

# **BUTTE NATURAL RESOURCE DAMAGE RESTORATION COUNCIL (BNRC)**

**BNRC Members:**

**Elizabeth Erickson,  
Chair**

**Bill Callaghan**

**Mary Jo McDonald**

**John McKee**

**Suzzann Nordwick**

**Emmett Riordan**

**Jon Sesso**

**Courtney Young**

**Thursday June 19, 2025**

**6:00 to 9:00 pm**

**MT Tech**

**1300 W Park Street**

**2<sup>nd</sup> Floor Student Union Building #212**

**Butte, Montana**

## **AGENDA**

**Introduction – Meeting Overview, Determine Quorum– (6:00 to 6:10)**

– Elizabeth Erickson, Chair, Doug Martin, NRDP

**Summary of Potential Projects and Cost Evaluations/Reductions – (6:10 to 7:10)**

- **Butte Silver Bow Metering Project – Zane**

○ Water Meters

○ Water Meter Grants

- **Butte Silver Bow Basin Creek Recreation – Shawn**

- **Butte Silver Bow Revegetation – Eric**

- **NRDP Committed Costs – Doug**

- **NRDP Projects**

○ BAO Alluvial Aquifer Restoration

○ Blacktail Creek Contamination Investigation

○ Blacktail Creek Restoration

○ Parrot Memorial

Per the March 29, 2025, NRDP memorandum (attached), if the Council recommends not recommending project implementation to minimize costs, existing contracts with Montana Tech and Butte Silver Bow for revegetation actions would be honored and NRDP staff would continue to review and coordinate with remedy. This pause would occur until the funds from the Butte Site Fund reimburse the BAO fund (after DEQ completes the Blacktail Creek remedial action). This recommendation would not require an amendment to the restoration plan, and no further action is necessary at this meeting.

# **BUTTE NATURAL RESOURCE DAMAGE RESTORATION COUNCIL (BNRC)**

## **If No Amendment Selected – Adjourn (7:10) ACTION ITEM**

- Council – Motion
- Public Comment on Motion
- Council Vote

Or

## **If Projects To Be Recommended – (7:10 – 9:00) ACTION ITEM**

If the Council agrees to recommend projects for implementation, existing contracts would be honored and NRDP staff would continue to review and coordinate with remedy. The Council needs to select/rank the projects. Once the Council selects/ranks projects, a determination will be made if an amendment is required per the BAO Restoration Plan. If an amendment is required, NRDP will prepare a draft amendment and seek public comment for a minimum of 30 days. Council would then consider public comments and make a recommendation to the Governor on what projects to include in an amendment. If an amendment is not required, NRDP will prepare a draft recommendation and present it to the Governor.

Council to select/rank proposed projects shown in attached table. NRDP and BSB staff have looked at reducing costs and will be available to discuss projects and answer questions. The selection/ranking of projects could include recommending fully or partially funding of projects, the recommendation of project contingency, or other considerations. Other considerations could include, but are not limited to, provisions in the March 29, 2025, NRDP memorandum (attached) that were requested by Council, such as “project implementation should start within two years.”

The attached table provides a list of the projects and their estimated costs; this table has been updated from the table in the March 29, 2025, memo and should be used. The BNRC policy criteria are also listed on the table for your use to assist with project selection/ranking.

- Council Motion
- Public Comment on Motion
- Council Vote

Additional Public Comment/Questions/Adjourn

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

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

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**Thursday, June 19<sup>th</sup>, 2025, BNRC Meeting Access information:**

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STATE OF MONTANA, NATURAL RESOURCE DAMAGE PROGRAM



To: BNRC Members

From: NRDP Staff

Date: January 24, 2025 (updated March 29, 2025)

Subject: Butte Area One Restoration Project Recommendations for 2025

**Background:**

The BNRC has expressed concern that administrative costs and expenses for Butte Area One (BAO) Restoration Fund are being incurred at a rate that was outpacing the interest earned for the BAO account. Additionally, the council expressed their frustration with the pace of the Butte Priority Soils Operable Unit Consent Decree (BPSOU CD) remedial efforts. Seven years after publicly releasing the remedial plans and starting design (i.e., BPSOU CD, Appendix D, Attachment C) and more than four years after entering the BPSOU CD, remedy projects have not progressed as substantively as the council had hoped, and therefore, there are limited opportunities for implementing restoration in areas where remedy is yet to occur.

The BNRC requested that NRDP staff develop various conceptual restoration actions that:

1. have the highest restoration values (Stage 1 Legal and Stage 2 BNRC Policy criteria),
2. are “shovel-ready,” which is defined as can be initiated within two years,
3. would minimize BAO expenses, and
4. that will not conflict with or implement BPSOU CD remedy actions.

The range of potential restoration actions ranges from implementing projects now to “hitting pause” by significantly reducing all BAO restoration work until remedy work is completed.

Whatever outcome, the revisions to the BAO will likely have to be captured in an amendment to the BAO Restoration Plan. Once crafted, the revised plan would go out for public comment before going to the BNRC and Trustee’s Restoration Council for their recommendation, which will be conveyed to the Governor who will make the final decision on any BAO Restoration Plan revisions.

**BAO Fund Status:**

At the October 17, 2024, BNRC meeting, NRDP staff presented an update on the balances of the BAO Restoration Fund and provided the council with a short list of potential shovel-ready restoration projects for discussion. NRDP estimates that approximately \$5.6 million is available as of the end of 2024.

There are three additional funding sources excluding the existing BAO Restoration funds (see Table 1 below), they are:

1. Parrot Tailings Waste Removal Project (Parrot Project) remainders
2. BPSOU CD Butte Settlement Fund
3. SSTOU \$2.5 million transfer (BAO portion of \$5.0M transfer)

**1. Parrot Project Remainders:**

Per the 2019 BAO Restoration Plan amendment, the current BAO balance includes the \$842,945 reimbursement from the Parrot Project. More money may be available when ET Cover O&M is agreed to with BSB and a final round of sampling is completed following completion of the BPSOU CD Par. 96 5-year time frame.

**2. BPSOU Settlement Funds:**

With the execution of the BPSOU CD, the State of Montana was provided a \$20.5M settlement by BP-Atlantic Richfield (BP-AR) for implementation of remedy work, with leftovers to go to restoration to reimburse the State for costs incurred by NRDP investigating BPSOU CD contaminant source areas and for implementing the Parrot Project. The State, through the Montana Department of Environmental Quality (DEQ), will implement the Blacktail Creek (BTC) part of the BPSOU CD remedy (Attachment C, Section 5). BTC implementation is at a minimum several years off.

When DEQ has finished their defined remediation of BTC, the first \$1.0M of remaining settlement funds will be provided to Butte-Silver Bow (BSB) for a future project in the Silver Bow Creek corridor, subject to the terms in the BPSOU CD, Appendix D, Attachment C, Addendum 1. The remaining Butte Site account settlement funds will be divided among three restoration plans as described in the 2019 Restoration Plan amendment:

- 51% to the Upper Clark Fork River Basin Aquatic and Terrestrial Restoration Plan;
- 35% to the Butte Area One Restoration Plan; and
- 14% to the Butte-Silver Bow Groundwater Restoration Plan.

The schedule for DEQ to complete this project is unknown at this time. It is anticipated that \$7.0-\$12.0M will remain for restoration projects after DEQ completes its BTC Project.

**3. Status of the Streamside Tailings Operable Unit (SSTOU) \$5.0 Million Transfer:**

The Governor allocated additional restoration funds to pay for the Parrot Project in 2019 (BAO Amendments, 2019). In addition, as part of the funding package for the Parrot, the Governor proposed in this amendment to allocate the first \$2.5 million of the Streamside Tailings Operable Unit Consent Decree leftover funds to the BAO Restoration Plan. Subsequent to this 2019 commitment, DEQ has indicated to NRDP that DEQ will not be able to re-submit a transfer funding request to EPA from the SSTOU account for the UCFRB (\$2.5M) or the BAO Restoration Funds (\$2.5M) to meet the 2019 amendment.



**Table 1 - BAO Restoration Fund Status Summary**

Fund Sources	Expected	Current
Existing Funds	n/a	\$4,775,000
Parrot Project	Undetermined	\$843,000
SSTOU Remainders	\$2,500,000	\$0
BPSOU CD Settlement	\$?~ \$2,450,000 - \$4,200,000	\$0
Approximate Total		\$5,618,000

**NRDP BAO Restoration Project Alternatives:**

NRDP does not recommend allocating funding per the existing categories within the BAO Restoration Plan at this time; instead NRDP is recommending allocating funding to projects where implementation can be started within two years. The BNRC requested that BSB develop a short list of other shovel-ready water restoration projects for the council's consideration. The BSB ideas will be presented to the BNRC in a separate memo when received.

Below are two alternatives NRDP can further develop to seek public comment, for the council to consider, and be presented to the Governor for consideration and approval. The following recommendations by the NRDP are made with the highest restoration value and the ability to start implementation of projects within two years. Implementation is defined as the establishment of a contract with NRDP for a project or initiation of project development, design or construction activities. If project implementation does not start within two years, funding allocated to this project will remain in the BAO Restoration Fund for future allocation by the Governor.

**Alternative 1: Shovel Ready Project Implementation**

At the November 7, 2024, BNRC meeting, NRDP staff presented the council with a short list of viable restoration projects that would meet the four (4) criteria previously listed and could be implemented with approximately \$5.6M currently available in the BAO Restoration Fund (Table 1). In order of priority:

**Oversee and Coordinate with Remedy**

NRDP will ensure that the remedial activities within the Silver Bow Creek corridor do not impact restoration actions (current or future), meet the BPSOU CD requirements related to remedy, and ensure that restoration funds are not spent on remedy per Section 6 of the Restoration Plan. This is estimated to cost \$100,000/yr.

**BAO Alluvial Aquifer Restoration Project (contingent on BSB access agreements)**

This project proposes pumping contaminated groundwater from the area where the Parrot project was completed. The BAO natural resource damage settlement was for injuries to the alluvial aquifer and the surface waters of Silver Bow and Blacktail Creeks within the Upper Silver Bow Creek Corridor caused by the release of hazardous substances by BP-AR. The largest source of alluvial groundwater contamination was the Parrot Project waste. When NRDP first contemplated the removal of the Parrot Project waste, EPA and BP-AR questioned how long it would take to substantially reduce alluvial aquifer groundwater contaminant concentrations once the primary

waste sources had been removed. At the request of NRDP, the Montana Bureau of Mines and Geology (MBMG) conducted column tests on the alluvium to quantify the estimated time frame. MBMG concluded that the aquifer could substantially improve relatively quickly noting that as little as three volumes of clean water passing through the alluvium could greatly reduce groundwater contamination. Although the alluvial aquifer in Butte is rather prolific, it would still take decades to pass three volumes through this aquifer. However, actively removing the highly contaminated groundwater that currently exists below where the Parrot Project was completed would:

1. greatly accelerate the recovery of the aquifer closer to baseline conditions, and
2. add another layer of protection from the existing contaminated groundwater discharge to Blacktail and Silver Bow Creeks.

During the Parrot Project, the waste removal area was dewatered to keep the work area dry so groundwater saturated waste could be excavated. During Phase IIC, about 32.5 million gallons of highly acidic and contaminated groundwater from the upper alluvial unit was collected by a series of horizontal drains and was conveyed to the Montana Resources (MR) dredge pond for use in their mining and milling processes. This effort removed approximately 35,000 pounds of copper and 37,000 pounds of zinc, along with several hundred pounds of other contaminants. MBMG estimated it would likely have taken decades for this amount of contamination to have been removed from the upper alluvial groundwater under natural conditions. These results justify additional efforts to capture and remove highly contaminated groundwater from the alluvial aquifer.

To accelerate the recovery of the alluvial aquifer and to protect the creeks from contaminated groundwater discharge, NRDP would implement the BAO Alluvial Aquifer Restoration Project that was previously proposed to the BNRC in 2021. This would include drilling three or four 6- inch extraction wells, installing stainless-steel pumps into each well, possibly utilizing the horizontal trenches installed as part of the Phase IIC Parrot Project (although these are not currently being used), manifolded into a single collection point, and installing a below-grade discharge line to the MR dredge pond. Every effort would be made to place these wells in areas where they will not disturb the recently completed Civic Center parking lot or interfere with other existing or future infrastructure. The discharge pipeline would be buried below the frost line to prevent freezing during winter operation.

Water quality samples would be periodically collected at the discharge end of the line. The analytical results from these samples would be used to determine the effectiveness and duration of the project. At some point in the future, the cost of pumping would exceed the benefit of contaminant removal as the contaminant concentrations decrease. It is likely that the wells would be pumped for two to ten years with the benefits exceeding the costs.

Prior to starting any field work, NRDP would need to execute an agreement with the landowner, BSB, for installation of the system and MR, who would receive the water. This project would likely require additional permitting.

An engineering proposal prepared in October 2021 estimated construction costs for the BAO Alluvial Aquifer Restoration Project would be about \$2.0M. Operating and maintenance costs for this system would likely be ~\$50,000/year.



### Blacktail Creek Contamination Investigation

In 2016, NRDP conducted the waste investigation of the Silver Bow Creek and Blacktail Creek corridors to quantify the nature and extent of the contamination within the floodplains of these streams within BAO. The results of this investigation were used for conceptually designing waste removal projects at the Blacktail Creek and Butte Reduction Works Smelter Remediation Projects and ultimately incorporated in the 2020 BPSOU Consent Decree. Floodplain soil, surface water, groundwater, pore water, and in-stream sediment samples were collected and analyzed for contaminants and other parameters, including “background” samples from Blacktail Creek between Lexington Avenue to Harrison Avenue. Although not as highly contaminated as those samples collected in the study area, these upstream “background” samples from Lexington to Harrison, contained surface water, groundwater, sediment, sediment pore-water, and floodplain soils contaminant concentrations above State standards and/or risk-based screening criteria.

It is known that the Bell Smelter was located slightly north of Blacktail Creek, just west of Harrison Avenue. Although short-lived, this operation produced wastes that were never quantified nor characterized and much of which were discharged directly into Blacktail Creek. Historical aerial photos of this area indicate a lack of vegetation in the area, indicating waste spread downstream from the source area. Also, these wastes were possibly used to construct roadbeds in this area. Data collected by Montana Fish, Wildlife and Parks for Blacktail Creek in this area indicates that fish numbers are much lower than fish numbers upstream.

The goal of this investigation would be to quantify the nature and extent of contamination in this area. This information could be used by EPA to coordinate remedy with restoration and for NRDP to design a restoration project(s) for this reach of Blacktail Creek. Funds to implement future stream restoration project could come from the BAO portion of the Butte Site Funds once DEQ has completed their Blacktail Creek remedial clean-up downstream of Lexington Avenue.

NRDP proposes a thorough investigation of the Blacktail Creek floodplain from Lexington Avenue upstream through Father Sheehan Park west of Harrison Avenue. Based on NRDP’s previous investigations this effort would cost approximately \$250,000 and would be conducted in 2025/26.

### Waste Area Improvements/Revegetation Projects

The 2020 BAO Plan Amendment dedicated \$1,978,575 to the Waste Area Improvements / Revegetation category and called for 15% of the unspent Parrot Project funds to go back to this category. As of June 30, 2024, the balance in the Waste Area improvements/Revegetation category of the BAO Plan was approximately \$1,759,163. The value of the upcoming 15% of the reimbursement from the Parrot Project will be approximately \$124,000. The two sponsors of the BAO restoration revegetation projects are the Montana Tech Native Plant Program and the BSB Department of Reclamation and Environmental Services.

Montana Tech: The Montana Tech Native Plant Program was provided with \$914,000 in the 2020 BAO Restoration Plan Amendment. Montana Tech Native Plant Program is currently working under a 5-year contract, valid from July 1, 2024, through June 30, 2028, to work in conjunction with the BSB Tree Program to improve the diversity and sustainability of the revegetation on the caps over mine waste areas. Montana Tech currently has a balance of about \$361,000 remaining on this contract and is spending approximately \$125,000 per year. NRDP recommends increasing the total amount available to Montana Tech to \$375,000 by adding \$14,000 to this contract and continuing this current

arrangement until the money is expended and their contract expires on June 30, 2028. Montana Tech would continue to submit yearly work plans and budgets for review/approval by NRDP.

BSB (contingent on BSB willingness to implement): The 2020 BAO Restoration Plan Amendment dedicated \$1,024,559 to BSB Tree and Shrub Planting Project. BSB and NRDP have a contract for this project that is valid from July 1, 2023, through June 30, 2028. Since 2020, BSB has spent about \$107,000 on the tree/shrub planting project, leaving a remaining balance of approximately \$918,000. BSB's annual BAO restoration budget has been approximately \$100,000/yr, but their actual spend rate has been closer to \$26,000/yr because they have been using matching remedy funding to complete much of the work on the waste area improvements.

The BNRC has expressed interest in BSB and Montana Tech collaborating on a few large revegetation projects on the Butte Hill that will not be addressed under BPSOU CD or in the West Side Soils OU. NRDP concurs and recommends that BSB and MT Tech work together on one large scale tree//shrub/native plant project per year for the next three years. BSB will have the authority to spend up to \$306,000/year on supplies/materials/labor and Montana Tech will provide native plants as needed per their existing contract discussed above. BSB has identified a few sites where much work could be done in the near-term: the Walkerville playground on the southeast corner of the Alice Mine site, the Little Minah and the Belle of Butte. NRDP also recommends that BSB and Montana Tech work with one local grade school each fall to plant native species at one of the three selected sites or other suitable waste area such as the evapotranspiration covers on the Parrot Smelter site behind the Civic Center.

Moulton Reservoir Recreation Project (contingent on BSB willingness to implement)

BSB was allocated \$100,000 in BAO funding from the small project category in May of 2015 to construct recreational amenities at the Moulton Reservoir. BSB did not want the construction and/or use of the recreational facilities to interfere with the construction of the new spillway and dam improvements at the Moulton Reservoir. The dam infrastructure improvement project was completed in Fall of 2024. If BSB is interested, then the recreational project could be implemented at this time. NRDP proposes to allocate \$250,000 to BSB to implement this recreation project. The extra funds beyond the 2015 small project funding would provide for the increased costs of construction over the last decade and the expansion of the project to the upper reservoir and a connection to the Continental Divide Trail. It is recognized that most of this property around the Moulton Reservoir is owned by the U.S. Forest Service, and BSB would have to collaborate with their local representatives on the recreation project.

Blacktail Creek Restoration Project

NRDP has a restoration project ready to bid, and planned for 2025, on Blacktail Creek once full funding has been secured. This project calls for building step pools over a concrete-encased municipal sewer line that passes through the stream just south of the Butte Country Club golf course and screening off the diversion to the Butte Country Club irrigation pond. This project would improve fish passage for native west slope cutthroat trout as they migrate to spawning grounds in the upper limits of Blacktail Creek and would also eliminate/minimize brook trout habitat. When coupled with the other road infrastructure, remedy, and restoration projects slated for Blacktail Creek, this passage-elimination project would contribute to the holistic vision to make the entirety of Blacktail Creek a healthier trout stream.

Total costs for this fish passage project are estimated at nearly \$1.2M. Over \$300,000 has already been invested in designing and permitting this project. The primary funding source for this project is the UCFRB Aquatics account allocated to Blacktail Creek watershed, which has a current balance of about \$550,000. This project has a funding shortfall of about \$350,000. NRDP is seeking grant funds from other sources and has secured \$30,000 so far. NRDP proposes to dedicate \$100,000 from the BAO Restoration Fund toward the completion of this project.

*Parrot Smelter/City Corral Memorial (contingent on access agreement)*

The Parrot Smelter operated from 1881 to 1899, and the City Corral/BSB Maintenance Shops also operated for decades in this area. To properly recognize these historical landmarks, NRDP proposes to work with BSB/Butte Archives to construct a memorial for these facilities at a site behind the Butte Civic Center, including a description of the evapotranspiration (ET) cover and protective uses of the ET cover. Projected costs for this endeavor should be about \$20,000.

*Alternative 1 Summary*

The total value of the restoration projects identified by the NRDP is about \$4,713,000, see Table 2 below. NRDP will implement projects per Section 6 of the BAO Restoration Plan.

**Table 2 – Alternative 1 Estimated Project Costs**

<b>Proposed Project</b>	<b>Cost Estimate</b>	<b>Dependent On</b>
<b>Oversee and Coordinate with Remedy</b>	\$300,000	Assumes 3 years for remedial designs to be completed.
<b>BAO Alluvial Aquifer Restoration Project</b>	\$2,000,000 (updated)	Agreements with BSB for site access and with MR to take the contaminated water.
<b>Blacktail Creek Contamination Investigation</b>	\$250,000	
<b>Waste Area Improvements/Revegetation Projects</b>		
<i>MT Tech</i>	\$375,000	
<i>BSB</i>	\$918,000	BSB willingness to implement.
<b>Moulton Reservoir Recreation Project</b>	\$250,000	BSB willingness to implement.
<b>Blacktail Creek Restoration Project</b>	\$100,000	
<b>Parrot Smelter/City Corral Memorial</b>	\$20,000	BSB access agreement.
<b>Approximate Total</b>	<b>\$4,213,000</b>	

**Alternative 2: Place the BAO Restoration Efforts On-Hold**

The BAO Restoration Plan was signed by the Governor in January 2013. The BPSOU CD was entered in 2020. To date, there have been very limited opportunities for restoration to work in conjunction with remedy. NRDP understands the BNRC's desire to see restoration pick up where remedy leaves off, or for the two programs to work together. If the Governor decides that it would be better for restoration to pick up where remedy leaves off, then NRDP would work towards placing the BAO restoration efforts on hold. After the Butte Site Fund reimburses the BAO Fund (i.e., after DEQ completes the Blacktail Creek remedial action), the BNRC could reconvene and assist the Governor to determine how best to allocate and spend the available funding. Factors to consider in deciding whether to pause the BAO restoration efforts include:

- Design and construction costs will likely continue to increase.
- Interest earned on the BAO fund investments might not keep pace with inflation.
- The historical knowledge of the council and the staff might be lost by the time restoration efforts are reconvened.

Under this alternative, NRDP and the BNRC would reduce Butte efforts to a minimum until BPSOU remedial activities are completed and the Butte Site Fund reimburses the BAO Restoration Fund. NRDP would reduce its costs to include ensuring that the remedial activities within the Silver Bow Creek corridor do not impact restoration actions (current or future), meet the BPSOU CD requirements, and ensure that restoration funds are not spent on remedy per Section 6 of the BAO Restoration Plan. This alternative would allow interest to accrue and once the Butte Site Fund reimburses the BAO Restoration Fund, the Governor, with BNRC input, would determine how best to allocate and spend the available funding. The BNRC would not meet during this time but could reconvene if determined necessary by the Governor once funding is reimbursed. Upon the approval of the Governor, if necessary, NRDP would hold public meetings to inform the public of current project and fund status. See cost estimates in Table 3 below.

**Table 3 – Alternative 2 Estimated Costs**

Proposed Project	Cost Estimate/yr	Dependent On
Oversee and Coordinate with Remedy	\$100,000	
Approximate accrued interest (assumes 4% on \$5.6M)	+\$224,000	
Approximate Total	+\$100,000	