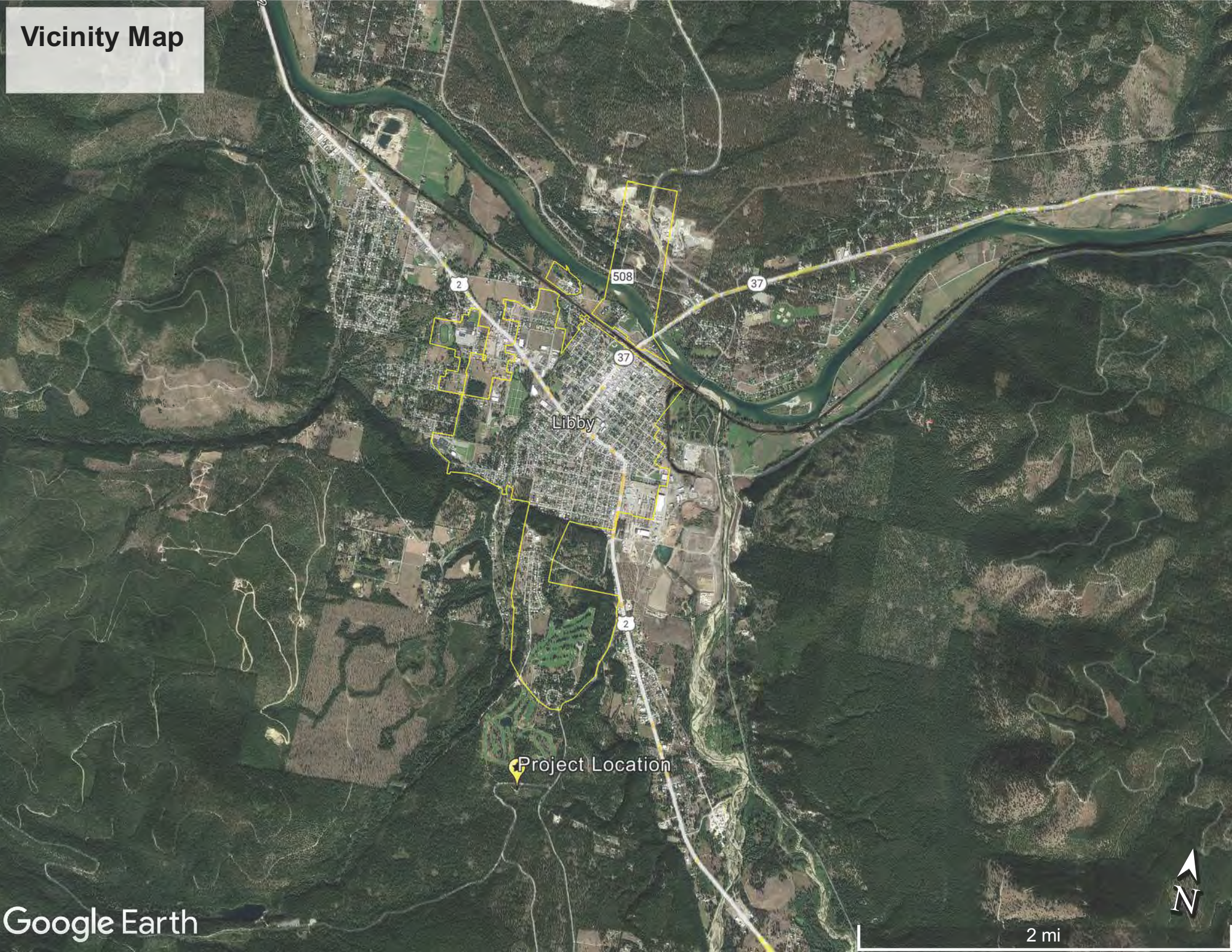


1 **5' MULTI-USE TRAIL TYPICAL SECTION**
NOT TO SCALE

NORGARD TRAIL

LINCOLN COUNTY TRAILS
THOMPSON CONTRACTING, INC.
LINCOLN COUNTY, MONTANA

Vicinity Map



Comment #6

LIBBY ASBESTOS OU3 EARLY RESTORATION CONCEPT ABSTRACT
KOOTENAI RIVER RECREATION MANAGEMENT PROJECT

Name and Contact Information:

Jim Hammons, Lincoln County Commissioner
512 California Ave.; Libby, MT 59923
(406) 293-2345 jhammons@libby.org

Project Purpose and Benefits:

We seek funding for the Kootenai River Recreation Project to address recreation on the Kootenai River. The project encompasses two main objectives: the development of a sustainable Recreation Management Plan and the designation of a route along the Kootenai River as a nationally recognized water trail. Identified as a "recreation river" by the Kootenai National Forest Plan and mentioned multiple times in the community-driven Troy Outdoor Recreation Plan, existing access sites along the Kootenai River lack essential amenities such as restrooms, ramps, ADA compliance, and signage. This deficiency has resulted in adverse impacts on aquatic and riparian habitats.

Intended to strengthen the capacity to manage river use and create recreation opportunities for local communities, the project's mission is to improve equitable river access, foster a long-term conservation stewardship program, increase safety, and promote community connectivity. The project's short-term goal is to focus on recreation opportunities for the local community, while the long-term goal aims to effectively manage increasing tourism, create economic opportunities, and preserve the natural characteristics of the river.

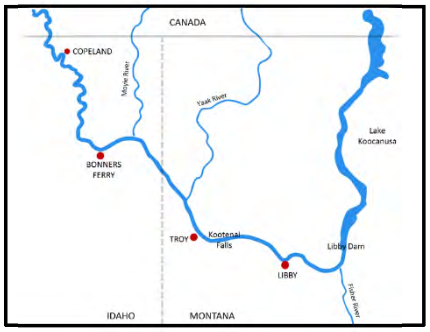
We envision a collaborative, multi-agency, and community-driven planning process to determine the best course of action for managing recreation on the river, particularly concerning fishing and boating. The Kootenai River Recreation Management Plan will assess the current state of access sites and serve as an action plan to implement improved river access, maintaining baseline river conditions. This includes initiatives such as restoring adjacent riverbanks through revegetation and invasive species removal to promote bank stability and prevent further injury to aquatic and riparian habitats. The development of uniform signage at access sites will strengthen public education on invasive species.

The proposed project aligns with the Institute for Tourism and Recreation Research's findings that outdoor recreation is rated the number one attribute contributing to quality of life in Montana. This legacy project is designed to impact generations by providing natural resource services and build regional, community-driven efforts to prevent injury to those natural resources. The water trail, developed through extensive community input, will serve as a significant recreational and economic resource. The formal designation of the Kootenai River Water Trail holds the potential to deliver numerous benefits and opportunities beyond its recreational value. The river and adjacent lands possess cultural, historic, social, natural, educational, and economic value. Studies indicate that well-planned recreation opportunities have social and health benefits, positively impact local economies, create connections to resident identities, and minimize impacts associated with recreation. Trail systems of this nature can strengthen ties between the community, its history, and ecology, resulting in an increased sense of value and desire to protect the area.

This project is expected to open doors for additional funding opportunities, enabling the improvement of access sites, the development of educational and interpretive programs, outreach initiatives, stewardship programs, long-term maintenance, and local business development. Through multiple partnerships, we envision that this project will break down barriers to outdoor recreation opportunities and could serve as a catalyst for a whole new local economy, a regional conservation stewardship program, and educational and interpretive programs centered around sustainable river recreation.

Project Location:

Primarily located in Lincoln County, the entire project encompasses the Kootenai River from below the Libby Dam northeast of Libby to Copeland, ID just south of the Canadian border. The proposed Kootenai River Trail runs through Montana and Idaho, with a trailhead in Troy, MT at Roosevelt Park and ending in Copeland, ID. The requested funds will contribute to planning efforts and implementation projects within Lincoln County.



US Section of Kootenai River

Project Description:

Lincoln County has initiated the project and will lead concerning NRDP funds. The Montana Access Project and Kootenai River Network will act as key leaders for the project. The project will have multiple partners and stakeholders, including local, state, and federal agencies, both governmental and non-governmental. Key partners include agencies currently managing sections of the river: US Forest Service; Bureau of Land Management; Army Corps of Engineers; Fish, Wildlife and Parks; Kootenai Tribe of Idaho; Confederated Salish and Kootenai Tribes; Lincoln County; MT Department of Transportation; Vital Ground; and Yellowstone to Yukon Conservation Initiative. Other partners include community members, local outfitters and other businesses, Search and Rescue, Libby Job Service, local governments, and Libby and Troy Chambers of Commerce.

Components of the project comprise three phases outlined below: Phase 1 Project Planning, Phase 2 Project Implementation, and Phase 3 Long-term Management. This proposal seeks funding for Phase 1 and one Phase 2 implementation project, a critical improvement to the Kootenai Vista Boat Ramp, a frequently used access site with no amenities. Phase 1 planning will facilitate actionable items developed through partner and community input for Phase 2 implementation and enable the water trail designation application. The proposed Kootenai Vista access site currently consists of a gravel boat ramp and parking area. It provides an important exit point for boaters who do not want to navigate more difficult parts to the river downstream. Located within a residential neighborhood, adjacent property owners have expressed concerns about the lack of a restroom and negative effects of human waste. The popularity of the site urgently necessitates a restroom facility to mitigate negative effects of ever-increasing use. Improvements have already been scoped (available upon request) and budgeted, allowing completion in a timely manner.

Phase 1 Project Planning
- partner outreach and engagement
- public outreach and engagement
- website development
- Recreation Management Plan

data collection and monitoring
create river stewardship position
GIS data--map the river
access site monitoring
collect river use data

Phase 2 Project Implementation
access sites improvements
placement of signage
develop economic development opportunities
develop education/interpretation opportunities

Phase 3 Long-term Management
maintain stewardship position to coordinate sustainable management and stewardship program

The project is in the initial planning stages as we conduct partner outreach and engagement. We have completed an initial access site inventory and will be holding a kick-off meeting in early 2024 to discuss the project scope and purpose, define expectations, identify gaps in management, coordinate management roles, and identify a steering committee. The project has secured initial funding through a grant from the Lincoln County Community Foundation.

Project Schedule:

Phase 1 Project Planning is expected to span one year. Phase 2 Project Implementation is expected to extend up to 5 years. The following outlines the anticipated timeframe of the project, with some aspects overlapping. Phase 3 will last indefinitely to ensure long-term management of the water trail and coordinate access site management.

Phase 1 Project Planning

Month 1	GIS data--map the river
	Initial partner/Stakeholder meeting
Month 2-3	Public outreach and community meetings
Month 4	Second partner/stakeholder meeting
	Publish Recreation Management Plan
Month 5	All community meeting
Months 6-9	Collect river use data, conduct surveys
Months 9-12	Finalize implementation plans
	Initiate economic development opportunities
	Define education/interpretive programming
	Begin initial access site improvements

Phase 2 Project Implementation (2-5 years)
Install signage, improve access sites, continue monitoring
Initiate education and interpretive programming
Initiate conservation stewardship program

General Cost Information:

The following table outlines projected costs. Please note that it does not include the full cost of Phase 2 Project Implementation, as access site improvements will be determined during the planning process. Phase 3 long-term costs will be determined at a later date.

ITEM	COST
Phase 1: Project Planning	
3 partner/stakeholder meetings	$2,100
meeting travel reimbursements ($400 for 2 days, one night)	$4,000
community outreach and engagement (flyers, newspapers, social media, community meetings, surveys)	$8,000
website development and hosting	$18,000
draft and publish Kootenai River Recreation Management Plan	$20,000
grant writer and manager	$20,000
project manager $25/hour FTE	$52,000
data collection and monitoring	
GIS river mapping	$2,500
river use data collection	$5,000
stewardship position salary $18/hour FTE	$37,440
river use surveys	$3,000
Phase 1 Subtotal	**$172,040**
Phase 2: Project Implementation	
access site improvements	TBD
Kootenai Vista Boat Ramp restrooms and signage (site materials, vault restroom, equipment costs and travel, information kiosk, signs)	$72,000
outreach materials (maps, brochures)	$6,000
Phase 2 Subtotal	**$78,000**
Total Proposed Cost	**$250,040**

Lincoln County; Fish, Wildlife, and Parks; and Kootenai River Network have contributed to initial costs of planning through in-kind staff time and paying a grant writer. Anticipated matching funds include grant funding through LOR Foundation; Town Pump Charitable Foundation; MT CDBG Economic Development Grants; Big Sky Economic Development Trust Fund; Cinnabar Foundation; Fish, Wildlife, and Parks Granting Programs; Jerry Metcalf Foundation; Steele-Reese Foundation; onX Access and Stewardship Grants; and MT Department of Labor and Industry Incumbent Worker Training. Several conservation NGOs have informally offered financial support and in-kind services for river mapping, community engagement, and access site improvements.

Attachment C

Evaluation of Early Restoration Project Proposals

C1. LIBBY CREEK RESTORATION FEASIBILITY STUDY

Project Summary

Project Type: Restoration Aquatic/Riparian Habitat

Funding Requested: $315,000 (revised from $700,000)

Project Sponsor: Member of the Public

Summary: The goal of this project is to restore the riparian corridor of Libby Creek, which has been simplified and straightened resulting in loss and degradation of habitat for aquatic and terrestrial species. The project would restore aquatic/riparian habitat in Lincoln County. The land adjacent to Libby Creek was historically used for a lumber and plywood mill and the creek is now within two Superfund sites: Libby Asbestos Superfund Site (Operable Units 4 and 5) and Libby Ground Water Superfund Site. Restoration of Libby Creek would need to consider potential soil and sediment contamination from these two Superfund sites.

The proposed project outlines a phased approach to restoring Libby Creek, with the first phase being a feasibility study to determine if reconnecting Libby Creek to its historic floodplain is possible given the potential contamination and on-going actions at Libby Ground Water Superfund Site. If the results of the feasibility study show restoration potential for Libby Creek, the project could move to Phase 2 (design) and then Phase 3 (construction). Funding is only allocated for Phase 1 at this time.

Considering the uncertainty in this project related to coordination with other stakeholders and agencies as well as potential contamination, NRDP contacted the member of the public who submitted this proposal to suggest a revision to the scope of the project. The revised project proposal is to conduct a preliminary investigation prior to a feasibility study. This approach would include:

- Coordinating with stakeholders and agencies, including EPA, DEQ, Lincoln County, International Paper, Lincoln County Port Authority, US Fish and Wildlife Service, tribes, and any landowners adjacent to Libby Creek.
- Reviewing existing data from the Libby Asbestos Superfund Site and Libby Ground Water Superfund Site to better understand potential contamination at the site and any potential hydraulic connection between Libby Creek and the contaminated groundwater currently being addressed by the Libby Ground Water Superfund Site.

It is possible that there is not enough existing information to adequately characterize the site conditions. In that case, additional data collection may be needed such as groundwater and surface water elevation, groundwater modeling, and water and sediment sampling. The revised proposal would allocate $315,000, which is expected to cover coordination with stakeholders and review of existing data, as well as additional data collection and modeling if needed. If this work shows that restoration of Libby Creek is feasible, additional funding would likely be needed in the future to conduct an engineering feasibility study and design and implement the restoration actions, possibly from future early restoration funding.

Final Funding Recommendations and Conditions

NRDP recommends allocating $315,000 for a preliminary investigation into the feasibility of restoring Libby Creek. This preliminary investigation will be split into two phases:

1. Funding will initially be used to conduct a review of existing data and begin coordination with stakeholders. The goal of this work is to determine the existing site conditions and need for additional investigation as well as the coordination with other entities necessary to proceed with the project.
2. Upon completion of these tasks, NRDP will reevaluate the project according to the legal and policy criteria to determine if the project should proceed. Phase 2 may include additional data collection and/or evaluation, groundwater and surface water monitoring, and groundwater modeling.

The allocated funding is expected to be sufficient to complete both phases, though funding is only guaranteed for Phase 1 and an additional determination will be needed before continuing to Phase 2.

Evaluation of Eligibility Requirements

Requirement	Meets Criteria	Evaluation
Project restores, replaces, rehabilitates, or acquires the equivalent of the injured resources and services in or related to OU3	Yes	The proposed project would restore aquatic and riparian habitat in the Kootenai River watershed. The resources of interest were not directly injured by the operations at OU3, but Libby Creek is a tributary to the Kootenai River and could support aquatic and riparian habitat for the injured natural resources, such as fish and birds. The project area is publicly accessible and restoration actions would address lost recreational services such as outdoor recreation and wildlife viewing.
Project is located within Lincoln County	Yes	Project map included in proposal.
Project merits expedited funding and is able to be completed within 24 months of receiving funding	Yes	The work contemplated in the revised proposal can be completed in 24 months, though additional time and funding would likely be needed to complete additional phases--the design and implementation of an engineering feasibility study and project design and implementation.
Project will not interfere with or be impacted by remedial actions within OU3	Yes	The project is located outside of OU3 and will not impact or be impacted by remedial actions at OU3. The project is located within another operable unit of the Libby Asbestos Superfund Site and within the Libby Ground Water Superfund Site, so remedial actions for these sites will need to be considered. One of the goals of the revised proposal is to ensure that any restoration is done in coordination and compliance with applicable remedial actions and institutional controls.
Project can be completed with the funding available	Yes	There is sufficient funding to conduct the work contemplated in the revised proposal.

Evaluation of Legal and Policy Criteria

Legal Criteria		
Criteria	**Determination**	**Evaluation**
Technical Feasibility	Feasible	There are no significant uncertainties with implementation of the revised proposal; the desktop analyses and coordination proposed are feasible. The results of this work may show challenges for implementation of restoration actions, but funding is only requested for preliminary investigation at this time.
Relationship of Expected Costs to Expected Benefits	Net costs as proposed / Net benefits as revised	The project is within two Superfund sites and may not be feasible to fully implement. As originally proposed, the expected costs are not commensurate with the benefits because it's possible the feasibility study could conclude that restoration actions should not be taken. The revised proposal requests funding the project as a preliminary feasibility study to allow an investigation into the existing data, data gaps, and work required to conduct an adequate engineering feasibility study. This reduces the costs and improves the cost/benefit analysis. The potential benefits of restoring Libby Creek merit the cost of this investigation.
Cost-Effectiveness	Cost-Effective	The phased approach of this proposal makes it a cost-effective way of beginning the restoration of Libby Creek. It accomplishes the goal in the least costly way by conducting a preliminary investigation prior to proceeding further. Restoration is complicated due to the location, potential contamination, and nearby on-going remedial actions, so a detailed investigation into the feasibility is a necessary first step to understand the potential for restoration.
Results of Response Actions	No conflict	The project is not anticipated to conflict with response actions for Libby OU3. The project is located within the Libby Groundwater Superfund Site and adjacent to OU4 and OU5 of the Libby Asbestos Superfund Site. There are institutional controls around excavation and hydraulic considerations relating to response actions. Close coordination with EPA, DEQ, and International Paper would be needed to ensure the project does conflict with any response actions. The initial phase will identify needed actions to ensure there is not a conflict with response actions.
Adverse Environmental Impacts	No adverse effects expected	The preliminary investigation contemplated in the revised proposal is not expected to have any adverse environmental impacts because it is solely a desktop analysis. One of the goals of this phased approach is to ensure that restoring Libby Creek would benefit the environment and there are no concerns about exacerbating contamination. An

		additional evaluation of environmental impacts would be conducted prior to proceeding with the project.
Recovery Period and Potential for Natural Recovery	Expected to reduce overall time to recovery	While Libby Creek is outside of OU3, it is a tributary to the Kootenai River and restoration would benefit habitat and wildlife in the injured area in addition to restoring/replacing habitat similar to that found within OU3. For purpose of evaluating this criterion, the primary resources at issue are the aquatic habitat connected to the Kootenai River and the fisheries. These injured resources are not expected to recover to baseline naturally.
Human Health and Safety	No adverse effects expected	The revised proposal mainly involves a desktop analysis and coordination work, which should not pose a risk to human health and safety. If field work is necessary, it would be conducted in accordance with a health and safety plan to mitigate risk. An additional analysis of effects on human health and safety would be needed for any future phases of work, such as restoration implementation.
Federal, State, and Tribal Policies, Rules, and Laws	Project can be completed in accordance with applicable policies, rules, and laws	Coordination with EPA, DEQ, International Paper, Lincoln County, and Libby Port Authority would be necessary to ensure that the work is completed with all applicable institutional controls and response actions.
Policy Criteria		
Criteria	**Determination**	**Evaluation**
Normal Government Function	Outside normal government function	There is no existing governmental entity responsible for or currently funded for this project.
Price is fair market value	Not applicable	There is no acquisition of property proposed for this project.
Located within Lincoln County but outside the mine site	Yes	This project would restore aquatic and riparian habitat that is similar to that found within OU3, but is located outside OU3 on a tributary to the Kootenai River.
Supplemental Criteria		
Criteria	**Determination**	**Evaluation**
Match Funding	Not at this time	There is no match funding identified at this time, but potential match funding could be pursued for future phases of the work.
Long-Term Operations and Maintenance	Not applicable	As a preliminary investigation, there is no need for long-term operations and maintenance at this time.

C2. BALSAM STREET PEDESTRIAN PATHWAY

Project Summary

Project Type: Replacement Recreational

Funding Requested: $650,000

Project Sponsor: Libby Park District

Summary: This proposal requested funding to construct a sidewalk, curb, and gutter along 1,300 feet of Balsam Street (between Cabinet Avenue and Gallatin Street). This road provides access to recreational areas within and near Libby, including Ski Dale Park, US Forest Service trails, and connection to the Norgard Trailhead and Flower Creek Recreation area. This project would replace lost or injured recreational resources and services in Lincoln County.

The proposed project has been designed and additional funds are needed for construction.

Final Funding Recommendations and Conditions

While this project meets eligibility criteria and would improve access to recreational opportunities in the Libby area, NRDP does not recommend funding it for the following reasons:

- The cost of the project outweighs the expected benefits from installing a curb, gutter, and sidewalk along 1,300 feet of Balsam Street. The cost of implementation is high considering the length of the walkway to be installed, and that access is currently possible (if not ideal).
- The City of Libby was listed as the lead entity for the project, but NRDP was unable to determine if the City is willing and able to take on this project. Without support from the City, this project is not feasible to implement. Support from the City is also necessary to ensure the work can be done in accordance with local policies, rules, and laws.
- It is typically the responsibility of local governments to construct and maintain curbs, gutters and sidewalks; it is not clear whether installation and maintenance of the sidewalk are a responsibility of the City of Libby (i.e., normal government function).
- There is no entity identified as being responsible for long-term operations and maintenance of the project.

Evaluation of Eligibility Requirements

Requirement	Meets Criteria	Evaluation
Project restores, replaces, rehabilitates, or acquires the equivalent of the injured resources and services in or related to OU3	Yes	This is a replacement project. The proposed project would improve access to recreational opportunities in the Libby area, including the Ski Dale Park Area and Libby Elementary School. This area has multiple outdoor recreational opportunities, including a sledding hill, outdoor running track, athletic field, playground, bicycle pedal track, and two picnic areas. The Ski Dale Park is connected to a US Forest Service trail leading to Parmenter Creek and the Cabinet Mountain Wilderness Area, with a connection to the Norgard Trail and Flower Creek Recreation Area to the south. The proposed project would improve safety for pedestrians traveling from the City of Libby to these areas.
Project is located within Lincoln County	Yes	Project map included in proposal.
Project merits expedited funding and is able to be completed within 24 months of receiving funding	Yes	The work contemplated in the proposal can be completed in 24 months but does not merit funding due to the uncertainties listed in this summary.
Project will not interfere with or be impacted by remedial actions within OU3	Yes	The project is located outside of OU3 and will not impact or be impacted by remedial actions at OU3.
Project can be completed with the funding available	Yes	There is sufficient funding to conduct the work contemplated in the proposal.

Evaluation of Legal and Policy Criteria

Legal Criteria		
Criteria	**Determination**	**Evaluation**
Technical Feasibility	Not feasible	While installing a sidewalk, curb, and gutter is technically feasible, NRDP has been unable to determine if the City of Libby approves of this project. Without support from the City the project is not feasible.
Relationship of Expected Costs to Expected Benefits	High Net costs	The project would provide some benefit to recreation in Lincoln County by improving access from the City of Libby to recreational areas. However, the cost of the project is high compared to the benefit achieved through installation of a curb, gutter, and sidewalk along 1,300 feet of Balsam Street.
Cost-Effectiveness	Not Cost-Effective	The amount of funding requested for this project could be used in other restoration projects that would provide more benefit to recreation in Lincoln County. For example, less funding is requested for improvements to the Norgard Trailhead, which provides direct access to trails and outdoor recreation.
Results of Response Actions	No conflict	The project is not anticipated to conflict with response actions for Libby OU3.
Adverse Environmental Impacts	No adverse effects expected	The project is not expected to have any adverse environmental impacts.
Recovery Period and Potential for Natural Recovery	No effect	The project is not expected to impact the recovery period or potential for natural recovery of natural resources injured within OU3.
Human Health and Safety	No adverse effects expected	Construction of the project would be done in a way to minimize risk to human health and safety. The project could benefit human health and safety by providing a safer pedestrian walkway along Balsam Street.
Federal, State, and Tribal Policies, Rules, and Laws	Undetermined	It is not clear whether the project could be done in accordance with applicable policies, rules, and laws. Support from the City of Libby would be necessary and NRDP has been unable to determine the City's position on this project. If the project is funded, NRDP would complete a checklist Environmental Assessment to comply with the Montana Environmental Policy Act.
Policy Criteria		
Criteria	**Determination**	**Evaluation**
Normal Government Function	Undetermined	Installation and maintenance of sidewalks are typically the responsibility of the local government.
Price is fair market value	Not applicable	There is no acquisition of property proposed for this project.

Located within Lincoln County but outside the mine site	Yes	The project is located within Libby in Lincoln County.
Supplemental Criteria		
Criteria	**Determination**	**Evaluation**
Match Funding	No	The proposal suggests potential in-kind match from public and private organizations, but no match funding has been secured to date.
Long-Term Operations and Maintenance	Undetermined	No entity has been identified as being responsible for the long-term maintenance of the sidewalk.

C3. LINCOLN COUNTY PARK MANAGER

Project Summary

Project Type: Replacement Recreational

Funding Requested: $240,000 (revised from $380,000)

Project Sponsor: Libby Park District

Summary: The original proposal requested funding to hire a full-time Park Manager for the Libby Park District and fund the position for four years ($95,000 per year). The Park Manager would operate and manage recreational assets and programs in the greater Libby area. This would include driving the continued development of 10 miles of non-motorized trail, finalizing the creation of a local swim pond, furthering the development of 200 acres of recreation property in the Libby Port Area, and operating and managing other new and existing recreation projects and facilities in the Libby Park District. The Park Manager would work on county parks, trails, arenas, stadiums, river access points, and aquatic facilities.

The Park Manager is expected to spend approximately 2/3 of their time on recreational assets and 1/3 of their time on facilities maintenance. The proposal was revised to request $60,000 per year for four years, with the intention of using natural resource damage funding to cover only the portion of the position related to recreation in Lincoln County.

Long-term funding for the position will be available from the Community Recreation restricted fund, but this will not mature and provide dividends until 2029. This proposal would fund the position for four years, when permanent funding is anticipated to be available.

Final Funding Recommendations and Conditions

NRDP recommends allocating $240,000 for this project with the following funding contingencies:

- Funding is only guaranteed for 2 years, after which time NRDP will reevaluate the project according to legal and policy criteria, considering success of the initial 2 years (e.g., what has been achieved by the Park Manager in that time, how feasible is the partial funding for NRD-eligible projects, etc.).
- Libby Park District may only request funding for four years and will fund the position with other funding after that time.
- Libby Park District must provide a detailed scope of work outlining the Mark Manager's responsibilities and duties including NRD eligible and ineligible duties, projects, etc. In addition, Libby Park District will need to provide for NRDP's approval how they will record the Park Manager's time to ensure only eligible time is charged to the Libby Restoration Fund.

Evaluation of Eligibility Requirements

Requirement	Meets Criteria	Evaluation
Project restores, replaces, rehabilitates, or acquires the equivalent of the injured resources and services in or related to OU3	Yes	This is a replacement project. The proposed project would address recreational use of resources by funding a Libby Park District employee to operate and manage recreational assets and programs in the greater Libby area. The work of this employee is expected to benefit recreation in Lincoln County and assist the Park District in ensuring recreational facilities are maintained in good condition.
Project is located within Lincoln County	Yes	The park manager would work on projects within Lincoln County.
Project merits expedited funding and is able to be completed within 24 months of receiving funding	Funding requested for 4 years	Funding is requested for four years and merits funding as it may improve recreational development and improve access now instead of waiting four years until the County's bonds mature.
Project will not interfere with or be impacted by remedial actions within OU3	Yes	Work of the park manager would not impact or be impacted by remedial actions at OU3.
Project can be completed with the funding available	Yes	There is sufficient funding to conduct the work contemplated in the proposal.

Evaluation of Legal and Policy Criteria

Legal Criteria		
Criteria	**Determination**	**Evaluation**
Technical Feasibility	Likely Feasible	Creation of the park manager position, contracted by the Libby Park District, is feasible. There could be difficulties in ensuring that work performed by the park manager complies with legal and policy requirements for using natural resource damages. The position description provided for the park manager included job duties both eligible and ineligible for natural resource damage funding. The proposal was revised to request only 2/3 of the funding for the full-time position with the understanding that natural resource damages would be used only for eligible tasks completed by the park manager. Detailed invoices and accounting of the tasks completed by the park manager would need to be provided to NRDP when reimbursement is requested in order to ensure that the natural resource damages are being used appropriately.
Relationship of Expected Costs to Expected Benefits	Net costs as proposed / Net benefits as revised	The project would benefit recreation in Lincoln County through funding a park manager for four years, but the Parks Manager would work on a variety of projects, some of which do not relate to the natural resource injuries for which the damages were received, such as arenas, stadiums, and aquatic facilities. After discussing with the project sponsor, a revised proposal was submitted that requested $60,000 per year (total of $240,000) to pay for 2/3 of a full-time employee with the expectation that the employee would spend 2/3 of their time on eligible projects (e.g., engage the public in outdoor recreation; drive development of non-motorized trails and recreational property in the Libby Port Authority; operate and manage county parks, trails, and river access points, etc.)
Cost-Effectiveness	Cost-Effective	The proposal identified a need for a park manager position in Lincoln County in order to maintain and expand recreational resources. Without a park manager to perform this work, the condition of existing resources could deteriorate until permanent funding is available (expected to be 2029) and potential for expansion of recreational opportunities would be limited to volunteer time. This position is likely a cost-effective way to improve and maintain recreational opportunities and assets in Lincoln County.
Results of Response Actions	No conflict	The project is not anticipated to conflict with response actions for Libby OU3.
Adverse Environmental Impacts	No adverse effects expected	The project is not expected to have any adverse environmental impacts.

Recovery Period and Potential for Natural Recovery	No effect	The project is not expected to impact the recovery period or potential for natural recovery of natural resources injured within OU3.
Human Health and Safety	No adverse effects expected	The project is not expected to have adverse impacts on human health and safety. There is potential for some beneficial impacts to human health and safety by maintaining recreational resources (e.g., repairing damaged trails) and working to provide additional recreational opportunities to Lincoln County.
Federal, State, and Tribal Policies, Rules, and Laws	Project can be completed in accordance with applicable policies, rules, and laws	The project could be done in accordance with applicable policies, rules, and laws.
Policy Criteria		
Criteria	**Determination**	**Evaluation**
Normal Government Function	Augmentation of normal government function	There is a funding source for this position through the local government, though it will not be available until 2029. This project would be considered augmentation of normal government function by providing interim funding for four years.
Price is fair market value	Not applicable	There is no acquisition of property proposed for this project.
Located within Lincoln County but outside the mine site	Yes	The park manager would work on projects within Lincoln County.
Supplemental Criteria		
Criteria	**Determination**	**Evaluation**
Match Funding	No	No match funding identified at this time.
Long-Term Operations and Maintenance	Not applicable	No long-term operations and maintenance is required for the project. The park manager would be providing operations and maintenance services, but the position would be funded by the Libby Park District in the future.

C4. FLOWER CREEK WASTE GRAVEL PILE REMOVAL

Project Summary

Project Type: Replacement Recreational

Funding Requested: $250,000

Project Sponsor: Libby Park District

Summary: This proposal requested funding to remove a gravel pile and install a parking area. The gravel pile was created during reconstruction of the Flower Creek dam. The area is near a Nordic ski facility, biathlon shooting range, and the Norgard trail and would improve access to these recreational areas. This project would replace lost or injured recreational resources and services in Lincoln County.

Final Funding Recommendations and Conditions

While this project meets eligibility criteria and would improve access to recreational opportunities in the Libby area, NRDP does not recommend funding it for the following reasons:

- The City of Libby has not expressed support for the project. The proposal identified the City as the lead entity for the project, but NRDP has not been able to confirm the City's willingness to implement the work. The Libby City Council has voted against the project twice in recent years. The City did send out a request for proposals for the work in 2023 but did not receive any responses.
- The City is concerned about potential adverse environmental and human health impacts from installing a parking lot above the City's main water supply.
- Because the property is owned by the City and was created during completion of the primary dam, the responsibility to complete the project lies with the City of Libby (normal government function) and the work cannot be completed without support from the City.

Evaluation of Eligibility Requirements

Requirement	Meets Criteria	Evaluation
Project restores, replaces, rehabilitates, or acquires the equivalent of the injured resources and services in or related to OU3	Yes	This is a replacement project. Proposed project would improve access to recreational opportunities in the Libby area, including the Nordic ski facility, biathlon shooting range, Norgard Trail, Flower Creek Trails, Old Snowshoe Trail, and Kootenai National Forest trails. These areas are used for many types of recreation including hiking, mountain biking, cross country skiing, horseback riding, and cross-country running events. The project would expand parking and improve access to these areas.
Project is located within Lincoln County	Yes	Project map included in proposal.
Project merits expedited funding and is able to be completed within 24 months of receiving funding	Yes	The work contemplated in the proposal can be completed in 24 months. It is uncertain if the project merits expedited funding because of the uncertainties listed in this evaluation.
Project will not interfere with or be impacted by remedial actions within OU3	Yes	The project is located outside of OU3 and will not impact or be impacted by remedial actions at OU3.
Project can be completed with the funding available	Yes	There is sufficient funding to conduct the work contemplated in the proposal.

Evaluation of Legal and Policy Criteria

Legal Criteria		
Criteria	**Determination**	**Evaluation**
Technical Feasibility	Not feasible	While removing the gravel pile and constructing a parking lot is technically feasible (the work utilizes known technologies), NRDP has been unable to determine if the City of Libby approves of this project. Without support from the City the project is not feasible.
Relationship of Expected Costs to Expected Benefits	Costs commensurate with benefits	The project would benefit recreation in Lincoln County by improving access to various recreational trails and facilities. These areas are frequently used by Libby residents for a variety of recreational purposes and the costs of improving accessibility are commensurate with the costs of removing the gravel pile and constructing a parking lot.
Cost-Effectiveness	Cost-Effective	Removing the gravel pile to expand parking is a cost-effective way to improve access and replace recreational opportunities.
Results of Response Actions	No conflict	The project is not anticipated to conflict with response actions for Libby OU3.
Adverse Environmental Impacts	Potential adverse environmental impacts	The City of Libby expressed concern that vehicles parking directly above the City's primary water source could be a potential source of contamination (e.g., oil).
Recovery Period and Potential for Natural Recovery	No effect	As a replacement project, the project is not expected to impact the recovery period or potential for natural recovery of natural resources injured within OU3.
Human Health and Safety	Potential adverse impacts	Construction of the project would be done in a way to minimize risk to human health and safety. The City of Libby expressed concern that the proposed parking lot could be a potential source of contamination to the City's primary water source.
Federal, State, and Tribal Policies, Rules, and Laws	Undetermined	The project could be done in accordance with applicable policies, rules, and laws, but support from the City of Libby would be necessary and NRDP has been unable to determine the City's position on this project. If the project is funded, NRDP would complete a checklist Environmental Assessment to comply with the Montana Environmental Policy Act.
Policy Criteria		
Criteria	**Determination**	**Evaluation**
Normal Government Function	Function of the City of Libby	Information provided to NRDP to date suggests the City of Libby would be responsible for this work. The gravel pile was created during a City project and is located on City property. The City previously advertised a request for proposals for the project, but no

		responses were received. The City has not approved the project and the City Council voted against the project twice.
Price is fair market value	Not applicable	There is no acquisition of property proposed for this project.
Located within Lincoln County but outside the mine site	Yes	The project is located within Libby in Lincoln County.
Supplemental Criteria		
Criteria	**Determination**	**Evaluation**
Match Funding	No	The proposal suggests potential reuse of some of the gravel as an offset to the project cost.
Long-Term Operations and Maintenance	Libby Park District	The Libby Park District would be responsible for long-term operations and maintenance of the parking lost installed.

C5. IMPROVE NORGARD TRAILHEAD

Project Summary

Project Type: Replacement Recreational

Funding Requested: $110,000

Project Sponsor: Libby Park District

Summary: This project would improve the Norgard Trailhead and connect the trailhead to property owned by the Montana Department of Natural Resources and Conservation (DNRC). The work would provide a direct connection from the city of Libby to the historic Snowshoe trail system, which runs through the Cabinet Wilderness to the Leigh Lake trailhead. The project would replace lost or injured recreational resources and services in Lincoln County. The project would involve constructing:

- A 40-foot by 80-foot paved parking lot at the Norgard Trailhead, along with a headgate and vault toilet;
- A trail from the trailhead to the adjacent DNRC property boundary. The trail would run through private property on a Lincoln County trail easement; and
- A headgate at the junction with DNRC property to prevent unauthorized motorized traffic.

The Lincoln County Road Department would lead the project. Progress has already been made on this project, including clearing necessary trees for the parking lot and connector trail. The vault toilet has been engineered and the vault has been set. The Lincoln County Road Department can also provide in-kind contributions in the form of machinery, gravel, and personnel. The Libby Park District would be responsible for long-term operations and maintenance of the project.

Final Funding Recommendations and Conditions

This project meets the eligibility criteria and would improve recreational use of natural resources by improving access at the Norgard Trailhead and connecting it to State-owned property. NRDP recommends funding this project with Lincoln County serving as the lead entity and Libby Park District assuming responsibility for long-term operations and maintenance.

Evaluation of Eligibility Requirements

Requirement	Meets Criteria	Evaluation
Project restores, replaces, rehabilitates, or acquires the equivalent of the injured resources and services in or related to OU3	Yes	This is a replacement project. Proposed project would improve recreational opportunities in the Libby area by enhancing the Norgard Trailhead and connecting the trailhead to public land.
Project is located within Lincoln County	Yes	Project map included in proposal.
Project merits expedited funding and is able to be completed within 24 months of receiving funding	Yes	The work contemplated in the proposal can be completed in 24 months.
Project will not interfere with or be impacted by remedial actions within OU3	Yes	The project is located outside of OU3 and will not impact or be impacted by remedial actions at OU3.
Project can be completed with the funding available	Yes	There is sufficient funding to conduct the work contemplated in the proposal.

Evaluation of Legal and Policy Criteria

Legal Criteria		
Criteria	**Determination**	**Evaluation**
Technical Feasibility	Feasible	There are no significant uncertainties with implementation of the proposal. Known technologies would be used to construct the parking lot, trail, vault toilet, and headgate.
Relationship of Expected Costs to Expected Benefits	Costs commensurate with benefits	The project would benefit recreation in Lincoln County by improving and expanding the Norgard Trailhead and connecting it to public land. The benefits of improved accessibility to trails utilized by Libby residents are commensurate with the costs of implementing the project.
Cost-Effectiveness	Cost-Effective	Improving the trailhead is a cost-effective way to improve access and replace recreational opportunities.
Results of Response Actions	No conflict	The project is not anticipated to conflict with response actions for Libby OU3.
Adverse Environmental Impacts	No adverse effects expected	The project is not expected to have any adverse environmental impacts. There may be temporary adverse impacts from construction, but these would be addressed under the necessary permits and best management practices required for this project.
Recovery Period and Potential for Natural Recovery	No effect	As a replacement project, the project is not expected to impact the recovery period or potential for natural recovery of natural resources injured within OU3.
Human Health and Safety	No adverse effects expected	Construction of the project would be done in a way to minimize risk to human health and safety.
Federal, State, and Tribal Policies, Rules, and Laws	Project can be completed in accordance with applicable policies, rules, and laws	The project could be done in accordance with applicable policies, rules, and laws. NRDP would complete a checklist Environmental Assessment to comply with the Montana Environmental Policy Act.
Policy Criteria		
Criteria	**Determination**	**Evaluation**
Normal Government Function	Augmentation of normal government function	Lincoln County currently manages the trailhead but is not currently funded to complete the project.
Price is fair market value	Not applicable	There is no acquisition of property proposed for this project.

Located within Lincoln County but outside the mine site	Yes	The project is located within Libby in Lincoln County.
Supplemental Criteria		
Criteria	**Determination**	**Evaluation**
Match Funding	In-Kind	Lincoln County would lead the project and provide in-kind support for the project.
Long-Term Operations and Maintenance	Provided by Libby Park District	The Libby Park District would assume maintenance of the project.

C6. KOOTENAI RIVER RECREATION MANAGEMENT PLAN

Project Summary

Project Type: Replacement Recreational

Funding Requested: $250,040

Project Sponsor: Lincoln County

Summary: This proposal requested funding for the Kootenai River Recreation Project, led by Lincoln County with multiple partners and stakeholders. The objectives of the project are to develop a sustainable Kootenai River Recreation Management Plan and designate a route along the Kootenai River as a nationally recognized water trail. The project intends to strengthen the capacity to manage river use and create recreation opportunities for local communities in order to improve equitable river access, foster a long-term conservation stewardship program, increase safety, and promote community connectivity. The Kootenai River Recreation Management Plan would assess the current state of access sites and serve as an action plan to implement improved river access, including restoring adjacent riverbanks and developing uniform signage to strengthen public education. The project would replace lost or injured recreational resources and services in Lincoln County.

There are three phases of the proposed project:

- **Phase 1 – Project Planning**: partner and public outreach and engagement, website development, Recreation Management Plan development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data;
- **Phase 2 – Project Implementation**: access site improvements, placement of signage, and development of economic opportunities and education/interpretation opportunities;
- **Phase 3 – Long-term Management**: maintain stewardship position to coordinate sustainable management and stewardship program.

This proposal requested funding for Phase 1 ($172,040) and one Phase 2 project ($78,000). The Phase 2 project would involve improvements to the Kootenai Vista Boat Ramp, a gravel boat ramp and parking area that provides an exit point for boaters who do not want to navigate more difficult portions of the river downstream. Funds are requested to install a vault toilet, which has already been scoped and budgeted.

Lincoln County would lead this project. Lincoln County currently manages the Kootenai Vista Boat Ramp and would maintain any improvements made as part of this project. Numerous opportunities have been identified for potential to provide matching funds or in-kind contributions for this project.

Final Funding Recommendations and Conditions

This project meets the eligibility criteria and would improve recreational use of natural resources by improving the Kootenai Vista Boat Ramp and developing a Recreation Management Plan for the Kootenai River. Though the work proposed for the Kootenai Vista Boat Ramp may technically be within OU3 (which currently includes the Kootenai River downstream of the mine site), NRDP has verified with the Environmental Protection Agency (EPA) that the proposed work would not interfere with potential

future remedial actions. NRDP recommends funding this project as requested with Lincon County as the lead entity and providing long-term operations and maintenance for the Kootenai Vista Boat Ramp.

Evaluation of Eligibility Requirements

Requirement	Meets Criteria	Evaluation
Project restores, replaces, rehabilitates, or acquires the equivalent of the injured resources and services in or related to OU3	Yes	This is a replacement project. Proposed project would improve recreational opportunities in the Libby area by developing a Recreation Management Plan for the Kootenai River and improving facilities at the Kootenai Vista Boat Ramp.
Project is located within Lincoln County	Yes	The project is primarily located within Lincoln County, though it extends beyond the county along the Kootenai River. Natural resource damages requested would be used to contribute to planning efforts and implementation projects within Lincoln County.
Project merits expedited funding and is able to be completed within 24 months of receiving funding	Yes	The work contemplated in the proposal can be completed in 24 months. Phase 1 of this project, development of a Recreation Management Plan will lead to development of priority projects.
Project will not interfere with or be impacted by remedial actions within OU3	Yes	The Kootenai River is within the current boundary of OU3 and proposed work on the Kootenai Vista Boat Ramp may be within OU3. NRDP verified with EPA and DEQ that the work proposed at the boat ramp would not interfere with or be impacted by remedial actions within OU3.
Project can be completed with the funding available	Yes	There is sufficient funding to conduct the work contemplated in the proposal.

Evaluation of Legal and Policy Criteria

Legal Criteria		
Criteria	**Determination**	**Evaluation**
Technical Feasibility	Feasible	There are no significant uncertainties with implementation of the proposal. It is feasible that Lincoln County, with support from the Montana Access Project and Kootenai River Network, can develop the Recreation Management Plan. Proposed improvement to the Kootenai Vista Boat Ramp can be completed utilizing known technologies.
Relationship of Expected Costs to Expected Benefits	Costs commensurate with benefits	The project would benefit recreation in Lincoln County by creating a Recreation Management Plan that could be used to further enhance recreational opportunities within Lincoln County. The plan would identify additional opportunities to improve river access, create recreation opportunities, and foster long-term stewardship. In addition, the improvements to the Kootenai Vista Boat Ramp would improve access to the Kootenai River. The benefits of improved management and accessibility to the Kootenai River for Libby residents are commensurate with the costs of implementing the project.
Cost-Effectiveness	Cost-Effective	The improvements to the Kootenai River Boat Ramp have already been scoped and budgeted, and the funds requested for implementation are reasonable for the work being conducted. Development of the Recreation Management Plan will help identify and prioritize future improvements to recreation along the river in a cost-effective manner.
Results of Response Actions	No conflict	The project is not anticipated to conflict with response actions for Libby OU3. Though the Kootenai Vista Boat Ramp is on the Kootenai River, which is technically within OU3, EPA and DEQ have agreed that the site is far enough downstream of the mine site that there should not be any conflicts with response actions.
Adverse Environmental Impacts	No adverse effects expected	The project is not expected to have any adverse environmental impacts. There may be temporary adverse impacts from construction, but these would be addressed under the necessary permits and best management practices required for this project.
Recovery Period and Potential for Natural Recovery	No effect	As a replacement project, the project is not expected to impact the recovery period or potential for natural recovery of natural resources injured within OU3.
Human Health and Safety	No adverse effects expected	Construction of the project would be done in a way to minimize risk to human health and safety. The addition of a restroom at the Kootenai Vista Boat Ramp would improve sanitation at the site.
Federal, State, and Tribal Policies, Rules, and Laws	Project can be completed in	The project could be done in accordance with applicable policies, rules, and laws. NRDP would complete a checklist Environmental Assessment to comply with the Montana

	accordance with applicable policies, rules, and laws	Environmental Policy Act. Coordination with other agencies would be necessary as the project moves forward. In particular, the Confederated Salish and Kootenai Tribes have requested coordination to ensure that any recreational development takes into account their cultural resources and historical sites.
Policy Criteria		
Criteria	**Determination**	**Evaluation**
Normal Government Function	Outside normal government function	There is no existing government entity responsible for or currently funded to complete the project.
Price is fair market value	Not applicable	There is no acquisition of property proposed for this project.
Located within Lincoln County but outside the mine site	Yes	Funds are requested for planning and implementation within Lincoln County.
Supplemental Criteria		
Criteria	**Determination**	**Evaluation**
Match Funding	Yes	Partial initial funding for this project has been secured through a grant from the Lincoln County Community Foundation, as well as in-kind contributions from Lincoln County, FWP, and Kootenai River Network. Lincoln County is committed to obtaining additional match funding as the project moves forward.
Long-Term Operations and Maintenance	Provided by Lincoln County	Lincoln County would be responsible for operations and maintenance of the project, including the vault toilet at the Kootenai Vista Boat Ramp.

C7. REDBAND TROUT BROODSTOCK DEVELOPMENT

Project Summary

Project Type: Aquatic

Funding Requested: $750,000

Project Sponsor: Fish, Wildlife, and Parks (FWP)

Summary: This project was proposed by FWP and would establish infrastructure for native redband trout broodstock development and management for production of fish for recreational fishing opportunities and conservation and restoration actions. The project would replace lost or injured aquatic resources within Lincoln County.

Columbia River redband trout (redband trout) are a subspecies of rainbow trout native to the Kootenai River drainage in northwest Montana. FWP estimates that redband trout that are introgressed <10% currently occupy 20.6% of their historically occupied habitat in Montana and non-hybridized populations only remain in portions of three drainages. The management goals for Columbia River redband trout include maintaining the existing distribution and genetic diversity of remaining populations and developing conservation plans and projects that ensure the long-term, self-sustaining persistence of this subspecies in Montana. Currently, collaborative management efforts include assessing and monitoring remaining populations, protecting important habitats, and developing long-term conservation strategies, such as reintroduction and the removal of, and isolation from, non-native trout. Alternatives for reintroduction of redband trout may include wild fish transfers or hatchery production where appropriate to the specific waterbodies.

FWP plans to develop a broodstock of redband trout that can be used as a source population for conservation efforts and production fish. Genetically pure wild redband trout collected from three Kootenai drainage tributaries are currently housed at the Libby Field Station in two raceways. The intent is to use these fish to start a brood stock for redbands. However, raceway space and isolation capability at the Libby Field Station is insufficient to develop and manage a brood stock of appropriate size to be viable and usable into the future.

The proposed project would expand the capacity and organizational capabilities of the Libby Field Station raceways through installation of additional raceways. It is FWP's policy not to transfer live fish to hatcheries because of the possibility of spreading diseases, but eggs can be treated and transferred to hatcheries without the risk of disease. The raceways would be isolated from the hatchery system and allow FWP to receive redband trout from the wild that are grown and spawned on site. The fertilized eggs could be taken to a different hatchery to supplement broodfish that will be used to grow live fish for conservation and recreation stocking in area water bodies.

The additional raceways would allow for maintenance of several age classes of brood fish sufficient to produce redband trout for conservation and recreation plantings to local waterbodies. Recreational angling opportunities for the Columbia River redband trout are currently limited outside of small streams. The development of a Columbia River redband trout broodstock would provide future opportunities to establish recreational fisheries in streams and lakes in the Kootenai River drainage.

Final Funding Recommendations and Conditions

This project meets the eligibility criteria and would benefit fish native to the Kootenai River basin. Production of redband trout would also benefit recreational angling opportunities in the Kootenai basin and assist with conservation efforts. This project is considered an augmentation of normal government function because FWP is responsible for operating and maintaining the raceways, but they do not have funding to expand the raceways. NRDP recommends funding the project as proposed.

Evaluation of Eligibility Requirements

Requirement	Meets Criteria	Evaluation
Project restores, replaces, rehabilitates, or acquires the equivalent of the injured resources and services in or related to OU3	Yes	Proposed project would benefit native redband trout populations, a species unique to northwest Montana, within Lincoln County by developing and managing a broodstock. The broodstock would be used for conservation efforts to improve native fish populations in the Kootenai basin, and to improve recreational fishing opportunities.
Project is located within Lincoln County	Yes	Redband trout are only native to the Kootenai River basin in Montana, and efforts would be focused on improving fish populations in the basin within Lincoln County.
Project merits expedited funding and is able to be completed within 24 months of receiving funding	Yes	The work contemplated in the proposal can be completed in 24 months.
Project will not interfere with or be impacted by remedial actions within OU3	Yes	The project is located outside of OU3 and will not impact or be impacted by remedial actions at OU3.
Project can be completed with the funding available	Yes	There is sufficient funding to conduct the work contemplated in the revised proposal.

Evaluation of Legal and Policy Criteria

Legal Criteria		
Criteria	**Determination**	**Evaluation**
Technical Feasibility	Feasible	There are no significant uncertainties with implementation of the proposal. Expansion of the raceways can be done utilizing known technologies. Strategies used to develop and manage the broodstock are well established.
Relationship of Expected Costs to Expected Benefits	Costs commensurate with benefits	The project would benefit native redband trout and aid FWP in increasing source population for conservation efforts and recreational opportunities. Costs to expand the raceways are commensurate with the anticipated benefits for native trout and recreation.
Cost-Effectiveness	Cost-Effective	Expansion of the capacity and organizational capabilities of the raceways is a cost-effective way to restore aquatic resources (bolstering native fish populations and contributing to conservation efforts) and replace recreational services by improving angling opportunities.
Results of Response Actions	No conflict	The project is not anticipated to conflict with response actions for Libby OU3.
Adverse Environmental Impacts	No adverse effects expected	The project is not anticipated to have any adverse environmental impacts. The project is expected to allow FWP to better manage the redband trout broodstock in a manner that reduces potential for disease, providing beneficial environmental impacts.
Recovery Period and Potential for Natural Recovery	Expected to reduce overall time to recovery	The native fish populations in the Kootenai River basin may recover to baseline naturally over time, depending on the remedial actions taken at OU3. This project is expected to expedite the time to recovery by increasing native fish populations in tributaries to the Kootenai River.
Human Health and Safety	No adverse effects expected	No adverse effects to human health and safety are anticipated from the implementation of this project.
Federal, State, and Tribal Policies, Rules, and Laws	Project can be completed in accordance with applicable policies, rules, and laws	The project can be done in accordance with applicable policies, rules, and laws.
Policy Criteria		
Criteria	**Determination**	**Evaluation**

Normal Government Function	Augmentation of normal government function	FWP is responsible for operating and maintaining the existing raceways. However, FWP has not been able to secure funding to expand the raceways and organizational capabilities. This funding would allow for capital improvements to the facility, which would then be managed and implemented by FWP.
Price is fair market value	Not applicable	There is no acquisition of property proposed for this project.
Located within Lincoln County but outside the mine site	Yes	This project would restore aquatic resources and replace recreational opportunities similar to those found within OU3. The work would be completed outside of OU3.
Supplemental Criteria		
Criteria	**Determination**	**Evaluation**
Match Funding	Not at this time	There is no match funding identified at this time, but FWP has noted potential match funding from other sources.
Long-Term Operations and Maintenance	FWP	FWP would remain responsible for operations and maintenance of the raceways.

C8. PARMENTER CREEK FISH SCREEN AND DITCH EFFICIENCY EVALUATION

Project Summary

Project Type: Aquatic/Aquatic Habitat

Funding Requested: $75,000

Project Sponsor: Fish, Wildlife, and Parks (FWP)

Summary: This proposal was submitted by FWP and would reduce fish entrainment on Parmenter Creek by installing a fish screen on an existing diversion. In addition, actions would be taken to improve ditch efficiency to increase summer base flows within the creek and increase usable habitat within Parmenter Creek. Parmenter Creek is a tributary to the Kootenai River and provides habitat for Columbia River redband trout and westslope cutthroat trout. The lower approximately 0.7 miles of Parmenter Creek is dry during most summers. Numerous existing water rights are held on Parmenter Creek, but there is a single diversion that draws water via a headgate and conveyance ditch (all other water users pump water from the creek). The cumulative flow rate of all water rights associated with this diversion totals 3.6 CFS. The proposed project would work with the water users that draw water from this point of diversion to install a fish screen to prevent fish entrainment into the water conveyance system that does not return to the creek. The proposed work would also include a ditch efficiency assessment to evaluate ditch loss and a feasibility assessment of decreasing ditch loss. Improvements to ditch efficiency would require an agreement with the water users to keep additional water in Parmenter Creek. Keeping additional water in Parmenter Creek during late summer would help maintain connection with the Kootenai River and provide additional instream habitat for resident and migrating fish.

Final Funding Recommendations and Conditions

This project meets the eligibility criteria and would benefit fish and aquatic habitat in the Kootenai River basin. NRDP recommends funding the project as proposed.

Evaluation of Eligibility Requirements

Requirement	Meets Criteria	Evaluation
Project restores, replaces, rehabilitates, or acquires the equivalent of the injured resources and services in or related to OU3	Yes	The proposed project would benefit fish populations in the Kootenai River by reducing entrainment on Parmenter Creek (a tributary to the Kootenai River). In addition, the ditch efficiency evaluation would aim to increase summer base flows and improve aquatic habitat similar to that found within OU3.
Project is located within Lincoln County	Yes	The project is on Parmenter Creek within Lincoln County.
Project merits expedited funding and is able to be completed within 24 months of receiving funding	Yes	The work contemplated in the proposal can be completed in 24 months.
Project will not interfere with or be impacted by remedial actions within OU3	Yes	The project is located outside of OU3 and will not impact or be impacted by remedial actions at OU3.
Project can be completed with the funding available	Yes	There is sufficient funding to conduct the work contemplated in the proposal.

Evaluation of Legal and Policy Criteria

Legal Criteria		
Criteria	**Determination**	**Evaluation**
Technical Feasibility	Feasible	There are no significant uncertainties with implementation of the proposal. Fish screens are known technology used to reduce fish entrainment. Improving ditch efficiency is a well-established method of increasing summer base flows and enhancing aquatic habitat.
Relationship of Expected Costs to Expected Benefits	Net benefits	This project would improve fish habitat by installing a fish screen and improving ditch efficiency to increase summer base flows in the creek. The fish screen would prevent fish entrainment and reduce lost fish production in the Kootenai River drainage. Improvement of ditch efficiency would increase usable habitat within Parmenter Creek during critically low summer base flows. The funds requested are commensurate with the expected benefits for fish and habitat.
Cost-Effectiveness	Cost-Effective	Installation of a fish screen and evaluation of ditch efficiency are cost-effective methods of improving fish populations and improving aquatic habitat.
Results of Response Actions	No conflict	The project is not anticipated to conflict with response actions for Libby OU3.
Adverse Environmental Impacts	No adverse effects expected	The project is not anticipated to have any adverse environmental impacts. There may be temporary adverse impacts from construction, but these would be addressed under the necessary permits required for this project. Long-term beneficial impacts are expected.
Recovery Period and Potential for Natural Recovery	Expected to reduce overall time to recovery	The native fish populations in the Kootenai River basin may recover to baseline naturally over time, depending on the remedial actions taken at OU3. This project is expected to expedite the time to recovery by reducing fish entrainment and improving aquatic habitat in tributaries to the Kootenai River.
Human Health and Safety	No adverse effects expected	No adverse effects to human health and safety are anticipated from the implementation of this project.
Federal, State, and Tribal Policies, Rules, and Laws	Project can be completed in accordance with applicable policies, rules, and laws	The project can be done in accordance with applicable policies, rules, and laws.
Policy Criteria		
Criteria	**Determination**	**Evaluation**

Normal Government Function	Outside of normal government function	There is no existing governmental entity responsible for or currently funded for this project.
Price is fair market value	Not applicable	There is no acquisition of property proposed for this project.
Located within Lincoln County but outside the mine site	Yes	This project would benefit fish populations and aquatic habitat in the Kootenai River basin within Lincoln County but is not located within OU3.
Supplemental Criteria		
Criteria	**Determination**	**Evaluation**
Match Funding	No	There is no match funding identified at this time, but FWP has noted potential match funding from other sources.
Long-Term Operations and Maintenance	FWP	FWP would be responsible for the long-term operations and maintenance of the fish screens when installed.

Attachment D

Checklist Environmental Assessments

DRAFT

ENVIRONMENTAL ASSESSMENT CHECKLIST

Libby Asbestos OU3 Early Restoration Project:

Improve Norgard Trailhead

June 7, 2024

I. Background and Description of Proposed Project

This Environmental Assessment (EA) was prepared in compliance with the Montana Environmental Policy Act (MEPA). General requirements of the Environmental Review Process are found in § 75-1-201, Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM) 12.2.430.[1]

Name of Project: Improve Norgard Trailhead

This project was proposed as an early restoration project to be conducted under the Libby Asbestos Operable Unit 3 Interim Restoration Plan (IRP). The full project proposal and description can be found in the IRP and Appendix B to the IRP. Briefly, this project would improve the Norgard Trailhead near Libby, Montana and provide a direct connection from the trailhead to nearby State property. A 40-foot by 80-foot paved parking lot would be installed at the Norgard Trailhead with a headgate and vault toilet. A trail from the trailhead to adjacent Department of Natural Resources and Conservation (DNRC) property would be constructed along an existing Lincoln County trail easement, and a headgate would be installed at the junction with DNRC property. Figure 1 shows the location of the Norgard Trailhead and Figure 2 shows the affected area.

Anticipated Project Schedule: Subject to availability of contractors and other factors, NRDP anticipates the following schedule:

- Construction is anticipated to be completed within 1 to 2 years after approval of the Interim Restoration Plan by the Trustee.

Legal Description of Location of Affected Area / Location of Proposed Project:

- Latitude/Longitude: 48° 21’ 27.32” N, 115° 33’ 3.03” W
- Section, Township, and Range: S15, T30 N, R31 W
- Town/City, County, Montana: Libby, Lincoln County, Montana

[1] NRDP has based this EA checklist on one developed by Montana Fish, Wildlife, and Parks (FWP). The regulatory citation to the ARM is for reference only. NRDP has not developed a separate regulatory ARM.

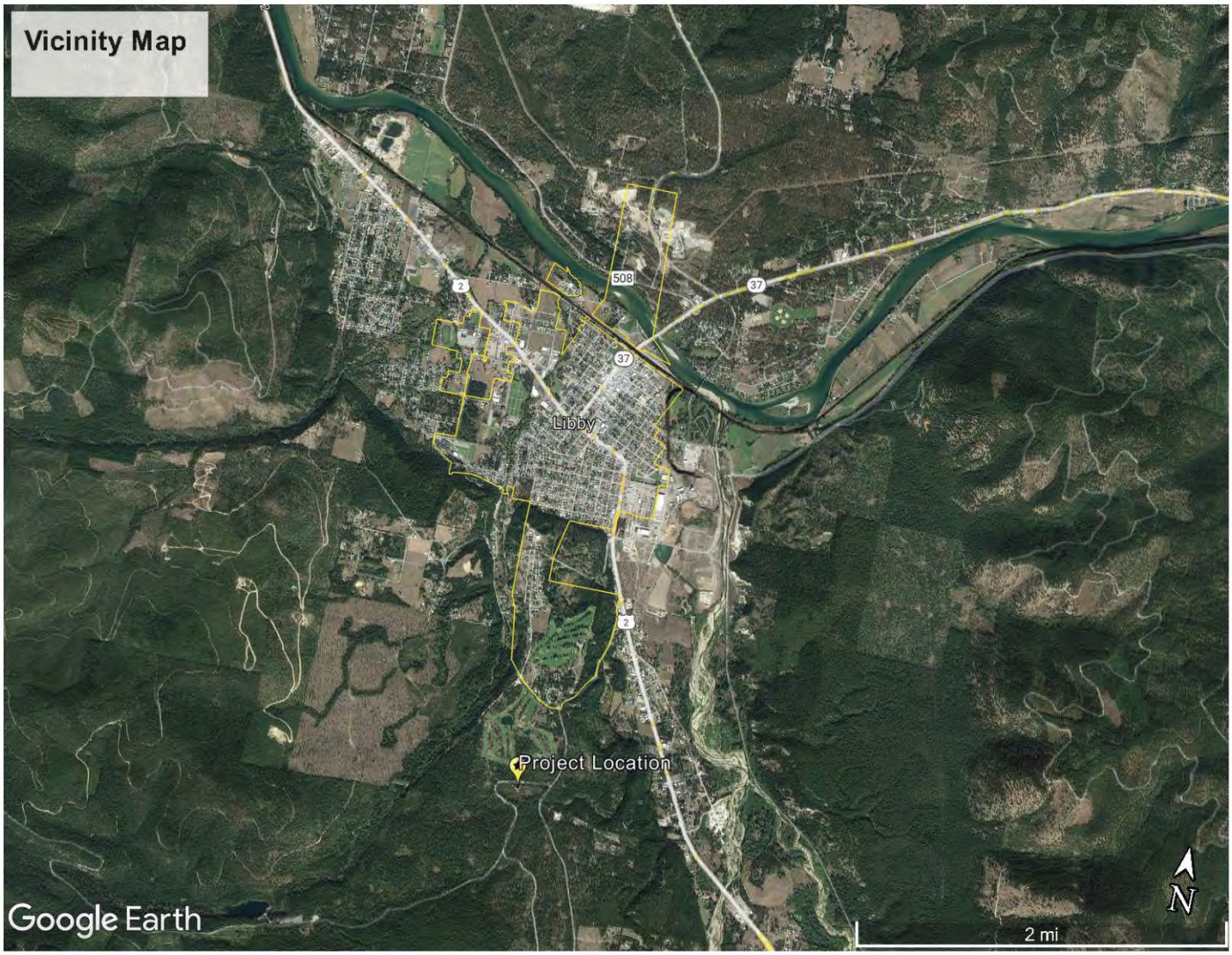


Figure 1. Norgard Trailhead Location Map

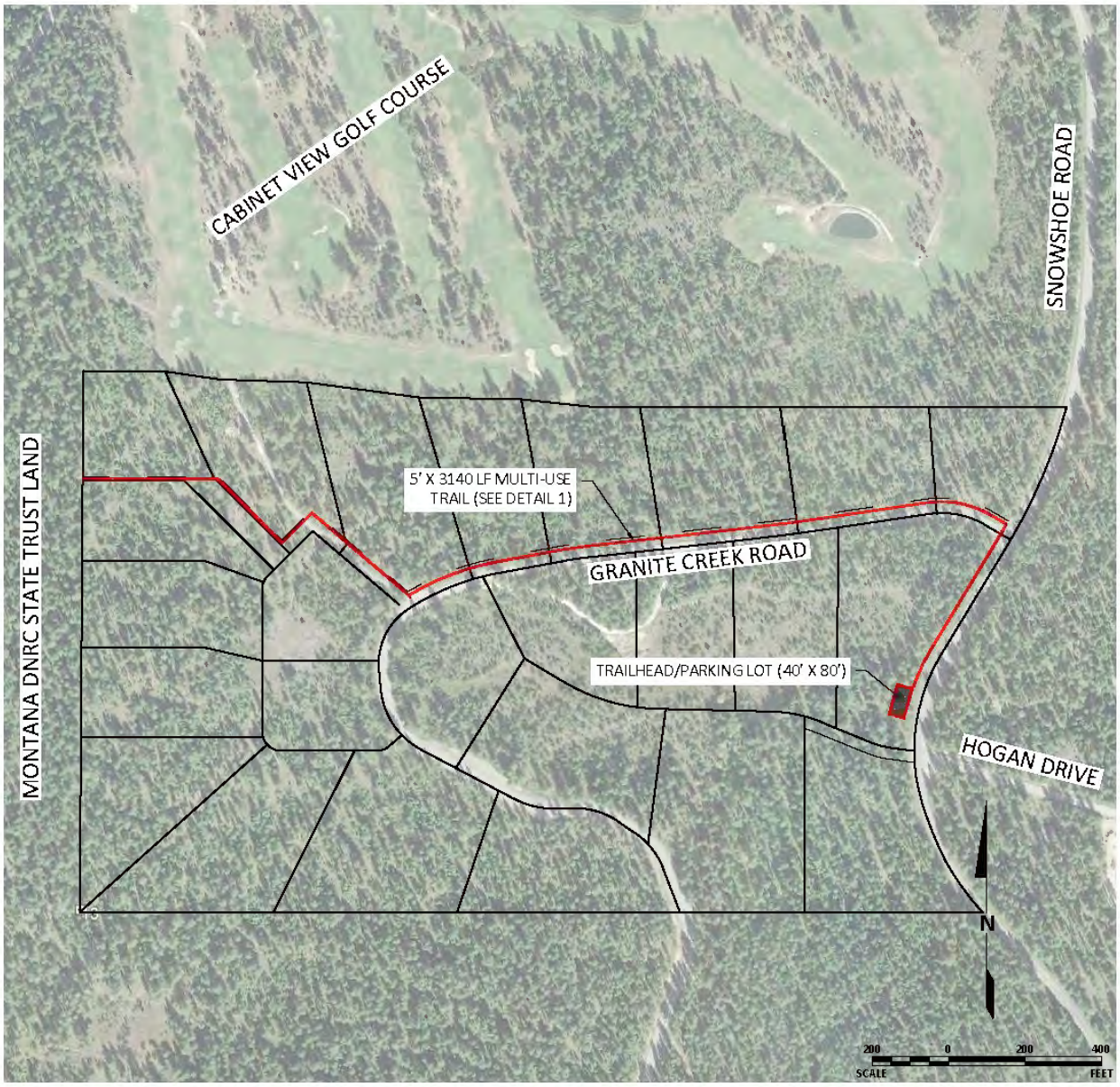


Figure 2. Norgard Trailhead Affected Area.

II. List of Mitigations, Stipulations

Mitigations, stipulations, and other *enforceable* controls required by NRDP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions NRDP may rely on to limit potential impacts associated with the proposed Project.

Table 1: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.			**Yes ☐**	**No ☒**
If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below			**Yes ☐**	**No ☒**
Enforceable Control	**Responsible Agency**	**Authority (Rule, Permit, Stipulation, Other)**	**Effect of Enforceable Control on Proposed Project**	

III. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

The impacts analysis identifies and evaluates **direct**, **secondary**, and **cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action. ARM 12.2.429(18).
- **Cumulative impacts** "means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures." ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency,** and **severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term**: impacts that would not last longer than the proposed project.
- **Long-Term**: impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact**: there would be no change from current conditions.
- **Negligible**: an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor**: the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate**: the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major**: the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429(14), mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;

- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section II** above.

NRDP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

  Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

  See **Table 2** (Impacts on Physical Environment) and **Table 3** (Impacts on Human Population) below.

Table 2 - Potential Impacts of Alternative 2: Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Terrestrial, avian, and aquatic life and habitats	☐	☒	☒	☐	☒	☒	☐	☐	No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. The parking area and vault toilet would be in 40-foot by 80-foot area (3200 square feet) that has already been cleared and grubbed. The connector trail would be 5 feet wide and about 2000 feet long. There are anticipated short-term negligible impacts to the abundance and movement of terrestrial and avian species during hours when users are actively engaged at the site. Effects from paving the parking lot and installation of the vault toilet are expected to be minor given the current condition of the site and its proximity to the road, as well as the small size. Any impacts would be short- and long-term, consistent with existing impacts, and be negligible and minor.
Water quality, quantity, and distribution	☐	☒	☐	☐	☒	☒	☐	☐	No significant adverse impacts to water quality, quantity, and distribution would be expected because of the proposed project. The proposed project would not require the use of any additional new water resources, nor would it affect the distribution of any existing water resources. Implementation of projects may result in short-term and minor increases in water turbidity generated by work conducted in-stream and along streambanks. However, any impacts would be consistent with, but likely would not exceed, the level of turbidity generated by high water events experienced during spring runoff. Operation of equipment in the stream channel would be minimized to the extent practicable. Necessary permits would be obtained prior to implementation and adhered to during construction to meet short-term water quality standards and protect against adverse impacts to aquatic resources

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									during operations. Best management practices would be employed to minimize construction impacts. Any adverse impacts to water quality, quantity, and distribution would be short-term, consistent with existing natural impacts, and minor.
Geology	☒	☐	☐	☒	☐	☐	☐	☐	No impacts to geology would be expected because of the proposed project. The proposed project would not affect any geologic features in the project area; therefore, no impacts to geology are expected because of the proposed project.
Soil quality, stability, and moisture	☐	☐	☒	☐	☐	☒	☐	☐	No significant adverse impacts to soil quality, stability, and moisture would be expected because of the proposed project. The project area is small and already cleared and grubbed. Construction of the project would result in long-term, minor and adverse impacts to soil compaction in the area where the parking lot is developed and the vault toilet installed. Soil in the trail area would be compacted for stability. Any impacts would be long-term, minor, and consistent with current site use as a trailhead and trail.
Vegetation cover, quantity, and quality	☐	☐	☒	☐	☐	☒	☐	☐	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. The project area is already cleared and grubbed, adjacent to a road, and used as a trailhead and trail. The construction of the parking lot, vault toilet, and trail would have short- and long-term minor and adverse impacts to existing and future vegetation cover by disturbing and covering an area approximately 3200 square feet and approximately 2000 feet of 5-foot-wide trail where this is some existing vegetation. Public use of the site and motor vehicle traffic at the trailhead would lead to increased opportunity for noxious weeds to take root. Lincoln County would manage noxious weeds at the site as part of operations and maintenance activities. Any

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									impacts associated with noxious weeds would be long-term and minor.
Aesthetics	☐	☒	☒	☐	☐	☒	☒	☐	No significant adverse impacts to the aesthetic nature of the affected area would be expected because of the proposed project. Short-term and minor adverse aesthetic impacts may result from construction due to increased levels of noise, fugitive dust, and the presence of equipment and staged construction materials. Long-term and minor adverse impacts may also result from development of currently open land to support the proposed project. Any long-term aesthetic impacts would be consistent with the area's current use.
Air quality	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to air quality would be expected because of the proposed project. Minor and temporary fugitive dust and vehicle emissions would be created by equipment during construction but would end after completion. There would be no additional new air quality disturbance in the affected area and no significant point-sources of air pollution exist in the area affected by the proposed project. Any impacts to air quality would be short-term, consistent with existing impacts, and negligible.
Unique, endangered, fragile, or limited environmental resources	☐	☒	☒	☐	☒	☐	☐	☐	No significant adverse impacts to any unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. There are likely several Species of Concern in the project area, but because the area is highly modified and adjacent to a roadway, any impacts to these species would be short- and long-term, consistent with existing impacts, and negligible.
Historical and archaeological sites	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to historic and archaeological sites would be expected because of the proposed project. As appropriate, the Trustees will work

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									with project managers during the permitting process to ensure that they consult with the State Historical Preservation Office and Tribal Historic Preservation offices to confirm that there are no known archeological and cultural sites that would be disturbed. If cultural resources within or near the project areas are recorded and eligible for the National Register of Historic Places, the Trustees would work with the project manager to redesign projects so as to minimize or not adversely affect any known archaeological sites or sites of cultural significance, or a similar project in a different location in the watershed would be substituted. If cultural resources are unexpectedly discovered during project implementation, NRDP will cease implementation and contact FWP's Heritage Program for further evaluation.
Demands on environmental resources of land, water, air, and energy	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project. Fuel would be required to operate equipment and vehicles used for the proposed project. No other demands on the environmental resources of land, water, air, and energy would be expected because of the proposed projects. Therefore, any impacts to such resources would be short-term, negligible, and limited to energy resources in the form of fuel.

Table 3 - Potential Impacts of Alternative 2: Proposed Project on the Human Population

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Social structures and mores	☐	☐	☒	☐	☐	☒	☐	☐	No significant impacts to social structures and mores in the affected area would be expected because of the proposed projects. Recreation areas, including trailheads and trails, support the existing social structure, customs, values, and conventions in and around the City of Libby. Parking development and a vault toilet would provide public access and improve the trailhead and support existing social structures and mores in the affected area. Any impacts would be long-term, consistent with existing impacts, beneficial, and minor.
Cultural uniqueness and diversity	☒	☐	☐	☒	☐	☐	☐	☐	No significant impacts to cultural uniqueness and diversity in the affected area would be expected because of the proposed project. Project is not expected to result in any relocation of people into or out of the affected area.
Access to and quality of recreational and wilderness activities	☐	☐	☒	☐	☐	☐	☒	☐	No significant adverse impacts to access or the quality of recreational and wilderness activities would be expected because of the proposed project. No Wilderness areas currently exist in the affected area; therefore, no impacts to Wilderness recreation activities would occur because of the proposed project. No closures of public lands would occur because of the proposed project. Any impacts would be moderate and beneficial in providing access to public lands and trails. Any impacts to the access and quality of recreational and wilderness activities in the affected area would be long-term, beneficial, and moderate.
Local and state tax base and tax revenues	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to the local and state tax base and tax revenue would be expected because of the proposed project. The proposed project would be expected to increase state and local tax revenues from the sale of fuel, supplies and/or equipment to complete the

									project. Any impacts to the local and state tax base and tax revenue would be short -term and negligible, lasting only as long as the proposed project.
Agricultural or Industrial production	☒	☐	☐	☒	☐	☐	☐	☐	No significant impacts to agricultural or industrial production in the affected area would be expected because of the proposed project. Because the affected area is not currently used for agricultural and/or industrial production the proposed project would not impact such practices. Therefore, no impacts to agricultural or industrial production would be expected because of the proposed project.
Human health and safety	☐	☒	☒	☐	☒	☒	☐	☐	No significant adverse impacts to human health and safety would be expected because of the proposed project. Affected government staff and/or contractors hired to conduct the project may realize increased risk to human health and safety; however, affected staff and/or contractors would be required to operate in a safe manner and utilize best management practices, including the use of available and appropriate safety precautions. When complete, recreation projects are expected to lead to safer recreational access to public lands. Therefore, any potential direct impacts to human health and safety would be both short-term and negligible, lasting only as long as the proposed project, and long-term, minor, and beneficial.
Quantity and distribution of employment	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed projects. Short-term and minor impacts to the local quantity and distribution of employment may be realized because existing government staff or contracted services would be required to complete restoration activities. Any impacts the quantity and distribution of employment in the affected area would be short-term and negligible, lasting only as long as the proposed projects.

Distribution and density of population and housing	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to the distribution and density of population and housing would be expected because of the proposed project. The proposed project would use existing government staff or contractors to accomplish the proposed project and would not otherwise require or result in the movement of existing or new population into or out of the affected area. Therefore, no impacts to the distribution and density of population and housing in the affected area would be expected because of the proposed project.
Demands for government services	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to the demands for government services in the affected area would be expected because of the proposed project. The proposed project would use existing government staff or hired contractors to complete the work. No additional demands for government services would be expected because of the proposed projects. Any impacts would be short-term and negligible.
Industrial, agricultural, and commercial activity	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed projects would not disturb or otherwise impact any industrial, agricultural, or commercial properties or operations; therefore, no impacts to industrial, agricultural, or commercial activity would be expected because of the proposed projects.
Locally adopted environmental plans and goals	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. NRDP is unaware of any locally adopted environmental plans or goals that may be adversely impacted by the proposed project. Therefore, no significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project.
Other appropriate social and economic circumstances	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to any other appropriate social and economic circumstances would be expected because of the proposed project. NRDP is unaware of any

									other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, no significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project.

Table 4: Determining the Significance of Impacts on the Quality of the Human Environment

If the EA identifies impacts associated with the proposed project, NRDP must determine the significance of the impacts. This determination forms the basis for NRDP's decision as to whether it is necessary to prepare an environmental impact statement. According to the applicable requirements of ARM 12.1.431, NRDP considers the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.	
Criteria Used to Determine Significance	
1	The **severity, duration, geographic extent,** and **frequency** of the occurrence of the impact **"Severity"** describes the density of the potential impact, while **"extent"** describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent. **"Duration"** describes the time period during which an impact may occur, while **"frequency"** describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

IV. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101, MCA. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

Table 5: Private Property Assessment (Takings)

	Yes	No
Is NRDP regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required	☐	☒
Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	☐	☐
Does NRDP have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required	☐	☐
If so, NRDP must determine if there are alternatives that would reduce, minimize, or eliminate the restriction on the use of private property, and analyze such alternatives. Have alternatives been considered and/or analyzed? If so, describe below:	☐	☐

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	**Question #**	**Yes**	**No**
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	☐	☐
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	☐	☐
Does the action deprive the owner of all economically viable uses of the property?	3	☐	☐
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	☐	☐
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	☐	☐
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	☐	☐

Does the action deny a fundamental attribute of ownership?	5	☐	☐
Does the action have a severe impact of the value of the property?	6	☐	☐
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	☐	☐
Is the impact of government action direct, peculiar, and significant?	7a	☐	☐
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	☐	☐
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	☐	☐
Does the proposed action result in taking or damaging implications?		☐	☐
Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.			
If taking or damaging implications exist, the agency must comply with § 2-10-105, MCA of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.			
Alternatives: The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. NRDP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.			

V. Public Participation

The level of analysis in an EA will vary on the complexity and seriousness of environmental issues associated with the proposed actions. The level of public interest will also vary and affect the appropriateness of public participation. NRDP will adjust public review to match these factors per ARM 12.2.433(1).

Because NRDP determines the proposed action would result in limited environmental impact, and this action was proposed by the public with minimal opposition or concern expressed. NRDP determines the following public notice strategy will provide an appropriate level of public review.

- This EA is a public document and may be inspected upon request. Any person may obtain a copy of the EA by making a request to NRDP. If the document is out-of-print, a copying charge may be levied. ARM 12.2.433(2).
- Public notice will be served on the Natural Resource Damage Program website at: Notices of Public Comment – Montana Department of Justice (dojmt.gov)
- NRDP maintains a mailing list of persons interested in a particular action or types of action. NRDP will notify all interested persons and distribute copies of the EA to the persons for review and comment. ARM 12.2.433(3).
- NRDP will issue public notice in the following newspaper periodical(s) during the public comment period:
    - Daily Inter Lake
    - Kootenai Valley Record
    - Western News
- Public notice will announce the availability of the EA, summarize its content, and solicit public comment.
- Public hearing to provide information about proposed project will be held in Libby, Montana at 6:00 pm on June 18, 2024 at the following location:
    - Ponderosa Room, Libby City Hall
      952 E Spruce
      Libby, MT 59923

- **Duration of Public Comment Period**: The public comment period begins after the date of publication of legal notice in area newspapers (see above) and will coincide with the draft Interim Restoration Plan. Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment as listed below:
    - **Length of Public Comment Period**: 34 days
    - **Public Comment Period Begins**: June 7, 2024
    - **Public Comment Period Ends**: July 10, 2024
- **Where to Mail or Email Comments on the Draft EA**:
    - Subject: Libby Asbestos OU3 Draft Interim Restoration Plan, Improve Norgard Trailhead EA
    - Email: nrdp@mt.gov
    - Mailing Address:
      PO Box 201425
      Helena, MT 59620

VI. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	☒
NRDP must conduct **EIS** level review for the proposed action	☐

VII. EA Preparation and Review

EA prepared by: Natural Resource Damage Program

DRAFT

ENVIRONMENTAL ASSESSMENT

CHECKLIST

Libby Asbestos OU3 Early Restoration Project:

Kootenai River Recreation Management Plan

June 7, 2024

I. Background and Description of Proposed Project

This Environmental Assessment (EA) was prepared in compliance with the Montana Environmental Policy Act (MEPA). General requirements of the Environmental Review Process are found in § 75-1-201, Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM) 12.2.430.[1]

Name of Project: Kootenai River Recreation Management Plan

This proposal requested funding for the Kootenai River Recreation Project, led by Lincoln County with multiple partners and stakeholders. The objectives of the project are to develop a sustainable Kootenai River Recreation Management Plan (Management Plan) and designate a route along the Kootenai River as a nationally recognized water trail. The project intends to strengthen the capacity to manage river use and create recreation opportunities for local communities in order to improve equitable river access, foster a long-term conservation stewardship program, increase safety, and promote community connectivity. The Management Plan would assess the current state of access sites and serve as an action plan to implement improved river access, including restoring adjacent riverbanks and developing uniform signage to strengthen public education. The project would replace lost or injured recreational resources and services in Lincoln County.

There are three phases of the proposed project:

- **Phase 1 – Project Planning**: partner and public outreach and engagement, website development, Recreation Management Plan development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data;
- **Phase 2 – Project Implementation**: access site improvements, placement of signage, and development of economic opportunities and education/interpretation opportunities;
- **Phase 3 – Long-term Management**: maintain stewardship position to coordinate sustainable management and stewardship program.

This environmental review focuses on the proposed actions associated with Phase 1. Lincoln County would lead this project with funding assistance from the Natural Resource Damage Program (NRDP), as well as from other sources identified for potential to provide matching funds or in-kind contributions for this project.

Scope of Environmental Review: At the time of this environmental review, specific implementation and potential projects have yet to be identified that would be associated with the Management Plan. This environmental review will limit its scope to the duration of impact and severity of impact associated with the development of the Management Plan. This environmental review will not speculate on potential impacts of yet identified prospective projects that lack implementation guidance.

Anticipated Project Schedule:

Legal Description of Location of Affected Area / Location of Proposed Project:

- Latitude/Longitude:
- Section, Township, and Range:
- Town/City, County, Montana: Libby, Lincoln County, Montana

[1] NRDP has based this EA checklist on one developed by Montana Fish, Wildlife, and Parks (FWP). The regulatory citation to the ARM is for reference only. NRDP has not developed a separate regulatory ARM.

II. List of Mitigations, Stipulations

Mitigations, stipulations, and other *enforceable* controls required by NRDP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions NRDP may rely on to limit potential impacts associated with the proposed Project.

Table 1: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.			**Yes ☐**	**No ☒**
If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below			**Yes ☐**	**No ☒**
Enforceable Control	**Responsible Agency**	**Authority (Rule, Permit, Stipulation, Other)**	**Effect of Enforceable Control on Proposed Project**	

III. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

The impacts analysis identifies and evaluates **direct**, **secondary**, and **cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action. ARM 12.2.429(18).
- **Cumulative impacts** "means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures." ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency,** and **severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term**: impacts that would not last longer than the proposed project.
- **Long-Term**: impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact**: there would be no change from current conditions.

- **Negligible**: an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor**: the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate**: the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major**: the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429(14), mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section II** above.

NRDP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

  Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

  See **Table 2** (Impacts on Physical Environment) and **Table 3** (Impacts on Human Population) below.

Table 2 - Potential Impacts of Alternative 2: Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Terrestrial, avian, and aquatic life and habitats	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. The proposed project is a development process which considers public and partner outreach and engagement, website development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data. Implementation of identified needs post-development of the proposed project may result in short-term and minor impacts to the terrestrial, avian, and aquatic life and habitat through potential improvements of recreational access and riverbank restoration; specific impacts from implementation of projects identified in the Management Plan after it is developed are not within the scope of this environmental review.
Water quality, quantity, and distribution	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to water quality, quantity, and distribution would be expected because of the proposed project. The proposed project would not require the use of any additional new water resources, nor would it affect the distribution of any existing water resources. Implementation of identified needs post-development of the proposed project may result in short-term and minor impacts to the water quality, quantity, and distribution through potential improvements of recreational access and riverbank restoration; specific impacts from implementation of projects identified in the Management Plan after it is developed are not within the scope of this environmental review.
Geology	☒	☐	☐	☒	☐	☐	☐	☐	No impacts to geology would be expected because of the proposed project. The proposed project would not affect

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									any geologic features in the project area; therefore no impacts to geology are expected because of the proposed project.
Soil quality, stability, and moisture	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to soil quality, stability, and moisture would be expected because of the proposed project. The proposed project is a development process which considers public and partner outreach and engagement, website development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data. Implementation of identified needs post-development of the proposed project may result in short-term and minor impacts to the soil quality, stability, and moisture through potential improvements of recreational access and riverbank restoration; specific impacts from implementation of projects identified in the Management Plan after it is developed are not within the scope of this environmental review.
Vegetation cover, quantity, and quality	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. The proposed project is a development process which considers public and partner outreach and engagement, website development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data. Implementation of identified needs post-development of the proposed project may result in short-term and minor impacts to the vegetation cover, quantity, and quality through potential improvements of recreational access and riverbank restoration; specific impacts from implementation of projects identified in the Management Plan after it is developed are not within the scope of this environmental review.

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Aesthetics	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to the aesthetic nature of the affected area would be expected because of the proposed project. The proposed project is a development process which considers public and partner outreach and engagement, website development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data. Implementation of identified needs post-development of the proposed project may result in short-term and minor impacts to the aesthetics through potential improvements of recreational access and riverbank restoration; specific impacts from implementation of projects identified in the Management Plan after it is developed are not within the scope of this environmental review.
Air quality	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to the air quality resources of the affected area would be expected because of the proposed project. The proposed project is a development process which considers public and partner outreach and engagement, website development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data. Implementation of identified needs post-development of the proposed project may result in short-term and minor impacts to the air quality through potential improvements of recreational access and riverbank restoration; specific impacts implementation of projects identified in the Management Plan after it is developed are not within the scope of this environmental review.
Unique, endangered, fragile, or limited	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to any unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. The proposed

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
environmental resources									project is a development process which considers public and partner outreach and engagement, website development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data. Implementation of identified needs post-development of the proposed project may result in short-term and minor impacts to the vegetation cover, quantity, and quality through potential improvements of recreational access and riverbank restoration; specific impacts from implementation of projects identified in the Management Plan after it is developed are not within the scope of this environmental review.
Historical and archaeological sites	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to historic and archaeological sites would be expected because of the proposed project. As appropriate, the Trustees will work with project managers during the permitting process to ensure that they consult with the State Historical Preservation Office and Tribal Historic Preservation offices to confirm that there are no known archeological and cultural sites that would be disturbed. If cultural resources within or near the project areas are recorded and eligible for the National Register of Historic Places, the Trustees would work with the project manager to redesign projects so as to minimize or not adversely affect any known archaeological sites or sites of cultural significance, or a similar project in a different location in the watershed would be substituted. Specific impacts to historical and archaeological sites from implementation of projects identified in the Management Plan after it is developed within the proposed project yet determined are not within the scope of this environmental review.

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Demands on environmental resources of land, water, air, and energy	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project. The proposed project is a development process which considers public and partner outreach and engagement, website development, data collection and monitoring, creation of river stewardship position, river mapping, access site monitoring, and collection of river use data. Implementation of identified needs post-development of the proposed project may result in short-term and minor impacts to the demands on environmental resources of land and water through potential improvements of recreational access and riverbank restoration; specific impacts from implementation of projects identified in the Management Plan after it is developed are not within the scope of this environmental review.

Table 3 - Potential Impacts of Alternative 2: Proposed Project on the Human Population

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Social structures and mores	☐	☐	☒	☐	☐	☒	☐	☐	No significant impacts to social structures and mores in the affected area would be expected because of the proposed projects. Recreation areas, including trailheads and trails, support the existing social structure, customs, values, and conventions in and around the City of Libby. Any impacts would be long-term, consistent with existing impacts, beneficial, and minor.
Cultural uniqueness and diversity	☒	☐	☐	☒	☐	☐	☐	☐	No significant impacts to cultural uniqueness and diversity in the affected area would be expected because of the proposed project. Project is not expected to result in any relocation of people into or out of the affected area.
Access to and quality of recreational and wilderness activities	☐	☐	☒	☐	☐	☐	☒	☐	No significant adverse impacts to access or the quality of recreational and wilderness activities would be expected because of the proposed project. No Wilderness areas currently exist in the affected area; therefore, no impacts to Wilderness recreation activities would occur because of the proposed project. No closures of public lands would occur because of the proposed project. Any impacts would be moderate and beneficial in providing access to public lands and the river. Any impacts to the access and quality of recreational and wilderness activities in the affected area would be long-term, beneficial, and moderate.
Local and state tax base and tax revenues	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to the local and state tax base and tax revenue would be expected because of the proposed project. The proposed project would be expected to increase state and local tax revenues from the sale of fuel, supplies and/or equipment to complete the project. Any impacts to the local and state tax base and tax revenue would be short -term and negligible, lasting only as long as the proposed project.

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Agricultural or Industrial production	☒	☐	☐	☒	☐	☐	☐	☐	No significant impacts to agricultural or industrial production in the affected area would be expected because of the proposed project. The proposed project is a development process focusing on public lands that are largely undeveloped. Therefore, no impacts to agricultural or industrial production would be expected because of the proposed project.
Human health and safety	☐	☒	☒	☐	☒	☒	☐	☐	No significant adverse impacts to human health and safety would be expected because of the proposed project. Affected government staff and/or contractors hired to conduct the project may realize increased risk to human health and safety; however, affected staff and/or contractors would be required to operate in a safe manner and utilize best management practices, including the use of available and appropriate safety precautions. When complete, recreation projects are expected to lead to safer recreational access to public lands. Therefore, any potential direct impacts to human health and safety would be both short-term and negligible, lasting only as long as the proposed project, and long-term, minor, and beneficial.
Quantity and distribution of employment	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed projects. Short-term and minor impacts to the local quantity and distribution of employment may be realized because existing government staff or contracted services would be required to complete restoration activities. Any impacts the quantity and distribution of employment in the affected area would be short-term and negligible, lasting only as long as the proposed projects.
Distribution and density of	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to the distribution and density of population and housing would be expected

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
population and housing									because of the proposed project. The proposed project would use existing government staff or contractors to accomplish the proposed project and would not otherwise require or result in the movement of existing or new population into or out of the affected area. Therefore, no impacts to the distribution and density of population and housing in the affected area would be expected because of the proposed project.
Demands for government services	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to the demands for government services in the affected area would be expected because of the proposed project. The proposed project would use existing government staff or hired contractors to complete the work. No additional demands for government services would be expected because of the proposed projects. Any impacts would be short-term and negligible.
Industrial, agricultural, and commercial activity	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed projects would not disturb or otherwise impact any industrial, agricultural, or commercial properties or operations; therefore, no impacts to industrial, agricultural, or commercial activity would be expected because of the proposed projects.
Locally adopted environmental plans and goals	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. NRDP is unaware of any locally adopted environmental plans or goals that may be adversely impacted by the proposed project. Therefore, no significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project.

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Other appropriate social and economic circumstances	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to any other appropriate social and economic circumstances would be expected because of the proposed project. NRDP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, no significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project.

Table 4: Determining the Significance of Impacts on the Quality of the Human Environment

If the EA identifies impacts associated with the proposed project, NRDP must determine the significance of the impacts. This determination forms the basis for NRDP's decision as to whether it is necessary to prepare an environmental impact statement. According to the applicable requirements of ARM 12.1.431, NRDP considers the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.	
Criteria Used to Determine Significance	
1	The **severity, duration, geographic extent,** and **frequency** of the occurrence of the impact **"Severity"** describes the density of the potential impact, while **"extent"** describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent. **"Duration"** describes the time period during which an impact may occur, while **"frequency"** describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

IV. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101, MCA. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

Table 5: Private Property Assessment (Takings)

	Yes	No
Is NRDP regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required	☐	☒
Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	☐	☐
Does NRDP have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required	☐	☐
If so, NRDP must determine if there are alternatives that would reduce, minimize, or eliminate the restriction on the use of private property, and analyze such alternatives. Have alternatives been considered and/or analyzed? If so, describe below:	☐	☐

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	**Question #**	**Yes**	**No**
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	☐	☐
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	☐	☐
Does the action deprive the owner of all economically viable uses of the property?	3	☐	☐
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	☐	☐
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	☐	☐
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	☐	☐

Does the action deny a fundamental attribute of ownership?	5	☐	☐
Does the action have a severe impact of the value of the property?	6	☐	☐
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	☐	☐
Is the impact of government action direct, peculiar, and significant?	7a	☐	☐
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	☐	☐
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	☐	☐
Does the proposed action result in taking or damaging implications?		☐	☐
Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.			
If taking or damaging implications exist, the agency must comply with § 2-10-105, MCA of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.			
Alternatives: The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. NRDP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.			

V. Public Participation

The level of analysis in an EA will vary on the complexity and seriousness of environmental issues associated with the proposed actions. The level of public interest will also vary and affect the appropriateness of public participation. NRDP will adjust public review to match these factors per ARM 12.2.433(1).

Because NRDP determines the proposed action would result in limited environmental impact, and this action was proposed by the public with minimal opposition or concern expressed. NRDP determines the following public notice strategy will provide an appropriate level of public review.

- This EA is a public document and may be inspected upon request. Any person may obtain a copy of the EA by making a request to NRDP. If the document is out-of-print, a copying charge may be levied. ARM 12.2.433(2).
- Public notice will be served on the Natural Resource Damage Program website at: Notices of Public Comment – Montana Department of Justice (dojmt.gov)
- NRDP maintains a mailing list of persons interested in a particular action or types of action. NRDP will notify all interested persons and distribute copies of the EA to the persons for review and comment. ARM 12.2.433(3).
- NRDP will issue public notice in the following newspaper periodical(s) during the public comment period:
    - Daily Inter Lake
    - Kootenai Valley Record
    - Western News
- Public notice will announce the availability of the EA, summarize its content, and solicit public comment.
- Public hearing to provide information about proposed project will be held in Libby, Montana at 6:00 pm on June 18, 2024, at the following location:
    - Ponderosa Room, Libby City Hall
      952 E Spruce
      Libby, MT 59923

- **Duration of Public Comment Period**: The public comment period begins after the date of publication of legal notice in area newspapers (see above) and will coincide with the draft Interim Restoration Plan. Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment as listed below:
    - **Length of Public Comment Period**: 34 days
    - **Public Comment Period Begins**: June 7, 2024
    - **Public Comment Period Ends**: July 10, 2024
- **Where to Mail or Email Comments on the Draft EA**:
    - Subject: Libby Asbestos OU3 Draft Interim Restoration Plan, Kootenai River Recreation Management Plan EA
    - Email: nrdp@mt.gov
    - Mailing Address:
      PO Box 201425
      Helena, MT 59620

VI. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	☒
NRDP must conduct **EIS** level review for the proposed action	☐

VII. EA Preparation and Review

EA prepared by: Natural Resource Damage Program

DRAFT

ENVIRONMENTAL ASSESSMENT CHECKLIST

Libby Asbestos OU3 Early Restoration Project:

Kootenai River Recreation Management Plan, Kootenai Vista Boat Ramp Improvements

June 7, 2024

I. Background and Description of Proposed Project

This Environmental Assessment (EA) was prepared in compliance with the Montana Environmental Policy Act (MEPA). General requirements of the Environmental Review Process are found in § 75-1-201, Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM) 12.2.430.[1]

Name of Project: Kootenai River Recreation Management Plan, Kootenai Vista Boat Ramp Improvements

This project was proposed as an early restoration project to be conducted under the Libby Asbestos Operable Unit 3 Interim Restoration Plan (IRP). The full project proposal and description can be found in the IRP and Appendix B to the IRP. Briefly, this project includes the installation of a vault toilet and signage at the Kootenai Vista Boat Ramp. This is a gravel boat ramp and parking area that provides an exit point for boaters who do not want to navigate more difficult portions of the river downstream. The boat ramp is located within a residential neighborhood and adjacent property owners have expressed concerns over the lack of a restroom.

Anticipated Project Schedule: Subject to availability of contractors and other factors, NRDP anticipates the following schedule:

- Construction is anticipated to be completed within 1 to 2 years after approval of the Interim Restoration Plan by the Trustee.

Legal Description of Location of Affected Area / Location of Proposed Project:

- Latitude/Longitude: 48.5123 N, 115.9419 W
- Section, Township, and Range: S27, T32 N, R34 W
- Town/City, County, Montana: Troy, Lincoln County, Montana

[1] NRDP has based this EA checklist on one developed by Montana Fish, Wildlife, and Parks (FWP). The regulatory citation to the ARM is for reference only. NRDP has not developed a separate regulatory ARM.

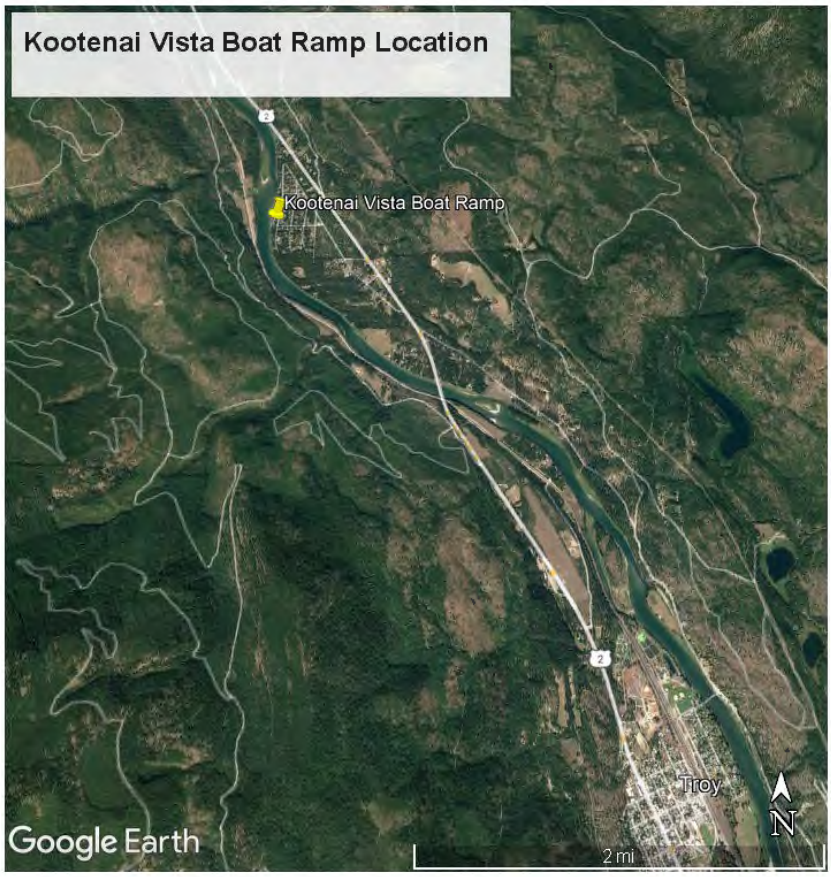


Figure 1. Kootenai Vista Boat Ramp Location Map

II. List of Mitigations, Stipulations

Mitigations, stipulations, and other *enforceable* controls required by NRDP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions NRDP may rely on to limit potential impacts associated with the proposed Project.

Table 1: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.			**Yes ☐**	**No ☒**
If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below			**Yes ☐**	**No ☒**
Enforceable Control	**Responsible Agency**	**Authority (Rule, Permit, Stipulation, Other)**	**Effect of Enforceable Control on Proposed Project**	

III. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

The impacts analysis identifies and evaluates **direct**, **secondary**, and **cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action. ARM 12.2.429(18).
- **Cumulative impacts** "means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures." ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency,** and **severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term**: impacts that would not last longer than the proposed project.
- **Long-Term**: impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact**: there would be no change from current conditions.
- **Negligible**: an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor**: the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate**: the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major**: the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429(14), mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section II** above.

NRDP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

  Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

  See **Table 2** (Impacts on Physical Environment) and **Table 3** (Impacts on Human Population) below.

Table 2 - Potential Impacts of Alternative 2: Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Terrestrial, avian, and aquatic life and habitats	☐	☒	☒	☐	☒	☒	☐	☐	No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. The vault toilet would be in a small area already heavily used by recreators. There are anticipated short-term negligible impacts to the abundance and movement of terrestrial and avian species during hours when users are actively engaged at the site. Effects from installation of the vault toilet are expected to be minor given the current condition of the site and its proximity to the road, as well as the small size. Any impacts would be short- and long-term, consistent with existing impacts, and be negligible and minor.
Water quality, quantity, and distribution	☐	☒	☐	☐	☒	☒	☐	☐	No significant adverse impacts to water quality, quantity, and distribution would be expected because of the proposed project. The proposed project would not require the use of any additional new water resources, nor would it affect the distribution of any existing water resources. Implementation of projects may result in long-term and minor improvements in water quality by reducing human waste near the river. Operation of equipment near the channel would be minimized to the extent practicable. Necessary permits would be obtained prior to implementation and adhered to during construction to meet short-term water quality standards and protect against adverse impacts to aquatic resources during operations. Best management practices would be employed to minimize construction impacts. Any adverse impacts to water quality, quantity, and distribution would be short-term, consistent with existing natural impacts, and minor.

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Geology	☒	☐	☐	☒	☐	☐	☐	☐	No impacts to geology would be expected because of the proposed project. The proposed project would not affect any geologic features in the project area; therefore, no impacts to geology are expected because of the proposed project.
Soil quality, stability, and moisture	☐	☐	☒	☐	☐	☒	☐	☐	No significant adverse impacts to soil quality, stability, and moisture would be expected because of the proposed project. The project area is small and heavily used by recreators. Construction of the project would result in long-term, minor and adverse impacts to soil compaction in the area where the vault toilet is installed. Any impacts would be long-term, minor, and consistent with current site use as a boat ramp.
Vegetation cover, quantity, and quality	☐	☐	☒	☐	☐	☒	☐	☐	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. The project area is already used as a boat ramp. The construction of the vault toilet, and trail would have short- and long-term minor and adverse impacts to existing and future vegetation cover by disturbing the area around the toilet. Public use of the site and motor vehicle traffic at the boat ramp would lead to increased opportunity for noxious weeds to take root. Lincoln County would manage noxious weeds at the site as part of operations and maintenance activities. Any impacts associated with noxious weeds would be long-term and minor.
Aesthetics	☐	☒	☒	☐	☐	☒	☒	☐	No significant adverse impacts to the aesthetic nature of the affected area would be expected because of the proposed project. Short-term and minor adverse aesthetic impacts may result from construction due to increased levels of noise, fugitive dust, and the presence of equipment and staged construction materials. Minor long-term beneficial impacts are expected due to installing the

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									vault toilet and reducing waste near the Kootenai and outside of the toilet area. Any long-term aesthetic impacts would be consistent with the area's current use.
Air quality	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to air quality would be expected because of the proposed project. Minor and temporary fugitive dust and vehicle emissions would be created by equipment during construction but would end after completion. There would be no additional new air quality disturbance in the affected area and no significant point-sources of air pollution exist in the area affected by the proposed project. Any impacts to air quality would be short-term, consistent with existing impacts, and negligible.
Unique, endangered, fragile, or limited environmental resources	☐	☒	☒	☐	☒	☐	☐	☐	No significant adverse impacts to any unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. There are likely several Species of Concern in the project area, but because the area is highly modified and adjacent to a roadway, any impacts to these species would be short- and long-term, consistent with existing impacts, and negligible.
Historical and archaeological sites	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to historic and archaeological sites would be expected because of the proposed project. As appropriate, the Trustees will work with project managers during the permitting process to ensure that they consult with the State Historical Preservation Office and Tribal Historic Preservation offices to confirm that there are no known archeological and cultural sites that would be disturbed. If cultural resources within or near the project areas are recorded and eligible for the National Register of Historic Places, the Trustees would work with the project manager to redesign projects so as to minimize or not adversely affect any known

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									archaeological sites or sites of cultural significance, or a similar project in a different location in the watershed would be substituted. If cultural resources are unexpectedly discovered during project implementation, NRDP will cease implementation and contact FWP's Heritage Program for further evaluation.
Demands on environmental resources of land, water, air, and energy	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project. Fuel would be required to operate equipment and vehicles used for the proposed project. No other demands on the environmental resources of land, water, air, and energy would be expected because of the proposed projects. Therefore, any impacts to such resources would be short-term, negligible, and limited to energy resources in the form of fuel.

Table 3 - Potential Impacts of Alternative 2: Proposed Project on the Human Population

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Social structures and mores	☐	☐	☒	☐	☐	☒	☐	☐	No significant impacts to social structures and mores in the affected area would be expected because of the proposed projects. Recreation areas, including boat ramps, support the existing social structure, customs, values, and conventions in and around the City of Libby. Development of a vault toilet would improve the boat ramp and support existing social structures and mores in the affected area by improving sanitation and cleanliness. Any impacts would be long-term, consistent with existing impacts, beneficial, and minor.
Cultural uniqueness and diversity	☒	☐	☐	☒	☐	☐	☐	☐	No significant impacts to cultural uniqueness and diversity in the affected area would be expected because of the proposed project. Project is not expected to result in any relocation of people into or out of the affected area.
Access to and quality of recreational and wilderness activities	☐	☐	☒	☐	☐	☐	☒	☐	No significant adverse impacts to access or the quality of recreational and wilderness activities would be expected because of the proposed project. No Wilderness areas currently exist in the affected area; therefore, no impacts to Wilderness recreation activities would occur because of the proposed project. No closures of public lands would occur because of the proposed project. Any impacts would be moderate and beneficial in improving sanitation around the boat ramp. Any impacts to the access and quality of recreational and wilderness activities in the affected area would be long-term, beneficial, and moderate.
Local and state tax base and tax revenues	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to the local and state tax base and tax revenue would be expected because of the proposed project. The proposed project would be expected to increase state and local tax revenues from the sale of fuel, supplies and/or equipment to complete the

									project. Any impacts to the local and state tax base and tax revenue would be short -term and negligible, lasting only as long as the proposed project.
Agricultural or Industrial production	☒	☐	☐	☒	☐	☐	☐	☐	No significant impacts to agricultural or industrial production in the affected area would be expected because of the proposed project. Because the affected area is not currently used for agricultural and/or industrial production the proposed project would not impact such practices. Therefore, no impacts to agricultural or industrial production would be expected because of the proposed project.
Human health and safety	☐	☒	☒	☐	☒	☒	☐	☐	No significant adverse impacts to human health and safety would be expected because of the proposed project. Affected government staff and/or contractors hired to conduct the project may realize increased risk to human health and safety; however, affected staff and/or contractors would be required to operate in a safe manner and utilize best management practices, including the use of available and appropriate safety precautions. When complete, recreation projects are expected to lead to safer recreational access to public lands. Therefore, any potential direct impacts to human health and safety would be both short-term and negligible, lasting only as long as the proposed project, and long-term, minor, and beneficial.
Quantity and distribution of employment	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed projects. Short-term and minor impacts to the local quantity and distribution of employment may be realized because existing government staff or contracted services would be required to complete restoration activities. Any impacts the quantity and distribution of employment in the affected area would be short-term and negligible, lasting only as long as the proposed projects.

Distribution and density of population and housing	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to the distribution and density of population and housing would be expected because of the proposed project. The proposed project would use existing government staff or contractors to accomplish the proposed project and would not otherwise require or result in the movement of existing or new population into or out of the affected area. Therefore, no impacts to the distribution and density of population and housing in the affected area would be expected because of the proposed project.
Demands for government services	☐	☒	☐	☐	☒	☐	☐	☐	No significant adverse impacts to the demands for government services in the affected area would be expected because of the proposed project. The proposed project would use existing government staff or hired contractors to complete the work. No additional demands for government services would be expected because of the proposed projects. Any impacts would be short-term and negligible.
Industrial, agricultural, and commercial activity	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed projects would not disturb or otherwise impact any industrial, agricultural, or commercial properties or operations; therefore, no impacts to industrial, agricultural, or commercial activity would be expected because of the proposed projects.
Locally adopted environmental plans and goals	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. NRDP is unaware of any locally adopted environmental plans or goals that may be adversely impacted by the proposed project. Therefore, no significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project.
Other appropriate social and economic circumstances	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to any other appropriate social and economic circumstances would be expected because of the proposed project. NRDP is unaware of any

									other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, no significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project.

Table 4: Determining the Significance of Impacts on the Quality of the Human Environment

If the EA identifies impacts associated with the proposed project, NRDP must determine the significance of the impacts. This determination forms the basis for NRDP's decision as to whether it is necessary to prepare an environmental impact statement. According to the applicable requirements of ARM 12.1.431, NRDP considers the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.	
Criteria Used to Determine Significance	
1	The **severity, duration, geographic extent,** and **frequency** of the occurrence of the impact **"Severity"** describes the density of the potential impact, while **"extent"** describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent. **"Duration"** describes the time period during which an impact may occur, while **"frequency"** describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

IV. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101, MCA. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

Table 5: Private Property Assessment (Takings)

	Yes	No
Is NRDP regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required	☐	☒
Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	☐	☐
Does NRDP have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required	☐	☐
If so, NRDP must determine if there are alternatives that would reduce, minimize, or eliminate the restriction on the use of private property, and analyze such alternatives. Have alternatives been considered and/or analyzed? If so, describe below:	☐	☐

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	**Question #**	**Yes**	**No**
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	☐	☐
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	☐	☐
Does the action deprive the owner of all economically viable uses of the property?	3	☐	☐
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	☐	☐
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	☐	☐
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	☐	☐

Does the action deny a fundamental attribute of ownership?	5	☐	☐
Does the action have a severe impact of the value of the property?	6	☐	☐
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	☐	☐
Is the impact of government action direct, peculiar, and significant?	7a	☐	☐
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	☐	☐
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	☐	☐
Does the proposed action result in taking or damaging implications?		☐	☐
Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.			
If taking or damaging implications exist, the agency must comply with § 2-10-105, MCA of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.			
Alternatives: The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. NRDP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.			

V. Public Participation

The level of analysis in an EA will vary on the complexity and seriousness of environmental issues associated with the proposed actions. The level of public interest will also vary and affect the appropriateness of public participation. NRDP will adjust public review to match these factors per ARM 12.2.433(1).

Because NRDP determines the proposed action would result in limited environmental impact, and this action was proposed by the public with minimal opposition or concern expressed. NRDP determines the following public notice strategy will provide an appropriate level of public review.

- This EA is a public document and may be inspected upon request. Any person may obtain a copy of the EA by making a request to NRDP. If the document is out-of-print, a copying charge may be levied. ARM 12.2.433(2).
- Public notice will be served on the Natural Resource Damage Program website at: Notices of Public Comment – Montana Department of Justice (dojmt.gov)
- NRDP maintains a mailing list of persons interested in a particular action or types of action. NRDP will notify all interested persons and distribute copies of the EA to the persons for review and comment. ARM 12.2.433(3).
- NRDP will issue public notice in the following newspaper periodical(s) during the public comment period:
    - Daily Inter Lake
    - Kootenai Valley Record
    - Western News
- Public notice will announce the availability of the EA, summarize its content, and solicit public comment.
- Public hearing to provide information about proposed project will be held in Libby, Montana at 6:00 pm on June 18, 2024 at the following location:
    - Ponderosa Room, Libby City Hall
      952 E Spruce
      Libby, MT 59923

- **Duration of Public Comment Period**: The public comment period begins after the date of publication of legal notice in area newspapers (see above) and will coincide with the draft Interim Restoration Plan. Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment as listed below:
    - **Length of Public Comment Period**: 34 days
    - **Public Comment Period Begins**: June 7, 2024
    - **Public Comment Period Ends**: July 10, 2024
- **Where to Mail or Email Comments on the Draft EA**:
    - Subject: Libby Asbestos OU3 Draft Interim Restoration Plan, Kootenai Vista Boat Ramp Improvements EA
    - Email: nrdp@mt.gov
    - Mailing Address:
      PO Box 201425
      Helena, MT 59620

VI. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	☒
NRDP must conduct **EIS** level review for the proposed action	☐

VII. EA Preparation and Review

EA prepared by: Natural Resource Damage Program