

**Draft State of Montana's Response to Public  
Comments on the**

January 2019 NRDP Funding Recommendation for  
Purchase of the Clark Fork River Ranch

Prepared by the Montana Natural Resource Damage  
Program

**February 2019**

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## **Introduction**

As part of the implementation of the *Upper Clark Fork River Basin (UCFRB) Aquatic and Terrestrial Resources Restoration Plans* (Restoration Plans) and *Montana's Revised Restoration Plan for the Clark Fork River Aquatic and Riparian Resources* (2008), on January 10, 2019, the Natural Resource Damage Program (NRDP) released the *NRDP Funding Recommendation for Purchase of the Clark Fork River Ranch* document for a 30-day public comment period ending February 9, 2019. The project is for the acquisition of the Clark Fork River Ranch which encompasses five miles of the Clark Fork River and adjacent upland areas totaling 2,650 acres 3 miles south of Deer Lodge. The project will secure public access for hunting, fishing, and other recreation activities and provide the State the ability to implement essential remediation and restoration actions on the property. For outreach on this public comment period, the NRDP posted the public comment announcement on the NRDP web-page, sent notices of this opportunity for public comment to approximately 415 individual or entities on the NRDP mailing list via email or postcard, and placed ads in four basin-area newspapers. Also, the NRDP summarized the project at the January 16, 2019 meeting of the UCFRB Remediation and Restoration Advisory Council (Advisory Council).

The NRDP received a total of 10 comment letters during the public comment period. All comment letters indicated general support of the project and the NRDP's funding recommendation. See Appendix 1 for a list of commenters, and copies of the 10 comment letters.

The NRDP does not propose any changes to the funding recommendation based on the responses to comments.

This draft response to comments document summarizes the public comments received and provides NRDP's draft responses to these comments. The draft response will be considered at the February 20, 2019 meeting of the Advisory Council and the next meeting of the Trustee Restoration Council. More information about the time/location of these meetings can be found at <https://doj.mt.gov/lands/advisory-councils/>. The draft response may be revise based on input from the Advisory Council, the Trustee Restoration Council and final decision by the Governor.

## **Comment Summary and Response**

- 1) Comments in support of the project and funding it with NRD funds – 10 letters or comments

Comments: 10 comment letters from six entities and 4 individuals indicated general support for the project. The major reasons for this support include that the project will achieve the following benefits and attributes:

- The project will provide substantial benefits to fish, wildlife, and the public and help preserve important riparian habitat containing unique wetlands, big game habitat including winter ranch for pronghorn antelope and moose, and 1200 acres of important upland habitat that benefits a variety of game and non-game species.
- The water rights that would come with the ranch will provide substantial benefits to the fishery through improving stream flow on and below the property.

- The purchase of the Clark Fork River Ranch will have huge benefits for hunters and anglers. Over five miles of the Clark Fork River corridor will be accessible to the public, and hunting will be allowed in perpetuity.
- The property sustains a multitude of bird species, small mammals, big game, and native and wild fish species and includes key water rights on the Clark Fork River that could be used to help address the chronic dewatering that occurs in this section of the river.
- The project will expedite and streamline remediation and restoration actions in Phases 9 and 10 of cleanup of the Upper Clark Fork River corridor.
- By purchasing a property slated for remediation, NRDP can eliminate the cleanup-related burdens placed on a landowner and reduce the landowner compensation and coordination related costs of the project.
- The acquisition will provide much needed public access and recreational opportunities for fishing, wildlife viewing, and hunting along 5 miles of the Clark Fork River. Both access and recreational opportunity are limited on this section of river.
- Public access hunting and angling along the river bottom would provide a tremendous benefit to the public.
- A high number of migratory waterfowl utilize this property and it contains unique springs and wetlands not present in other areas in the Upper Clark Fork. Big game, including deer, elk, and moose inhabit the river bottom and will greatly benefit from further protection.
- This is the most exciting NRDP purchase we have seen, and we cannot understate the importance of protecting this property for future generations.
- This purchase is one of the best ways to ensure that Clark Fork fish populations and other wildlife will thrive in this remediated and restored reach of the river.
- I strongly support the proposed funding of \$5 million (\$2.6 million from the CFR Restoration Fund and \$2.4 million from the UCFRB Restoration Fund).
- Some of the outstanding aspects of this project include: the excellent match of the project to goals and priorities of both the CFR and UCFRB restoration plans; the identified cost-savings for remedial and restoration actions; the fitting mix of three funding allocations; the acquisition of significant water rights that may result in increasing instream flows within and downstream of the dewatered reach of the CFR and the substantial public access and associated recreational opportunities to be derived from the project.
- There is fantastic recreational potential due to the nature of the property and its proximity to the city of Deer Lodge. Future coordination with the Powell County Parks Board to collaborate on river access and potential trail connectivity is encouraged. There is also great opportunity to collaborate with FWP to establish a small river access point at Sager

Lane. Perhaps a donut area should be established around the landfill that recognizes its operation and buffers these potential conflicting land uses.

- NRDP should recognize some of the opportunity for public input on the subsequent land owner decision once remedy is completed.
- I commend the landowners and state partners that enabled this project to come to fruition and urge funding approval.
- The reach of river that flows through the Broken Circle Ranch is full of springs and sloughs that provide thermal refuge for fish during periods of drought and warm temperatures.
- Especially important with this purchase will be the ability to augment chronically low stream and river flows using the ranch's water rights to help improve critical trout habitat.
- The future land ownership/disposition should include public input.

Response: The NRDP appreciates the acknowledgment of support for the project. The NRDP funding recommendation document discusses many of the same reasons commenters use to support this project.

Several commenters noted the need for public input about future land management and disposition decisions. If the purchase of the property is approved by the Trustee, following consideration of input from the public, Advisory Council, and Trustee Restoration Council, NRDP will work with Fish, Wildlife, and Parks to manage the public access at the property consistent with the eventual restoration and remedy needs. Public access, including the suitability for fishing access, will be consistent with FWP's process. This process will involve opportunities for public involvement. NRDP will work with DEQ to make sure that the public is made aware of the plans for restoration and/or remedy at the property. NRDP will also work with Powell County to make sure that the uses directly around the landfill are compatible.

After the property is no longer needed for remediation/restoration actions, NRDP will work with other state and local government agencies and seek public input regarding disposition options for the property. Disposition options for the property must meet state requirements and might include: recording a conservation easement to protect Restoration Plans goals and retain some level of public access followed by listing the property for sale on the open market; transfer of the property administration to other state or local governmental entity or entities (property remains in public ownership); or other options developed by NRDP with stakeholder and public input. If the property is sold, following state requirements, the three funds will be reimbursed the pro rata share of the proceeds of the sale.

After consideration of public comment, the NRDP recommends approval for the project subject to the two funding conditions specified in the funding recommendation document.

**Appendix A**  
**List of Comments**

<b>No.</b>	<b>Individual/Association</b>	<b>City/Area</b>
<b>1</b>	Brian Bartkowiak	?
<b>2</b>	Hellgate Hunters & Anglers, Adam Shaw	Missoula, MT
<b>3</b>	Trout Unlimited, Casey Hackathorn	Missoula, MT
<b>4</b>	Montana Wildlife Federation, Dave Chadwick	Helena, MT
<b>5</b>	Clark Fork Coalition, Karen Knudsen	Missoula, MT
<b>6</b>	Carl Hamming	Deer Lodge, MT
<b>7</b>	Five Valleys Land Trust, Sarah Richey	Missoula, MT
<b>8</b>	Rich Day	Butte, MT
<b>9</b>	George Grant TU, Mark Thompson	Butte, MT
<b>10</b>	Carol Fox	Helena, MT

**From:** [Bartkowiak, Brian](#)  
**To:** [Natural Resource Damage Program](#)  
**Subject:** NRDP Funding Recommendation for Purchase of the Clark Fork River Ranch January 2019  
**Date:** Tuesday, February 5, 2019 10:17:26 AM

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Hi,

I am submitting an official comment in support of purchasing the Clark Fork River Ranch. I am very familiar with the Clark Fork River cleanup project and the purchase of this ranch will greatly benefit the cleanup and also provide a great opportunity for hunting and fishing access on the Clark fork River.

Thank you,  
Brian Bartkowiak



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P.O. BOX 7792 MISSOULA, MT 59807 (406) 241-3121  
www.hellgatehuntersandanglers.org

February 6, 2019

Montana Natural Resource Damage Program  
ATTN: Clark Fork River Ranch Comments  
P.O. Box 201425  
Helena, MT 59620-1425

RE: HHA Support for the Purchase of the Clark Fork River Ranch

Dear Natural Resource Damage Program,

Hellgate Hunters and Anglers (HHA) is a local, all volunteer rod and gun club based in Missoula. We represent over 300 local hunters and anglers and appreciate the opportunity to provide input on the purchase of the Clark Fork River Ranch. HHA would like to express our full support for the NRDP funding recommendation to purchase the Clark Fork River Ranch. This project represents a unique opportunity to permanently protect and provide public access to five river miles of high quality riverine and riparian habitat. Public access hunting and angling along the river bottom would provide a tremendous benefit to the public.

In addition to the benefits for the Clark Fork fishery and wildlife by protecting this riparian habitat, the project will also protect the rural character of the upper Clark Fork valley, protect wildlife habitat, and offer public hunting opportunity on over 2,650 acres of high-quality wildlife habitat. A high number of migratory waterfowl utilize this property and it contains unique springs and wetlands not present in other areas in the upper Clark Fork. Big game, including deer, elk, and moose inhabit the river bottom and will greatly benefit from further protection.

With the recent and ongoing remediation and restoration of these properties, the improved fish and wildlife habitat should continue to attract even more visitors in the future. This project will safeguard public access to this property for generations to come.

Thank you for the opportunity to comment and for your on-going efforts to protect and restore valuable fish and wildlife habitat in the Upper Clark Fork. This is the most exciting NRDP purchase we have seen and we cannot understate the importance of protecting this property for future generations.

Sincerely,

  
Adam Shaw  
President Hellgate Hunters and Anglers





**Casey Hackathorn**  
*Upper Clark Fork Program Manager*

RECEIVED  
Feb. 8, 2019  
Natural Resource  
Damage Program

COMMENT #3

February 8, 2019

Montana Natural Resource Damage Program  
ATTN: Clark Fork River Ranch Comments  
P.O. Box 201425  
Helena, MT 59620-1425

RE: Support for Purchase of the Clark Fork River Ranch

To whom it may concern:

Trout Unlimited supports your funding recommendation to purchase the Clark Fork River Ranch. The 2,650-acre Clark Fork River Ranch contains five river miles of the Clark Fork River, and this project will not only secure public access for hunting, fishing, and other recreation activities but provide the State the ability to implement essential remediation and restoration actions on the property.

The project will protect and enhance the ongoing restoration investment in the Upper Clark Fork mainstem and tributaries and permanently protect riparian habitat. This purchase is one of the best ways to ensure that Clark Fork fish populations and other wildlife will thrive in this remediated and restored reach of the river.

In addition to the fish and wildlife benefits of riparian protection, the project will also support local agriculture, protect wildlife habitat and offer public hunting opportunity on over 3,000 acres of uplands. We anticipate increased recreational use of the Upper Clark Fork as cleanup work progresses through the Deer Lodge Valley and projects like this that protect habitat and access will ensure that the resource is both enjoyed and safeguarded into the future.

Thank you for your on-going work to restore the Upper Clark Fork and the opportunity to comment on this exciting project. We look forward to seeing it implemented.

Sincerely,

/s/

Casey Hackathorn



Protecting Montana's wildlife,  
land, waters and hunting & fishing  
heritage for future generations.

RECEIVED  
Feb. 8, 2019  
Natural Resource  
Damage Program

COMMENT #4

Montana Natural Resource Damage Program  
ATTN: Clark Fork River Ranch Comments  
P.O. Box 201425  
Helena, MT 59620-1425

February 8th, 2019

RE: Support for the Purchase of the Clark Fork River Ranch

Dear Natural Resource Damage Program,

The Montana Wildlife Federation (MWF) is Montana's oldest and largest sportsmen-wildlife conservation organization. We work to protect Montana's public lands, clean waters, and abundant fish and wildlife for the benefit of the hundreds of thousands of Montanans and people all over the nation who hunt, fish, and value Montana's outdoor heritage. We appreciate the opportunity to comment on the proposed purchase of the Clark Fork River Ranch.

MWF fully supports the NRDP recommendation to purchase the 2,650 acre property as it will provide substantial benefits to fish, wildlife, and the public. The purchase of the Clark Fork River Ranch will help preserve important riparian habitat containing unique wetlands, big game habitat including winter range for pronghorn antelope and moose, and 1200 acres of important upland habitat that benefits a variety of game and non-game species. The water rights that would come with the ranch will also provide substantial benefits to the fishery through improving in stream flow on and below the property.

In addition to the benefits of preserving important habitat, the purchase of the Clark Fork River Ranch will have huge benefits for hunters and anglers. Over five miles of the Clark Fork River corridor will be accessible to the public, and hunting will be allowed in perpetuity. The increased access is exactly what hunters and anglers rely on to maintain Montana's excellent sporting opportunities. Finally, along with the ongoing remediation and restoration efforts, the purchase of the property will help achieve the aquatic and terrestrial goals set in the restoration plans.

Thank you for the opportunity to comment on this important project that will protect public access and important wildlife habitat.

Sincerely,

Dave Chadwick  
Executive Director



February 7, 2019

RECEIVED  
Feb. 8, 2019  
Natural Resource  
Damage Program

COMMENT #5

Natural Resource Damage Program  
Doug Martin, Restoration Program Chief  
P.O. Box 201425  
Helena, MT 59620-0801

Re: NRDP Funding Recommendation for Purchase of Clark Fork River Ranch

Dear Mr. Martin,

Thank you for the opportunity to comment on the NRDP funding recommendation for the acquisition of the Clark Fork River Ranch.

The Clark Fork Coalition (CFC) enthusiastically supports this project because it will significantly enhance restoration opportunities in a critical reach of the Upper Clark Fork (UCF). The CFC is quite familiar with the extraordinary conservation values at Clark Fork River Ranch and supports NRDP's efforts to protect its critical wetlands and riverine habitats. The property sustains a multitude of bird species, small mammals, big game, and native and wild fish species and includes key water rights on the Clark Fork River, which could be used to help address the chronic dewatering that occurs in this section of river.

The CFC also supports this purchase because it will expedite and streamline remediation and restoration actions in Phases 9 and 10 of cleanup of the Upper Clark Fork River corridor. As CFC knows from our experience managing the Dry Cottonwood Creek Ranch, Superfund cleanup on private land brings inevitable disruptions for the landowner, requires compensation to the landowner for lost use of income-generating portions of the property, and involves extensive coordination between agencies and the landowner. By purchasing a property slated for remediation, NRDP can eliminate the cleanup-related burdens placed on a landowner and reduce the landowner compensation- and coordination-related costs of the project.

This acquisition will also provide much-needed public access and recreational opportunities for fishing, wildlife viewing, and hunting along 5 miles of the Clark Fork River. Both access and recreational opportunity are limited on this section of river. Because of that, we urge NRDP to work closely with FWP and the public to plan how to manage these new access opportunities and protect the important resources on the property.

The CFC also supports NRDP's intention to allow for continued agricultural use of the property, to the degree that it is compatible with restoration and cleanup goals. We look forward to engaging with NRDP in the future about the long-term plan for this property, and we encourage NRDP to seek out diverse public perspectives when developing options.

PO Box 7593  
Missoula, MT 59807

T: 406.542.0539  
F: 406.542.5632

[www.clarkfork.org](http://www.clarkfork.org)

This is a rare opportunity to acquire, remediate, and restore a key stretch of the Upper Clark Fork. Purchase of the property by NRDP will pay dividends for the river and the people, fish, and wildlife it sustains.

We applaud the NRDP staff for their efforts to work with the seller to bring this project forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen Knudsen". The signature is fluid and cursive, with the first name "Karen" and last name "Knudsen" clearly distinguishable.

Karen Knudsen  
Executive Director

Dear Mr. Martin,

COMMENT #6

I offer my support for the acquisition of the Clark Fork River Ranch (CFRR) by the Natural Resource Damage Program (NRDP). There is fantastic recreational potential due to the nature of the property and its close proximity to the city of Deer Lodge. It's a good stretch of water and with the State owning the riparian corridor, it will enable completion of numerous projects to enhance the fishery and in-stream flows of the Clark Fork as well as the wildlife habitat of the surrounding area. Several local residents have shared their enthusiasm to be able to hunt on this land.

I do wonder who will own and manage the ranch as, to my knowledge, it is still undecided who will hold fee title to the CFRR. It is understood that Montana DEQ will not be working through these phases for years, so it will be good to have an operating plan for both pre and post remediation. I encourage future coordination with the Powell County Parks Board to collaborate on river access and potential trail connectivity. I also urge the future landowner of the CFRR to consider establishing/improving river access on the southern edge of the property at Sager Lane. Since public access is part of NRDP's objective to promote recreational opportunities in the watershed, there is a great opportunity to collaborate with FWP to establish a small, but official, river access point at Sager Lane. If a new conservation easement is placed on the CFRR, I hope the language wouldn't preclude development of an access site.

Finally, I also encourage the NRDP to seek comment from the Powell County Landfill Board as CFRR abuts the County landfill. The Board is undertaking a planning effort to assess future operations and growth of its facility. In 2017 and 2018, through eminent domain, the County purchased property from the Broken Circle Ranch (now the CFRR) to expand its footprint. If a new conservation easement is written, perhaps a donut area should be established around the landfill that recognizes its operation and buffers these potentially conflicting land uses.

I support the NRDP's effort to acquire the CFRR. There is great potential to improve and enhance the riparian and terrestrial habitat, recreational opportunities in the valley, and keep the land in agricultural production. Hopefully the encumbered property will be affordable for a neighboring producer to expand. It's a beautiful piece of property and as a resident of Deer Lodge; I am excited about the future possibilities and enhancement of this land and water. Thank you for your consideration.

Carl Hamming  
Deer Lodge, Montana

**From:** [Sarah Richey](#)  
**To:** [Natural Resource Damage Program](#)  
**Cc:** [Mullen, Gregory](#)  
**Subject:** NRDP Purchase of the Clark Fork River Ranch  
**Date:** Saturday, February 9, 2019 12:16:17 PM

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COMMENT #7

Five Valleys Land Trust (Five Valleys) supports the NRDP's proposal to purchase the Clark Fork River Ranch. The project meets the goals of the Aquatic and Terrestrial Resource Restoration Plans (2016). Most importantly, this project secures public hunting and fishing access, as well as the opportunity for the State to implement remediation and restoration along the Clark Fork River.

Five Valleys currently holds a conservation easement on this property and is familiar with the high quality natural resources of the property. This project offers some additional resource protections, but most importantly serves to secure permanent public access as well as secure remediation and restoration opportunities that will provide significant benefit to the resources.

Thank you for the opportunity to comment on this project.

Sarah Richey Conservation Project Manager Five Valleys Land Trust [www.fvlt.org](http://www.fvlt.org)  
406.549.0755 [sarah@fvlt.org](mailto:sarah@fvlt.org)

**From:** [Rich Day](#)  
**To:** [Natural Resource Damage Program](#)  
**Subject:** NRDP Funding Recommendation for Purchase of the Clark Fork River Ranch  
**Date:** Saturday, February 9, 2019 12:41:33 PM

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COMMENT #8

Below are my comments on the proposed NRDP Funding Recommendation for Purchase of the Clark Fork River Ranch.

I strongly support this proposal to purchase the Clark Fork River Ranch near Deer Lodge, Montana which includes five river miles of the Clark Fork River and the associated floodplain. This purchase will provide the state of Montana the ability to implement essential remedial and restoration actions on the property. The project will also secure important public access for hunting, fishing and other recreation opportunities. Especially important with this purchase will be the ability to augment chronically low stream and river flows using the ranch's water rights to help improve critical trout habitat.

This purchase by NRDP is a very important step in restoring this area of the Clark Fork River and will significantly improve fish and wildlife habitat and the associated recreational opportunities for the general public.

I urge the passage of this important project.

Sincerely,

Rich Day  
2615 Yale Avenue  
Butte, MT 59701



George Grant TU  
PO Box 563  
Butte, MT 59703

*Cold Clean Fishable Water*

RECEIVED  
Feb. 9, 2019  
Natural Resource  
Damage Program

COMMENT #9

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February 9, 2019

Natural Resource Damage Program  
P.O. Box 201425  
Helena, MT 59620-1425

Mr. Martin,

The George Grant Chapter of Trout Unlimited (GGTU) in Butte is writing to support the purchase of the Clark Fork River Ranch by the NRDP. GGTU is aware of the incredible hunting and fishing resources that the Broken Circle Ranch currently sustains and we are encouraged that the NRDP is planning to secure public access easements for the property in perpetuity. Taken in context with the recent public access easement put in place on the Dry Cottonwood Creek Ranch, these projects will ensure that a significant portion of the upper Clark Fork River corridor will be accessible to the public above the high water mark.

This purchase will also protect some of the most important habitat for fish in the upper Clark Fork. The reach of river that flows through the Broken Circle Ranch is full of springs and sloughs that provide thermal refuge for fish during period of drought and warm temperatures.

While GGTU is supportive of the NRDP's purchase of the Broken Circle property, we also encourage the agency to release its plans for the future of the property to the general public.

Sincerely,

Mark Thompson  
President

George Grant TU  
PO Box 563  
Butte, MT 59703  
[president@ggtu.org](mailto:president@ggtu.org)





## Natural Resource Damage Program

Natural Resource Damage Program (NRDP)  
P.O. Box 201425  
Helena, MT 59620

February 9, 2019

Re: Acquisition proposal for the Clark Fork River Ranch

I strongly support the proposed funding of \$5 million (\$2.6 million from the CFR Restoration Fund and \$2.4 million from the UCFRB Restoration Fund) for the acquisition of the 2,650-acre Clark Fork River Ranch.

This acquisition project offers an impressive array of both short-term and long-term natural resource protection/enhancement and public recreational benefits that are summarized well in the NRDP's Funding Recommendation document. Some outstanding aspects of this project include: the excellent match of the project to the goals and priorities of both the CFR and UCFRB restoration plans; the identified cost-savings for remedial and restoration actions; the fitting mix of three funding allocations; the acquisition of significant water rights that may result in increased instream flows within and downstream of the dewatered reach of the Clark Fork River; and the substantial public access and associated recreational opportunities to be derived from the project.

The NRDP's Funding Recommendation document indicates that final disposition of the property will be decided a few years after remediation and restoration and that it could remain in state ownership or that some or all the property could be sold with a conservation easement. The document does not, however, specify the review and approval processes that would occur under an easement option and how fund reimbursement would occur under such an option. Nor does it indicate the review process for development of a public access/management plan once the property has adequately recovered from remedial/restoration construction activities. While I understand why final disposition cannot be decided at this time, I recommend such process information be provided through a document update, to eliminate guesswork down the road. At a minimum, the opportunity for public input on these subsequent decisions should be recognized.

Based on my past work at NRDP involving the review of restoration project proposals and the development of restoration priorities and plans, I believe this acquisition project represents a spot-on, home-run opportunity. I commend the landowners and state partners that enabled this project to come to fruition and urge funding approval.

Thank you for the consideration of my input,



Carol Fox  
2111 9<sup>th</sup> Ave.  
Helena, MT 59601