

**County Water and Sewer
District of Rocker**

**Albert Molignoni, Chairman
Butte, MT 59701**

1108 Grizzly Trail

Phone: 406-723-9365

May 19, 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

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SEP 21 2012

NATURAL RESOURCE
DAMAGE PROGRAM

To Whom It May Concern:

The County Water and Sewer District of Rocker met on February 18, 2012, for our regular, monthly, meeting. We are a county entity of Butte Silver Bow and we would like to request an amendment to Butte Silver Bow's application for damage resource money.

As you may know, we were heavily damaged by arsenic in our ground water by the former Anaconda Company. We were left with acid mine waste rock that has damaged portions of our water system.

At this time we are requesting two things:

- (1) A \$250,000 allocation out of the money that Butte Silver Bow is requesting to replace the portions of our system that are being eaten out by the acid mine water from the mine waste that was left in place after the Superfund clean up.
- (2) Before we hooked onto the former Butte Water Company line, which was owned by the Anaconda Company, the community of Rocker's water was supplied by two (2) massive springs at the Butte Gun Club property (please note that this water is out of the ground water control area and is owned by our District). We are requesting \$60,000 to hire an engineering firm to evaluate the potential of restoring this property into a water supply for the community of Rocker. Also note that not only were the residents supplied by water from this resource, but also the Rocker Timber Framing Plant and the BA&P Railroad utilized this water supply for their steam engines.

The County Water and Sewer District of Rocker would appreciate any assistance that the NRDP may be able to give us. Thank you very much for your consideration.

Sincerely,



Albert Molignoni
Chairman of the Board

AM/sw

Coleman, Kathleen

From: Alison Mynsberge <alison_mynsberge@yahoo.com>
Sent: Wednesday, October 03, 2012 8:52 PM
To: Natural Resource Damage Program
Subject: Funds for Milltown State Park

I'm writing in support of providing the proposed additional funding to Milltown State Park. Finishing the trails, benches, and interpretive sites will help center the community and provide recreation opportunities that will certainly ease the community divisions created by the removal of the dam (and the community depression related to the loss of the mill and dam). The recreational opportunities that a fully developed park will provide to the greater Missoula area will reduce overcrowding at less-developed sites closer to town and bring economic opportunities to Milltown. Providing the funds quickly is critical so that the river can be open for local rafting companies, as well. Finally, the development of the Black Bridge portion of the park will provide parking and restroom facilities that can be used for additional economic activities benefiting the community such as the new Milltown Bridge Market, which has so far been relying on a rented portable toilet and struggled to identify parking areas for visitors.

I remain distressed that a pedestrian/bike bridge across the Clark Fork cannot also be funded. The plan for such a bridge was a primary reason I purchased a house in the Bonner/Milltown area. I worry that there will be increased use of the many existing (but unsafe and/or illegal) bridges across the rivers, such as I-90 and the railroad bridges, by cyclists and pedestrians. The development of the trails will increase accessibility for people traveling from the Bonner/Milltown area. Unfortunately, I-90 is not wide enough for safe crossings, yet I already see many individuals on the interstate traveling westbound by bike.

I hope that in lieu of a new pedestrian/bike bridge, I-90 could be widened slightly to incorporate a bike/pedestrian path for area residents biking to the high school or University.

Thanks,

Alison Mynsberge

Coleman, Kathleen

From: Bill Jones <banddjones@gmail.com>
Sent: Saturday, October 06, 2012 12:43 PM
To: Natural Resource Damage Program
Subject: Clark Fork damage by mining companies.

Hundreds of millions of taxpayer's money to correct as near as can be corrected the damage done by irresponsible mining company management decisions. Begs the question: have all the millionaire mine owners/ managers had their fortunes seized, and we still need more to fix what they did?

Bill Jones
Lolo, MT

Coleman, Kathleen

From: Marianne Vigeland <vigeland23@gmail.com>
Sent: Tuesday, October 09, 2012 11:09 AM
To: Natural Resource Damage Program
Subject: Milltown State Park in the Draft Aquatic and Terrestrial Restoration Plans

To the administrators of the Natural Resource Damage Program

We trust your plans for Milltown State Park will quickly move the project toward trail development and the construction of a bridge below the former Milltown Dam site, linking the park with the Kim Williams Trail eastward extension.

Our entire family speaks for these crucial elements in making good use of the fresh opportunities opened by Superfund work at the site.

We have watched with growing anticipation, the changes and improvements. The bridge and trails will open the park for enjoyment by many people, both people from this neighborhood and people in Missoula.

What a wonderful idea!

Best Regards- we appreciate your work.

The Vigeland Family

Tor, Marianne, Elizabeth and Andrew

935 1st st

Missoula, MT

59802

406-258-6509



Copper Village Museum and Art Center

401 East Commercial • Anaconda, MT 59711 • Phone (406) 563-2422

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OCT 11 2012

NATURAL RESOURCE
DAMAGE PROGRAM

NRDP
1301 Lockey Street
PO Box 201425
Helena, MT 59620
October 10, 2012

RE: ADLC Warm Springs Creek Restoration, Washoe Park and Washoe Park Foundation

To Whom It May Concern:

Copper Village Museum & Art Center would like to comment on the project in Anaconda that is being helped with the allocation of funds from the NRDP.

We have been in contact with the Washoe Park Foundation during their planning phase and comment phase. We have vested interest in the Washoe Park project because of our main fund raising event of Art in the Park. Three days in July is devoted to our event which includes 80 art and craft booths, 20 food booths and live bands. This fund raiser is the way we keep our doors open for the community and the vendors (many of whom are local) and local business are also benefited. The Foundation came and presented their ideas and plans to us so we could view any changes that would effect our week-end. They graciously took our suggestions about Park usage and changed some areas that we thought would be more advantageous for everyone at the Park. The Foundation has a dedicated group of interested citizens working to maintain and improve the wonderful park area we have here in Anaconda. They have our support and endorsement to continue to beautify and improve the area bringing back some of the features that used to grace the Park grounds.

Mary Lynn McKenna

Mary Lynn McKenna
Director of Copper Village Museum and Art Center

Coleman, Kathleen

From: David Webb <david@millcreeklodging.com>
Sent: Wednesday, October 10, 2012 7:42 PM
To: Natural Resource Damage Program
Subject: Please support Warm Springs Restoration

----- Original Message -----

Subject: Please support Warm Springs Restoration
From: "David Webb" <david@millcreeklodging.com>
Date: Wed, October 10, 2012 12:55 pm
To: doj.mt.gov/lands/ucfrb-restoration-plans@emailmg.ipower.com

Dear NRDP Officials:

As citizens of Deer Lodge County we strongly applaud the plan to restore Warm Springs Creek in the Anaconda Area. The heart of this county's recreational activities and as well as its interface with Nature lie in Washoe Park and Hafner's Dam. That vital relationship goes back about 140 years when the Anaconda Company selected this area both for its water resources and its natural beauty.

We are typical of the many citizens who enjoy this area year-round, for example for "Art in the Park" in August and for Audobon Bird Counts in December. We therefore thank you for allocating funds to this worthy project.

Sincerely,

David and Barbara Webb

--

406-560-7676

11 Clear Creek Trail
Anaconda, MT 59711

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406-560-7676

11 Clear Creek Trail
Anaconda, MT 59711

From: Tom Bowler [<mailto:mttomb@bresnan.net>]
 Sent: Sunday, October 14, 2012 10:42 AM
 To: Natural Resource Damage Program
 Subject: Comments on Draft Upper Clark Fork Aquatic and Terrestrial Restoration Plan

Hello,

I would like to express support for the fundamental emphasis of the plan in addressing actual issues that will directly assist in the restoration of natural resources -- water, land, plant and wildlife instead of the previous focus of expenditures on questionable urban infrastructure projects. Also for the attention the plan pays to addressing the "distribution plume" of mine waste across the Clark Fork Basin due to the past negligent practices of pouring mine waste in the streams or allowing waste to simply blow out the flue and damage natural resources downstream and down wind of the areas where mining and mine product processing was actually taking place -- yet were areas suffering the serious consequences of that former irresponsible discarding of those hazardous byproducts while realizing none of the benefits.

I am not in favor of any projects intended to institute perpetual introduction of water to the streams of the basin to allegedly enhance flows which have lifetime electrical pumping costs associated with them. This is grossly wasteful and detrimental on its face and is robbing other viable and implementable projects of the funding to which they are due. If stream flow can be enhanced by allowing water sources to flow for free into the Clark Fork and tributaries i am in favor, if any pumping is required at all, those plans should be rejected. Such operations appear more to be a way to generate revenue for municipal water systems and ways to subsidize other users of those supplies than it is to help restore the aquatic system. It is also saddling the users of those systems with a long term commitment to introduce water to the aquatic system which may continue long after the NRD subsidy has evaporated. If we say it is of value to enhance flows at this point while NRD money is on hand, how will we mysteriously change that contention should the money run out. In general, all projects that are funded should be prioritized toward those that produce a viable, desired natural resource restoration result that can become self sustaining in time without continuing input of funds. Environmental damage problems should be repaired by the process and then handed off to others to be used or enjoyed for valuable purposes when they are once more thriving, productive, attractive natural systems. This process should not become a half hearted, shoot from the hip, eternal cottage industry in natural resource restoration to provide a means for a water company to pump water into a stream like all the zombie dot com companies that still exists and do nothing after the bubble burst. We should not be funding misguided, mediocre (or out right poor) projects simply to see these require attention forever to keep this whole process going.

There should also be some money held in reserve for contingencies, such as floods, wildfires and similar events damaging previous restoration work. Also money held back in the (GASP!) event that something that might already have been done turns out to be in the category of epic fail. There should be money reserved for long term monitoring of effects of clean-up and to assure the remedy has fixed or if the dye is running out of the garment. Fish Wildlife& Parks, The State Forester, various environmental experts should all be expected to require some level of long term support to insure all that has; and will be done, is having the expected effect and is hanging in

there into the future. There appears to be tremendous pressure to fritter these funds away in one magnificent blast like the Grande Finale of the annual Butte Fireworks. Very satisfying and pretty for a brief instant, nothing but smoke and blinking-watery eyes to go with congested lungs in the long run.

Thank you for all of the past hard work and dedication the NRD has demonstrated and for the opportunity to comment on this draft plan.

Tom Bowler
735 W Broadway
Butte, Montana 59701

From: Susan Wolff [<mailto:susan@wolffdesigns.com>]
Sent: Monday, October 15, 2012 12:11 AM
To: Natural Resource Damage Program
Subject: Drummond Riverside Park Project

To Whom It May Concern:

Let this email serve as public testimony in support of the Drummond Riverside Park Project. Having grown up in Granite County, primarily in the Hall and Drummond areas in the 1950s and 1960s, the community of Drummond was vibrant, economically viable, with multiple opportunities for recreation for residents of all age levels. Once Interstate 90 was completed resulting in local residents traveling more frequently to Missoula for retail and entertainment opportunities and fewer tourists exiting the freeway in Drummond for services, meals, and lodging, the community has suffered economic deprivation.

The Drummond Kiwanis Club has submitted a proposal for funding of the Drummond Riverside Park Project as a means of attracting tourists and "locals" to the community. The park will provide a trail system along the Clark Fork of the Columbia and access for streamside fishing. The eco-system of the park will remain in its natural state providing opportunities to observe local birds, wildlife, and aquatic species while providing opportunities for physical exercise in an ever-changing environment. Montana has limited public access for stream-side fishing. The Drummond Riverside Park will change that and be an attractive place to fish because of the confluence of the Flint Creek with the Clark Fork located here. The new park will expand and enhance opportunities now available with the existing park across the river near the Rodeo grounds. The existing park has picnic areas, an RV park, and a softball field.

Drummond is the gateway to Montana Scenic Highway 1. Funding of the proposed Drummond Riverside Park Project will strengthen the economy of the entire county and region. The cost benefit ratio of the requested funds is positive and sustainable after this initial investment.

In closing, I ask that this proposal be funded. Thank you for the opportunity to provide this public testimony.

Sincerely,

Susan J. Wolff

Dr. Susan J. Wolff
 Wolff Designs
 PO Box 6967
 Great Falls, Montana 59406
 541-400-0681 cell

susan@wolffdesigns.com
www.wolffdesigns.com

*"journey to a creative place...dreams
 give our imagination a place to
 sit and think".
 maryanne radmacher*

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OCT 17 2012

NATURAL RESOURCE
DAMAGE PROGRAMJason Davis
P.O. Box 286
Drummond, MT, 59832

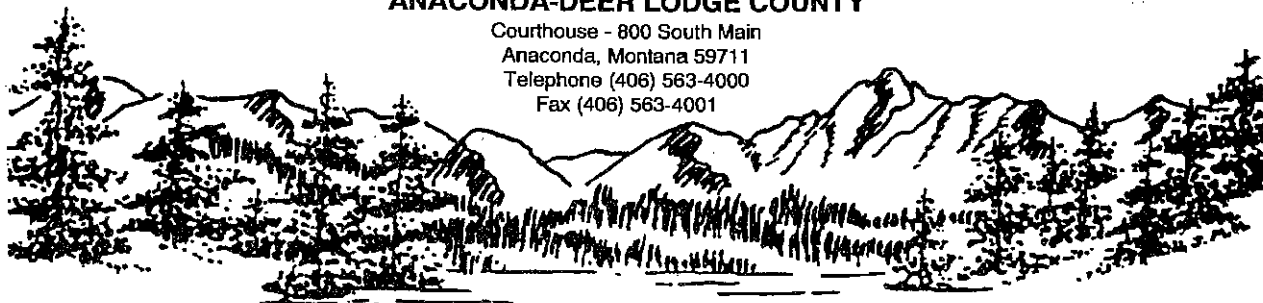
To: Natural Resource Damage Program

This is a note letting you know I am in favor of the Drummond Riverside Park Project. I feel this project would be beneficial to the Clark Fork, to the community, and it is a good fit for the type of projects you are looking for. I also feel it would bring business to the local restaurants, store, and gas stations. The walking paths and nature viewing could also benefit the school as a natural way for students to view birds, plants, and other wildlife.

Thank you
Jason Davis

ANACONDA-DEER LODGE COUNTY

Courthouse - 800 South Main
Anaconda, Montana 59711
Telephone (406) 563-4000
Fax (406) 563-4001

**RECEIVED****OCT 17 2012****NATURAL RESOURCE
DAMAGE PROGRAM**

October 17, 2012

NRD Program
1301 East Lockett
P.O. Box 201425
Helena, MT 59620-1425

Dear Council Members and NRD Program Staff:

The Anaconda-Deer Lodge County Commission and I fully support and encourage the Washoe Park and Hafner's Dam projects to seek improvements for our area. I know I speak not only for myself but the community when I say that recreation opportunities are crucial to the lifestyle of our town. Fishing, wildlife viewing, walking, and the general recreation are popular activities among our community members and we believe that this project will be heavily used by our residents.

The work slated for Washoe Park and Hafner's Dam will provide additional recreation opportunities and will serve our community well.

With this letter I kindly request your support in these endeavors. Your support will create an opportunity to invite access and enhance our great resources.

Respectfully,

Connie T. Daniels
Interim Chief Executive Officer
Anaconda-Deer Lodge County

CTD/hje

From: Todd Fickler [<mailto:tfickler@montana.com>]
Sent: Wednesday, October 17, 2012 2:53 PM
To: Natural Resource Damage Program
Subject: Drummond Riverside Park Project

I feel the Drummond Riverside Park project is a very worth while project meeting many attributes that the damage program was designed for. The proposed park would provide a unique opportunity for people and the natural species that in habit this area. Wildlife that I have seen on this property in my life time of living in Drummond are; ducks, geese, blue herons, osprey, eagles, deer, beaver, musk rats, and on a few occasions fox, moose, coyotes and bears. By placing this area in a park we can insure that wildlife continues to occupy this space unharmed. The walking trail proposed will allow people to cohabitant with the wildlife and enjoy the beauty that nature has to offer. There are many unique features to this property that aspire to this project. It is located next to the Clark Fork River within walking distance from the town of Drummond and the Drummond City Park. At the Drummond City Park there is a sheltered area with picnic tables, barbecue pit, boat launch and a port potty. The proximity of the city park ties in well with this project. It allows some amenities to be available that just would not be acceptable for the proposed project yet there is a definite separation between the two. The proposed site would also be viewed by those traveling the Highway 1 scenic route between Drummond and Philipsburg. This alone would help serve to draw people to the park and also to show what was accomplished in this restoration effort. I don't see where any future changes from adjacent land owners could have much affect on the proposed property and this includes the view of the landscape beyond the proposed parks borders. I personally think this could be a very neat thing to do. I hope that this project can be carried to the next level. I appreciate the opportunity to voice my opinion and I THANK EVERYONE who has taken the time to consider this project.

Todd E. Fickler
President, Fickler Oil Company, Inc.
tfickler@montana.com
Ph (406) 846-3970
Fax (406) 846-3819

October 16, 2012
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OCT 18 2012

NATURAL RESOURCE
DAMAGE PROGRAM

Members of NRDP.


I am writing to applaud your decision to not spend 8 million dollars on a pedestrian bridge over the Clark Fork River. It was a frivolous plan and a waste of money. Funding the building of a Community Center would have been more beneficial to the community but that didn't qualify as it would not have improved the river. Actually creating a state park did not directly affect the fish but hopefully the park will benefit the community in spite of the disruption to some home owners in the vicinity.

Again, I appreciate your careful consideration in the expenditure of available funds.

Gwen Thibodeau

185 Marshall Canyon Rd.

Missoula, MT. 59802

 Ms. Gwen Thibodeau
1850 Marshall Canyon Rd.
Missoula, MT 59802

From: Pete & Karen [<mailto:drm3591@blackfoot.net>]
Sent: Monday, October 22, 2012 4:41 PM
To: Natural Resource Damage Program
Subject: Comment on Upper Clark Fork River Basin Project

I am a resident of Drummond, Montana voicing support for the proposed Riverside park. When approached by the landowner about the possibility of the Kiwanis Club acquiring the land, the Club had the foresight to realize its potential, have an appraisal, and look into applying for a grant to take advantage of monies being disbursed by the Department of Environmental Protection for remedial clean up and restoration of locations adversely affected by years of upstream mining and smelting activities by ARCO.

This appears to me to be a project that, as well as remediation and preservation of the wetlands and the floodplain along this section of the Clark Fork River, will provide the means for creation of a park with the possibility of providing recreational amenities for local persons as well as tourists looking for an attractive spot to pull off the road and take advantage of what western Montana has to offer—wildlife viewing, fishing access, and trails for walking or biking.

I hope for an enthusiastic response from town and community members in helping this project move forward.

Count me in!

Karen DesRosier
PO Box 285
Drummond, MT 59832

(406) 288-3591

From: Joe Mehrens [<mailto:joem@sd10.org>]
Sent: Tuesday, October 23, 2012 4:35 PM
To: Natural Resource Damage Program
Subject: Silver Lake

This e-mail is in regards to the Silver Lake Watershed Project, I fully support the Silver Lake Watershed project sponsored by Butte Silver Bow. I believe the project would help alleviate the existing concerns of fish and wildlife habitat and associated recreational opportunities for damaged aquifers in Butte and Anaconda. Thank you for your time and consideration in this matter.

Joe Mehrens
WK Dwyer Principal
1601 Tammany Street
Anaconda, MT 59711
406-563-5269 x1945
mehrensj@sd10.org

Believe you can, and you can. Belief is one of the most powerful of all problem dissolvers.
Norman Vincent Peale

From: Gloria O'Rourke [<mailto:gloria.orourke@gmail.com>]
Sent: Tuesday, October 23, 2012 4:53 PM
To: Natural Resource Damage Program
Subject: Public Comment regarding Silver Lake Watershed Project sponsored by Butte Silver Bow.

To whom it may concern:

I am in support of the Silver Lake Watershed project sponsored by Butte Silver Bow.

The Upper Clack Fork River is plagued with low water and the Butte Silver Bow proposal would transfer an existing in-stream flow right to the state of Montana. This water was historically industrial water that can now be used for the benefit of fisheries. Butte has purposed to repair the dam on Silver Lake making 10,000 acre feet of stored water available to be released when necessary.

Other parts of this project could include a fishing access to Silver Lake, improvements to Storm Lake and improved trout spawning channels.

In addition to benefits to the fish, Anaconda would have secure dams above our town that would store water to be released when FWP feels it would most benefit trout and recreation fishing.

Thank you,
gloria

--

Gloria O'Rourke, Member
Montana Economic Development Services, PLLC
118 E. Seventh St.; Suite 2A (Third Floor)
Anaconda, MT 59711
Ph: 406.563.5259 Cell: 406.490.0462
Fx: 406.563.5476
<http://www.medamembers.org>
<http://www.montanaambassadors.com>
<http://www.anacondacommunityfoundation.org>
<http://worksafemt.com>

From: jan stergar [<mailto:janstergar@yahoo.com>]

Sent: Tuesday, October 23, 2012 8:33 PM

To: Natural Resource Damage Program

Subject: Silver Lake proposal

I am a lifetime resident of Montana and feel its very important to let you know that I support the Silver Lake Proposal.

Please support Montana

Sincerely,
Jan Stergar
(406) 563-7415

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OCT 24 2012

NATURAL RESOURCE
DAMAGE PROGRAM

Jim Davis
542 Frontage Road
Drummond, Mt 59832
406 288-3898 c 406 239-4453
jimmy@blackfoot.net

10/21/12

N R D P

P.O. Box 201425

Helena, MT 59620

Re: Drummond Riverside Park Project (NRDP restoration project)

Dear Committee Members:

I have been told that the Drummond Kiwanis have applied for N R D P funds, \$96,000 to procure and develop a 38 acre park. I urge your committee to allocate the requested funds to the Drummond Kiwanis Club for the Riverside Park, as it is the best project of all proposed projects to the N R D P.

~~The~~ The Riverside Park project cost very little compared to the rest of the N R D P proposed projects. Anglers, Duck Hunters, Joggers, Nature lovers, from Missoula to Helena, From Butte to Drummond would be able to stop and enjoy this proposed Riverside Park. This would bring a little more commerce to our local businesses which Drummond really needs.

Thanks you for considering to fund Drummond's Riverside Park Project.

Respectfully,
Jimmy Davis



Camas Project Solutions

Project management strategic planning, outreach & grant writing services for community groups, agencies, organizations, individuals and small businesses.

October 24, 2012

Natural Resources Damages Program

1301 East Lockey Street
PO Box 201425
Helena, Montana 59620

Dear Carol Fox,

I am writing you to show my support for and provide comment on NRDP's draft decision (*Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans*) to support the Warm Springs Creek restoration in Washoe Park and Hafners Dam, Anaconda, Montana.

As representative of this project, I appreciate the opportunity to share this project with the NRDP for possible funding. I strongly support NRDP's decision to include it in the draft funding schedule. This project has many natural resource benefits (many of them urgent). The proximity of the project and frequency of use by Anaconda residents is an added benefit. Anaconda has long suffered from severe mining related damages. This project will provide education, recreation, and natural resource restoration in what is already a high traffic area and is expected to be a showcase restoration project. Thank you for showing your support.

I would like provide a two key comments:

1. I suggest the language provided in the draft document does not fairly represent the project. While the original abstract did not contain a detailed budget (as noted in footnote 6), the abstract specifically cited the natural resource components of the project for which funding was requested. While not requested from NRDP in the original abstract announcement, a detailed budget was provided upon request from NRDP (also noted in footnote 6). The natural resource restoration components and recreation components cited and their location in the watershed are a clear fit with NRDP priorities. However, the specific designs await final master plan approval. I do agree that the project would work closely with NRDP on evaluation of final NRDP funding components.
2. In general, I believe projects in the upper portions of the watershed should be given higher priority than projects in the lower portion of the watershed. Projects in the upper portions:

-
- Provide restoration in regions that suffer the greatest impacts from mining related damages, and
 - Restoration completed in the upper portions of the watershed can provide a downstream benefit to lower portions of the watershed, and the reverse is not necessarily true.

Congratulations to the NRDP staff and Advisory Council for your effort and progress in reviewing proposed restoration plans and developing the draft restoration plan. Thank you for your time and your careful consideration on the allocation of these important funds.

Sincerely,

Jen Titus
Camas Project Solutions

From: Samantha Barkell [<mailto:SBarkell@glacierbank.com>]

Sent: Wednesday, October 24, 2012 9:02 AM

To: Natural Resource Damage Program

Subject: for the NRDP project

I am in total support of this project, it is time for something.

Thanks,

Sammie Barkell

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From: Toni Devich [<mailto:tdevich@glacierbank.com>]

Sent: Wednesday, October 24, 2012 9:06 AM

To: Natural Resource Damage Program

Subject:

the myers dam and silver lake project sounds like a good project to me i am for it toni devich

TONI DEVICH

307 E PARK

ANACONDA, MT 59711

406-563-5203

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From: Cathie Vauthier [\[mailto:cvauthier@glacierbank.com\]](mailto:cvauthier@glacierbank.com)

Sent: Wednesday, October 24, 2012 9:14 AM

To: Natural Resource Damage Program

Subject: NDRP program

I am in favor of the Silver Lake, Meyers Dam project. Cathie Vauthier 504 Maple St. Anaconda, Mt 59711

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From: Linda Ivankovich [<mailto:L.Ivankovich@glacierbank.com>]

Sent: Wednesday, October 24, 2012 9:32 AM

To: Natural Resource Damage Program

Subject: proposed projects of Mark Sweeney

To: nrdp,

I am definately in favor of Mark Sweeney's Natural Damage Resource Program involving the Meyers dam, west of Anaconda, access to Silver Lake, and improvements to Storm Lake.

Sincerely,

Linda M Ivankovich

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and delete the original message.

From: Ed Silverstein [<mailto:incites@dishmail.net>]
Sent: Wednesday, October 24, 2012 10:23 AM
To: Natural Resource Damage Program
Subject: ADLC, Warm Springs Creek Restoration, Washoe Park and Washoe Park Foundation

RE: ADLC, Warm Springs Creek Restoration, Washoe Park and Washoe Park Foundation

To whom it may concern,

I strongly support the restoration projects mentioned above. I would be particularly interested in a fenced dog park in Washoe Park. There is a perfect location for the park at what I believe is the north east end of the park near the duck pond where 2 creeks boarder a spit of land and meet at the end

I think it should be patterened after the park in Missoula in which dogs enter through a double fenced gate that prevents escape and are allowed to run together off leash and access the River to drink or play. The area should include several stations with free plastic bags for cleaning up dog waste. Not only would this create a place where dogs and dog woners can socialize, but it would possibly help alleviate the problem with dogs allowed to roam loose in town and makes for a better experience for dog owners who might consider relocating to Anaconda and tourists who travel with their pets. In addition it would allow Anaconda to be included on web sites that promote dog friendly locals.

Ed Silverstein

Ed Silverstein,
Broker, SFR, RRS
Clearwater Montana Properties, Inc.
364 Brown Derby Lane
Georgetown Lake, MT 59711 USA
Licensed in MT
Ed@FishHuntSki.com

***406-498-6290 cell**
***1-866-558-4883 fax**
***800-577-3013 Main Office**
www.GeorgetownLakeMT.com
www.CMPMontana.com
www.CabelasTrophyProperties.com



From: Virginia Loran [<mailto:vloran@wet-llc.com>]
Sent: Wednesday, October 24, 2012 1:03 PM
To: Natural Resource Damage Program
Subject: Silver Lake

I want to voice my support for the Silver Lake Watershed project sponsored by Butte Silver Bow County. Fishing access, improved trout spawning channels, and repair of the dam at Silver Lake are vital to the Anaconda area.

Virginia Loran

Water & Environmental Technologies-Anaconda Office
118 E 7th Street, Rm 3H
Anaconda, MT 59711
Office: (406) 563-7476
Fax: (406) 563-7290
Cell: (406) 691-0015
vloran@wet-llc.com

Water & Environmental Technologies-Butte Office
480 East Park Street, Suite 200
Butte, Montana 59701
(406) 782-5220
(406) 723-1537-Fax

Water & Environmental Technologies-Great Falls Office
1321 8th Avenue North, Suite 103
Great Falls, Montana 59401
(406) 761-2290

From: Jay Slocum [<mailto:jslocum@wet-llc.com>]
Sent: Wednesday, October 24, 2012 5:09 PM
To: Natural Resource Damage Program
Subject: Silver Lake Watershed project - Public Comment

I feel that it is important to the Anaconda/Butte area to keep Natural Damage Resource Program (NRDP) projects and money in the upper Clark Fork Valley. This area has been hit hard by 100 plus years of mining and industry. Keeping the upper Clark Fork fisheries strong will not only help the environment but also help the economies in this area by creating increased recreational opportunities. By buy land such as the Spotted Dog and writing this area off as a lost cause because the contamination is too great is the absolute wrong thing to do. Send the money where it belongs, spend it in the upper Clark Fork Valley!

Sincerely,

Jay Slocum

TOWN OF DRUMMOND

114 A STREET

P.O. 195

DRUMMOND, MONTANA 59832

COUNCIL MEMBERS:

JUNE BOWLS, CARY McLURE

MIKE O'DELL, SAM WEAVER

MAYOR:

GAIL LEEPER

CLERK:

FRANKIE JONES

Montana's Natural Resource Damage Program Administrators:

The Town of Drummond is pleased to support the Drummond Kiwanis Club with the Drummond Riverside Park Project. The abstract proposed brings great enthusiasm to our community.

We believe the goal of this project is not only to share the health benefits of mind and body to our natural resources but would potentially boost our economy. The proposed walking path, wildlife viewing and fishing are a pleasing attribute to all who boarder our community.

The Drummond Kiwanis play such an important role in our community by their unceasing volunteerism. They have been superior to work with in the projects the Town of Drummond has accomplished with them. This project will require a strong network of caring and capable individuals. I believe we have that network in our community.

We look forward in working with the Drummond Kiwanis, County Commissioners, and Fish Wildlife and Parks to make this project a success for Drummond and the surrounding regions.

Sincerely,

Gail Leeper Mayor – Drummond Town Council

From: Alan Badar [<mailto:alan@albmt.com>]
Sent: Thursday, October 25, 2012 9:15 AM
To: Natural Resource Damage Program
Cc: 'Mark Sweeney'
Subject: NRDP Project Support

This message is in support of the NRDP Silver Lake Watershed Project sponsored by Butte Silver Bow County.

This project provides infrastructure upgrades, stream flow water supply, and recreational opportunity improvements to BOTH Silver Bow and Anaconda Deer Lodge County residents. In addition, the project provides a great opportunity for the two counties to work together, cooperate and benefit.

Alan L. Badar
300 Hickory St
Anaconda, MT 59711

From: Lisa Jesse [<mailto:ljessedhs@blackfoot.net>]
Sent: Thursday, October 25, 2012 9:30 AM
To: Natural Resource Damage Program
Subject: Drummond Riverside Park

To Whom it may concern:

I would like to voice my support on the Drummond Riverside Park project. I feel this would be a great asset to our small community. We all love the great outdoors here in Montana, and this would allow us to teach our children the benefits of exercise and enjoying nature. Anything we can do to help our small community would be great. I hope you will support us in this project.

Thank you,

Lisa Jesse
School Secretary
Drummond Public Schools
PO Box 349/108 W. Edwards
Drummond, MT 59832
406-288-3281 (W)
406-288-3299 (F)

From: Donn Livoni [<mailto:dlivonidhs@blackfoot.net>]
Sent: Thursday, October 25, 2012 9:33 AM
To: Natural Resource Damage Program
Subject: Drummond Riverside Park

The Drummond School District is in full support of the proposed Riverside Park. It would be an excellent addition to the community and provide learning opportunities for our students.

Donn Livoni
Superintendent
Drummond School District
PO Box 349
Drummond, MT 59832
406 288-3281 ext. 222



BUTTE-SILVER BOW
OFFICE OF THE CHIEF EXECUTIVE

Courthouse, 155 W. Granite Street, Suite 106
Butte, Montana 59701-9256

October 25, 2012

Vivian V. Hammill, Chair
NRD Restoration Trustee Council
Natural Resource Damage Program
P.O. Box 201425
Helena, MT 59620-1425

Dear Ms. Hammill and Members of the Trustee Restoration Council,

Please accept this letter as my official request for the Trustee Restoration Council's immediate consideration and advancement of the City and County of Butte-Silver Bow's (BSB) grant application to the Natural Resource Damage Aquatics Restoration Program to Governor Schweitzer for his consideration. This grant funding will be utilized to complete the improvements to the various infrastructure components within the Silver Lake watershed in exchange for BSB allocating 10,000 acre-feet of stored water. By awarding this grant, the State of Montana will be guaranteed a water allocation that will be released (as directed by the State of Montana) for in-stream flow augmentation in perpetuity.

My team has reviewed the draft version of the Upper Clark Fork River Basin Aquatic Resources Restoration Plan that has been issued for public comment. We have subsequently held discussions with NRD staff to determine the status of our grant application as well as the development of a timely action plan. To date, we have not received an answer to our questions from the NRD staff.

We are very concerned with the current version of the Aquatic Restoration Plan that was released in September 2012, as there is no definitive plan to take action nor is there an established timetable for awarding the grants. Further, it appears that, as written, decisions will not be forthcoming for months.

It is important to note, that we have invested considerable resources (manpower and money) in preparing our grant application. This includes the completion of the Silver Lake Water System Master Plan that is based on:

1. Hydrologic models of the basin;
2. Confirmation of all water rights;
3. Establishment of a basin yield;

4. Completion of a "Source and Use" document; and
5. Establishment of a Capital Inventory and Improvement Plan (complete with preliminary engineering drawings and budgets).

We have completed considerable due diligence, and we have shared this knowledge (in its entirety) with the NRD staff. However, we are continually told that more due diligence is needed without being provided with the specifics of what is missing. Further, knowing that we need outside review and input, we have hosted multiple meetings with federal and state resource officials from the United States Fish and Wildlife Service, the National Forest Service, and the Montana Fish Wildlife and Parks. These meetings have taken place over the last three years.

Moreover, the Final Upper Clark Fork River Basin Interim Restoration Process Plan, approved by Governor Schweitzer in May of 2012, specifically targets the very projects we have proposed in our grant applications as "Encouraged Aquatic Restoration Activities" without identifying the allocation of in-stream flow augmentation by BSB. With this in mind, BSB proposes to offer the 10,000 acre-feet of stored water as a partnership with the State of Montana to broaden the stewardship of the watershed and the Upper Clark Fork River Basin. Since May, we have met with NRD staff, provided additional information upon their request, met multiple times in regards to the available flow augmentation, and yet the plan prepared by the NRD staff offers us little encouragement that our proposal is being considered in a timely manner. This is troubling because we have demonstrated that the Silver Lake Water System has historically provided the water necessary to accomplish the goals of this plan.

Taking all of this into account, we are left to believe that the decision whether the State is interested in this potential in-stream flow proposal for Warm Springs Creek and/or funding of the "Encouraged Aquatic Restoration Activities" is undecided and is proposed to be postponed until 2014. **It is for this very reason that I am requesting that this decision be advanced to Governor Schweitzer for his consideration for approval.**

It is without question that Governor Schweitzer has done an excellent job in accomplishing the goals and objectives of the Natural Resource Damage Program. He has not only been an advocate for restoring and rehabilitating the damaged resource, but just as important, he has consistently looked out for the best interests of the people of Montana today and for future generations. I believe the Governor's timely decision to fund our grant request (before his term expires) will add to his legacy as a man of action. We, in Butte, have always appreciated the Governor's scientific background that allows him to analyze and truly understand a project; and, more importantly, we appreciate his ability to take that knowledge and make the right decision.

Vivian V. Hammill

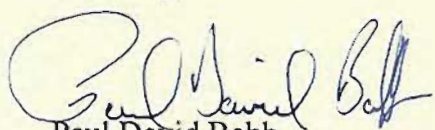
October 25, 2012

Page 3

Butte-Silver Bow and the State of Montana are at a crossroads, and we need to take immediate action to improve the Silver Lake Water System. This system is crucial to the entire health of the Clark River ecosystem and to the industries that rely on this water. Every day that passes adds to the deterioration of the system, and we have waited patiently for several years as the Aquatics Restoration Program was shaped and molded into the final plan. This is our chance to once again work together to truly improve the Clark Fork River ecosystem. Yet, the Aquatics Resource Restoration Plan that has been recently released proposes to unnecessarily prolong this process.

Thank you for your attention to this letter, and I implore you to act on my request. I would also like to extend the offer for me or any member of my team to meet with you personally to answer any questions you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul David Babb". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul David Babb

Chief Executive

cc: Dan Dennehy, BSB Public Works Director
Rick Larson, Public Works Operations Manager - Utilities Division

October (*current date*), 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

RE: Comment Letter on Draft Upper Clark Fork River Basin Aquatic and Terrestrial
Resources Restoration Plans

To Whom It May Concern,

1st Paragraph:

Please accept this letter as written comment on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Plan. I am a water user in the Racetrack Water Users Association.

2nd Paragraph:

We have made many strides to make progress with this project. We have been working with the Deer Lodge Valley Conservation District, Clark Fork Coalition and an engineering firm on The Racetrack Water Users Association Water Efficiency and Energy Conservation Project. Our efforts include preparation of a Preliminary Engineering Report and application to the Department of Natural Resource Conservation Renewable Resource Grant and Loan (RRGL) Program. We were pleased to learn that our grant preliminary ranking of the RRGL grant is ranked #1 of approximately 100 applications. If funded by the legislature, this provides \$100,000 of matching funds to our project.

3rd Paragraph:

Write to project merits in your own words:

- Create a reliable and effective irrigation water delivery system that reduces irrigation water diversion thereby increasing water returns to Racetrack Creek.
- Preserve 2,900 acres of irrigated farmland in the Deer Lodge Valley.
- Reduce the amount of "chronic dewatering" in Racetrack Creek.
- Reduce the fish entrainment in the Cement Ditch.

4th Paragraph:

The Racetrack Water Users Association Water Efficiency and Energy Conservation Project is currently listed as a group two flow augmentation project in the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan. Based on the preparedness of our

project, the availability of matching funds, and the importance of developing high quality, cool water from this FWP-identified priority one stream, we respectfully request that this project be moved to the group one list in the NRDP plan.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ted Beck", is written over a horizontal line.

(Name)

Racetrack Water User



October 24, 2012

Carol Fox
Natural Resource Damage Program
1301 East Lockey St
Helena, MT 59601

Dear Ms. Fox:

Please accept these comments on behalf of the George Grant Chapter of Trout Unlimited (GGTU) on the Long Range Guidance Plan developed by NRD. As you know, GGTU has been very active in the upper basin and with the NRD program, having successfully received two prior NRDP grants. Our chapter has a longstanding presence in the upper basin, and we work hard to represent the Butte-Anaconda region on fishery issues.

The NRD requested proposals through June 15, 2012. The final proposed plan consists of a good variety of worthy restoration projects for aquatic and terrestrial resources; however, GGTU has the following comments and concerns:

- The implementation of a June 15, 2012 deadline is an arbitrary date and should not preclude additional projects from being considered in the future if identified and determined to be a priority. Many important projects in priority drainages may still be needed, and these should not be precluded just because they were not submitted by this deadline.
- GGTU does not agree with allocation of the entire aquatic and terrestrial funds only with projects submitted by the June 15, 2012 deadline. Many of the submitted projects, although they may be viable and meet the NRD criteria, may not be as important for aquatic/terrestrial benefit due to location or type of project. GGTU recommends increasing the contingency to account for future unidentified restoration needs.
- The proposed abstracts are not proportional in number or value with the most damaged areas. As an example, GGTU believes more funds should be spent in the Silver Bow Creek watershed, since the fishery is most impacted in this portion of the basin. NRD has determined that a

barrier will be installed on Silver Bow Creek mainstem to allow the opportunity for a native westslope cutthroat (WCT) fishery in the Silver Bow Creek headwaters. In order to ensure success of this investment and to allow a healthy and sustainable native fishery to develop, more funds should be invested in upper basin tributaries with existing WCT populations (German Gulch, Browns Gulch, Blacktail). GGTU submitted a November 10, 2010 comment letter on the Tributary Prioritization Plans (attached) that included similar comments. It does appear that these comments were considered in the new plan.

- NRD spent significant money developing the Silver Bow Creek Watershed Plan in 2005. The plan identified 60 prioritized restoration needs. Although some needs have been addressed through other grants, none of these priorities were considered or included in the existing restoration plan. GGTU highly suggests incorporating these priorities into the long range plan, many of which should be given higher priority due to their location in more highly damaged areas.
- The plan states that the restoration plans will be re-evaluated every two years for the first 5 years, and then periodically thereafter. Frequent re-evaluation of restoration priorities is absolutely critical to this process, as there will certainly be new and developing restoration needs and priorities identified in the future. GGTU recommends continued re-evaluation of the restoration plan at a minimum frequency of every two years.
- GGTU would like to see more funding for fishing access sites (FAS). There is currently only \$1,000,000 allocated for 12 fishing access sites. As you know GGTU spent more than this total on the Paracni Pond FAS project alone. GGTU also recommends that additional FAS sites be added upstream of Warm Springs.

In summary, GGTU applauds the efforts of NRD and FWP staff in moving the restoration process forward. We would just caution that there is no need to rush into spending all of these funds without clear direction and regular re-evaluation of priorities. Although there is significant need for aquatic and terrestrial improvements throughout the basin, we would like to re-iterate that there are currently little or no fish opportunities in the basin above Warm Springs Creek. The 2008 Clark Fork River settlement included 96.5 million for remedy and another 26.7 million for restoration. With gathering interest, these settlement funds should be much greater by the time the cleanup is completed on the Clark Fork. Therefore, it is GGTU's opinion that many of the lower basin priorities should be funded with these settlement dollars.

We appreciate the opportunity to comment, and hope that you will seriously consider our suggestions.

Sincerely,



Bob Olson - President

George Grant Chapter of Trout Unlimited

Attachment A.
November 30, 2010 GGTU Comment Letter



November 30, 2010

Carol Fox
Natural Resource Damage Program
1301 East Lockey
Helena, MT 59601

Re: Comments on the Long Range Guidance Plan and Tributary Prioritization Plan for the Upper Clark Fork River Basin (UCFRB)

Dear Carol:

This letter details comments by the George Grant Chapter of Trout Unlimited (GGTU) regarding the *Conceptual Framework for an Upper Clark Fork River Basin Restoration Priorities Road Map* that is currently out for public comment. GGTU has been an active conservation organization representing the protection and restoration of fisheries and public access on behalf of a membership of over 300 residents in Southwest Montana for over 30 years. The Upper Clark Fork River has been a priority of GGTU for restoration work for many years; as a result, we consider our organization to be a major stakeholder in the restoration process and we plan to be very active throughout this process.

First off, I would like to commend the NRD staff for their management of the UCFRB Restoration Fund to date, and we realize that a tremendous amount of work has been spent drafting the latest version of the Long Range Guidance Plan. We also would like to recognize the effort by Montana Fish Wildlife and Parks in developing the Aquatic and Terrestrial Tributary Prioritization Plans. GGTU has listed comments specific to each plan. It is important that a guidance document be in place to ensure that restoration priorities are met.

Long Range Guidance Plan

GGTU believes that this revised version of the restoration "Roadmap" is an improvement over the original version released in 2008, and we support the majority of the document as written. Specific areas where GGTU does not agree with the roadmap are as follows:

- The unexpended funds remaining from the SSTOU Remediation fund should be reserved for

habitat and restoration projects within the Silver Bow Creek (SBC) watershed, including the mainstem and major tributaries (German Gulch, Warm Springs Creek, Mill Creek, Willow Creek, Blacktail Creek, Browns Gulch Creek, Basin Creek). These funds were allocated for Silver Bow Creek cleanup, and should remain in the watershed for that purpose, with an emphasis on aquatic restoration projects.

GGTU feels that the upper reaches of the basin are not receiving an appropriate amount of restoration funding proportional to the magnitude of damage incurred. The remedy work completed has improved the condition of Silver Bow Creek a great deal, but there are still tremendous strides needed to restore a viable fishery in the watershed. Contamination is still impacting the creek through contaminated storm water discharges, wastewater effluent, and ground water; and tributaries are impacted from mining, agriculture, and other sources, and their fisheries are marginal, at best.

The NRDP spent significant resources on the Silver Bow Creek Watershed Restoration Plan, which identified over 60 restoration needs within the watershed. Some of these priorities have been or are in the process of being addressed through previous grants, but there are dozens of needs left unaddressed that are identified as priority projects. Project should be selected based on priorities outlined in this plan, as well as other issues identified since the plan was completed. GGTU also adamantly opposes that any unexpended funds be spent on infrastructure for affected communities, since there are other portions of the settlement that address those issues. Although GGTU feels that there are restoration priorities far in excess of what available funding may be left from the SBC remedy, if there reaches a point where all major restoration needs in the Silver Bow Creek Watershed have been met with these funds, then it would be appropriate to consider these funds for projects throughout the UCFR basin. GGTU also recommends that a similar approach be taken with any unexpended Clark Fork River remedy funds.

- The funding priorities for recreational projects are too restrictive and should be re-evaluated. Although GGTU recognizes that there should be some limitations on recreational projects that constitute large land acquisitions that may not be the best use of funds; however, recreational projects, especially in the upper basin, should be eligible for funding. As GGTU understands this statement, the recent Fish Pond Proposal approved by NRD would not have been eligible for funding under these proposed rules. GGTU was a strong proponent of this project and strongly believes that similar-type projects should be eligible for funding. NRD needs to clarify this statement.

Tributary Prioritization Plans

The tributary prioritization plans were prepared over the past 2 years with a significant amount of effort expended by FWP and NRDP staff. These plans in their current state may represent a good starting point for directing funding priorities; however, GGTU feels strongly that as written these plans are not complete and much more work and discussion should be conducted before adopting them as final plans. As an example, the aquatic plan has dozens of streams that have not yet been prioritized. Also, GGTU would like to see more discussion on how the prioritization process was conducted, as it appears that some tributaries in the upper end of the UCFRB (Silver Bow Creek and Reach A) are lower priority than expected. An example would be Blacktail Creek, which is a Priority 3 classification

under the current plan. Blacktail Creek makes up the headwaters of the Silver Bow Creek, has an existing fishery, and this fishery includes native species, which should warrant a higher ranking. Also, Browns Gulch Creek, and important upper tributary with native fish population, has not yet been prioritized. GGTU asks for more discussion on these topics and for the aquatic tributary plan to be updated and more complete. Finally, there needs to be some recognition and consideration that additional funds may need to be spent on the Silver Bow Creek mainstem in order to restore a viable fishery.

Regarding the terrestrial prioritization plan, GGTU's only comment is that it appears that the upper basin has not been given adequate priority. As depicted in Figure 3, the terrestrial injured areas are all located upstream of Deer Lodge; however, it appears that the majority of terrestrial priorities are well outside of these areas. GGTU thinks these priorities should be re-evaluated.

A final comment regarding both tributary plans is they a.) do not include specific project recommendations, and b) do not include any detail on how implementation of projects will be conducted. It is critical that a significant amount of decision-making be made at the local and regional level, as opposed to managing the projects from outside the UCFRB. GGTU strongly supports the hiring of additional staff within the basin to work with local stakeholders in the development of restoration projects. Non-governmental organizations such as GGTU are keenly interested in being involved in this process; however, our ability to develop and manage large restoration projects is limited due to lack of paid staff. NRD and/or FWP needs to provide local staff within the basin to assist with the project development and implementation efforts.

GGTU appreciates the opportunity to comment on these documents. Please keep us informed on any activities related to these issues and others in the UCFR basin. As a local representative of fisheries improvement in the basin, we would like to be involved in the restoration planning to the extent possible.

Please pass this letter on to the Citizen's Advisory Board and Trustee Restoration Council on our behalf. Thank you for the opportunity to provide comments on these critical plans.

Sincerely,

George Grant Chapter of Trout Unlimited
Bob Olson - President

10/24/2012

Dear Committee Members:

Please stick with the current draft restoration plan that provides the best chance for recovery of the Clark Fork and its tributaries. The current plans were derived from a comprehensive, scientifically based process that thoroughly involved the public in their creation.

While I in no way denigrate the motives of local groups now pressuring you to spend money around the Butte area, I remind you that the Clark Fork and its tributaries flow through all of western Montana and the current plans rightfully address that geographic reality. I also point out that the current plans, which address the entire watershed, are in keeping with the letter and spirit of our Constitution, which declares that the waters of the State, and by analogy the remediation funds, are for the use of all the people of the state.

With this in mind I urge you not to vary from the current plans. The Clark Fork and its tributaries belong to all citizens of the state and they must be protected as a system to have any meaningful recovery of the river. The community of the Clark Fork includes all of us living within its watershed which is reflected in the current plan for spending of the remediation funds. Without healthy tributaries any remedial action to the main stem is meaningless. In particular, in stream flow of both tributaries and the main stem must be enhanced throughout the entire system in order to have a healthy fishery which is the hallmark of a restored river system. The current recovery plans will produce that end. Please do not let narrow interests, no matter how well intended, override the good of the entire system.

Sincerely,

George Corn

Hamilton, MT

Coleman, Kathleen

From: Tony Herbert <therbert@bresnan.net>
Sent: Thursday, October 25, 2012 10:46 AM
To: Natural Resource Damage Program
Subject: Support for Little Blackfoot Projects

Carol, Tom and staff at NRDP. I am writing to register my support for the continuation of the important funding for projects for the Little Blackfoot Watershed inside of the current proposals for the Clark Fork Basin remediation. There needs to be focus on both the mainstem *and* tributaries of the upper CF Basin. The Little Blackfoot River is an especially critical watershed and should continue to be emphasized in the restoration plan.

The Upper Clark Fork Tributaries are an integral part of the watershed and provide critical spawning habitat, seasonal refuge for fish, sources of high-quality water and significant public angling and recreational opportunities. This watershed is heavily recreated and fished by Helena anglers and many others – it is both deserving and appropriate to receive priority funding from the NRDP restoration program.

These proposed projects allow for the continuation of work with local land owners and provides for permanent enhancements to this important watershed.

Thanks you for all the work that you are doing to protect the Clark Fork River and its tributaries. The tributaries deserve equal treatment and are critical to long term remediation of the Clark Fork.

Tony

Tony Herbert, Past President
Pat Barnes Missouri River Chapter of Trout Unlimited
P.O. Box 275
Helena, MT 59624
406-449-7252
406-439-8075 (cell)
therbert@bresnan.net

Coleman, Kathleen

From: Cari Verlanic <cverlanic@blackfoot.net>
Sent: Thursday, October 25, 2012 10:56 AM
To: Natural Resource Damage Program
Subject: Drummond Riverside Park

To Whom It May Concern:

I would like you to know that I fully support and would utilize a walking trail in Drummond, Montana. I think anytime you have an opportunity to improve and enhance your community it is beneficial to all community members-young and old!

Thank-you,
Cari Verlanic

Coleman, Kathleen

From: Krista Johnson <kristalynne@hotmail.com>
Sent: Thursday, October 25, 2012 11:36 AM
To: Natural Resource Damage Program
Subject: Drummond Riverside Park

Dear Natural Resource Damage Program:

I am writing to voice my full support for the Drummond Riverside Park project. By funding this proposal, you will greatly help preserve the natural beauty of the Clark Fork River and its habitat while contributing to a community that would benefit greatly.

The environment around Drummond is a hidden gem. While driving around the area, you often see raptors, deer, elk, heron, pelicans and other wildlife. The water is perfect for fishing, but lacks many access points for both locals and visitors to enjoy the sport. At present, the area has no large areas that are preserved for pedestrian activity.

Creating a riverside park will help the community in so many ways. It will allow people to stop and observe the rich wildlife in the area. It will bring fishermen away from crowded fishing access sites and into our small community. New income from visitors will help to support our local economy. In addition, it will create a place for local people to walk in a beautiful, safe and natural setting. Like so many other communities in Montana, a number of our residents suffer from diabetes and heart problems. Creating a safe trail for walking, away from the highway, will improve the health and fitness of the people in our communities.

I am extremely pleased by this proposal. The Drummond area has been hit hard in the recession, and there has not been enough money available to improve the town. This park is an opportunity to enrich visitors' lives, augment our rural landscape and increase the health and happiness of our citizens. This investment in protecting Montana's natural resources would be money well spent and appreciated.

Sincerely,
Krista Johnson

Krista Johnson
kristalynne@hotmail.com | 406.691.1459
Visit www.KristaLynneJohnson.com.

Coleman, Kathleen

From: Tena Popken <tpopkendhs@blackfoot.net>
Sent: Thursday, October 25, 2012 11:49 AM
To: Natural Resource Damage Program
Subject: Drummond Riverside Park

To Whom it May Concern:

I am a resident of Drummond, Montana. I have heard that the Kiwanas is currently trying to get funding to create a Riverside Park with walking trails, picnic area, fishing access, bathroom facilities, etc. I feel that this would be a huge benefit for our community. I know that I would personally use the walking trails several times a week. I have often told people that I wish our community had something like this.

Thank you,

Tena Popken

Coleman, Kathleen

From: Chris Hunter <chrishunter@bresnan.net>
Sent: Thursday, October 25, 2012 11:48 AM
To: Natural Resource Damage Program
Subject: Little Blackfoot River

Hello Carol

I am writing in support of the proposals for the Little Blackfoot River that have been included in the Draft Upper Clark Fork Restoration Plan. These proposals include habitat and riparian restoration as well as instream flow projects.

I have a fair amount of background in this area having written a book on trout stream restoration (Better Trout Habitat, Island Press, 1991), worked for 15 years on the restoration of tributaries to Mono Lake in California and served as Chief of Fisheries for Montana Fish, Wildlife and Parks for 8 years. During my tenure as Chief of Fisheries we were involved in many significant restoration projects including the Blackfoot, Big Hole and Milltown on the Clark Fork not to mention dozens of smaller, native fish restoration projects around the state. Over the years we have learned that healthy tributaries are absolutely essential to the health of rivers. The tributaries provide clean, cold water and essential spawning and rearing habitat for native and introduced sport fish. We have learned there is really not that much spawning and rearing that takes place in main stem rivers. The tributaries are the nursery areas allowing the rivers to provide great angling opportunity. The tributaries also harbor the last populations of pure native fish such as westslope cutthroat trout.

There is a \$151M currently set aside for mainstem remediation and restoration. The return on this investment and the recovery of the mainstem relies on the successful restoration and reconnection of its tributaries. The \$16M set aside in this plan for tributary restoration and \$20M for flow projects are essential for the successful recovery of a functioning Upper Clark Fork watershed and fishery.

Since my retirement I have purposely not become involved in the many fishery issues around the state. I am making this exception because I feel very strongly that without this relatively small investment in the Blackfoot, the results of the work on the Upper Clark Fork mainstem will be disappointing to the many anglers that are looking forward to a great fishery on that river.

Selfishly, I would like to see these restoration projects on the Little Blackfoot because it has been my favorite place to fish for the past 30 years.

Thank you,

Chris Hunter
520 S. Rodney St
Helena, MT 59601

Coleman, Kathleen

From: lhash@blackfoot.net
Sent: Thursday, October 25, 2012 12:08 PM
To: Natural Resource Damage Program
Subject: Drummond Walking Park

We would like to express my support for the Drummond Walking Park in Drummond Montana. It would be a great benefit to the community.

Thank you,

Lynn and Kirk Hash
840 Drummond Frontage Road
Drummond, Montana 59832

Coleman, Kathleen

From: Dennis Cates <dennis@century21hr.com>
Sent: Thursday, October 25, 2012 12:27 PM
To: Natural Resource Damage Program
Subject: NRDP plan for Little Blackfoot

October 25, 2012

TO:
NRDP
1301 E. Lockey
PO Box 201425
Helena, MT 59620
Fax (406) 444-0236
Email: nrdp@mt.gov

From:
Dennis Cates
3924 Fawn Meadow Drive
Helena, MT 59602

I have fished the Little Blackfoot River for the last 31 years. It is a great recreational place not far from Helena. In spite of the fact that the stream faces challenges from irrigation dewatering and from channelization from highways, railroad, and landowners, it still provides recreation close to Helena and I have seen numerous fisherman on the stream from out of state over the years. The Little Blackfoot provides a source of quality water to the main stem of the Clark Fork near the town of Garrison. I also fish the Clark Fork River and most of the time my fishing in the Clark Fork River is below the confluence of it and the Little Blackfoot, because the fishing is better after the infusion of the waters of the Little Blackfoot. Enhancing the flows, temperatures and water quality of the Little Blackfoot would be a double win because it would also help the main stem of the Clark Fork river.

We have learned from the work that has been done on the Big Blackfoot River that investments in tributaries are critically important for the recovery of the main stem fishery.

I am of course interested in the revitalization of the main stem of the Clark Fork River, however it only makes sense to also take care of the major feeder streams to the main stem. The main stem can be no better than the composite of what the feeder streams have to offer. There is a \$151M currently set aside for main stem remediation and restoration. The return on this investment and the recovery of the main stem RELIES on the successful restoration and reconnection of its tributaries. The \$16M set aside in this plan for tributary restoration and \$20M for flow projects are CRITICAL for the successful recovery of a functioning watershed and fishery. The Little Blackfoot offers one of the largest if not THE largest source of both native and non-native sport fish to the upper river and is worthy of significant investment to meet the goals of the program.

Sincerely,
Dennis Cates

Coleman, Kathleen

From: Philip Scott Ziegenfuss <SCOTT.ZIEGENFUSS@GSK.COM>
Sent: Thursday, October 25, 2012 1:18 PM
To: Natural Resource Damage Program
Subject: comments re fisheries and wildlife habitat for Clark Fork River and tributaries

I am writing to voice my support for the draft plans for fisheries and wildlife habitat restoration along the Clark Fork River and key tributaries. I believe the plans are well conceived, scientifically rigorous, and are consistent with the intent and purpose of the settlements that resulted from the original natural resource litigation. The Clark Fork River, its tributaries, and the trust fund belong to all Montanans; and no single community or interest should dictate how the money is spent. Tributary restoration projects are necessary to improve the fishery in the main-stem Clark Fork, and without tributary investments the full value of the main stem efforts could be compromised.

Best Regards,

Scott Ziegenfuss
Hamilton, MT

Coleman, Kathleen

From: Doug Nation <douglas.p.nation@gmail.com>
Sent: Thursday, October 25, 2012 1:26 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

To whom it may concern,

Thank you for the opportunity to comment on the restoration plans created for the upper Clark Fork. I have read the plans and am impressed with the quality and scientific rigor they contain. I feel the plans are consistent with the intent of the agreement reached between the State of Montana and Arco and will do much to assure and improve the quality of the habitat and fishery we pass along to future generations.

The waters of the upper Clark Fork and its tributaries, along with the wildlife and fisheries it supports, belong to all Montanans, current and future. Helping that ecosystem recover from past indiscretions is exactly what we should be doing and for what the funds resulting from the agreement were intended.

I urge you to move forward with the plans, as drafted. Thank you, again, for consideration of my comments.

Best Regards,

Doug Nation
289 Bowman Rd
Hamilton, MT 59840

Coleman, Kathleen

From: taycro5@comcast.net
Sent: Thursday, October 25, 2012 1:40 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

I urge you to abide by the Clark Fork Restoration Plans and not be affected, or influenced by special interests. A healthy environment and healthy fish populations are something everyone benefits from. The plans as are, are thoughtfully crafted and based on science. They capture the intent of the settlements of the original natural resource litigation. The Clark Fork and other affected streams and the associated trust fund belong to all Montanans and not just a select few or special interests. To assure a healthy Clark Fork, restoration of tributaries, including adequate water flow, are imperative.

Howe Crockett
Vancouver, WA

Former Montana resident and current Montana TU member.

Coleman, Kathleen

From: Dan Crockett <dancrockett63@gmail.com>
Sent: Thursday, October 25, 2012 1:55 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

Folks,

I've been fishing the Little Blackfoot since I moved to Montana in 1989 and have fished the Clark Fork steadily all the way from Warm Springs to Tarkio. Throughout those years, I've been a committed member of both Trout Unlimited and the Clark Fork Coalition, and tried to help out as a steward of these rivers that have given so much to me. I have watched the incredible recovery that intelligent tributary restoration has created on the (Big) Blackfoot and believe the same is possible on the upper Clark Fork. That's why I'm writing today to urge you to stay the course with the tributary restoration plans currently in place on the Little Blackfoot, Harvey Creek, Warm Springs Creek and German Gulch. Those plans have been carefully crafted by fisheries professionals with a great deal of public input. Now is not the time to bow to backyard special interests. In the spirit of the original damage claim settlement, let's do what's best for the Clark Fork herself. Please stand strong with plans to restore and enhance these vital tributaries and to boost instream flows. This is what matters most for the health of the river and all the life that depends upon it. Thank you very much for all your good work, and for your serious deliberation on this choice. Sincerely,

Dan Crockett
7015 Siesta Drive
Missoula, MT 59802
406-546-9482

From: Karyn <kpatrick41@frontier.com>
Sent: Thursday, October 25, 2012 1:57 PM
To: Natural Resource Damage Program
Subject: Speak up NOW for the Little Blackfoot

To whom it may concern:

I am

1. a member of Trout Unlimited for 30 years
2. stream work chairman for Blackhawk Trout Unlimited
3. a regular visitor to Montana (Helena area)
4. come to fish and spend money while there

In my 20 plus years of stream restoration I have learned some things pertinent to how to do stream work. For us it starts with the springs, feeders and small tributaries. If you do your upper work then your main stem work will succeed. If you don't, every episode in those tributaries could doom your work in the main stream.

Dave Patrick
Blackhawk Trout Unlimited in Wisconsin

Coleman, Kathleen

From: Graham, Loren <lgraham@carroll.edu>
Sent: Thursday, October 25, 2012 2:14 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

October 25, 2012

To Whom It May Concern:

As an interested Montana citizen, I want to comment on the draft plan for the Clark Fork and its tributaries. In my view, the plan is a good one. It is based on good science, and it adheres to the letter and the spirit of the settlement agreement that came out of the original Arco lawsuit. It seems by far most important to me that in-stream flows be kept in the plan: there's no point in having a restoration for a river if there isn't enough water in it to support the habitat we're trying to restore. Anything else we do is meaningless if sufficient flows are not present all through the year, even in times of naturally lower water in the summer and in drought years.

As someone who loves to fish the Little Blackfoot River, I see this issue as important for the tributaries as well as the main stem of the Clark Fork. Once again, you can't help a river without helping its tributaries: a watershed is a package, and breaking that package up into arbitrary parts will hurt all of those parts. The tributaries need attention both for their flows and for other issues that would otherwise degrade the habitat of the main stem of the Clark Fork. Stream restoration projects that extend up the tributaries should therefore be retained in the plan.

I realize that when millions of dollars are involved, it is tempting for some local folks in cities and towns near the river to get dollar signs in their eyes and start devising all kinds of ways to spend the trust fund to benefit their own local community. I also understand, in a difficult economy, why that happens, and I don't really blame them for trying. But that's not the way we should go. I would like to point out that the trust fund doesn't belong to any one particular community or group. The Clark Fork is a long river, and its tributaries spread out to lots of different locations in Montana and beyond. Those rivers and streams and the fish that swim in them are part of the heritage of all of us Montanans, not just those who happen to live nearest to the river banks, and the degradation of those waters was a blow to every Montanan, not just a select few. Consequently, the trust fund monies that were meant to restore that watershed should be spent to restore the whole watershed for everyone, not diverted into pet projects that don't have an obvious relation to the restoration of the river itself.

Thanks for hearing my concerns.

Sincerely,

Loren Graham
Helena MT

Coleman, Kathleen

From: Robert Kircher <rkircher@bresnan.net>
Sent: Thursday, October 25, 2012 2:20 PM
To: Natural Resource Damage Program
Subject: ATTN: restoration plans for the Clark Fork River and tributaries

Dear NRDP:

As a Trout Unlimited member of many years and, of course, a fly fisherman of Montana rivers, creeks and streams, I urge you be faithful to the original Clark Fork *et al* fisheries restoration plan that resulted from the natural resources settlement litigation. We understand that you may be under pressure to steer all or the lion's share of that financial settlement into projects exclusively around Butte that include programs not related to fishery restoration.

It seems unnecessary to have to remind you that your role and, indeed, the clear intent of the natural resources settlement is for all Montanans. The tributary projects associated with the original restoration program design are vital aspects for river and fish population health. To allow these programs to languish or be replaced by other *unintended* and unexplored or scientifically unexamined programs or projects defeats good sense, the established objectives of the litigation settlement, the general public interest and certainly may call into question the motives underlying your thinking and organizational purpose.

Thank you for your attention. And, again, I, as a great many others, urge you to do the right thing in this case.

Sincerely,

Robert Kircher
8061 Grebe Court
Missoula, 59804

Coleman, Kathleen

From: don shattuck <dlsmsla@gmail.com>
Sent: Thursday, October 25, 2012 2:37 PM
To: Natural Resource Damage Program
Subject: Clark Fork River Restoration Plans

Dear Sirs:

The plans in question seem to be well thought out and serve to honor the intent of the original litigation. The Clark Fork and the streams running in to it need this restoration to improve fisheries and bring the streamside environment back to something close to it's original condition. All of Montanans will benefit from the plan as it stands, please go forward with it.

Don Shattuck

Coleman, Kathleen

From: sarah bates <sarahbates@bresnan.net>
Sent: Thursday, October 25, 2012 2:39 PM
To: Natural Resource Damage Program
Subject: Comments on NRD Draft Restoration Plan

Greetings,

I write as a citizen and resident of the Clark Fork River Basin, to express my hope that Governor Schweitzer will approve the NRD draft restoration plan so that work will proceed as quickly as possible in the coming year to achieve all the objectives it spells out.

I appreciate the excellent science-based principles that underlie the plan's components, all of which are consistent with the key elements agreed to by the parties who settled the litigation over natural resource damages. I realize that there have been many efforts to divert these resources to other local projects, but it is essential to maintain the integrity of the program by using the funds as they were intended--to restore the resources of the Upper Clark Fork River.

I also appreciate the process that got us to the draft plan, as it engaged basin residents and affected parties in an interactive conversation about opportunities to restore the river and its environs--and to do so by applying funds to the places where the opportunities are best for the maximum ecological benefit.

In this noisy election season, it can be easy to forget that there are many important public decisions happening apart from the polling on November 6.

Please register my strong vote of support for this NRD Restoration Plan, and ensure its implementation as soon as possible.

Sarah Bates

2717 Raymond Ave.
Missoula, MT 59802
406-207-9071

Coleman, Kathleen

From: Jamie Parke <jparkedhs@blackfoot.net>
Sent: Thursday, October 25, 2012 3:48 PM
To: Natural Resource Damage Program
Subject: Potential walking trail park in Drummond

To whom it my concern:

I am writing this e-mail in support for the possible walking trail park in Drummond, MT. What a great addition for the community to enjoy our beautiful surrounding. I believe it would also boost the local economy through drawing in people from the surrounding cities. Thank you for your consideration of this new walking trail park.

Sincerely,

Jamie Parke

Drummond Public Schools
Business Manager/District Clerk
P.O. Box 349/108 West Edwards
Drummond, MT. 59832
406-288-3281 (W)
406-288-3299 (F)

Coleman, Kathleen

From: Shelley Johnson <shelleyreidjohnson@gmail.com>
Sent: Thursday, October 25, 2012 4:13 PM
To: Natural Resource Damage Program
Subject: Drummond Riverside Park

The proposal by the Drummond Kiwanis Group and the Drummond Town Council to create a Riverside Park area along the Clark Fork River south of Drummond is a plan that I fully support.

This would allow for the public to have a nice area for recreation, walking, bird watching, picnicing and fishing access to name just a few activities. The site is in an area that is close enough to town and is easily accessible to those wishing to take advantage of the park area. It would provide opportunities for all ages to benefit by its existence and would be a draw for travelers and other residents of the state. It is a large enough area that many activities could be happening at the same time with plenty of room for all to partake.

Recreational access is always needed, and this is a great location for developing such a site.

Thank you for your consideration.

Sincerely,

Shelley Reid Johnson

Coleman, Kathleen

From: Garrett Fawaz <nuclearline@hotmail.com>
Sent: Thursday, October 25, 2012 5:38 PM
To: Natural Resource Damage Program
Subject: Letter of Support for the Draft Upper Clark Fork Basin Aquatic and Terrestrial Resources Restoration Plan
Attachments: Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan Letter of Support.doc

To Whom It May Concern:

Good day.

Enclosed please find the Pat Barnes Missouri River Chapter of Trout Unlimited's Board of Directors letter of support for this restoration plan.

We appreciate the opportunity to provide this support and the efforts to date by the NRDP and the Advisory Council.

Please direct any questions to me at 406.461.6661.

Best regards,

Garrett Fawaz, President
Pat Barnes Missouri River Chapter of Trout Unlimited
Helena, MT



Pat Barnes Missouri River Chapter of Trout Unlimited
P.O. Box 275, Helena, MT 59624
www.patbarnestu.org

To: NRDP
1301 E Lockey
PO Box 201425
Helena, MT 59620

Subject: Support of the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan

On behalf of the Board of Directors of the Pat Barnes Missouri River Chapter of Trout Unlimited, we unanimously and completely support the current draft of the Upper Clark Fork River Basin and Aquatic and Terrestrial Resources Restoration Plan.

Throughout our chapter's 35 years of existence, we have demonstrated through numerous projects and direct monetary funding our dedication and commitment to protecting and restoring the Little Blackfoot River watershed. As clearly stated in numerous documents and by several biologist, the systematic restoration of the Clark Fork River tributaries are the major factor in restoring the fishery. These integral tributaries provide acute spawning habitat, seasonal refuge for fish, excellent sources of high-quality water and significant public angling and recreational opportunities. In this regard, the Little Blackfoot River has been identified as a critical tributary and watershed and must continue to be emphasized in this restoration plan. It is both deserving and appropriate for the Little Blackfoot River to receive priority funding from the NRDP restoration program.

In closing, the Pat Barnes Chapter of TU has a long history of successfully working with landowners, agencies and the public in identifying needs for the Little Blackfoot River. These proposed projects allow for this work to be possible and provide permanent enhancements to this most important watershed.

Sincerely,

Garrett Fawaz, President
Pat Barnes Missouri River Chapter of Trout Unlimited
Helena, MT

Coleman, Kathleen

From: John Rincker <johnrincker1@gmail.com>
Sent: Thursday, October 25, 2012 7:30 PM
To: Natural Resource Damage Program
Subject: Upper Clark Fork restoration

I wish to endorse the plan for the upper Clark Fork River restoration for the following reasons:

- The plans are well done, scientifically rigorous, and, importantly, that they are faithful to the intent and purpose of the settlements that resulted from the original natural resource litigation.
- The Clark Fork River, its tributaries, their fish, and the trust fund belong to **ALL** Montanans; and thus no single community or interest should dictate how the money is spent.
- Tributary restoration projects are necessary to improve the fishery in the main-stem Clark Fork, and without tributary investments the full-value of the main stem efforts could be compromised.
- In stream flow enhancement in both the tributaries and the main-stem should be a priority of the fishery restoration plan - more water means more fish.

Thank you,

John Rincker

Coleman, Kathleen

From: Petersonangus <petersonangus@aol.com>
Sent: Thursday, October 25, 2012 8:37 PM
To: Natural Resource Damage Program
Subject: Drummond Riverside Park

This letter is in support for funding the Drummond Riverside Park. The project, proposed by Drummond Kiwanis, would greatly enhance our community and provide benefit to the local schools, as well as protecting important wildlife habitat.

Sue and Randy Peterson
Box 427
Drummond, MT 59832

Duplicate

Carol Fox
NRDP
1301 Lockey Street
PO Box 201425
Helena, MT 59620.

Dear Ms. Fox:

The Upper Clark Fork River NRDP has received a multitude of proposals. One which deserves scrutiny and support is Butte Silver Bow's proposal to repair the dam of Silver Lake. The repair of a dam while simple has complex beneficial outcomes.

The Silver Lake system offers an opportunity to manage vital in stream flow of water for the Upper Clark Fork. The control of the water in the dam will enhance the fishery by providing a means to deliver water when needed to meet in stream flows required in the upper reaches of the system. A second benefit is to provide flood control to prevent downstream erosion of other restoration efforts. The storage capacity assures the water will be here and controlled when we need it.

There are many other beneficial opportunities provided for in the Silver Lake Dam proposal which garners interest and support in Anaconda Deer Lodge County. The enhancement of bull trout via a fish ladder is a component of the plan which will help assure the survival of the species. The proposal enhances the ability to develop an auxiliary fish hatchery to further promote the bull trout population is another plus in the plan.

The Silver Lake proposal will provide additional *fishing* access to Silver Lake. This fishery is growing in popularity in the area. The permanent transfer of water right for the fisheries will further strengthen Montana's claim to this water, particularly in an age where downstream claimants want to control Montana's water resources.

I urge the Counsel and Governor to support the project for its multitude of benefits.

Respectfully,

James H. Davison
118 E 7th St
Anaconda MT 59711

Coleman, Kathleen

From: Amy Knight <aknightglass@gmail.com>
Sent: Friday, October 26, 2012 6:17 AM
To: Natural Resource Damage Program
Subject: Clark fork restoration plan

I understand you are taking public comments on what to with the river and its tributaries. I hope that money will continue to be used for fish and wildlife restoration. A good job is being done so far.

It's good for fisherman, kayakers, rafters, hikers and bird watchers locally and brings in tourists to the area Thank you
Amy Knight Stevensville Montana

Sent from my iPhone

Coleman, Kathleen

From: Tim Anderson <tanderson@blackfoot.net>
Sent: Friday, October 26, 2012 7:45 AM
To: Natural Resource Damage Program
Subject: Drummond

To All Whom It Concerns:

Drummond Riverside Park:

As of now there really isn't a place to walk except the street. Our sidewalks are great and if you wanted to do any walking you would do it out on a road somewhere. A simple upgrade to our community would be so uplifting, please consider our small community for this project...

Thanks, Tim Anderson

Drummond Teacher/Citizen

October 16, 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

RE: Comment Letter on Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans

To Whom It May Concern,

Please accept this letter as written comment on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Plan. I am a water user in the Racetrack Water Users Association.

We have made many strides to make progress with this project. We have been working with the Deer Lodge Valley Conservation District, Clark Fork Coalition and an engineering firm on The Racetrack Water Users Association Water Efficiency and Energy Conservation Project. Our efforts include preparation of a Preliminary Engineering Report and application to the Department of Natural Resource Conservation Renewable Resource Grant and Loan (RRGL) Program. We were pleased to learn that our grant preliminary ranking of the RRGL grant is ranked #1 of approximately 100 applications. If funded by the legislature, this provides \$100,000 of matching funds to our project.

Project merits:

- Create a reliable and effective irrigation water delivery system that reduces irrigation water diversion thereby increasing water returns to Racetrack Creek.
- Preserve 2,900 acres of irrigated farmland in the Deer Lodge Valley.
- Reduce the amount of "chronic dewatering" in Racetrack Creek.
- Reduce the fish entrainment in the Cement Ditch.

The Racetrack Water Users Association Water Efficiency and Energy Conservation Project is currently listed as a group two flow augmentation project in the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan. Based on the preparedness of our project, the availability of matching funds, and the importance of developing high quality, cool water from this FWP-identified priority one stream, we respectfully request that this project be moved to the group one list in the NRDP plan.

By moving this project to the group one list you would be helping to insure that money already spent on the purchase of two thirds of Racetrack Lake (four hundred thirty three acre feet) and the proposed purchase of the number fifteen right on Racetrack Creek (four hundred inches). Now couple that with the water savings from phases one two and three of the Racetrack Pipeline project would double the proposed instream flow of these projects on their own (an additional 4.5 CFS from approximately July fifteen thru September fifteen when Racetrack Creek is at its lowest flow), changing the instream flow for this period of time from approximately 4CFS to 8CFS.

Sincerely,

Vanisko Ranches Inc.
Jim & Charla Berg
Racetrack Water User

any questions please call

Cell - 560-0018

October 16, 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

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Sincerely,

Melvin Beck Ranch LLC

Racetrack Water User

October 16, 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

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Sincerely,

Karl P. Berg

Racetrack Water User

October 16, 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

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Sincerely,

Karlee Berg

Racetrack Water User

October 16, 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

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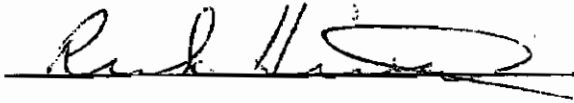
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Sincerely,

A handwritten signature in black ink, appearing to read "Rick Hanson", written over a horizontal line.

Racetrack Water User

October 16, 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

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Sincerely,



Racetrack Water User

October 16, 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

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To Whom It May Concern,

Please accept this letter as written comment on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Plan. I am a water user in the Racetrack Water Users Association.

We have made many strides to make progress with this project. We have been working with the Deer Lodge Valley Conservation District, Clark Fork Coalition and an engineering firm on The Racetrack Water Users Association Water Efficiency and Energy Conservation Project. Our efforts include preparation of a Preliminary Engineering Report and application to the Department of Natural Resource Conservation Renewable Resource Grant and Loan (RRGL) Program. We were pleased to learn that our grant preliminary ranking of the RRGL grant is ranked #1 of approximately 100 applications. If funded by the legislature, this provides \$100,000 of matching funds to our project.

Project merits:

- Create a reliable and effective irrigation water delivery system that reduces irrigation water diversion thereby increasing water returns to Racetrack Creek.
- Preserve 2,900 acres of irrigated farmland in the Deer Lodge Valley.
- Reduce the amount of "chronic dewatering" in Racetrack Creek.
- Reduce the fish entrainment in the Cement Ditch.

The Racetrack Water Users Association Water Efficiency and Energy Conservation Project is currently listed as a group two flow augmentation project in the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan. Based on the preparedness of our project, the availability of matching funds, and the importance of developing high quality, cool water from this FWP-identified priority one stream, we respectfully request that this project be moved to the group one list in the NRDP plan.

By moving this project to the group one list you would be helping to insure that money already spent on the purchase of two thirds of Racetrack Lake (four hundred thirty three acre feet) and the proposed purchase of the number fifteen right on Racetrack Creek (four hundred inches). Now couple that with the water savings from phases one two and three of the Racetrack Pipeline project would double the proposed instream flow of these projects on their own (an additional 4.5 CFS from approximately July fifteen thru September fifteen when Racetrack Creek is at its lowest flow), changing the instream flow for this period of time from approximately 4CFS to 8CFS.

Sincerely,

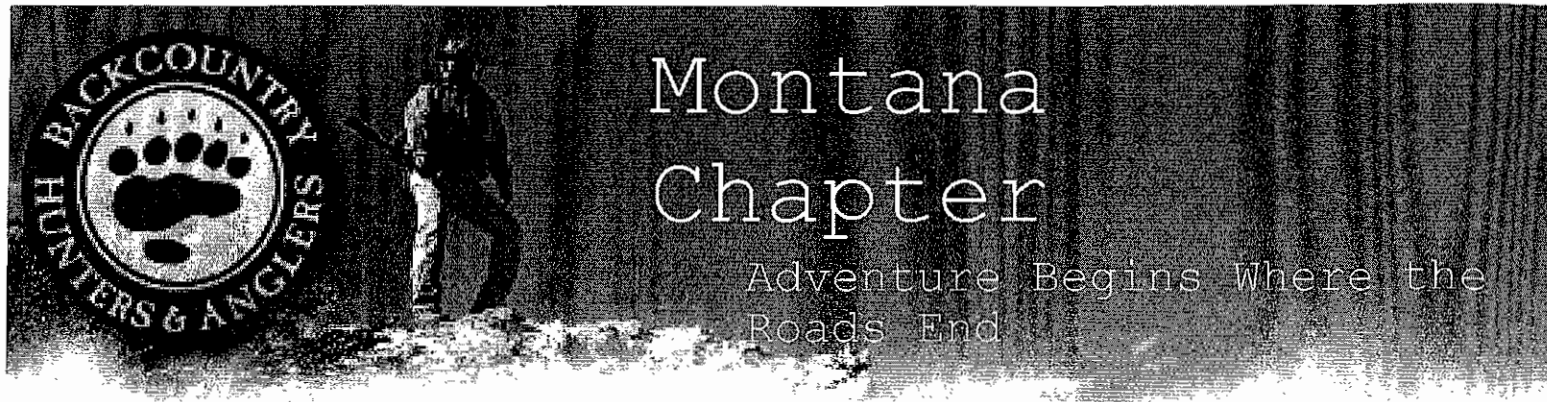


Racetrack Water User

Coleman, Kathleen

From: greg munther <munther@bresnan.net>
Sent: Friday, October 26, 2012 8:08 AM
To: Natural Resource Damage Program
Subject: Natural Resource Damage Draft Plan
Attachments: Clark Fork Basin Natural Resource Plan.doc

Please find attached letter and include as public comment



Montana Chapter

Adventure Begins Where the
Roads End

1295 Lena Lane
Missoula, MT 59804

October 26, 2012

To Whom It May Concern:

The Montana Chapter of Backcountry Hunters and Anglers is comprised of Montana hunters and fishermen who value protection and restoration of both fish and wildlife habitat, as well as ensuring traditional hunting and fishing opportunities for not only the present, but for future generations of hunters and fishermen as well.

Montana Chapter of Backcountry Hunters and Anglers strongly endorses the thoughtful and strategic draft Natural Resource Damage plan to spend \$65.5 million to restore fish and wildlife habitat in the Clark Fork Basin as well as develop some additional outdoor recreation opportunities. The plan appropriately focuses on restoring those fish and wildlife resources which were the basis of the BP-ARCO lawsuit, and is both ecologically and science based.

While the upper Clark Fork remains a beautiful valley, the underlying damage to the fishery is largely unseen, but well known by our ardent Montana fishermen members. Reduction of contaminants, restoring fishery connectedness to the entire watershed, reduction of past damage to wildlife and fish can be expensive. Because such funding is a rare, one time opportunity, we believe remaining funding must be spent on those projects that positively restore those resources that were the basis of the BP-ARCO lawsuit.

Acquisition of instream flows will both help to enhance the main Clark Fork channel fishery, as well as restore connectedness to important tributaries. We acknowledge that screening irrigation diversions will be important to prevent fish loss to irrigation intakes. Terrestrial projects should be prioritized to provide or restore those wildlife habitat elements that are limiting factors to abundance. Much of these limited terrestrial habitats now occur primarily on private lands, therefore easements or private land acquisitions should be considered.

Sincerely,

s/greg munther

Greg Munther, Chairman

Montana Chapter Backcountry Hunters and Anglers

From: Connie Jones <cjones@blackfoot.net>
Sent: Friday, October 26, 2012 8:37 AM
To: Natural Resource Damage Program
Subject: Support for proposed park

This letter is in support of the proposed park at Drummond. This community has long needed such a facility and it will definitely be used. Our community has a good mix of youth, young adults and older adults interested in the walking/biking trails and would be a much safer place than walking along Hwy 1, as is currently done.
Thank you.

Connie Jones
Drummond

Coleman, Kathleen

From: Mark Sommer <msommer@apleco.com>
Sent: Friday, October 26, 2012 8:55 AM
To: Natural Resource Damage Program
Subject: Comments

Hi,

I want to submit a few comments regarding the aquatic and terrestrial resource plans.

1. I think a table would be handy showing whether or not the submitted proposals are moving forward as terrestrial projects. As the document is now, one has to read through a lot of narrative to determine if a proposal is moving forward. For example, maybe add a column to Table 4-4 title something like "Project Idea #(s) Moving Forward" and then show the project numbers in the rows below. For example, for the "Deer Lodge South" priority landscape it would be #s 52 and 73.

2. It is not clear in terrestrial what will happen if projects in a priority landscape do not come together. For example, is the \$3.2 million for the Philipsburg West Landscape Area in perpetuity, or if after X years some or all of the \$3.2 million is not spent, can it be used for projects in other priority landscapes.

Thanks,
Mark

Coleman, Kathleen

From: Ted Dodge <ted.dodge516@gmail.com>
Sent: Friday, October 26, 2012 9:16 AM
To: Natural Resource Damage Program
Subject: Support letter for draft Upper Clark Fork River Basin Aquatic and Terrestrial Restoration Plans 2012

To: Trustee Restoration Council, Natural Resource Damage Program

The Watershed Restoration Coalition for the Upper Clark Fork River (WRC) a non profit organization representing private landowners, conservation districts and local governments in the Upper Clark Fork River wishes to go on record supporting the draft Upper Clark Fork River Basin Aquatic and Terrestrial Restoration Plan 2012.

The WRC wants to thank the Advisory Council and the NRDP staff for developing a plan which is science based, and meets the intent of the lawsuit and build on ideas put forward by local people.

The WRC believes the objectives outlined in the draft ;plan are key to restoring the resources in the Upper Clark Fork River Basin.

Thank you for the opportunity to comment.

--

Ted Dodge
Executive Director
WRC,1002 suiteC
1002 Hollenback Road
Deer Lodge, Mt. 59722
Email: ted.dodge516@gmail.com
Cell: 406-579-3762

Duplicate

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

71



BRIAN SCHWEITZER
GOVERNOR

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

STATE OF MONTANA

WATER RESOURCES DIVISION (406) 444-6601
TELEFAX NUMBERS (406) 444-0533 / (406) 444-5918
<http://www.dnrc.mt.gov>

1424 9TH AVENUE
PO BOX 201601
HELENA, MONTANA 59620-1601

RECEIVED

OCT 26 2012

NATURAL RESOURCE
DAMAGE PROGRAM

October 25, 2012

NRDP
PO Box 201425
Helena, MT 59620

Re: Comments on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Restoration Plans

The Department of Natural Resources and Conservation (DNRC) has reviewed the proposed restoration plans. In reviewing the section regarding Instream Flow Project Implementation Process, DNRC noted the due diligence requirement of obtaining a Change Authorization from DNRC prior to a fair market determination of the proposed instream flow transaction. DNRC supports this proposal.

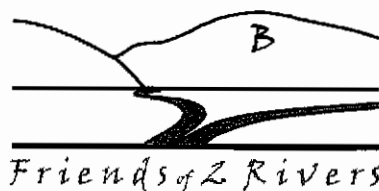
Each Application to Change a Water Right is fact specific and has distinctive challenges in processing. It is difficult to determine prior to completing the change process whether the amount of water anticipated for a particular instream flow project will be available. Therefore, DNRC believes that making the valuation contingent on a successful Change Authorization, is a prudent means of determining the use of instream flow project funding.

Thank you for the opportunity to comment on the proposed restoration plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Davis".

Tim Davis
Administrator
Water Resources Division



RECEIVED

OCT 26 2012

NATURAL RESOURCE
DAMAGE PROGRAM

October 24, 2012

Carol Fox
Natural Resource Damage Program
1301 East Lockey
P.O. Box 201425
Helena, MT 59620-1425

RE: *Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans.*

Dear Ms. Fox,

Friends of 2 Rivers appreciates and supports the *Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans*. Friends of 2 Rivers is an organization of volunteer citizens organized in 2002 with a mission to promote a safe, healthy and enriching environment for the communities at the confluence of the Clark Fork and Blackfoot Rivers. As citizens we have worked for and supported the restoration of Milltown as well as the entire Clark Fork River Basin.

We congratulate the NRD staff for creating plans that will directly benefit the injured natural resources, following the intent of the lawsuit. We agree that recreational funding should contribute to the restoration effort.

Locally we have seen great public interest in the Milltown area, particularly a desire for trails and river access. A natural area this compelling so close to a population center with a large contingent of recreation enthusiasts poses both opportunity and concern for protecting and maintaining this uniquely restored natural area.

Fo2R supports the \$2.45-million funding proposal for Milltown State Park. We support the park receiving this funding because we believe that a professional State agency should be on site to guide use and protect the area from over-use. We have experienced first-hand the problems that uncontrolled river users create for citizens and resources and we support development of the park to protect the resources and to appropriately channel public use.

We strongly support the \$50,000 funding proposed for the removal of the remaining timber cribs in the Bonner Dam. Removal of the logs and piers previously paid for by the program was necessary and welcome. However, the remaining Bonner Dam structure, many additional logs and dangerous metal mill debris in the Blackfoot are significant safety issues for river users. We hope that these hazards will be mitigated to the extent practicable even if the cost exceeds the \$50,000 allotment.

We note the exclusion from the Plans of the proposed bridge spanning the Clark Fork River below the confluence and request the support of NRDP in identifying funding sources. The high level of public interest, natural resource use, education opportunities, and security for protecting both sides of the river from mis-use are compelling reasons for building a bridge to link the Milltown Park's features. A bridge would enable greater public access and fuller appreciation of the natural restoration element of the unique and highly successful "3R's", Remediation, Restoration, Redevelopment.

As citizens, we appreciate this opportunity to comment on the plan for restoring natural resources damaged by past actions. We look forward to a future allowing not only restoration but also protection of these precious resources.

Sincerely,


Warren Hampton, President

October 23, 2012

RECEIVED

OCT 26 2012

NATURAL RESOURCE
DAMAGE PROGRAM

Natural Resource Damage Program
Montana Department of Justice
1301 East Lockey
P.O. Box 201425
Helena, MT 59620-1425

Dear Staff:

Please accept this letter as my comments on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans.

I would like to recognize the efforts of the current Advisory Council in development of this proposal. Their deliberations are appreciated. They were assigned a tough job.

I recognize that the Aquatic and Terrestrial plans include funding for projects in the Butte area, but am also aware that the plans provide considerable funding for areas outside of Butte. While I do not take issue with the quality or location of the proposed projects, I am concerned that mining damage should take priority. Fix the mining related damage, then fund other priorities.

I do not believe that leaving mining waste in place is good long term policy for the citizens of Montana. By not addressing mining damage now, we are only kicking the can down the road for future generations.

Also of concern is that the BNRD plan is likely underfunded. We will not know the extent until the Consent Decree for the Butte Priority Soils is finalized. Without a Consent Decree, it is impossible to know where remedy will end and where restoration will be needed. Maybe the BNRD plan has enough funds, maybe it does not. Be aware that the BNRD does not have a contingency.

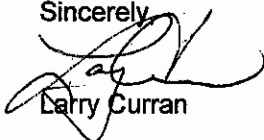
A few months back, I requested that the NRD program fund stream restoration portion of BNRD out of the aquatics pot. I see a direct link between the NRD developed Silver Bow Creek Watershed Plan and the current Aquatic Pot. I was advised that NRD is only considering projects that were submitted during the public sourcing that the larger Advisory Council performed. I believe the Silver Bow Creek Watershed Plan was developed prior to the sourcing activity and projects within it deserve consideration.

With the above comments in mind I would ask for consideration of the following:

1. Follow through on the loose promise to earmark funds left over from the Streamside Tailings Operable Unit to address upstream clean-up needs. There is much more work to be done.
2. Earmark three million dollars in additional funds from the Aquatics Pot for stream restoration activities near the center of Butte. This would expand the restoration of Blacktail Creek downstream from the Butte Country Club to the start of Streamside Tailing Operable Unit and take pressure off scarce BNRD funds allowing reconsideration of storm water priorities.
3. Consider expanding the contingency within the plans to insure adequate funding for future unknown needs.

Thank you for the opportunity to comment.

Sincerely,



Larry Curran



Milltown Superfund Site Redevelopment Working Group

October 17, 2012

Carol Fox
Natural Resource Damage Program
1301 East Lockey
P.O. Box 201425
Helena, MT 59620-1425

RECEIVED

OCT 26 2012

NATURAL RESOURCE
DAMAGE PROGRAM

RE: *Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans.*

Dear Ms. Fox,

The Milltown Redevelopment Working Group supports the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan*. We appreciate the time, thought and effort that have been expended to draft the plan. We particularly support the attention given to allotting funds to the restoration of damaged natural resources throughout the basin and the scientific approach to using those funds. We recognize that funds devoted to recreational projects should contribute to natural resource protection.

We appreciate that \$2.45 million is allotted to support redevelopment at the Milltown State Park, located at the confluence of the Clark Fork and Blackfoot Rivers. While some may question allotting funds to a State Park, we cannot stress enough the need to protect the Park's restored natural areas. The popularity of this newly restored area located near a large city with many river and trail users demands professional management. Without it, the sensitive area will be over-used, literally "loved to death," negating the success of the forward-looking and expensive restoration.

The Milltown Redevelopment Working Group was formed in 2003, appointed by the Missoula County Commissioners to develop a redevelopment plan for the confluence of the two rivers. We co-sponsored the 2007 Park Design workshop on which the current plans for developing the Milltown State Park were founded. We have raised funds for public access, pedestrian trails and bridges, historic interpretation and park facilities' from State, Federal and local sources. We are currently founding a Milltown Park Friends organization to provide long term public support for the park; to raise funds for development, improvement and construction of park facilities and operations; to foster, advocate and coordinate community involvement and public enjoyment of the state park; to assist with volunteer interpretation and resource protection efforts; and to advise Montana State Parks on compatible recreational and interpretive activities.

The Milltown Redevelopment Working Group was a co-sponsor of the 2010 Natural Resource Damage Program grant for public access and recreational facilities at the Milltown State Park. This grant proposal was partially funded, providing about \$900,000 for development of park

facilities. We have augmented this grant with other federal and local grant funds, and the Department of Fish, Wildlife and Parks is prepared to initiate construction of park facilities upon completion of access agreements. We look forward to the opening of the Milltown State Park in 2013.

The proposed \$2.45 million for recreational enhancements at the State Park is greatly needed and will benefit recreational users and also will protect restored natural resources at the confluence of the two rivers. This funding will provide a portion of the funds originally requested in the 2010 Natural Resource Damage Program grant application for the park. We realize that the funding will not meet all of the identified needs for public access and facilities, requiring ongoing efforts to raise sufficient funds for this project. Including projects previously funded, the Milltown State Park will have received a total of approximately \$5 million from the Natural Resource Damage Program for land acquisition, public access, parks and trail facilities. This support is deeply appreciated by the members of the Redevelopment Working Group, and will benefit the many thousands of Montanans and others who will enjoy the park and its restored resources in the future.

The currently proposed restoration plan directs \$1.2 million for completion of the basic park development and infrastructure needs, which were included in our original 2010 grant proposal but not funded at that time due to budget constraints. This funding will enable Montana State Parks to complete important elements of the park including the gateway trailhead, confluence interpretive shelter, safety fencing, interpretive signs and park visitor contact station.

The plan directs \$50,000 in support for future restoration and re-vegetation projects through purchase of a tool cache, plant stock, soil amendments, fencing and browse protectors. These resources will be vital for carrying revegetation, weed management and natural resource restoration projects with the assistance of the Milltown State Park Friends group for several years to come.

The plan would also provide \$100,000 for acquisition and trail development connecting the gateway area to the State Park lands located upstream along the Blackfoot River. This funding is intended to ensure public access and connection of the park to public lands along the Blackfoot, and to educational sites such as the former Bonner Dam, Stimson Cooling ponds and the Blackfoot Railroad piers, all of which have been removed to enhance the restoration of aquatic resources in the Blackfoot and Clark Fork Rivers.

The plan would also provide \$1,040,280 funding for an additional 5 years of operation and maintenance at the park, and \$50,000 for fencing, interpretive signage and trail development in the restored floodplain.

We support the \$50,000 funding proposed for the removal of the remaining timber cribs in the Bonner Dam. We appreciate the log removals and pier removals that have been previously paid for by the program. We believe it is necessary to complete the river cleanup and restoration by removing remaining debris and recreational hazards prior to the opening of the river in 2013. The river remains clogged up with mill logs, metal saw blades, and other debris which will impair beneficial use as a recreational resource. Failure to complete this work to remove known hazards will invite tragedies when floaters begin to use the river next year. The Blackfoot River arm of the former Milltown Reservoir is in bad shape, and will need further work to stabilize banks, restore vegetation, control weeds and clean up debris. This important work has only just begun.

8 .

The restoration plan omits funding proposed for the pedestrian bridge over the Clark Fork River downstream of the former dam site. We note the following aspects of the pedestrian bridge concept that strongly support not only natural resource protection but also a broader appreciation of this historically important restoration effort:

- *A pedestrian bridge was originally proposed by the State in the 2003 Milltown Conceptual Restoration Plan, identified in this plan as an element that would provide public access.* The 2003 plan identified a cost for this bridge as \$350,000. The bridge was highlighted at public meetings and hearings regarding the conceptual plan, and the public was led to believe that the State would follow through with its proposed plan. The public strongly supported the plan. The proposed location of the bridge was again identified in the Redevelopment Working Group's 2005 Conceptual Redevelopment plan for the site. It was again strongly supported in public comments on the plan.
- *We believe it is inaccurate to state the bridge would not have natural resource benefits since it was originally proposed by the State, then moved at the State's request to another location in order to provide natural resource benefits.* In 2007 at Redevelopment Working Group meetings and during the Park Design Workshop the State changed its plans for this bridge location. The Park designers were requested by the State to move the location of the bridge downstream to a location still upstream of the former dam in order to provide natural resource benefits. The State then later requested that the plans for the bridge be moved downstream to a location below the confluence of the two rivers in order to provide natural resource benefits. The park design was modified, and initial cost estimates were provided in the 2007 park design plan. Public comments strongly supported the proposed plan again. The design of the bridge at the location downstream of the confluence was further advanced with funding from the 2010 program grant. Because the location had moved to where a much longer bridge would be required to span the river, the cost increased from the initial cost estimate of \$350,000 to \$3 million.
- *The bridge has been designed in order to minimize any potential impacts of bridge piers located in the river bed.*
- *We believe that the bridge is needed to provide effective management and protection of natural resources in the Milltown State Park.* The bridge would provide park managers a direct and accessible route to cross the river as part of ongoing protection of the restored resources. Currently, when an activity at the site detrimental to restored resources occurs on the south of the river, park managers would be unable to reach the other side of the river and take actions to prevent damage to resources quickly and efficiently. Without the proposed bridge, it would take too much time for park managers to drive all the way around through Deer Creek Road to gain access and take action to prevent natural resource damaging activities. By the time he drove all the way around through Deer Creek Road the damage would be done and the perpetrator likely would be long gone. Off road vehicles are commonly used by residents of local communities surrounding the State Park, and it will be necessary to provide long term management to prevent damage to resources by such vehicles.

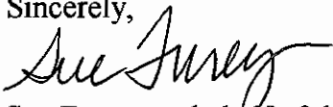
- *We also believe that the bridge is a critically necessary link to realize the potential for recreational benefits at the State Park. A link to the Missoula Riverfront Trail system has been sought by Missoula local government and communities for more than 30 years since the first open space bond was passed by Missoula voters creating the Kim Williams Trail in the Hellgate Canyon in 1980. Local, State and private funds have been directed to complete this trail link around and across the Bandmann flats area. The lands have now been acquired to secure this vital trail linkage up to the southern end of the proposed pedestrian bridge.*
- *We believe that this pedestrian trail and bridge project will be the most popular and heavily used trail system of any of the similar projects funded by this program in the Clark Fork Basin. With the planned trails extending up the Clark Fork and Blackfoot Rivers, this will truly be a remarkable recreational and educational trail system with outstanding public and natural resource benefits. We could not disagree more with the statement that this bridge would provide uncertain recreational benefits. We also believe that the education benefits of the bridge connection are very high.*

We respectfully request that consideration be given to collaborative funding for this vital, important project. For example, the State might consider an option to provide a matching grant of perhaps \$1.5 million for the project, contingent on raising the matching funds within a period not to exceed five years. As previously stated, organization of a Friends group is occurring. A collaborative arrangement will provide an opportunity for us to work within a reasonable time frame to complete funding for this important project, and to demonstrate community support.

We appreciate the opportunity to offer our support for the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan*. We congratulate its designers for providing a comprehensive and scientific approach to expending the remaining natural resource damage funds, and anticipate a time when the entire basin can be restored to a healthy environment.

Thank you for your consideration of these comments.

Sincerely,



Sue Furey, on behalf of the Working Group.

Coleman, Kathleen

From: Lcexpe@aol.com
Sent: Friday, October 26, 2012 10:43 AM
To: Natural Resource Damage Program
Subject: clark fork

I would like to see the Clark Fork Funds go directly to conservation: stream restoration, waters leasing ect.

Mike geary

Coleman, Kathleen

From: Dennis Cates <dennis@century21hr.com>
Sent: Friday, October 26, 2012 10:51 AM
To: Natural Resource Damage Program
Subject: NRDS action on Clark Fork River

- The plans are well done, scientifically rigorous, and, importantly, that they are faithful to the intent and purpose of the settlements that resulted from the original natural resource litigation.
- The Clark Fork River, its tributaries, their fish, and the trust fund belong to **ALL** Montanans; and thus no single community or interest should dictate how the money is spent.
- Tributary restoration projects are necessary to improve the fishery in the main-stem Clark Fork, and without tributary investments the full value of the main stem efforts could be compromised.
- Instream flow enhancement in both the tributaries and the main-stem should be a priority of the fishery restoration plan - more water means more fish!

Dennis Cates

Coleman, Kathleen

From: Patrick Byorth <PByorth@tu.org>
Sent: Friday, October 26, 2012 10:53 AM
To: Natural Resource Damage Program
Cc: Stan Bradshaw; Laura Ziemer; Bruce Farling; Casey Hackathorn
Subject: Trout Unlimited's Montana Water Project UCFRB Restoration Plan Comments
Attachments: UCRB_Restoration Plan_Final MWPTU Comments.pdf

Dear Carol and NRDP Staff,

Attached please find the comments of Trout Unlimited's Montana Water Project regarding the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans. For your convenience, I have mailed a hard copy of the comments as well. Thanks for the opportunity to participate.

Pat

Patrick A. Byorth, Staff Attorney
Montana Water Project, Trout Unlimited, Inc.
321 E. Main Street, Ste 411
Bozeman, MT 59715
Office: (406)-522-7291x100
Cell: (406)-548-4830



Patrick Byorth

Staff Attorney, Montana Water Project

Carol Fox
Montana Natural Resource Damage Program
1301 East Lockey
P.O. Box 201425
Helena, MT 59620

Also Transmitted by email to nrdp@mt.gov

October 26, 2012

Dear Carol,

Trout Unlimited's Montana Water Project (MWP-TU) appreciates the opportunity to review the Draft Upper Clark Fork River Basin aquatic and Terrestrial Resources Restoration Plans (Plan) and to participate in the restoration of the Upper Clark Fork basin. Since 1989, MWP-TU has championed instream flows at the legislature and at the Department of Natural Resources and Conservation while implementing dozens of instream flow projects throughout the State of Montana. Not surprisingly, our interest in reviewing the Plan focused on the flow restoration component. Our comments will begin generally and narrow down to the project level.

First, we support NRD's choice of Alternative 3 and its focus on watershed level restoration. A watershed focus recognizes the interconnected nature of the basin from a reach scale in a tributary to the mainstem. A watershed focus recognizes that neither riparian nor physical habitat restoration can be successful without flow restoration in most priority streams. At the broader scale, restoration of the mainstem Clark Fork River cannot be successful without restoration of degraded tributaries. While the integrated watershed approach is sound and the prioritization is practical, as written, the separation of instream flow from habitat restoration could defeat the implementation of the plan.

Likewise, prioritizing mainstem instream flow projects over tributary flow restoration fails to acknowledge the important role tributaries play in recruiting instream flow as well as fish production to the mainstem. Wild and native fish thrive best in watersheds with connected tributaries that provide geographically and seasonally diverse habitats that enable each species and life stage to access key habitats at the right time of year. We interpret the plan to acknowledge this principle, but are concerned that in practice, splitting the mainstem Clark Fork River from its tributaries and bifurcating instream flow restoration from habitat work could actually impede restoration at the watershed scale.

We have concerns with three primary issues associated with the Plan's approach to implementing flow restoration: 1. Establishment of valuation framework and criteria for instream flow in Montana's under-developed water market should be done prior to project development; 2. Postponing project valuation until after the change authorization is secured creates a significant disincentive for water rights holders to assume the risks of an instream flow

Trout Unlimited's mission: To conserve, protect, and restore North America's coldwater fisheries and their watersheds.

321 E. Main Street, Suite 411, Bozeman, MT 59715
T: 406-522-7291x100 • F: 406-522-7695 • pbyorth@tu.org • www.tu.org

transaction; and, 3. Implementing instream flow under the proposed sequence fails to take into account the case-by-case complexity inherent in instream flow transactions.

Valuing instream flow transactions is challenging in an under-developed water market like Montana's. While Montana is building a portfolio of instream flow transactions, an analysis of the values paid for a given volume of water is needed. We support NRD's proposal (#59) to develop a transaction pricing and valuation framework as soon as possible to provide guidance for valuing water for individual transactions. But, if properly constructed, that framework must acknowledge the site-specific character of water transactions that will confound any one-size-fits-all template. We strongly recommend that NRD take advantage of the expertise available in Montana, as well as that of the National Fish and Wildlife Foundation's Columbia Basin Water Transfer Program (CBWTP) in designing a valuation approach. As a "Qualified Legal Entity" authorized to conduct transactions with CBWTP funding, MWP-TU would be glad to facilitate a connection between NRD and CBWTP.

A regional valuation framework in advance of implementing transactions would alleviate another problem we identified in the Plan. As we interpret the Plan, NRD will pay for transaction costs to develop instream flow projects, but will not identify a price for the water until after a change authorization has been issued. This timing creates a serious disincentive for a water right owner to subject its water rights to the intense scrutiny of a change process without any indication of what return the owner might enjoy for taking the risk. In short, few irrigators would enter into such a deal. Such a disincentive risks the success of the restoration program. If NRD undertakes a regional valuation which provides guidance about the market rates for instream flow, the parties negotiating an instream flow transaction will have a standard or range by which each can assess the potential risks and rewards of entering the change process. The unpredictability of the change process can be daunting, but entering the process fully informed about the potential value of water obtained will help the NRD and the parties negotiating the transaction narrow the uncertainties. After the change process has been completed, it makes sense for NRD to take a second look at the outcome of the change process to ensure that the assumptions going into the application were not significantly altered in the result and that the water actually acquired has been properly valued. In addition, NRD's assessment can be further enhanced if all parties express valuations in terms of value per unit of water (e.g. per acre-foot ; per cfs). Then if there is some substantial change in the amount of water protected, NRD will be able to more quickly discern how that affects the value.

The unpredictability of the change process also brings into question whether completing Group 1 projects prior to implementing Group 2 projects is practical. Each instream flow project has its own set of variables and quirks to overcome. The distinct nature of each transaction makes the timing difficult to predict. MWP-TU's instream flow projects have taken between 1.5 to 10 years to complete. We acknowledge that the Department of Natural Resources and Conservation has recently made strides in improving the efficiency of the change process. Still, quirks of certain projects will prolong the change process for some projects. Similarly, water right transactions are grounded in willing parties: if desirable Group 1 projects lack willing water right owners while Group 2 projects have willing owners, work on worthy Group 2 projects could be delayed or never started because of a rigid adherence to a group-driven prioritization. Waiting to

complete all Group 1 projects before initiating Group 2 projects might forestall significant flow restoration for a period of several years to decades.

We suggest that it will be more efficient to begin developing and analyzing Group 2 projects as soon as Group 1 projects have been vetted and enter the change process. Similarly, when Group 2 projects are in the change process, Group 3 projects could be developed and analyzed.

The final issue relates to the Plan's references to Browns Gulch. We noticed that flow restoration in Browns Gulch was not mentioned directly in the Plan. References to Browns Gulch abstracts (#26, 27, 42, and 65) focused on physical habitat restoration and fish passage. As the Plan observes, physical habitat restoration and fish passage projects can only be successful with flow restoration. Flow restoration in Browns Gulch was actually a component of TU's abstract (#4) which integrated flow restoration in Browns Gulch and Silver Bow Creek. Silver Bow Creek was designated a Group 2 project, but Browns Gulch did not appear with a priority in Table 3-2. Did the Plan intend to integrate Browns Gulch flow restoration into the Silver Bow Creek project as proposed? If so, a reference to that effect in the text and Table 3-2 would improve clarity. If not, Browns Gulch should be included as a standalone Group 1 or 2 project. In either case, MWP-TU remains eager to assist NRD in developing these projects.

In summary, MWP-TU believes the Plan sets forth a practical approach for restoring fisheries throughout the basin. We applaud the watershed focus, but are concerned that the Plan may defeat the watershed focus by prioritizing mainstream flow restoration over tributary flow restoration. Moreover, decoupling flow restoration from riparian and habitat restoration may impede accomplishing the Plans' watershed focus. Successful restoration of the fisheries of the Upper Clark Fork River basin requires that wild and native fish have access to diverse habitats across all seasons, especially to connected tributaries that provide flow and fish recruitment to the mainstem. We support development of a valuation framework in advance of transaction implementation as a means of informing transaction negotiations. We do not believe postponing valuation of instream flow for a given project until after the change process is completed is practical. The proposed sequence will create a significant disincentive to water right owners from taking the risks inherent in a change process without knowing the potential rewards. Similarly, vagaries of the change process render the proposed implementation sequence unrealistic. We believe Group 2 projects should be in development as soon as viable Group 1 projects enter the change process, rather than being held captive until all Group 1 projects have been completed. Finally, we suggest that Browns Gulch flow restoration group be clarified as either a component of Silver Bow Creek restoration or as a standalone project.

We appreciate the opportunity to comment and participate in restoration of the fisheries of the Upper Clark Fork basin.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Byorth". The signature is fluid and cursive, with the first name "Patrick" being more prominent than the last name "Byorth".

Patrick Byorth

Coleman, Kathleen

From: Robert Horne <rhorne@appcom.net>
Sent: Friday, October 26, 2012 10:56 AM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

Dear Sirs: I am writing to let you know that I strongly favor plans to restore fish habitat in the Clark Fork and tributaries. This is a vitally important fishery to all of Montana, and it needs to be restored to its full recreational and economic potential. I also feel that diverting these reclamation funds to Butte area projects is both shortsighted and unfair to folks who live and work elsewhere in the basin. Thank you for the opportunity to comment.

Robert Horne, Jr., AICP
151 Wedgewood Lane
Whitefish, MT 59937

Coleman, Kathleen

From: Scott Merrell <ssmdeep@hotmail.com>
Sent: Friday, October 26, 2012 10:59 AM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plan

I wish to express my support for the original restoration plan for the Clark Fork river as endorsed by Montana Trout Unlimited. Thank-You, Scott S. Merrell, Thompson Falls, Mt..

Coleman, Kathleen

From: Gary Hawk <garywhawk@q.com>
Sent: Friday, October 26, 2012 10:59 AM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

Dear Program Committee:

It has come to my attention that you are receiving proposals on how to allocate funding from the trust fund set up to repair damages to the upper Clark Fork watershed. As someone who has lived in Montana for thirty years and has observed changes to our watersheds, I strongly favor projects that benefit and restore tributaries to the main stem of the river, insure adequate flow regimes, and serve all the people of Montana not just a particular municipality. Our well-being as a state depends on creating whole, intact, and healthy watersheds. Please keep in mind this interconnected network of small streams, river banks free of pollutants, and well-informed scientific practices.

Gary W. Hawk

Coleman, Kathleen

From: mike spenner <mikespenn@gmail.com>
Sent: Friday, October 26, 2012 11:03 AM
To: Natural Resource Damage Program
Subject: Clark Fork River restoration plans

I have read through the bulk of the restoration plan and commend the plans authors for their thorough and thoughtful assessment. It seems to me that the plans have been drawn from a solidly based scientific analysis and seem to be in line with the intent and purpose of the settlement.

As there are numerous ways to allocate the funding, I feel it is critical for the focus to be for the greatest benefit for the full expanse of the river and it's tributaries as All Montanans share an interest in a restored, healthy and fully functioning watershed.

No single community or interest should be allowed to dictate or have undue influence as to how the resources are distributed.

It also seems that there should be a strong priority on In Stream Flow Enhancement throughout the system as this provides an obvious benefit for aquatic health and diversity and will also be a significant contributor towards the river being able to heal itself more quickly.

Thanks for all your work,

Sincerely,

Mike Spenner
Missoula, MT

Coleman, Kathleen

From: Frank Gray <grayrad@gmail.com>
Sent: Friday, October 26, 2012 11:04 AM
To: Natural Resource Damage Program
Subject: Clark Fork River

Please heed the recommendations by Trout Unlimited in regard to your plans for restoration work on the Clark Fork river and its tributaries. The projects recommended for the fishery plan would greatly improve fisheries in the Clark Fork and its tributaries which are the cradle of the river. The recommendations are well thought out, circumspect and scientific. The benefits to all Montanans will be ongoing and perpetual. The fishery is important to Montanans in more ways than just angling (ie heritage, economy, etc) and is deserving of the remedies as intended in the settlements resulting from the litigation. Please maintain and realize the benefits to the tributaries as recommended by TU.

Thank you,

Frank Gray
Kalispell, MT

Coleman, Kathleen

From: Allen Norris Jr <anorrisjr@gmail.com>
Sent: Friday, October 26, 2012 11:21 AM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

Dear Natural Resource Damage Claim Program,

I am writing in concern to how the money the state of Montana received from Arco for damaging the Upper Clark fork watershed will be used. I feel the plans are well done and they meet the purpose of the settlements that are the result from the original natural resource litigation. The Clark Fork watershed, the tributaries that flow into it, the fish, and the trust fund belong to everyone in Montana. I feel no single community or interest should dictate on how the money will be spent. These tributary projects are very important to improve the fishery of the main-stem Clark Fork. Without the tributary investments the full value of the main stem efforts could very well be compromised. Stream flow enhancement in both the tributaries and the main-stem must be a priority of the fishery restoration plan. We cannot expect the fish to recover unless we provide them with more habitat and water.

Thanks,

Allen Norris

Coleman, Kathleen

From: Bruce Farling <bruce@montanatu.org>
Sent: Friday, October 26, 2012 11:30 AM
To: Natural Resource Damage Program
Cc: Stan Bradshaw; Laura Ziemer; Pat Byorth; Casey Hackathorn; Dave Genter; Bob Olson; Steve Luebeck; Carey Schmidt
Subject: MTU comments aquatics-wildlife plans
Attachments: MTUnrdplancomments10-12.pdf

Carol,

Attached are comments of Montana Trout Unlimited, representing 3,400 individual TU members in 13 TU chapters around the state, on the NRD program's proposed restoration plans for aquatic and terrestrial wildlife resources in the upper Clark Fork basin. These compliment comments you are receiving from TU national's upper Clark Fork River Basin Restoration Project and TU national's Montana Water Project.

We think you guys have done a very good job, and that the proposal is largely faithful to the intent and outcome of the original claims and consent decrees with Arco. It also keeps faith with the extensive public process that occurred, as well as the consensus we've observed in the NRD advisory group.

By all means call me if you have questions. Thanks again.

Bruce F



PO Box 7186 Missoula, MT 59807 (406) 543-0054

24 October 2012

Carol Fox
Montana Natural Resource Damage Program
1301 East Lockey
P.O. Box 201425
Helena, MT 59620

Dear Carol,

Thank you for the opportunity to comment on the draft restoration plans for aquatic and terrestrial resources for the upper Clark Fork River and its tributaries. These comments are in addition to and support comments the program has received from individual TU chapters, TU national's Upper Clark Fork River Restoration Project, and TU national's Montana Water Project.

Montana TU and its 13 chapters have been active proponents of effective remediation and restoration of the Clark Fork River and its tributaries since the early 1970s. We have also been active in restoration activities in watersheds throughout the state in that same period. We don't normally trumpet our accomplishments, but we think it might be instructive for NRD staff and others to understand the depth of our understanding and experience in habitat and flow restoration to increase confidence in the value of our recommendations. For example:

- Montana TU in the late 1980s worked with FWP to create the original River Restoration Program in the wildlife agency, a program that was later greatly expanded by our efforts in the 1995 Legislature to create the Future Fishery Improvement Program. The FFIP has funded tens of millions of dollars in fishery restoration projects, leveraging the state dollars by over time by at least 4:1. (sometimes with NRD dollars). TU chapters or Montana TU have been sponsors or partners in dozens of FFIP projects, involving channel restoration, flow augmentation, elimination of passage barriers, riparian habitat improvements, and other proven restoration activities.

- In the 1989 Montana TU worked with FWP to create the first water rights leasing program for instream flows. In 1995, we negotiated with agricultural groups to modify state water use law to create a similar program that allows private interests to lease water rights for instream flows in the Clark Fork and then statewide. Montana TU, its chapters and its national water project have since engaged in numerous flow-related transactions.
- Montana TU and its partners at the Clark Fork Coalition were active proponents of the mid-1980s proposal to establish water reservations for instream flows (using accepted hydrological methodologies) in the Upper Clark Fork watershed. That effort led to the collaboration that created a water management plan for the Upper Clark Fork, a closure on new surface water rights in the upper basin and formal establishment of the Upper Clark Fork Basin Steering Committee, which has served as a sounding board for water management in the upper Clark Fork region.
- In the 1980s, and later in the early 2000s, Montana TU, its Bitterroot Chapter and later TU's Montana Water Project provided necessary support and funding to create a permanent dedication of stored water from Painted Rocks Reservoir for maintaining crucial summer flows in the Bitterroot River. The work of the Water Project's legal staff, in fact, ensures that this dedication of water will occur in perpetuity. This project helps inform our ideas of what is possible, for example, with the Silver Lake system.
- TU chapters in the upper Clark Fork region have been partners in hundreds of restoration projects in Clark Fork tributaries, including the Bitterroot and Blackfoot River watersheds. Efforts in the Blackfoot alone have resulted in millions of dollars of restoration that have demonstrably proven that tributary enhancement measurably and significantly improves mainstem fisheries.
- Montana TU and its national organization have small grant programs that provide funds for restoration projects implemented by local TU chapters. These projects have, among other things, served as pilot ventures for different field methods.
- Montana TU and its national organization have been deeply involved in numerous FERC relicensing projects in the state (including on the lower Clark Fork), and together with advocacy related to flow improvements in tailwaters at federal and state dam projects throughout Montana, have helped us gain a deep understanding of empirical relationships between flows and fishery benefits.

Again, we only point these items out to demonstrate that our recommendations, as well as the 13 TU project abstracts TU entities have submitted for the draft

aquatics restoration plan, have been informed by decades of experience in restoration of aquatic habitats.

Recommendations and Endorsements

Montana TU generally supports the proposed plan and priorities for aquatics restoration. We strongly urge NRD to ensure that the plans are ultimately adaptive in nature to accommodate changing conditions, including potential changes in ownership, landowner cooperation, development of new science, economic factors, the success of remediation and the ability of project sponsors to navigate complicated administrative processes, such as that involving changes of use for water rights. We find most of the estimated costs to be reasonable. We recommend NRD give serious consideration to the recommendations of the professionals at TU's Montana Water Project related to the water-use change process, sequencing of funding with lease approval, and the development of an instream flow market.

We further recommend that projects that have identified entrainment of fish as a limiting factor are implemented only after a detailed assessment of losses and alternatives have been evaluated. Though we endorse and have developed projects utilizing fish screens, we have learned that before deciding to install a fish screen, cost: benefit evaluations informed by good field data are important. Sometimes alternatives to fish screens are available (perhaps modifying seasonal water management, use of irrigation blow-off points, and even manual removal of fish). Sometimes entrainment losses are offset by compensatory responses in the local trout population. That said, installation of fish screens should be given serious consideration anytime there is entrainment of native fishes, especially if the losses are deemed significant at the population level.

We also recommend that NRD staff take a closer look at the importance of tributary enhancement to improvement of the mainstem fishery and migratory life-histories. We have learned through implementation of more than 100 projects in the Blackfoot River watershed that tributary enhancement directly improves recruitment of important native and wild fishes to mainstem habitats. Telemetry data, as well as post-project monitoring, indicate that the movement of Montana's salmonids, especially native species, is much wider than previously thought. We have also learned that life-history diversity and life-stage requirements require different habitats, and that healthy tributaries – both physical habitat and flows -- are key to the revival of any mainstem fishery, including the Clark Fork. Therefore, though NRD and FWP have rightly prioritized the lower Little Blackfoot, Brown's Gulch, German Gulch, Warm Springs Creek and Racetrack Creeks as Priority 1 streams, it is not unlikely that many of the Priority 2 streams, such as the upper Little Blackfoot River, Harvey Creek, Flint Creek and Mill and Willow Creeks could ultimately prove to be just as important for not only resident fish populations, but also for recruitment of recreational fisheries to the Clark Fork River.

We largely support the plans for terrestrial resources, and especially endorse the proposal for the Confluence Project at Rock Creek (project #48). This project brings great value because of its location, its benefits to both terrestrial and important aquatic resources, and because the project sponsor has assembled an extraordinary complex of matching funds and management partners (including Montana TU and its local chapter).

We also support the plan's recommendations for recreation projects. It includes several access sites long-supported by local TU volunteers.

A Final Observation

We believe NRD staff have done an outstanding job in developing balanced restoration plans for aquatic and terrestrial resources. The product has been based on scientific rigor, and been informed by substantial public involvement. Importantly, the products are also consistent with the intent and outcomes of the original claims for injuries and the consent decrees reached with Arco.

Despite this we know some interests in the upper basin believe it is necessary to diverge from the reasonable public expectation that NRD funds are to be used on behalf of all citizens of the state of Montana for restoration, replacement or enhancement of injured groundwater, aquatic and terrestrial wildlife resources in the Clark Fork basin above the confluence of the Blackfoot River. These interests believe most if not all the outstanding balance of unencumbered NRD funds should be spent in the Silver Bow Creek drainage, and that the respective percentages of funding dedicated to the three resources be modified so that less is spent on aquatic and wildlife resources, and that none of it be dedicated to work in tributaries.

We believe that the upper basin deserves significant NRD funding, especially to replace injured groundwater sources, as well as to restore or replace damaged aquatic and terrestrial habitats. And we have supported projects proposed there. However, it is instructive to note that to date nearly \$112 million of NRD funds have been spent or otherwise allocated to projects in Butte-Silverbow County alone, while another \$24 million has been dedicated to projects in Anaconda-Deer Lodge County. In comparison, Powell, Granite and Missoula Counties in combination have received less than \$30 million for restoration, replacement and enhancement. It's also important to mention that a significant portion of the aquatic and terrestrial dollars will likely be dedicated to projects in the Butte-Anaconda areas. Further, those two communities are slated to receive more than \$40 million for additional investments to replace injured groundwater resources. And all of that is in addition to hundreds of millions of dollars that have been, or will be, invested in remediation in the two upper basin counties.

The damages inflicted on the upper Clark Fork basin by mining and smelting originating in Butte and Anaconda has been widespread. Not all injuries occurred in the two upper basin counties. Some of the damages to downstream aquatic and

terrestrial resources have been so severe, and the loss of use having occurred for such a long period, that it is clear the best investment of limited dollars is often found in replacement projects in tributaries below Warm Springs.

The point is this: Even with the recommendations in these draft plans, the upper basin will still in the end receive the overwhelming majority of total NRD funds for local projects. Further, the damage downstream has been so severe, that the best bang for the buck is sometimes found in tributary projects. To not recognize these realities, and to then diverge from the recommendations in these plans, would do a great disservice to the many Montanans statewide that support restoration of the upper Clark Fork from Butte to Milltown.

Thanks for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Bruce Farling". The signature is written in a cursive, flowing style with a large, prominent "B" and "F".

Bruce Farling
Executive Director

Coleman, Kathleen

From: Deb Fassnacht <deb@montanawatershed.org>
Sent: Friday, October 26, 2012 11:46 AM
To: Natural Resource Damage Program
Cc: 'Deb Fassnacht'
Subject: Clark Fork Restoration Plans

Hello NRDP professionals,

As the director of the Watershed Education Network, I am encouraged to see you are determining the final stages of Clark fork River. It is wonderful you are seeking public comment for the restoration plans for the Clark Fork Watershed.

Damage to the entire Clark Fork River from the headwaters in Butte to Missoula should have your full consideration. Of course, this means looking at the needs of the entire river for what investments will makes the CF river healthy long-term.

Especially, I hope to see that you provide the public with evidence that the plans you follow use sound science and are aligned with the original intent and purpose of the settlements from the original natural resource litigation.

I would like to remind you and my upstream neighbors in Butte that ALL MONTANANS have stake in the restoration of the Clark Fork River, its tributaries, the fish, and no single community or specialty interest should dictate how the money is spent. State of Montana Justice Department who fought for this money for the Clark Fork River clean-up means this is a benefit to the STATE.

Additionally, it makes sense to identify critical tributaries in need of restoration projects to improve aquatic life and the fisheries in the main-stem Clark Fork. If we don't consider these crucial tributary investments, the full value of the main stem efforts could be compromised. Also, in-stream flow improvements in both the tributaries and the main-stem should be a priority of the fishery restoration plan – since more aquatic life can be supported through more flow.

Sincerely,
 Deb Fassnacht

Watershed Education Network
The Swift Building, 315 So. 4th East, Suite 203
Missoula, MT. 59801
(406) 541-9287
deb @montanawatershed.org
www.montanawatershed.org

No virus found in this message.

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Version: 2013.0.2740 / Virus Database: 2601/5827 - Release Date: 10/12/12

Internal Virus Database is out of date.

Coleman, Kathleen

From: Gary Fee & Jo Burris <gjfee@blackfoot.net>
Sent: Friday, October 26, 2012 12:06 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

The plans for restoration as presented by Trout Unlimited seem to be aimed at the intent and purposes of the settlement from Arco for the clean-up and restoration of the Clark Fork Watershed. All tributaries should benefit from this process and no one community or interest should dictate how the funds are spent.

Instream flow enhancement of both the main-stem and all tributaries should be the main priority of the fisheries restoration plan.

Thank you for your consideration,
Jo Burris
1101 Terrace View Dr.
Alberton, MT 59820
406-722-0009

Coleman, Kathleen

From: kuglinpepper@aol.com
Sent: Friday, October 26, 2012 12:11 PM
To: Natural Resource Damage Program
Subject: Clark Fork River Restoration Plans

In spending under the Montana Natural Resource Damage Program, I urge that some of the money be allocated to the Little Blackfoot River, an important tributary, for the following reasons:

- * The river has been impacted historically, especially in its upper tributaries and main stem by acid mining drainage in this heavily historically mined area.
 - * The river has suffered from channelization throughout much of its length below U.S. Highway 12 at Elliston.
 - * Unlike some important Clark Fork River tributaries, there is excellent public access to the Little Blackfoot for most of its length, thanks to cooperative landowners. This isn't true of some Clark Fork tributaries. For example, Flint Creek.
 - * The Little Blackfoot is worth restoration for the amount of recreation it offers to the public, especially anglers from Helena, Butte and Deer Lodge.
 - * The Little Blackfoot is a very good brown fishery, with sizeable fish caught every year. But it would be a better fishery if these problems could be addressed.
 - * There is a diversity of angling opportunity in the Little Blackfoot. In addition to brown trout. The last time I fished the river, above Garrison, I caught not only brown trout but westslope blackspotted cutthroat (a species of special concern), and rainbow and brown trout.
- I have heard that there are requests to spend most of the money in the Butte area, which would shortchange tributaries like the Little Blackfoot.

Sincerely,
John Kuglin
532 S. Roberts St.
Helena, MT 59601
406-442-7440

Coleman, Kathleen

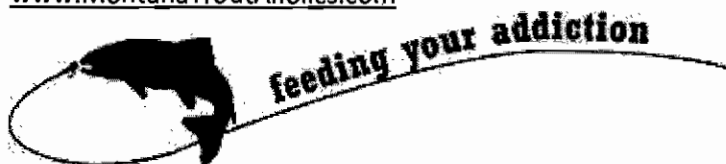
From: Joel Thompson <jt@montanatroutaholics.com>
Sent: Friday, October 26, 2012 12:12 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

To Whom it may concern;

It has come to my attention that there are special interest groups that are trying get their hands on the money set aside for cleaning up the upper Clark Fork and its tributaries. This is very disappointing to hear and I hope that MNRDP is not considering this. There was a great amount of work done that created a good plan that is not only of a good scientific nature but true to how this money was intended to be spent. The money should be spent on the Clark Fork and its tributaries to help make it a better river for Montana and its people. I have volunteered countless hours on such projects and it is very clear to me one of the best things you can do for the health of a river is to take care of the tributaries that feed it. That is why it is so important to follow the plan that is in place and do just that. Doing work in around Butte will do little to nothing in helping the Clark Fork. Instream flow enhancement in the main-stem of the river and the tributaries that feed it absolutely will and should be the number one priority of this project. More water equals more fish which equals more money being spent in the entire area.

As an industry professional I sincerely appreciate you taking the time to read my comments before the deadline later today.

Joel Thompson
Montana Troutaholic Outfitters
6166 Larch Canyon Rd.
Missoula, MT. 59803
406-370-0074
www.MontanaTroutAholics.com



Coleman, Kathleen

From: Patrick Cates <mr_cates@bridger.k12.mt.us>
Sent: Friday, October 26, 2012 12:32 PM
To: Natural Resource Damage Program
Cc: pat21cates@gmail.com
Subject: Clark Fork Restoration Plans

To Whom It May Concern:

I urge you to follow the original guidelines set forth in the restoration plan in regards to recommendations to protect, preserve, and bolster the tributaries, as well as the main stem. I grew up in Helena and truly learned to fly-fish on the Little Blackfoot River. I have enjoyed fishing the entire region – the Clark Fork and its tributaries. The Little Blackfoot remains to be one of my favorite fisheries in the state; however, it has been depressing to see the dwindling number of our native cutthroats I encounter with each return trip to the river. Along with being a major habitat for one of our native trout, it is a vital tributary to the upper section of the Clark Fork. If we are focusing on improving the main branch of the river, we must also insist upon providing some support for the river's major tributaries.

The plans heavily endorsed by the Trout Unlimited chapters are well-based in scientific research and would benefit all the fisheries in the region. I again urge you to preserve the sections of the plan that focus on tributaries. They are a large part of what many of us hold dear to be true Montana fishing streams. The native Montana trout and Montana fishermen are counting on you to help preserve one of the last best fisheries in Montana.

Respectfully,

Patrick Cates
Principal
Bridger Elementary
106 N. 4th St.
Bridger, MT 59014
(406) 662-3588

Coleman, Kathleen

From: Tara Luna <tluna@3rivers.net>
Sent: Friday, October 26, 2012 12:44 PM
To: Natural Resource Damage Program
Subject: Draft NRDP Terrestrial and Aquatic restoration plans for the Upper Clark Fork

Greetings,

I am in support of the Draft Terrestrial and Aquatic Restoration Plan for the Upper Clark Fork Watershed. This innovative plan ensures the restoration of aquatic and terrestrial resources of a crucial watershed within the state of Montana, which is vital to the long-term as well as short term benefits of ecosystem function and sustainability of human health. Monitoring ensures that baseline water quality and ecological integrity data are collected prior to any proposed or recent development adjacent to a wetland, riparian area or any other water body, as well as impacts to terrestrial ecosystems and the species that depend on it, including humans. It will allow protection of and identification of key restoration areas within the watershed, as well as allow for the collaboration between other state offices and federal partners to target monitoring and restoration efforts and collect data that will ensure that developers remain in compliance with state water quality and environmental protection. Given the recent surge in oil and gas development within the state of Montana, as well as irrefutable proof of the effects of climate change locally, Montana's ecosystems and water require both immediate protection as well as restoration efforts for future generations. As a result, other states downstream will benefit from these efforts..

If you have any questions regarding, this email and require a recent review of the scientific literature supporting these efforts within the state of Montana, do not hesitate to contact me.

Kind regards,

Tara Luna
East Glacier Park, Montana
tluna@3rivers.net

Coleman, Kathleen

From: Lewis Kogan <lewis@fvlt.org>
Sent: Friday, October 26, 2012 12:59 PM
To: Natural Resource Damage Program
Subject: Five Valleys Land Trust comments re: Aquatic/Terrestrial Restoration Plans
Attachments: 2012-10-26 NRDP - FVLT Comment Letter - Signed.pdf

Please find attached Five Valleys Land Trust's written comments regarding the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans.

If possible, please confirm receipt of these comments.

Thank you!

Lewis Kogan
Conservation Project Manager
Five Valleys Land Trust
120 Hickory Street, Suite B
P.O. Box 8953
Missoula, MT 59807
(406) 549-0755
lewis@fvlt.org



P.O. Box 8953 • Missoula, Montana 59807 • (406) 549-0755 • Fax (406) 728-2841
Email: office@fvlt.org • www.fvlt.org

October 26, 2011

Natural Resource Damage Program
1301 East Lockey
P.O. Box 201425
Helena, MT 59620

RE: Public Comment on Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans.

To Whom It May Concern,

On behalf of Five Valleys Land Trust, I am writing to provide our comments on the Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans, or "Restoration Plan". Please note that our comments address both the overall plan and planning process as well as specific impacts of the plan on one of our existing proposed projects.

Restoration Plan and Process:

For several years Five Valleys Land Trust has closely followed the Natural Resource Damage Program Advisory Council's development of the Long Range Guidance Plan, Aquatic and Terrestrial Prioritization Plans, Process Plan, and now, the Restoration Plan. The Restoration Plan is the result of the collaborative efforts of the Advisory Council, Trustee Restoration Council, NRDP and FWP staff, and importantly, of community members throughout the Clark Fork River Basin.

The Restoration Plan reflects these collaborative efforts and is consistent with the Advisory Council's guidance:

- The Plan's restoration objectives and proposed actions stem logically from the Aquatic and Terrestrial Prioritization Plans, and provide for the ecologically-based restoration or replacement of those injured resources and associated services actually covered under the State's natural resource damage lawsuit.
- The Restoration Plan builds from the framework provided by the 2011 Long Range Guidance Plan and the 2012 Process Plan. It includes careful analysis



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- of alternatives and is compliant with CERCLA regulations governing the use of natural resource damage settlement funds in the Upper Clark Fork basin.
- Development of the Restoration Plan has been an inclusive process. In developing restoration alternatives, the State solicited and received 80 restoration proposals from the public, which form the basis for the proposed restoration actions within the Restoration Plan.
 - The Restoration Plan is sufficiently detailed to guide restoration efforts, yet flexible enough to seize unforeseen opportunities. It recommends funding (following subsequent approval by the NRDP) for specific projects that meet restoration objectives, but also provides more general guidance for individual landscapes and watersheds, which can be used to assess the merit of future projects.
 - The Montana vs. ARCO lawsuit recognized that resources and communities were impacted throughout the entire basin. The Restoration Plan's scientific and comprehensive allocation of funds ensures that NRDP settlement dollars achieve *basin-wide* restoration.
 - The proposed allocation of remaining funds provides reasonable funding to *all* critical restoration actions and provides maximum opportunities to leverage public and private collaboration.

The Draft Plan's Specific Impacts on our proposed Confluence Project

The Confluence Project was submitted in abstract form by Five Valleys Land Trust and is represented in Appendix A of the plan as Abstract No. 48. The Confluence Project will permanently protect and restore riparian and associated habitats at the confluence of Rock Creek and the Clark Fork River. The Restoration Plan states that all submitted habitat acquisition proposals were partially developed, and therefore require subsequent approval of the Trustee once fully developed. Five Valleys recognizes that this statement is true of most habitat acquisition proposals, including most of our own proposals. However, we respectfully wish to note that in our opinion the Confluence Project is fully developed as proposed in Abstract No. 48.

We have obtained, reviewed a current USPAP property appraisal, full title commitment and minerals guarantee, Phase 1 Environmental Hazard Assessment, ecological baseline report, prepared a stewardship framework for the restoration and management of the property, and have vetted the project objectives with FWP and NRDP staff. In addition, Five Valleys has secured matching funds for the project at *nearly a 3:1 ratio* to the \$400,000 requested from the NRDP. Based on these facts, and no changes to the project as it was originally proposed in our abstract, it is our belief that The Confluence Project is fully developed.

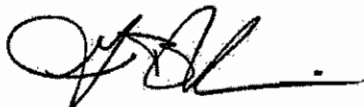
Furthermore, the timing situation of this project is uniquely urgent. At significant cost and difficulty, Five Valleys has entered into a purchase agreement on the proposed acquisition that expires on December 31st, and due to a pending subdivision, the opportunity to protect this property will almost certainly not come

again. Five Valleys will need to decide quickly if it will have sufficient funding to protect this important area.

Therefore, we respectfully request that the Restoration Plan be more definitive in allowing this project to proceed as proposed by Five Valleys in our submitted abstract, subject to 1) the State's confirmation that the purchase price is at or below the fair market value as determined by an appraisal acceptable to the NRDP and 2) the State's review of Five Valleys' due diligence documents and procedures.

We are grateful for the time and energy put into the Restoration Plan by community members, the Advisory Council, Trustee Council, Trustee, and NRDP and FWP staff. Five Valleys believes that this Draft Restoration Plan will restore those precious natural resources that are so fundamental to the quality of life Montanans enjoy, for the benefit of generations to come.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. B. Kier', with a long horizontal flourish extending to the right.

Grant B. Kier
Executive Director

Coleman, Kathleen

From: earl dorsey <earldorsey@earthlink.net>
Sent: Friday, October 26, 2012 1:11 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

I have fished the Little Blackfoot (LBF) River since 1982. My son and grandsons have fished with me during some of those years. I plan to introduce one of my great-grandsons to the LBF during the 2013 fishing season. That's 4 generations of my family that have enjoyed or will enjoy fishing the waters of the LBF.

I would hate to see a restoration plan pass up a chance to improve the fisheries habitat, water quality and water quantity of the LBF. The health of a river depends on the health of its tributaries, without which it would not exist. The LBF River is an especially critical watershed, and should be emphasised in the restoration plan.

Thank you.

Earl Dorsey
805 Mill Road
Helena MT 59602-7069

earldorsey@earthlink.net

Coleman, Kathleen

From: James Melzer <jmelzer@me.com>
Sent: Friday, October 26, 2012 1:17 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

To All;

I'll try to keep this short.

Regarding the draft plans for fisheries and wildlife habitat restoration along the Clark Fork River and tributaries:

The plans are faithful to the original settlement and are scientifically sound.

Flows are critical to health of the river system.

Plans for tributary restoration projects should be pursued along with restoration of the Clark Fork River.

Water flows throughout the watershed are of the utmost importance and restoration plans to accomplish this should be a priority. No water - no river - no fish and wildlife.

The Clark Fork is a resource for the entire state of Montana and its restoration should not become a political football nor should the monies spent benefit one group or community over any other.

Follow the plan, stick to the science and we all will reap the benefits now and in the future.

Thank you,

James Melzer
Hamilton, MT

Coleman, Kathleen

From: Lucky <l.sultz@bresnan.net>
Sent: Friday, October 26, 2012 1:17 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Funding

Thanks for the opportunity to comment on the expenditure of the Clark Fork Restoration funds. As we move forward in restoring this badly damaged river system, we must keep in mind that for money to be spent effectively it must be distributed equitably throughout the river system. While restoration in headwaters areas near Silverbow Creek and Warm Springs, we need to remember that areas throughout the drainage are in need of help. Don't forget that there are many areas that will benefit from flow enhancements that will benefit fisheries throughout the mainstem and tributaries. We cannot afford to group all of the \$65 million in one area of the drainage and continue to ignore problems in important tributaries.

Spending needs to be based on good science and it needs to benefit the entire basin and not have all the value concentrated in a single portion of the watershed.. This is a very large system and only through habitat restoration and flow enhancements throughout the watershed will we improve the entire ecological unit for all Montanans. Thank you for taking my comments.

LaVerne Sultz
1105 5th St. W.
Kalispell, MT 59901
l.sultz@bresnan.net

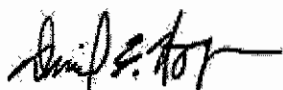
Coleman, Kathleen

From: Dan Hogan <dhogan@aegis-eng.biz>
Sent: Friday, October 26, 2012 1:21 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

To Whom it May Concern,

I am writing to express my support for implementing the planned restoration effort of the Clark Fork and its tributaries. Because the focus of the expertly prepared plan for the proposed efforts is based on good and thorough science, as well meeting the intent of the settlement with Arco, it is imperative that the money be spent on projects identified as most beneficial to fish and wildlife. The best outcome for all of the people of Montana will be realized by maximizing the health of the river and its watershed through flow enhancement of the main river and the tributaries. Further, work already completed would be compromised without the additional restoration efforts. All Montanans will benefit from the plan, as it is, and no single community is more deserving than the state as a whole. I cannot overstate the importance of using the funds in the spirit intended.

Sincerely,



Daniel E. Hogan
1553 Cornerstone Dr.
Missoula, MT 59802

From: amychad@gmail.com on behalf of Amy Chadwick <amy@watershedconsulting.com>
Sent: Friday, October 26, 2012 1:31 PM
To: Natural Resource Damage Program
Subject: Supporting Terrestrial and Aquatic Management Plans

Dear Trustee Council,

I am writing to ask that the Council and Governor Schweitzer approve the Terrestrial and Aquatic Resource Management Plans for the Upper Clark Fork. These plans include many important projects that will address important pollution, fisheries, and wildlife issues throughout the watershed. The proposed projects will be effective for long-term restoration and growth of the restoration economy because they address issues on the tributaries and throughout the basin, acknowledging that the challenges facing the Clark Fork stem from all land and water contributing to the Clark Fork River. To focus solely on the riverbanks or one small area of the watershed would address the effect but little of the cause. I think the plans are very well-balanced and forward-thinking. In full disclosure, I have teamed with Wildlife Conservation Society for one of the project abstracts (# 54, in the Terrestrial Plan). I believe strongly in the long-term benefit of our and other projects to long-term fish and wildlife restoration and improvements in water quality and quantity in the watershed.

Thank you for your attention to my comments.

Respectfully,
Amy Chadwick

--

Watershed Consulting, LLC
P.O. Box 17287
Missoula, MT 59808
cell: (406) 250-4024

Coleman, Kathleen

From: Sterling Miller <millers@nwf.org>
Sent: Friday, October 26, 2012 1:33 PM
To: Natural Resource Damage Program
Subject: Comment on NRDP plan, Terrestrial Species Monitoring

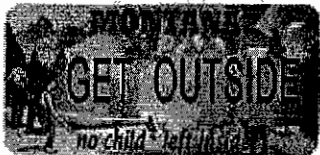
Sirs,

The National Wildlife Federation thinks there are very many worthwhile terrestrial and Aquatic monitoring and resource protection plans and projects described in the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans. Among these many excellent projects, we believe the ones proposed by the Clark Fork Coalition and by Trout Unlimited merit especially serious consideration because of the long history of these organizations in conducting meaningful, effective, and scientifically sound conservation work in the Clark Fork River Basin.

We also wish to support the beaver project (abstract #54) proposed by Watershed Consulting in the Terrestrial monitoring section. This is a low-cost (\$24,000) proposal that may have a high payoff in terms of finding natural ways of mitigating against the effects of climate change on aquatic systems and restoring vital ecosystem services provided by beavers.

Best regards,

Sterling Miller Ph.D.
Senior Wildlife Biologist
National Wildlife Federation
240 North Higgins, Suite #2
Missoula, Montana 59802
406 541 6730
fax: 406 541 6714



If you live in Montana,
support our efforts to get kids outside ...
buy a "no child left inside" license plate!

Coleman, Kathleen

From: Peter Nielsen <pnielsen@co.missoula.mt.us>
Sent: Friday, October 26, 2012 1:56 PM
To: Natural Resource Damage Program
Subject: Fwd: Letter
Attachments: UCFRBplancomts.pdf

Attached are comments from Missoula County on the Draft Clark Fork Restoration Plan. The Commissioners are not in the office to sign the letter today, so a signed copy will be mailed and sent electronically on Monday. Sorry for that inconvenience.

Peter Nielsen
Missoula City-County Health Department
Water Quality District
301 W. Alder
Missoula MT 59802
(406)-258-4968

>>> Patty Rector 10/26/2012 1:27 PM >>>

Here's the letter formatted and ready for signatures, which will happen Monday. I'll bet you can submit without signatures, we receive letters all the time that have not been signed. I'll send another e-mail to all with a PDF of the signed version later.

Thanks

Patty Rector, Office Manager
Board of County Commissioners
Missoula, MT (406) 258-3399



BCC 2012-198
October 25, 2012

PHONE: (406) 258-4877
FAX: (406) 721-4043

Carol Fox
Natural Resource Damage Program
1301 East Lockett
P.O. Box 201425
Helena, MT 59620-1425

RE: *Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan*

Dear Ms. Fox:

Missoula County supports the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan*. We appreciate the time, thought and effort that have been expended by the Citizens Advisory Committee and staff to draft the plan. We support the allocation of funds to the restoration of damaged natural resources throughout the basin and the scientific approach to using those funds. We recognize that funds devoted to recreational projects should contribute to natural resource protection and that such projects should be located at Superfund sites where the State has conducted restoration activities, such as the former Milltown Reservoir area. We believe it is appropriate to devote 10% of the restoration funds to recreational projects that compliment restoration at superfund cleanup sites. We also believe that public access and interpretation facilities at these sites will provide a gateway for the public to learn about and appreciate the magnitude of effort that has been directed to cleaning up, repairing and restoring these contaminated sites. The lessons learned at these sites will reinforce our society's belief that we should never repeat the mistakes that were made a century ago in the Clark Fork's headwaters.

We appreciate that \$2.45 million is allotted to support work at the Milltown State Park. We support the work to protect the Park's restored natural areas and to showcase the good work that has been accomplished here. The popularity of this newly restored area located near a large city with many river and trail users demands professional management. Without it, the sensitive area will be over-used, literally "loved to death," negating the success of the forward-looking and ambitious restoration.

Missoula County was a co-sponsor of the 2010 Natural Resource Damage Program grant for public access and recreational facilities at the Milltown State Park. This grant proposal was partially funded, providing about \$900,000 for development of park facilities. Missoula County helped secure other federal and local grant funds, and the Department of Fish, Wildlife and Parks is prepared to initiate construction of park facilities upon completion of access agreements. We look forward to the opening of the Milltown State Park in 2013.

The proposed \$2.45 million for recreational enhancements at the State Park is greatly needed, will benefit recreational users and will protect restored natural resources at the confluence of the two rivers. This funding will provide a portion of the funds originally requested in the 2010 Natural Resource Damage Program grant application. The funding will not meet all of the identified needs for public access and facilities, requiring ongoing efforts to raise sufficient funds for this project. The support from the Natural Resource Damage Program is deeply appreciated by Missoula County, and will benefit the many thousands of Montanans and others who will enjoy the park and its restored resources in the future.

The currently proposed restoration plan directs \$1.2 million for completion of the basic park development and infrastructure needs, which were included in our original grant proposal but not funded at that time due to budget constraints. This funding will enable completion of important elements of the park including the gateway trailhead, confluence interpretive shelter, safety fencing, and interpretive signs.

The plan directs \$50,000 in support for future restoration and re-vegetation projects through purchase of a tool cache, plant stock, soil amendments, fencing and browse protectors. These resources will be vital for carrying revegetation, weed management and natural resource restoration projects with the assistance of the newly formed Milltown State Park Friends group.

The plan would also contribute \$100,000 toward acquisition and trail development connecting the gateway area to the State Park lands located upstream along the Blackfoot River. This funding is intended to ensure public access and connection of the park to public lands along the Blackfoot, and to educational sites such as the former Bonner dam, Stimson cooling ponds and the Blackfoot railroad piers, all of which have been removed to enhance the restoration of aquatic resources in the Blackfoot and Clark Fork Rivers.

The plan would provide \$1,040,280 funding for an additional 5 years of operation and maintenance at the park, and \$50,000 for fencing, interpretive signage and trail development in the restored floodplain.

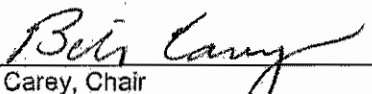
We support the \$50,000 funding proposed for the removal of the remaining timber cribs in the Bonner dam. We appreciate the log removals and pier removals that have been previously paid for by the program. We believe it is necessary to complete the river cleanup and restoration by removing remaining debris and recreational hazards prior to the opening of the river in 2013. The river remains clogged with mill logs, metal saw blades and other debris, which will impair beneficial use as a recreational resource. Failure to complete this work to remove known hazards will invite tragedies when floaters begin to use the river next year. The Blackfoot River arm of the former Milltown Reservoir is in bad shape, and will need further work to stabilize banks, restore vegetation, control weeds and clean up debris.

We are disappointed that the restoration plan omits funding proposed for the pedestrian bridge over the Clark Fork River downstream of the former dam site. We believe that the bridge would provide outstanding recreational benefits, contribute to natural resource protection and foster a broader appreciation of this historically important restoration effort. Because the bridge was originally proposed by the State in 2003, then moved downstream at the State's request in 2007, we feel the State has some obligation to ensure that a bridge connection is completed. We know that the bridge is strongly supported by the public in Missoula County, and that it will provide a crucial link in the riverfront trail system. If the bridge could be at least partially funded by the State, we would support the ongoing fundraising efforts to complete the project.

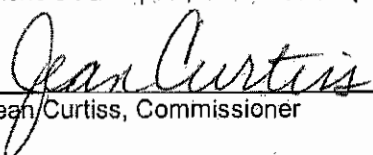
We appreciate the opportunity to offer our support for the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan*. We congratulate its designers for providing a comprehensive approach for use of the remaining natural resource damage funds, and anticipate a time when the entire basin can be restored to a healthy environment.

Thank you for your consideration of these comments.

Sincerely,
BOARD OF COUNTY COMMISSIONERS


Bill Carey, Chair


Michele Landquist, Commissioner


Jean Curtiss, Commissioner

BCC/ppr
cc: Peter Neilsen, Environmental Health
William A. Rossbach, Rossbach Hart, P.C.

From: Laura Zierner <laura.zierner.prendergast@gmail.com>
Sent: Friday, October 26, 2012 2:44 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

Dear Madame or Sir:

I am writing to comment on the Clark Fork Restoration Plans. As a natural resource professional, I believe the plans are well done, scientifically rigorous, and, importantly, that they are faithful to the intent and purpose of the settlements that resulted from the original natural resource litigation.

Tributary restoration projects are necessary to improve the fishery in the main-stem Clark Fork, and without tributary investments the full value of the main stem efforts could be compromised. Instream flow enhancement in both the tributaries and the main-stem should be a priority of the fishery restoration plan. Stream flow restoration is essential to the success of the overall restoration effort. Finally, the Clark Fork River, its tributaries, their fish, and the trust fund belong to all Montanans, and to future generations. Durable restoration that delivers high conservation value is the most important interest to be served by the Plans.

Thank for taking these comments into consideration.

Yours truly,

Laura Zierner
317 North Ida Ave
Bozeman, MT 59715

Coleman, Kathleen

From: Casey Hackathorn <CHackathorn@tu.org>
Sent: Friday, October 26, 2012 2:56 PM
To: Natural Resource Damage Program
Subject: Comments for Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans
Attachments: TU Comments for Draft UCF Restoration Plans.pdf

Please find the attached comments on the UCF restoration plans.

Thank you,

Casey

Casey Hackathorn | Upper Clark Fork Coordinator



TROUT UNLIMITED

406.541.1194 | 406.546.5680 c | www.tu.org



Casey Hackathorn
Upper Clark Fork Coordinator

October 25, 2012

Carol Fox
Natural Resource Damage Program
1301 East Lockey
PO Box 201425
Helena, MT 59620

Dear Carol,

Thank you for the significant effort in preparing the *Aquatic and Terrestrial Resources Restoration Plans* and the opportunity to comment on them. The process from developing the *Long Range Guidance Plan* and *Prioritization Plans* to the *Process Plan* and finally these restoration plans has been transparent, involved the public, true to the intent of the settlement, and solidly based in science. Completion of this planning process is an important step toward the most efficient and effective use of the settlement funds to restore and replace injured resources in the Upper Clark Fork watershed.

Trout Unlimited wholeheartedly supports the Proposed Alternative: Restoration of Priority 1 and 2 Stream Areas as Watersheds. The watershed approach is sound and builds on the previous prioritization process. This alternative allows for an adaptive approach in each watershed focused on the limiting factors that provide the greatest restoration potential on each stream. The watershed approach also recognizes that tributary restoration integrated with mainstem remediation offers the largest potential for meeting all three restoration goals of a restored mainstem fishery, improved trout populations in tributaries, and improved native fish populations.

The budget for the flow restoration plan seems reasonable and the priority given to projects that contribute flow to the upper reach of the mainstem is appropriate. The process for implementing flow restoration projects outlined in the plan appears prohibitive to irrigator participation, however, and the comments of TU's Montana Water Project should be considered to improve it.

The watersheds and activities targeted in the Aquatic Priority Area Specific Plans are appropriate and provide the best opportunity to restore fish populations to both the mainstem Clark Fork and Silver Bow Creek. Integrating fish passage, habitat and flow restoration on tributaries offers the greatest potential to meet all the goals of the program. This approach favors improving migratory fish populations essential to the long-term health and resilience of the fishery. The plan also provides for improvements to key tributaries throughout the injured area of the Upper Clark Fork and will improve the mainstem fishery through its entire length.

The implementation schedule planning in most watersheds appears aggressive considering that additional assessment work, project prioritization, and project development with landowners and/or agencies will be necessary before specific projects can be implemented. Completion of remaining assessment work should be a priority in all watersheds and will inform future project schedules. A deliberate approach tailored to addressing the limiting factors in each watershed will be imperative to ensuring the most cost-effective investment of restoration funds in each watershed.

Trout Unlimited appreciates the opportunity to participate in the development and implementation of the Upper Clark Fork restoration plans. We look forward to sharing in the work ahead and in the long-term improvements to the health of our fishery.

Sincerely,

A handwritten signature in black ink, appearing to read 'Casey', with a stylized flourish at the end.

Casey Hackathorn

From: Jodi Oberweiser <librarydhs@blackfoot.net>
Sent: Friday, October 26, 2012 3:04 PM
To: Natural Resource Damage Program
Subject: Drummond Riverside Project

To whom it may concern:

I am writing with enthusiastic support for the Drummond Riverside Project. While the economy has taken its toll on so many communities, I think Drummond has been hit especially hard. Our town maintenance personnel work very hard yet, I still see much that can be done to improve our community. With the improvement to the Drummond Riverside area, I can only imagine that it would spur others to make small changes in other parts of the town. I have lived in Drummond for 27 years and have noticed a new sense of pride brewing among people in our community. After looking "for sale" signs and empty buildings for so many months, it is nice to see that real estate is moving and people are inhabiting these homes again.

With new focus on health and outdoor activities a walking/nature path is especially interesting to me. As a person who tries to stay fit, I regularly walk the same dirt road near my house but would certainly enjoy a more beautiful route. Preserving the natural look of the park is also important to me. As a teacher in our local school, I can think of numerous occasions when our faculty and students could take part in outdoor curriculum in our "backyard" rather than having to visit other communities for nature walks, river studies, and science class observations. It is a thrill to think that you are considering our needs for your project and I hope you will realize how much it will be used and appreciated by the people of Drummond as well as our guests and visitors.

Sincerely,

Jodi Oberweiser

"What a school thinks about its LIBRARY is a measure of what it feels about EDUCATION." - Harold Howe

Jodi Oberweiser
Drummond School Community Library
124 First St.
P.O. Box 349
Drummond, MT 59832
librarydhs@blackfoot.net

(406)288-3700

Coleman, Kathleen

From: Nola Freestone <nolafreestone@yahoo.com>
Sent: Friday, October 26, 2012 3:11 PM
To: Natural Resource Damage Program
Subject: Upper Clark Fork Settlement Plan Comments

I would like to provide the following comments:

1. We need to focus on both the mainstem *and* tributaries of the upper CF Basin.
2. The Little Blackfoot River is an especially critical watershed and should be emphasized in the restoration plan.
3. The Upper Clark Fork Tributaries are an integral part of the watershed and provide critical spawning habitat, seasonal refuge for fish, sources of high-quality water and significant public angling and recreational opportunities.
4. This watershed is heavily recreated and fished by many area anglers and it is both deserving and appropriate to receive priority funding from the NRDP restoration program.

Nola Freestone
4905 Birdseye Road
Helena, MT 59601

Coleman, Kathleen

From: Kaitlin Leary <kaitlin@anacondasuperfund.com>
Sent: Friday, October 26, 2012 3:17 PM
To: Natural Resource Damage Program
Subject: Public Comment: Draft Upper Clark Fork River Basin...
Attachments: NRDsupport.docx

Greetings,

Attached is the Arrowhead Foundation's letter of support for the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans.

Thank you for the opportunity to comment.

Sincerely,

Kaitlin Leary
Technical Analyst
Arrowhead Foundation
118 E 7th St.
Anaconda, MT 59711

October 26, 2012

NRDP

1301 E. Lockey

PO Box 201425

Helena, MT 59620

To the UCFRB Advisory Council:

Arrowhead Foundation, Technical Assistance Group (TAG) to the Anaconda Smelter NPL Site, would like to lend our support to the *Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans*, specifically components involving Meyers Dam, and the Hafner Dam and Washoe Park projects.

Components concerning Meyers Dam will aid in the recovery of native trout species, in turn supporting wildlife and the surrounding habitat. Hafner Dam and Washoe Park components will revive a critical section of Warm Springs Creek which is important to wildlife, beneficial to water quality and lessening the overall concentration of Superfund contamination, and will significantly increase public enjoyment. In these areas, Arrowhead Foundation believes that these projects will greatly contribute to the ultimate recovery of water, soils, fish, wildlife and public enjoyment.

Thank you for your consideration and continuing efforts to recover the Upper Clark Fork River Basin.

Sincerely,

Arrowhead Foundation

118 E 7th St

Anaconda, MT 59711

(406)-563-5538 ext. 15

www.anacondasuperfund.org

Coleman, Kathleen

From: Morgan Erickson-Davis <m.erickson.davis@gmail.com>
Sent: Friday, October 26, 2012 3:27 PM
To: Natural Resource Damage Program
Subject: UCFRB Restoration Plan Comments
Attachments: UCFRB Restoration Plan Comments.docx

Hello,

I'd like to submit a document which details my comments on the Draft Upper Clark Fork River Basin Restoration Plan. Please let me know if you have any questions about my submission. Also, where and when will the comments be published?

Thanks very much; I hope you have a great weekend.

Cheers,
Morgan

10/24/12

To: The Natural Resource Damage Program, MT Dept. of Justice

From: Morgan Erickson-Davis, Graduate Student at UMT

Re: Comments on The Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan

Thank you very much for the opportunity to submit comments on the Upper Clark Fork Basin Restoration Plan. I am enormously in favor of the plan and applaud the efforts of those involved. I firmly believe it will address and remedy many of the problems impacted on this watershed by the mining activities of the last century, as well as lessen the detrimental effects of current activities. The results will have wide-ranging benefits which span the gamut from drought protection and increased revenue to a heightened sense of well-being for area residents. I would like to use this opportunity to give my reasons for support of the plan, as well as voice questions and concerns that came to mind as I studied it.

Below is the layout in which my comments are presented.

- a. **Ecological services:** Restoration will promote ecological health.
- b. **Economical services:** Ecological health will promote collateral influx into local economies.
- c. **Determination of the Alternatives:** How were the Alternatives chosen?
- d. **Heavy metal contamination:** Has reclamation been accomplished in all relevant areas?
- e. **Maintenance and monitoring:** How will restoration achievements be provided for in the long term?
- f. **Concluding remarks**

a) Ecological services

Watershed restoration has been proven repeatedly to benefit associated ecosystems in many ways. Removal of excess sediment improves conditions for macroinvertebrate communities and spawning fish which require unfettered access to stream cobble. Bank re-development ensures that erosion is naturally controlled. Flow augmentation returns the channel to a state in which aquatic communities can once again range normally throughout their habitat, as well as providing safeguards against water depletion during drought conditions. It is heartening to see all of these factors, as well as many others, addressed by this plan. I was also happy to note that each stream was assigned a plan tailored to its own specific needs, rather than a one-size-fits-all approach.

b) Economical services

All efforts mentioned above are important in and of themselves. However, as the economy of Western Montana is heavily based on tourism, they also have economic incentives. Sediment removal and bank strengthening facilitate trout population growth by providing superior habitat for fry and eggs. Flow augmentation will provide more habitat continuity and lessen the chances of inbreeding depression. These efforts to improve the Upper Clark Fork fishery and beautify its main stem and tributaries will subsequently attract more recreators and lead to cash flow increases into local economies. Because of this, the UCFRB Restoration Plan is a best-case scenario not only for ecosystem health, but also for the health and well-being of area residents.

c) Determination of the Alternatives

I appreciate the level of scrutiny that went into differentiating Alternatives 1, 2, and 3, especially in regard to discussion of the superiority of Alternative 3 over Alternative 2 in most situations. However, as 3 is the most comprehensive option discussed in this publication, I am left wondering whether or not there was at one time an "Alternative 4" on the table. There seem to be many more options discussed in the 1995 edition of the proposal; how were these winnowed out?

d) Metal contamination

My main query regards heavy metal contamination. Even after removal of the larger contaminated sediment deposits, concern lingers about how much still exists, its impacts on the surrounding ecosystems, and how best to deal with it. The 1995 proposal addresses this by advising the clean-up of the Milltown and Silver Bow areas, which thankfully have been enacted. However, the current restoration plan barely touches on it, even though contamination is acknowledged to be present in other areas. All that is included in the budget is a project aimed at determining the extent of contamination in the Flint Creek drainage. This evaluation seems as though it would take place concomitant with restoration activities, which begs the question: what happens if they do find substantial contamination? If it's deemed necessary to remove the affected sediments, will this negate the restoration efforts which may have already taken place? Is there any money in the budget for a complication like this?

If contaminated sediment is found but not removed, does that mean that true restoration is not possible? In the spectrum of reclamation-remediation-restoration, the latter two are not possible until the first is achieved. For reclamation of an area to occur, it must be repaired only to a level at which it no longer poses a hazard to human life. Studies of osprey raised along the Clark Fork and its tributaries show that many contain dangerously high levels of heavy metals. One year after removal of the Milltown sediments, hatchlings sampled along the Clark Fork from Missoula upstream to the Flint Creek confluence were found to have mercury levels as high as 725 micrograms per liter. In comparison, levels deemed safe for human consumption top out at 5.8 micrograms per liter.

While metal contamination from the Milltown site undoubtedly still exists in the local food web (for instance, the average lifespan for a rainbow trout is four to six years), such persistent high levels of mercury in osprey chicks may indicate a continued source of contamination. Since mercury was used in the mining operations around Philipsburg, the Flint Creek drainage may be a likely culprit. I would like to

inquire whether the UCFB Restoration Project has considered evaluation of possible metal contamination prior to implementation of restoration efforts, and what the course of action will be if contamination is determined to exist at a hazardous level.

e) Monitoring and maintenance

Additionally, I would like to address the issue of post-restoration monitoring and maintenance. In October I attended a seminar discussion of the UCFRB plan at which I was happy to hear that aquatic monitoring is expected to continue in perpetuity, with funding supplied by a locked-in interest rate generated from the \$1.5 million budgeted for this task.

However, the plan also mentions that investigations into low trout populations in the Clark Fork between Flint Creek and Rock Creek will be tackled via the monitoring and maintenance part of the plan. I think that it is very important to determine why so few trout are present in this area; if there is a barrier which is limiting normal movement, populations could become genetically isolated from one another. The price tag for this specific project is estimated at \$875,000 – a significant portion of \$1.5 million. Will these investigations occur as funds are generated via interest, or will the cost be allocated from the total monitoring and maintenance budget before it is enrolled in a trust? What is the expected duration of this project?

While monitoring is a vital component of the restoration process, and should be done for as long as possible, I find it difficult to believe that something that is expected to occur in perpetuity can be planned for far down the road with any degree of certainty. Costs will inevitably rise due to inflation, but from what I understand, a trust fund interest rate is not as malleable. This is beneficial right now, as the locked-in rate for the UCFRB plan is higher than most others, but what about fifty years down the road? One hundred? Is there a plan in place to deal with this?

Finally, I am curious as to why maintenance and monitoring of the terrestrial restoration portion of the plan is expected to not last as long as that of the aquatic portion. How was the span of 10 years arrived at? Will that be enough time to gauge the success of long-maturing riparian species? I noted that under the terrestrial restoration plan, beavers will be re-introduced to promote natural channel development. Often, beavers spend generations building dams and lodges. Can the stability of beaver populations and their impacts on surrounding ecosystems be fully realized in just 10 years?

f) Concluding remarks

Again, I would like to underline my support of the UCFRB Restoration Plan. It will go a long way in repairing compromised ecosystems and attracting tourism collateral to Western Montana. I simply want to confirm that long-term post-restoration monitoring is provided for, and restoration activities will not supersede reclamation in areas in which heavy metal contamination has not yet been fully assessed. If these are not done, I fear that some of the hard-earned settlement money and massive restoration effort may be seen as wasted in the decades to come.

From: Jim Murray <morivercpa@gmail.com>
Sent: Friday, October 26, 2012 3:29 PM
To: Natural Resource Damage Program
Subject: Little Blackfoot River

Hello. I would like to expres my support for the Little Blackfoot River under the Upper Clark Fork Settlement:

- I believe there is a need to focus on both the mainstem and tributaries of the upper CF Basin. The Little Blackfoot River is an especially critical watershed and should be emphasized in the restoration plan.
- The Upper Clark Fork Tributaries are an integral part of the watershed and provide critical spawning habitat, seasonal refuge for fish, sources of high-quality water and significant public angling and recreational opportunities.
- This watershed is heavily recreated and fished by Helena anglers and many others – it is both deserving and appropriate to receive priority funding from the NRDP restoration program. The Pat Barnes Chapter of TU has a long history of working with landowners, agencies and the public in identifying needs for the LBF. These proposed projects allow for this work to be possible and provide permanent enhancements to this important watershed.
- Investments on tributaries are critically important for the recovery of the mainstem fishery. There is a \$151M currently set aside for mainstem remediation and restoration. The return on this investment and the recovery of the mainstem RELIES on the successful restoration and reconnection of its tributaries. The \$16M set aside in this plan for tributary restoration and \$20M for flow projects are CRITICAL for the successful recovery of a functioning watershed and fishery.
- Biologists say the that systematic restoration of the tributaries is the major factor that is bringing the fishery back, thereby the importance of restoring the Little Blackfoot in the health of the Clark Fork Basin cannot be underestimated.

I appreciate your efforts and allowing me the opportunity to provide my comments.

Sincerely

Jim Murray
1205 E. Broadway Ct #1
Helena, MT 59601
morivercpa@gmail.com

Coleman, Kathleen

From: Ternes-Daniels, Connie
Sent: Friday, October 26, 2012 3:33 PM
To: Natural Resource Damage Program
Subject: Emailing: doc20121026152331.pdf
Attachments: doc20121026152331.pdf

NRD Staff,

Attached is a letter of from Anaconda-Deer Lodge County supporting the Silver Lake project. Please enter it into the official record.

Thank you,

Connie Ternes Daniels

ADLC Interim CEO

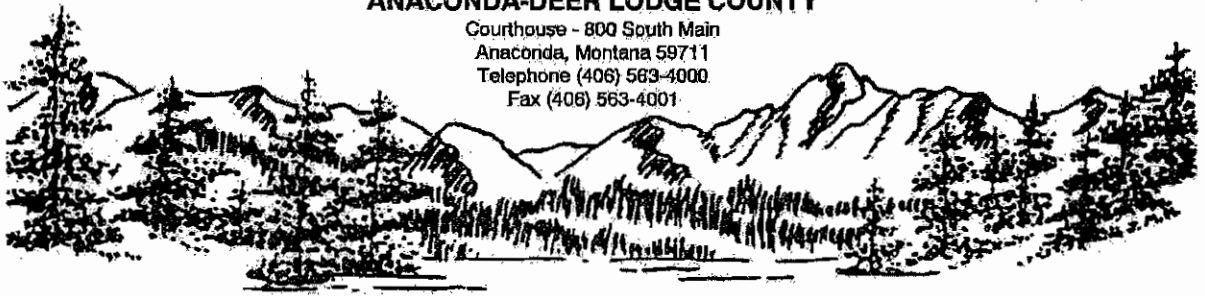
The message is ready to be sent with the following file or link attachments:

doc20121026152331.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

ANACONDA-DEER LODGE COUNTY

Courthouse - 800 South Main
Anaconda, Montana 59711
Telephone (406) 563-4000
Fax (406) 563-4001



October 26, 2012

NRD Program
1301 East Lockey
P.O. Box 201425
Helena, MT 59620-1425

RE: Support letter for improvements to the Silver Lake water system.

Dear Council Members and NRD Program Staff:

The Anaconda-Deer Lodge County Commission and I fully support Butte-Silver Bow's aquatic improvements to the Silver Lake water system. We believe that this project will do more to augment instream flows in dewatered areas in the UCFRB than any of the other proposed projects.

It was stated by an NRDP Advisory Council member at its October 17, 2012 meeting in Deer Lodge that "I hope that we don't miss funding the most important project because we are trying to share the funding throughout the basin." We believe that the Silver Lake project is that project and will only benefit the entire UCFRB.

Repairs to the Silver Lake System dams provide water for instream flow target values in Warm Springs Creek (priority 1 tributary) and the Clark Fork River. The NRDP investment allows 10,000 acre feet of stored water that can be delivered to the State (FW&P) on demand and will assist greatly with the dryer summer and fall months. Renovations to this system also enhance the habitat and promote sustainability of native Bull Trout and West Slope Cutthroat Trout.

Again we believe that this project best serves the goals, objectives and priorities of the NRD program and would strongly encourage the staff, Advisory Council, Trustee Restoration Council, and the Governor to support and implement this extremely beneficial project.

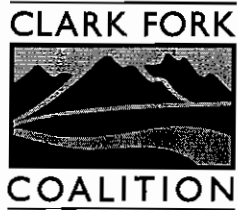
Respectfully,

Connie Ternes Daniels
Interim Chief Executive Officer
Anaconda-Deer Lodge County

Coleman, Kathleen

From: Christine Brick <chris@clarkfork.org>
Sent: Friday, October 26, 2012 3:45 PM
To: Natural Resource Damage Program
Subject: comments on Draft Restoration Plan
Attachments: NRD Restoration Plan2012 Comment Final.doc

Please see attached the Clark Fork Coalition's comments on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans. Thank you for the opportunity to comment.



October 26, 2012

Natural Resource Damage Program
1301 East Lockey
P.O. Box 201425
Helena, MT 59620

Dear Governor Schweitzer, Citizens Advisory Council, and Trustee Restoration Council,

The Clark Fork Coalition is pleased to comment on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans (the Plan). As a member-based group dedicated to protecting and restoring the Clark Fork watershed, we have consistently emphasized the need for a comprehensive plan to guide the responsible expenditure of Natural Resource Damage (NRD) settlement funds. Following we provide some general background and comments on the Plan as a whole and then provide specific comments on the proposed Flow Restoration Plan.

As a member of the original Advisory Council in 1999, the Coalition and others strongly advocated that the state develop a comprehensive restoration plan that took into account the current state of the basin's injured natural resources, considered specific on-the-ground alternatives for restoring and/or replacing those resources, set priorities among those alternatives, and provided specific guidance on what restoration and replacement measures the state intended to undertake with settlement funds. We proposed that this plan be based on research and professional expertise. We are pleased to see that the current Plan does just that.

Furthermore, the Plan aligns well with the intent of *Montana v. ARCO*, the lawsuit that generated the funds. The goal of the lawsuit was to recover damages arising from injuries to natural resources in the entire Clark Fork Basin, from Butte to the Idaho border. It is true that the majority of injuries occurred in the upper part of the basin and we note that both funding to date and proposed future funding reflects that.

Although not a requirement under CERCLA, we are nonetheless pleased that the Plan is built on many of the 80 project ideas that citizens and communities throughout the basin brought forward, as well as eligible ideas from the Silver Bow Creek Restoration Plan. The public is deeply invested in cleanup and restoration of the waters, lands, and communities in the upper Clark Fork River Basin (UCFRB), and we appreciate that the planning process has allowed significant opportunity for public involvement and comment, from the development of the Aquatic and Terrestrial Prioritization Plans to

the Long-Range Guidance Plan to the current Draft Aquatic and Terrestrial Restoration Plans.

The Coalition appreciates that the Plan is ecologically sound—it incorporates good scientific data and the management tools needed to restore a high-quality cold-water fishery. It is particularly important that the Plan proposes to reconnect and restore twelve tributary watersheds that are vital to the future health of the Clark Fork fishery. Reconnecting and restoring tributary habitat, by providing flow, fish passage, and riparian restoration, will complement clean-up the Silver Bow Creek and Clark Fork River mainstems and multiply these positive effects for the basin's fishery.

Fisheries science has shown that Montana's sport and native fish need to migrate seasonally, often long distances, for spawning, rearing, overwintering, and to escape periodic effects of drought or pollution. Sport fish like brown trout spawn primarily in the tributaries, and native trout spawn entirely in the tributaries. A strong emphasis should be placed on enhancement of flow from cold water tributaries, removal of barriers to fish migration up and down these streams, and improvement of degraded habitats which limit productivity. This approach will increase the future richness and complexity of the Clark Fork River watershed for fish and other aquatic life, and assure that the restoration will have maximum positive impact both for anglers and the whole river ecosystem.

We support the allocation of funds to "Aquatic Flow" and "Other Aquatic Projects," and the geographic emphasis on priority tributaries from Silver Bow Creek downstream to Flint Creek. Concentration of the restoration work in a smaller portion of the basin or in only a few tributaries would severely limit the potential ecological impact of the Plan's actions. The priority twelve tributaries selected for riparian habitat, fish passage, fish entrainment, in-stream habitat, and flow improvements are highly appropriate and will provide the fisheries restoration benefits needed for full recovery of the upper Clark Fork. Investing in a smaller number of tributaries would not provide the degree of future resiliency and diversity that the ecosystem needs for full recovery.

We support the use of a substantial contingency fund, and the careful assessment of cost-benefit for every activity proposed within priority tributaries. Implementation will take more years than are proposed in the Plan, but restoration work on these tributaries should not be delayed or postponed; rather, it should begin as soon as possible.

We support funding of all of the recreation projects listed in the Plan, and feel that they adhere to the criteria adopted for recreational projects in the Long-Range Guidance Plan – namely, that projects be located in injured areas to protect the resource and enhance the public's enjoyment of it.

We'd also like to express our membership's broad-based support for funds to acquire riparian lands at the confluence of Rock Creek and the Clark Fork River (Concept proposal # 48 from Five Valley's Land Trust). The acquisition of this property will be funded from a number of sources, but NRDP funds are a critical piece.

Flow Restoration Plan (Section 3.2.1). We appreciate the NRDP's well-supported decision to establish a separate Flow Restoration Plan with a separate funding allocation. In recognition of *2011 Aquatic Prioritization Plan's* identification of flow augmentation as the "most important and highest priority restoration action" in the UCFRB, we believe NRDP is on the right track to accomplishing meaningful and ecologically significant flow augmentation in the UCFRB by looking at flow augmentation as a unique restoration activity. The decision to fund project development efforts and post-project monitoring is well founded and, in our opinion based on ten years of experience developing flow augmentation projects, is critical to implementing a successful flow restoration plan for the UCFRB. While, overall, we are in support of the way NRDP is looking at flow augmentation and the level of funding allocated, we have a few specific comments that we hope will be incorporated in the final Plan.

Flow Project Implementation Process. Our comments on flow project implementation concern the timing for water right valuations and the need for flexibility in project implementation. The draft Plan proposes to delay conducting a valuation of a project until after the water right change process is complete through the Montana Department of Natural Resources and Conservation (DNRC). We are concerned that a delay in establishing at least a range of values for a project until near the end of the process will be a non-starter for landowners. Parties to a water right transaction, especially the water right holder, need to understand the potential value before investing the significant resources required to successfully complete a water right change. We urge you to conduct valuations earlier in the process and at least establish a per-acre-foot value for water rights with a final value, in part, dependent on the outcome of the change process.

We also urge you to allow some flexibility in providing up-front investment in unique circumstances for flow augmentation projects. For example, if a project requires installing a conservation measure such as an irrigation pipeline, DNRC might not be willing to finalize a change authorization for the instream flow change until the project is built and functioning. Some up-front grant investment may be needed to finalize engineering designs and begin construction.

Eligible Flow Projects. Our primary concern with draft Plan's description of eligible flow projects is the conclusion that projects that have the potential of providing flow to the dewatered reach of the mainstem between Galen and Deer Lodge will "supply the best overall benefits to restoration of the UCFRB." Based on this conclusion, only a handful of flow projects met this single "Group 1" criterion, and only projects from Group 1 are proposed to be developed and implemented in the next three years. While not discounting the potential of the identified Group 1 flow projects to contribute significantly to the restoration of the mainstem fishery, we believe that project development for flow projects on prioritized tributaries should happen concurrently.

We think the draft Plan is narrowly construing the restoration focus on the mainstem fishery by looking at only flow projects that contribute water directly to the mainstem. We recognize that the injured Upper Clark Fork River mainstem and Silver Bow Creek fisheries were the focus of the state's aquatic damages claim in the lawsuit. However, the state has long recognized the importance of tributary restoration, especially flow restoration, to the overall fishery restoration of the UCFRB. For example:

- The draft Plan recognizes that "supplying instream flow to [dewatered streams in the UCFRB] is an important part of restoring the fisheries and riparian function, which will improve the aquatic health of the Basin." (p. 3-11)
- The *2011 Aquatic Prioritization Plan* says, "conducting projects in areas that could provide both a local, tributary fishery and recruitment to the mainstem fisheries would reduce the risk of doing projects that are of limited benefit if increased recruitment of young trout to the mainstem fisheries proves in excess of that the habitat can support." (p. 11.)
- The goals of the *2011 Aquatic Prioritization Plan* emphasize "improving recruitment of fish from tributaries" and replacing "lost trout angling in the mainstem by improving trout populations in the tributaries." (p. 5.)

Given the importance of tributary restoration to the overall health of the basin, we urge you to begin development work on flow projects in the twelve tributary watersheds prioritized for habitat restoration in Section 3.3.2 of the draft Plan. Where dewatering is a limiting factor on these streams, flow augmentation is a critical component to maximizing the benefit of habitat restoration work – even if flow projects in these tributary watersheds serve to reconnect dewatered stream reaches rather than contributing flow directly to the mainstem.

As habitat restoration in the twelve tributary watersheds moves forward, flow project opportunities that complement habitat restoration work will likely be identified with willing landowners. Waiting to seize these

opportunities may result in incomplete restoration. We also have concerns that too much or all of the funding will be spent on the mainstem, which would undermine other aquatic restoration efforts in the tributary watersheds.

In addition to beginning general flow project development work in the twelve tributary watersheds immediately, two project proposals in particular should be included in Group 1:

- The Pauley Ranch Flow Enhancement Project (#13), which involves restoring flow in Warm Springs Creek (Priority 1), is ready to proceed with valuation and the water right change process and should be included as a Group 1 project. It has the potential of providing an equivalent level benefit in a cost-effective manner as some of the other proposed Group 1 projects. The private landowner has provided a letter of intent to move forward with this project and we are concerned that a delay in development for three or more years will result in a lost opportunity.
- The Racetrack Pipeline Project (#15) should be considered for development in Group 1 due to its potential aquatic benefit and the fact that significant efforts have been invested in moving the project designs forward and securing grants for match. A delay in project development and implementation will result in jeopardizing match funds and potentially losing landowner interest in proceeding.

Both of these projects have the potential of contributing water to the Silver Bow Creek and Clark Fork River mainstems as well as providing stream-specific benefits.

Percentage of Aquatic Funding for Instream Flow. While we support the 50% aquatic fund allocation to Aquatic Flow Projects, the Coalition also supports any additional funding allocation to carry out the Flow Restoration Plan, so long as funding is not taken away from existing funds allocated for specific projects.

We recognize the value of water from Silver Lake to instream flow in the upper Clark Fork, and we hope that the State and Butte-Silver-Bow can come to an agreement over how much water is available, when it is available, and how much it is worth. These aren't simple questions and we appreciate the time it takes for the State to do its due diligence. All questions should be answered and contract guarantees worked out before funding is committed.

In short, we believe that overall, this plan strategically lays out how the state will deliver the biggest bang for the restoration buck based on the best available information to date. We appreciate that the Plan goes to great lengths to incorporate ideas from the public, and we hope that you will take our comments on the Flow Restoration Plan into careful consideration. We also appreciate the provision for periodic review, because new opportunities for

restoration will undoubtedly arise. Flexibility in the future will be key. Finally, we believe that this plan will accomplish great things for the watershed, including a legacy of clean water, healthy flowing rivers, and unparalleled fishing and hunting for generations of Montanans to enjoy. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, reading "Karen Knudsen". The signature is fluid and cursive, with the first name "Karen" and last name "Knudsen" clearly distinguishable.

Karen Knudsen
Executive Director

From: Frank M. Reed <mtdoc@q.com>
Sent: Friday, October 26, 2012 3:47 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

Dear NRDP Folks,

You have the opportunity to support a well-thought out and executed plan for the future of the Clark Fork and its tributaries. Please put the money to the use for which it was intended and support the habitat for the benefit of current and future generations. Thank you for your thoughtful consideration.

Sincerely,

Frank Reed

Missoula

Coleman, Kathleen

From: Darryl Barton <darrylbbarton@yahoo.com>
Sent: Friday, October 26, 2012 3:58 PM
To: Natural Resource Damage Program
Cc: Kathy Hadley
Subject: CFRTAC Comments to the NRDP Restoration Plan
Attachments: NRDP_Restoration_Plan_CFRTAC_comments.pdf

Kathy,

Here are comments from CFRTAC in reference to the Restoration Plan for the Clark Fork River.

Thank you,

Darryl Barton
CFRTAC



P. O. Box 224
Deer Lodge, MT 59722

October 26, 2012

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

Natural Resource Damage Program:

We appreciate the opportunity to comment on the Natural Resource Damage Program's (NRDP) *Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans*. You have met the challenge to produce such an important document in such an efficient manner. We want to applaud your attention to public involvement through the development of this plan. These are public funds and their proper management is paramount to achieve the goal of restoring the mighty Clark Fork River.

Our comments will be arranged into 4 sections:

1. Aquatic Flow
2. Aquatic Projects
3. Landscape / Terrestrial Projects
4. Recreational Projects

Aquatic Flow

\$20.5 million has been designated for projects that will increase flow in the Clark Fork River. A change of water rights in Montana must go through the Department of Natural Resources and Conservation (DNRC). This process is often complicated and cumbersome. The process outlined in the plan for engaging water right holders in flow restoration projects seems prohibitive for most landowners to work with the program. With a potential \$20 million in water rights changing ownership to the state there must be a process set forth by both the NRDP and DNRC that simplifies the process to increase efficiency. This is our most important comment with regard to flow and should be a top priority within the agencies in achieving the goal of increasing in-stream flows in the river.

It will also be crucial to effectively measure and manage the water that becomes devoted to increased flow. We are pleased to see that the funds have been devoted to regulating these flows with \$ 500,000 going towards monitoring and maintenance through the use of a water commissioner.

We have two ideas regarding aquatic flow that we would like to offer:

1. NRDP could release an RFP asking for landowners interested in providing in-stream flow. This would be simple and may increase the amount of options NRDP has. It also may save the state money by increasing the sources for in-stream flow. There may be many water rights holders that are interested in providing flow that are unaware of the NRDP to this point.
2. Perhaps a system could be put into place to provide for water leases at the beginning of the water right change process that could help with costs associated with the water right change until the water right change is made and the state conducts a final purchase of the water right.

We urge that the dewatered section of the Clark Fork from Galen to Deer Lodge remain a priority for increased flows. Without increased and sustained flows through this vital stretch we will never see the fishery reach its true potential.

Aquatic Projects

We agree with the prioritization of streams that have been deemed to provide the most value to the Clark Fork River fishery. However, with so much unknown about the costs and effectiveness of the remediation on the main stem of the Clark Fork River in terms of improving the fishery, we want to urge the NRDP to set aside a greater portion of these funds for a reserve fund that will address restoration needs that the main stem may have after remediation. Sampling by the Department of Environmental Quality (DEQ) has shown that there is more mining contamination at greater depths than originally thought. There is a depth at which removal of contamination will be considered restoration rather than remediation. So the cost of restoration will be greater than the original settlement in the Consent Decree of 2008. Also, very little remediation has been done on the Upper Clark Fork so it is unknown how much the cleanup will actually cost. For these reasons, it would be more prudent to increase the amount of money in the reserve fund. We also feel it will be crucial that all aspects of aquatic projects be based on science and true cost estimates through experience and not on political pressure.

We still support the biennial review that has been proposed in the plan. So much will be learned through restoration projects funded by this program in the next two years; we

will also have a much greater understanding of the cost and effectiveness of the remediation over the next two years as Phase 1, at the very least, should be completed.

Landscape / Terrestrial Projects

In the terrestrial funding proposal there is a great amount of replacement projects over projects in damaged areas. The amount devoted to areas that are not damaged is monumental. Areas like West Phillipsburg have no damage from the mining activities in Butte but they are allocated \$3.2 million, while areas around Deer Lodge and Anaconda are set to have only about one third this level of funding for each area. Landscape projects in non-injured areas account for well over half of the total projects. This is just wrong. The lawsuit did provide for replacement of lost resources in situations that the resource could not be improved to original quality, but it was not the intent of the lawsuit to take such drastic liberty with that statement. We should be more devoted to terrestrial projects in damaged areas. Only after we realize some of the limitations of improving resources in damaged areas should we pursue projects in areas that were not damaged.

We feel strongly that significant wildlife habitat was ignored particularly on the north and eastern faces of the Flint Creek Mountain Range and southwest of Interstate 90 in the western portion of the Deer Lodge valley in the upper basin (from Mill creek to the divide). These two areas should be given preference to undamaged terrestrial areas like the West Phillipsburg area.

The key elements for future wildlife habitat protection and enhancement in the priority areas identified as "broad generalities" are correct. However, critical habitat areas may not meet all or several of these elements. These areas may be critical because of their isolation. The statement on (4-3) may cover these situations. "Projects that cover small areas, however, can be of high value if they provide connections between landscapes or enhance, or protect, key habitats". A few large projects are generally preferred to many smaller projects because of the lower cost per area and larger footprint on the landscape. Clustering of projects will improve their effectiveness.

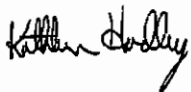
Other things being equal, projects adjacent to public lands or conservation easements are preferred to projects surrounded by unprotected private land or isolated from good wildlife habitat by large expanses of compromised habitats. Projects that provide protection and enhancement of several targeted habitats are generally preferred over projects that only contain a single habitat. Other things being equal, projects that meet some or all of the fisheries restoration goals are preferred to projects that lack benefits to fisheries.

Recreational Projects

Throughout the process of developing this plan CFRTAC has expressed that we firmly believe that recreational projects should be associated with damaged areas. We are happy to see that the six recreational projects are all associated with a damaged area. By associating a recreational project directly to a damaged area we are reconnecting the community to the injured area and encouraging future public ownership and pride. A previously negative area becomes a vital resource to a community. We hope that the NRDP encourages these recreational projects to be driven by the public. We also feel it is extremely important to provide an interpretive educational value to all of the recreational projects. These projects can serve as incredible feathers in our restoration caps.

We applaud the efforts that have been put forth by the NRDP and their partners in producing the *Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans*. The task to develop a plan that will become so vital to this cleanup of this great river was of utmost importance. To do so in such an efficient matter over the past few months with such a cooperative relationship to the public is nearly a miracle. There is so much to be proud of in this plan! We appreciate this opportunity to comment and look forward to helping shape this and future documents that will guide restoration efforts in our great basin.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hadley". The signature is fluid and cursive, with the first name "Kathy" and last name "Hadley" clearly distinguishable.

Kathy Hadley
CFRTAC Board President

Coleman, Kathleen

From: Warren Colyer <warren.colyer@gmail.com>
Sent: Friday, October 26, 2012 4:03 PM
To: Natural Resource Damage Program
Cc: chackathorn@tu.org
Subject: Clark Fork Restoration Plans

To whom it may concern: I am writing this email to support the draft plans for fisheries and wildlife restoration in the Upper Clark Fork watershed. I am especially supportive of the plan to spend funds within important tributary systems to restore main stem and tributary fish populations. Whereas some argue that the epicenter of mining activity was in the upper watershed, and that funds should therefore be allocated predominantly to that area, the natural resource damages that resulted were distributed downstream many miles by fluvial processes and the river, itself. The process of recovery, unfortunately, will not work the same way. Focusing restoration at the top of the drainage will do little to recover stream conditions and fish populations downstream where they were reduced or eliminated by the mining legacy. In order to achieve that goal, resources must be directly applied to address limiting factors throughout the watershed--including in downstream reaches. Importantly, it is the tributaries throughout the basin that have the greatest capacity to contribute fish numbers to main stem reaches if habitat and fish passage are restored. A holistic approach of cleaning up mine waste in the main stem corridor AND recovering habitat and connectivity in the spawning and rearing tributaries that produce fish to populate those main stem habitats is clearly the best approach to recover the resource. Thank you for providing me the opportunity to comment on this plan.

Sincerely,
Warren Colyer

From: Wendy Marsh <wendy@wildfishconservancy.org>
Sent: Friday, October 26, 2012 4:15 PM
To: Natural Resource Damage Program
Subject: Public Comment on Draft UCFRB Aquatic and Terrestrial Resources Restoration Plan

To members of the Trustee Council:

I support restoration concept proposal #54: "Mapping Suitable habitat for Passive Restoration of the Upper Clark Fork River Basin." This project meets objectives outlined in the Terrestrial Resource Monitoring section of the Draft Plan to assess and monitor habitat availability and condition to ensure that targeted habitats are maintained or enhanced. The proposed outcome of this mapping is to implement cost effective restoration actions that will re-establish natural processes that maintain a diversity of habitats.

Thank you for time and consideration of public comments.

Sincerely,
Wendy Marsh

--

Wendy Marsh
Research Ecologist
Wild Fish Conservancy
406-580-0976 (cell)
425-788-1167 (office)

From: Harvey Creek Ranch <harveycreekranch@aol.com>
Sent: Friday, October 26, 2012 4:19 PM
To: Natural Resource Damage Program
Cc: chackathorn@tu.org
Subject: Upper Clarks Fork Restoration Plan, public comment.
Attachments: To_Montana_Natural_Resource_Damage_Program.docx

To the Montana Natural Resource Damage Program,

Attached is a public comment letter regarding the Upper Clarks Fork Aquatic and Terrestrial Resource Restoration Plan. Thank you for your consideration.

Sincerely,
Roger Fithian and David Zimmerman

P.S. Below is the copy and paste version:

To Montana Natural Resource Damage Program,

I am writing to you in support of the current draft for the Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan. The Harvey Creek portion of the draft is of particular interest to us, as we are the owners of the ranch land in the northerly portion of the Harvey Creek Drainage, starting where the current fish barrier is below North of Mullan Road and heading south for two miles. We recognize and deeply appreciate the value of Harvey Creek as both an important native trout fishery, and a tributary of the Clark Fork. Additionally some of our land lies in the Terrestrial portion of the draft plan.

For the past 18 months the ranch has been under new management, and the current management is in the process of revitalizing the many natural resources that the Harvey Creek Drainage has to offer. During the past 10-15 years the ranch had seen some significant degradation to the many natural resources the ranch has to offer, and to the ranch improvements. Through new ownership, and a new ranch manager who started 18 months ago, we are trying hard to restore all of Harvey Creek's natural resources, especially the aquatic and terrestrial. Unfortunately our funding is very limited, but through your plan we could see significant improvement in the aquatic and terrestrial resources in a very short time period, compared to if and when we are able to do as much improvement on our own.

The current ranch manager has a Bachelor of Science in Range Management and Wildlife Management and a Minor in Animal Science as well, and is incorporating the different sciences in a modern progressive approach that are in tune with many of the beliefs of Aldo Leopold. He has a real appreciation for the ecology of the entire ranch, and how new management practices can improve the fishery, the wildlife, the rangeland, and the overall health of the entire ranch. In the fall of 2011 we started a riparian fencing project on one side of Harvey Creek, and are hoping to do the other side as well, such that a riparian corridor would run through the full extent of the ranch. We have been working with Trout Unlimited in an effort to find ways to improve the irrigation diversions and structures, and develop new irrigation methods that would return instream flow to Harvey Creek, and improve the fishery production. Plus we are considering off channel watering structures for the cattle and horses. Our ranch has the senior irrigation and stock watering rights on the Harvey Creek Drainage.

We are very interested in the possibility of returning significant flow to Harvey Creek, and in improving the fishery, both of which would be very beneficial to the Clarks Fork. We are very hopeful that we can work together with you through the Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan. It would be a win-win situation for all of us, and for the people of Montana who would be able to utilize the improvements we would see to both the aquatic and terrestrial resources.

Thank you for your time and consideration,

Roger Fithian

David Zimmerman

From: CTEC <buttectec@hotmail.com>
Sent: Friday, October 26, 2012 4:27 PM
To: Natural Resource Damage Program
Subject: CTEC Comment on Draft Aquatic and Terrestrial Plans
Attachments: CTEC Comment NRDP Aquatic and Terrestrial Plan.pdf

Thank you for the opportunity to comment on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans.

Our comments and concerns regarding the plans are attached.

Janice Hogan
Citizens Technical Environmental Committee (CTEC)
27 W. Park Street
Butte, MT 59701
406-723-6247

www.buttectec.org

P.O. Box 593
Butte, MT 59703
(406) 723-6247
Buttectec@hotmail.com



October 26, 2012

NRDP
P.O. Box 201425
Helena, MT 59620

Re: Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans

Thank you for the opportunity to comment on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans. Following are the comments from the Citizens Technical Environmental Committee (CTEC). We are the local EPA TAG group for the community of Butte. Following are our comments and concerns regarding the above mentioned plans.

The 2011 Aquatic Prioritization Plan calls out "the importance of and need to augment instream flows in dewatered areas" in the upper reaches of the Clark Fork River as one of its highest priority. Fifty percent of the Aquatic Priority Fund or \$20.5 million was appropriated to this, but only one of the potential projects for funding actually puts water back in the upper Clark Fork River and that is the Silver Lake Proposal. This project meets the criteria set for flow augmentation projects including a water right that is already permitted as instream flow, storage capacity to release water when needed in late summer and fall, a proven track record of providing flows for the last fifteen years, the ability to quantify flows and the ability to provide those flows in the upper reaches of the Clark Fork River. We recommend the advance of this project, after due diligence, as soon as possible, as its impact to restore the resource is proven and urgently needed.

Other potential Group 1 aquatic flow augmentation projects include lining of irrigation ditches, water conservation easement purchases and a concept to identify, develop and implement flow projects. These options would provide far less water in unquantifiable volumes than the Silver Lake Project and all projects would need to be re-permitted for instream flow, which can be a lengthy process if it is even possible.

The "other aquatic projects" category has \$16.6 million appropriated and over 1/3 of the money is earmarked for projects out of the injured area. We recommend that this money be used for the restoration needs in the injured areas before funding other projects.

In addition, the projects submitted to the Butte Area One fund should be considered under both the Aquatic and Terrestrial Plans, whichever is more applicable. We believe that many eligible and

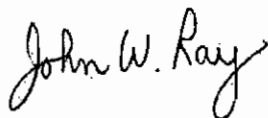
worthy projects were submitted and that the projects are equally pertinent to funding under the Aquatic and Terrestrial Plans.

The terrestrial fund at \$18 million is being appropriated to "landscape projects" and again almost 50% of the money is earmarked for areas which have no connection to the injury, while priority 1 terrestrial resources in the upper basin are being ignored. This fund is almost entirely devoted to replacement projects. We strongly recommend the Terrestrial restoration money be expended for restoration of injured terrestrial resources, of which the most injured and needy are in the upper basin.

Recreation projects were given \$6.5 million. CTEC would rather see money appropriated to restoration of injured resources than earmarked for recreation projects.

By far our biggest concern is that these restoration funds are being appropriated BEFORE the remediation in the upper basin is complete (or even started as in the case of Westside Soils Operable Unit). Thus, the restoration funds will be expended before restoration needs (after remediation) can even be evaluated in the upper basin. We urge you to set aside funding for these resources; the loss of which provided the basis for the restoration funds to begin with.

Thank you for this opportunity to comment on the plans,

A handwritten signature in cursive script that reads "John W. Ray".

John Ray
President
CTEC Board of Directors

From: Cheryl Rosling <CRosling@wsi-insurance.com>
Sent: Friday, October 26, 2012 4:34 PM
To: Natural Resource Damage Program
Subject: Dave Beck
Attachments: 2012_10_26_16_32_40.pdf

Thanks!

Cheryl Rosling, CIC, CPSR

Commercial Insurance Customer Service Agent

Butte/Deer Lodge

(406) 723-2373

Fax - 406-846-1828



Western States
Insurance Agency

October 25, 2012

Natural Resource Damage Program
PO Box 201425
Helena, MT 59620

RE: Comment Letter on Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans

To Whom It May Concern,

Please accept this letter as written comment on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Plan. I am a water user in the Racetrack Water Users Association and manage my family ranch which was established here in 1947. Our farm land has suffered the affects from years of arsenic and heavy metal contamination from the Anaconda Company.

We have made many strides to make progress with this project. We have been working with the Deer Lodge Valley Conservation District, Clark Fork Coalition and an engineering firm on the Racetrack Water Users Association Water Efficiency and Energy Conservation Project. Our efforts include preparation of a Preliminary Engineering Report and application to the Department of Natural Resource Conservation Renewable Resource Grant and Loan (RRGL) Program. We were pleased to learn that our grant preliminary ranking of the RRGL grant is ranked #1 of approximately 100 applications. If funded by the legislature, this provides \$100,000 of matching funds to our project.

Our project involves replacing a failing irrigation system involving a cement ditch and a series of dirt ditches with a pipeline. The benefits of the pipeline are improving efficiency of water use after it is diverted out of Racetrack Creek. I estimate that I lose half of the water that is diverted out of Racetrack Creek into my ditch because the water travels down the dirt ditch and over gravelly soil along my bench ground. I believe that less than half of the water that I have at the beginning of the ditch actually makes it to my field to be irrigated. I use this water to irrigate about 100 acres. A pipeline would allow for sprinkler irrigation which would also improve efficiency over previous flood irrigation practices. There would be hundreds of acres that would benefit from the pipeline as water users would be able to convert to a more efficient gravity fed sprinkler irrigation system.

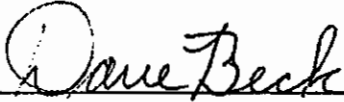
It is inevitable that the water users need to either repair and replace the cement ditch or rebuild the system with the proposed pipeline. Without grant money or government assistance it will be financially impossible. The only affordable option without assistance would be to rebuild the existing irrigation system with dirt ditches and consequentially suffer large amounts of water loss.

Another benefit of the pipeline project would be savings in energy costs. The water pipeline would be pressurized by gravity and eliminate the need for hundreds of electric horsepower that is currently used to pressurize pivots and wheel lines.

This pipeline will preserve 2900 acres of irrigated farmland in the Deer Lodge Valley. It will reduce the amount of chronic dewatering in Racetrack Creek. And it will eliminate the fish entrainment in the Cement Ditch.

The Racetrack Water Users Association Water Efficiency and Energy Conservation Project is currently listed as a group two flow augmentation project in the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan. Based on the preparedness of our project, the availability of matching funds, and the importance of developing high quality, cool water from the FWP-identified priority one stream, we respectfully request that this project be moved to the group one list in the NRDP plan.

Sincerely,

A handwritten signature in cursive script that reads "Dave Beck". The signature is written in dark ink and is positioned above a horizontal line.

Dave Beck
Racetrack Water User

From: Saladin Frank Pelfrey <walkinginnature@gmail.com>
Sent: Friday, October 26, 2012 4:35 PM
To: Natural Resource Damage Program
Subject: Clark Fork Restoration Plans

To whom it may concern,

As a fishermen, conservationist and Montana citizen, I am upset with the possible direction regarding the Clark Fork.

Once again special interest are about to get their way and as a vet, this goes against the ideals that our country and state should stand for.

Having read the material I support the TU plans and hope that you give serious and ethical consideration to them.

Thank You,

Frank Pelfrey Ph.D.
Hamilton MT.

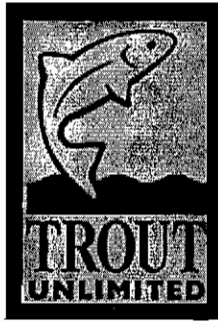
From: Christopher Fagan <christophervfagan@yahoo.com>
Sent: Friday, October 26, 2012 4:38 PM
To: Natural Resource Damage Program
Cc: Carey B. Schmidt; Carey Schmidt
Subject: Upper Clark Fork Restoration Plan Comments from West Slope Chapter Trout Unlimited.
Attachments: 2012.10.26 - West Slope TU Letter to Montana NRDP - Upper Clark Restoration Plans.pdf

Montana NRDP,

Please find attached to this email a letter from the West Slope Chapter of Trout Unlimited. Thank you for your efforts and for the opportunity to provide our comments regarding the Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans. We look forward to providing all assistance we can with its implementation. Please feel free to contact us with any questions.

Sincerely,

Christopher Fagan
Board Member - West Slope Chapter Trout Unlimited



WEST SLOPE CHAPTER TROUT UNLIMITED

**P.O. Box 7165
Missoula, Montana 59807
President – Carey Schmidt**

Montana Natural Resource Damage Program
1301 E. Lockey
PO Box 201425
Helena, MT 59620
(406) 444-0236
nrdp@mt.gov

RE: Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans

Thank you for the opportunity to comment on the restoration plans for the Upper Clark Fork. The West Slope Chapter of Trout Unlimited represents over 500 members in the Missoula area. Our chapter is invested in restoring the fishery and angling opportunities in the Upper Clark Fork watershed and welcomes the chance to participate in this critical process.

First, our chapter supports Alternative 3 recommended in the plan for integrated restoration of mainstem injured areas and high priority 1 and 2 streams on a watershed basis. Clearly, the success of the mainstem restoration hinges on successful restoration, reconnection, and re-watering of these critical tributaries. By connecting and restoring spawning tributaries as well as providing refuge habitat for mainstem populations, investment in the priority watersheds outlined in the plan will both restore mainstem fish populations as well as improve fish populations and angling opportunities on tributary streams.

Our chapter is currently working with TU staff on restoration of Harvey Creek and looks forward to continued engagement on this important project. NRD funding on Harvey Creek has the potential to

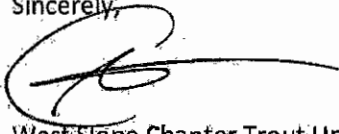
significantly improve mainstem fish populations in a reach of the Upper Clark Fork that has few connections to tributaries and significantly impaired trout numbers.

Our chapter also supports investment in Flint Creek. Flint Creek has significant value for anglers as a replacement fishery and has the potential to supply the Clark Fork with both native and non-native fish. Investment in fish passage, habitat, and flow restoration on Flint Creek is critical to the recovery of the mainstem fishery in the middle reaches of the Upper Clark Fork.

Additionally, our chapter appreciates the budget set aside for improving fishing access on the Upper Clark Fork. We look forward to fishing the Clark Fork in the years ahead and reaping the rewards of restoration projects on the mainstem and its tributaries.

Thank you for your efforts in developing this plan and we look forward to assisting with its implementation.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'W' followed by a horizontal line and a small loop.

West Slope Chapter Trout Unlimited

From: Watson, Vicki <vicki.watson@mso.umt.edu>
Sent: Friday, October 26, 2012 4:40 PM
To: Natural Resource Damage Program
Subject: Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans

Please confirm receipt of comments

Date: October 26, 2012
To: Montana Natural Resource Damage Program
From: Dr. Vicki Watson, University of Montana
RE: Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans

Thank you for the opportunity to comment on the Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans. I regret that a particular busy fall has prevented me from being able to analyze these plans as closely as I would like. However, I was able to attend a presentation on the plans that was provided by Doug Martin. And I was impressed with the level of thought and analysis that went into considering a range of projects throughout the basin, and the effort to identify projects that would provide the greatest restoration and enhancement of these resources at the least cost. I was also impressed with the public involvement process and the efforts made to make the process understandable to basin citizens and to solicit their ideas for restoration actions. I commend the Montana NRDP on its efforts.

I was particularly happy to see the emphasis placed on restoring instream flows and working with the local community of landowners to achieve this. I would caution against too much emphasis on infrastructure (ie building big center pivot irrigation systems and leasing the conserved water). Such projects will become increasingly costly to maintain and operate, and the infrastructure will have to be replaced someday. Buying land with water rights or purchasing conservation easements that convert irrigated land to nonirrigated land and then leasing that water to DFWP appears the safer long term option.

I would also like to suggest that NRDP not focus solely on projects in the most impacted sub-watersheds, but to consider purchasing some conservation easements on some of the healthiest streams in the upper basin. Protecting these streams from degradation may be one of the most cost effective ways of maintaining the upper river's health. Protecting particularly healthy parts of Gold Creek and Modesty Creek are examples.

Finally, I would urge, as I have in the past, that NRDP keep a substantial portion of the restoration funds in reserve and earning interest – so as to be able to afford monitoring and adaptive management and the costs of maintenance of projects which are likely to rise. Projects involving infrastructure (such as more efficient irrigation systems) in particular need to reserve funds for the inevitable future replacement of that infrastructure.

Thank you for your efforts to restore and maintain the health of the Upper Clark Fork.

~~~~~  
Dr. Vicki Watson, Professor of Environmental Studies  
University of Montana, Missoula, MT, 59812  
[vicki.watson@umontana.edu](mailto:vicki.watson@umontana.edu) 406-243-5153 fax 406-243-6090

UM Watershed Health Clinic -- assisting communities with  
Watershed CPR -- Conservation, Preservation & Restoration  
<http://www.umt.edu/watershedclinic>

**Coleman, Kathleen**

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**From:** Maetzold <lmaetzold@bresnan.net>  
**Sent:** Friday, October 26, 2012 4:47 PM  
**To:** Natural Resource Damage Program  
**Subject:** clark fork restoration

I'm with the Trout Unlimited guys when it comes to what best for the river fisheries in Montana. I think there advice is worth following.

Charlie Maetzold  
Whitefish Montana



**Coleman, Kathleen**

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**From:** Raymond Willms <rdwillms@gmail.com>  
**Sent:** Friday, October 26, 2012 4:53 PM  
**To:** Natural Resource Damage Program  
**Subject:** Clark Fork Restoration Plans

I wish to provide a few comments about the draft plans for fisheries and wildlife habitat restoration along the Clark fork River and its key tributaries. I live near the Clark Fork River west of Missoula, and I want to see priority given to the improvement of fisheries and wildlife habitat on the entire system of the river and its key tributaries. I have heard that some interests advocate that the restoration funds should be spent primarily in the upper basin near Butte. I think that you should reject this notion as noted above, The overall improvement of the fisheries requires nothing less. Thank you for your consideration of my comments.

Raymond Willms  
6549 E Kiki Ct  
Missoula, MT 59808



**From:** Tim McHugh <tmchugh@montanaresources.com>  
**Sent:** Friday, October 26, 2012 4:56 PM  
**To:** Natural Resource Damage Program  
**Cc:** Becky Summerville; Rolin Erickson  
**Subject:** comment  
**Attachments:** SCAN3305\_000.pdf

Dear Ms. Fox,

Attached please find Montana Resources' comment on the draft upper Clark Fork River Basin Aquatic Restoration Plan. The original was mailed today.

Thank you.

Best regards,

Tim McHugh



Montana Resources, LLP  
600 Shields Ave.  
Butte, Montana  
USA 59701

(406) 496-3200  
(406) 723-9542 fax  
www.montanaresources.com

Carol Fox  
Restoration Program Chief  
NRDP  
1301 E. Lockey  
P.O. Box 201425  
Helena, MT 59620

Re: Montana Resources, LLP's Comments on Draft Upper Clark Fork River Basin Aquatic Restoration Plan

Dear Ms. Fox:

Montana Resources, LLP ("MR") has reviewed the Draft Upper Clark Fork River Basin Aquatic Restoration Plan ("Plan"). Because it has a contract with Butte Silver Bow ("BSB") for the delivery of water from the Silver Lake Water System ("SLWS"), the Silver Lake proposals for protectable instream flow that are referenced in the Plan are of particular interest to MR and the subject of these comments.

As it evaluates the Silver Lake proposals, MR encourages the NRDP to become familiar with the terms of MR's Water Service Agreement dated 11/22/96 ("WSA"). Among other things, the WSA provides that MR has certain priority rights to the water and storage in the SLWS and that in some circumstances, BSB is obligated to deliver up to 18 million gallons per day to MR on a first priority basis.

MR has been in discussions with BSB concerning the grant proposal and has retained consultants to evaluate both the SLWS Master Plan and BSB's grant proposal. In several meetings with BSB representatives MR has outlined its view of its rights and BSB's obligations under the WSA and offered to work toward mutually acceptable alternatives that both protect MR's interests in a reliable supply of water (essential to its operations) and provide BSB greater flexibility and opportunities in managing the SLWS. Discussions are continuing. Provided the parties are able to reach an agreement concerning a mutually acceptable alternative, MR would fully support this grant.

If you would like additional information or would like to meet to discuss the WSA or the work done by MR's consultants please contact me.

Thank you for your consideration.

Rolin P. Erickson  
President  
Montana Resources, LLP

CC: Paul Babb, BSB Chief Executive

**From:** Larry Timchak <ltimchak@yahoo.com>  
**Sent:** Friday, October 26, 2012 4:58 PM  
**To:** Natural Resource Damage Program

Greetings,

I have fished the upper Clark Fork and tributaries, particularly Rock Creek, for over 30 years. The river above Rock Creek suffers from long term metal pollution that has seriously depressed fisheries. The damage from mining extends way beyond the Butte area and should be addressed as part of this effort.

- The plans are well done, scientifically rigorous, and, importantly, that they are faithful to the intent and purpose of the settlements that resulted from the original natural resource litigation.
  - The Clark Fork River, its tributaries, their fish, and the trust fund belong to **ALL** Montanans; and thus no single community or interest should dictate how the money is spent.
  - Tributary restoration projects are necessary to improve the fishery in the main-stem Clark Fork, and without tributary investments the full value of the main stem efforts could be compromised.
  - Instream flow enhancement in both the tributaries and the main-stem should be a priority of the fishery restoration plan - more water means more fish!
- Sincerely,

Larry Timchak  
Senior Advisor, Natural Resource Management  
Management, Engineering, Technology International  
406-250-7473



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**From:** Kathy Hadley <kathyh@ncat.org>  
**Sent:** Friday, October 26, 2012 4:59 PM  
**To:** Natural Resource Damage Program  
**Cc:** 'Wayne Hadley'  
**Subject:** RE: Hadley Comments on NRDP Plan  
**Attachments:** KLH and WFH Comments.docx; Dan Hook's Map of Deer, Elk, Sheep.pdf

Dear Kathy,  
Attached are comments on the NRDP Plan from myself and my husband.

Thanks, Kathy

## **Comments on the Aquatic Aspects of the Upper Clark Fork River Basin Aquatic & Terrestrial Resources Restoration Plans**

### **General Comments on Aquatic Resources**

The Upper Clark Fork River Basin Aquatic & Terrestrial Resources Restoration Plans (UCFRB Restoration Plan) rests on the premise that the clean-up of metals contamination and improvements to channel stability will be sufficient to restore the CFR's natural channel dynamics and aquatic health. It also relies on questionable estimates of the costs of remediation, protection of the restored areas, and long-term maintenance. The UCFRB Restoration Plan does not address long-term protection of the mainstem Clark Fork River (CFR). After the CFR clean-up is completed, funds will be needed to address any problems that arise and to maintain restored areas. The true costs of restoring the CFR are unknown and problems may arise that require additional financial resources. Allocating the remaining funds through the UCFRB Restoration Plan is short-sighted, especially given the uncertainty that lies ahead.

The remediation and subsequent restoration of the CFR will not remove all of the contaminated sediments in the CFR or along its floodplain, and therefore continued entrainment of metals-contaminated soils will occur as the CFR naturally migrates across its floodplain. After remediation, it may take decades for the CFR to meet aquatic standards to support a healthy trout fishery. Restoring the tributaries will benefit the CFR fishery, but without a thorough clean-up and funds to address lingering problems, the CFR may not provide suitable habitat for brown trout, let alone native trout species.

The State does not propose any other restoration actions on the CFR mainstem after the integrated remediation and restoration plans have been completed. The State has also acknowledged that the proposed remediation may not adequately address the contamination issues on the mainstem CFR. Consequently, the UCFRB Restoration Plan concentrates on instream flow and tributary restoration projects. While instream flows should benefit the mainstem CFR fishery, restoration projects may not provide the greatest long-term benefits. Tributary restoration is most beneficial in systems where recruitment is limited. Fisheries population data do not suggest that the CFR is recruitment limited, and brown trout spawning has been recorded in the mainstem CFR. Consequently, additional instream work on the mainstem CFR may produce a better fishery than numerous projects on the tributaries in hope of increasing recruitment.



## **UCFRB Restoration Plan Specific Comments**

**Pages 2-4 and 3-1:** The NRDP acknowledges that the proposed remediation may not adequately address the immense contamination and fluvial issues on the mainstem CFR. They even state that it may take decades for the resources or services to return to a baseline level, yet the UCFRB Restoration Plan proposes to expend the remaining funds with little concern for restoring the mainstem fishery. Restoring some of the tributaries may benefit the CFR fishery, but without an adequate clean-up in the mainstem, this fishery will never reach its potential.

**Pages 3-1 and 3-2:** The UCFRB Restoration Plan identified three goals connected to restoring the mainstem CFR fishery in the 2011 Aquatic Prioritization Plan: *1) Increase recruitment from the tributaries.* This goal relies on two factors that have not been established; first, the CFR is recruitment limited and therefore by increasing recruitment the mainstem fishery will improve, yet the long-term sampling data in the upper CFR do not support the premise that the CFR is recruitment limited. Second, the recruited fish will be able to survive in the CFR even though NRDP clearly states that the river will take decades to heal and may never return to baseline conditions. *2) Tributary angling opportunities can replace lost angling in the CFR mainstem.* Most of the tributaries to the upper CFR are too small to replace the type of angling opportunities lost along the CFR. *3) Maintain and improve native trout populations to protect diversity.* The CFR may never be able to support a native fishery especially given the already acknowledged short-comings in restoring the mainstem CFR. Water quality may never meet the standards required to support a native fishery in the CFR, and therefore expending funds to expand native fishery populations may never benefit the CFR.

**Pages 3-2 and 3-3:** Three alternatives were presented in the UCFRB Restoration Plan: Alternative 1: No Action, Alternative 2: Restoration of Mainstem Injured Areas and Priority 1 Stream Areas, and Alternative 3: Integrated Restoration of Mainstem Injured Areas and High Priority 1 and 2 Stream Areas on a Watershed Basis. These alternatives are based on accelerated recovery of CFR mainstem via clean-up and do not cover the gamut of possibilities if the CFR mainstem does not fully recover. Another approach may be: Alternative 4: Restoration of Mainstem Injured Areas and After the Mainstem Recovers an Integrated Restoration of High Priority 1 and 2 Stream Areas on a Watershed Basis. This way select projects that directly address mainstem recovery and services (e.g.- instream flow, fishing access sites, etc.) can proceed.

**Page 3-12:** The fish population in the mainstem CFR between Flint Creek and Rock Creek may not be reaching its full potential and additional studies are needed to determine the limiting factors of this reach. This reach has been extensively altered due to the channel realignments by the railroads, interstate, and agricultural practices. Researching the causes of repressed fish populations and its limiting factors in this reach is a normal government function of FWP and should be not funded through this program.

**Pages 3-11 through 3-20:** Numerous abstracts were submitted to address instream flow in the CFR and its tributaries. Most of the abstracts concentrated on water savings through irrigation system improvements to restore instream flow in the tributaries. These projects have dual

benefits of restoring a tributary and, hopefully, providing clean and cold water to the mainstem river. Unfortunately, most of the proposed water savings projects are only theoretical and are not even in the conceptual planning stage. The applicants propose that the UCFRB Restoration Plan pay their salaries while they attempt to identify and develop water saving projects with little guarantee of completion. Most of the instream flow plans also do not address the contentious issues associated with enforcing the water rights/instream flow agreements. Water commissioners will, most likely, be needed to enforce the instream flow reservations, and these expenditures will be needed in perpetuity.

**Pages 3-11 through 3-20:** In the 1998 Consent Decree, the State was required to restore and protect 400 acres of wetlands, and therefore the Dutchman Wetland project was developed to meet the requirements of the CD. Approximately \$3.2 million were dedicated to acquisition, restoration, protection and management of the Dutchman Wetlands. The Dutchman Wetland project contained approximately 30 cfs of instream flow for Warm Springs Creek and approximately 18 cfs of instream flow for Lost Creek. The instream flow was required to protect the wetlands in perpetuity and maintain the health of the vegetation. ARCO purchased the Dutchman Wetland area and associated water rights, and if the transaction is completed as proposed, instream flow in Warm Springs and Lost Creeks should not be an issue. However additional flow would benefit the CFR fishery upstream of Deer Lodge.

**Pages 3-14 through 3-20:** The UCFRB Restoration Plan proposes to improve the CFR fishery via instream flow reservations in the mainstem and tributaries. Most of the proposed projects plan to evaluate irrigation efficiency and use water savings measures (e.g.- canal lining, flood to sprinkler irrigating, etc.) to develop instream flow. These projects may have unanticipated consequences from the loss of return flows to wetlands and down-gradient sub-irrigated pastures. Detailed groundwater assessments will be required to determine long-term impacts of irrigation changes to the surrounding lands.

**Page 3-15:** The NRDP acknowledges the cost of instream flow reservations and allocating 50% of the Aquatic Priority Fund for instream flow acquisitions will be beneficial to restoring the CFR fishery.

**Page 3-16:** The UCFRB Restoration Plan proposes developing and implementing instream flow projects within a 3-year period (2013-2015) with monitoring extending into the future. Most of the proposed water savings projects are only theoretical and are not even in the conceptual planning stage, and therefore it is unlikely that projects could be implemented by 2015. Not considering the lengthy landowner negotiations required to develop a project, it usually takes several years to design, permit, and construct large projects. While most of the projects include monitoring budgets, it is unclear whether or not the proposed monitoring actually addresses enforcement if an instream flow agreement is not being honored.

**Page 3-21:** FWP proposes to install a fish barrier on SBC to restore it as a native fishery even though non-native fish currently reside in Brown's Gulch, German Gulch, and Blacktail Creek. German Gulch also contains a hybridized strain of cutthroat, and therefore obtaining genetic purity may not be possible. Given the susceptibility of cutthroat to angling, maintaining a native fishery in SBC may not be possible without catch and release regulations. Also, water quality in

SBC may not be suitable to support a native fishery given the improvements needed at the Butte-Silver Bow wastewater treatment facilities. Given these factors, restoring SBC to a native fishery may not be the best use of these funds.

**Page 3-21:** The State does not propose any other restoration actions on the mainstems (CFR and SBC) associated with the substantial restoration work already completed or to be completed pursuant to the integrated remediation and restoration plans involving already dedicated site-specific settlement funds. Unfortunately, the State has already acknowledged that the proposed remediation may not adequately address the immense contamination and fluvial issues on the mainstem CFR. They also acknowledge that additional work may be needed on the CFR mainstem between Flint Creek and Rock Creek due to the low fish populations. These statements seem to be contradictory, especially given the amount of funds being allocated to tributary restoration. If the remedial/restoration actions will not restore the CFR fishery, then we should not expend funds to improve the mainstem fishery or access to it. If restoring the tributaries is to replace the damaged CFR fishery, then mainstem CFR projects should not be pursued.

**Page 3-22:** FWP proposes to study the mainstem CFR between Flint Creek and Rock Creek to determine the reason(s) for the low trout densities. This is a normal government function and should not be funded through this process.

**Page 3-23:** The NRDP acknowledges the cost of restoration and proposes to allocate 50% of the Aquatic Priority Fund (approximately \$20.4 million) for development and implementation of restoration actions on the Clark Fork River and Silver Bow Creek mainstems and the twelve watersheds that include the Priority 1 and 2 streams. However over 80% of the proposed projects address restoration activities on the tributaries. Restoring the tributaries does not guarantee recovery of the mainstem fishery, and therefore the majority of these funds should be reserved for mainstem projects. If a tributary can demonstrate a direct benefit to the mainstem fish, then it should only be considered after the water quality, habitat, and water quantity issues in the mainstem have been addressed.

**Page 3-23:** Numerous abstracts were submitted to address restoration of the CFR tributaries. The UCFRB Restoration Plan proposes to develop and implement these projects within a 3-year period (2013-2015) with monitoring extending into the future. Most of the proposed projects are only theoretical, and data have not been collected to support the proposed actions. Consequently, the projects are not even in the conceptual planning stage, and therefore it is unlikely that projects could be implemented by 2015. The applicants propose to use UCFRB restoration funds pay their salaries while they attempt to identify and develop projects with little guarantee of completion. Landowner negotiations required to develop a project will most likely devour most of this time frame, and then it usually takes several years to design, permit, and construct projects. While most of the projects include monitoring budgets, it is unclear whether or not the proposed monitoring actually addresses enforcement if an agreement is not being honored.

**Pages 3-24 through 3-91:** The UCFRB Restoration Plan acknowledges that prior to work on any of the 12 watersheds (Priority 1 and 2 tributary stream areas), evaluations of each of the watersheds' targeted resources are needed to prioritize and implement restoration actions in the

most cost effective method. Five general proposed actions were evaluated for each basin: Riparian Habitat Protection/Enhancement; Fish Passage Improvement; Fish Entrainment Reduction; Instream Habitat Improvement; and Flow Quantities Improvements (Instream Flow). An additional three factors were also assessed: Watershed Evaluations; Engineering and Design; and Project Management. These categories were used to identify the type of projects best suited for each basin, but details were not provided and little data was collected to determine the impacts in each category. Consequently, several projects have been proposed (abstracts) to address fish passage and fish entrainment where problems may not exist and data have not been collected to ascertain impacts. Also, the evaluation of fish loss to irrigation diversions and screening of ditches is part of MFWP's normal governmental functions as dictated in the MCA.

**Pages 3-24 through 3-91:** The UCFRB Restoration Plan abstract process relies on non-governmental organizations (e.g.- Clark Fork Coalition, Five Valleys Land Trust, Trout Unlimited, etc.) to develop and implement the restoration projects. Most abstracts request funds to cover their salaries to develop the projects. Procurement procedures were not discussed, and therefore the level of fair bidding practices is unclear. This may be a violation of State law given the cost, size, and duration of some of the proposals. Numerous private companies are capable of evaluating and developing these projects, and a procurement process may guarantee the best possible project for the cheapest cost.

## **General Comments on the Terrestrial Resources**

### **Pages 4-1 through 4-3:**

The goals identified seem appropriate:

- Restore the injured terrestrial resources and associated ecological and recreational services (lost hunting, wildlife viewing, bird watching, and other wildlife-related outdoor recreation) covered under the State's natural resource damage lawsuit.
- Replace injured terrestrial wildlife resources by protecting and enhancing grassland, riparian, wetland, and conifer forest habitats in the UCFRB that is similar to those injured.
- Replace lost hunting, wildlife viewing, bird watching, and other wildlife-related outdoor recreational opportunities by enhancing wildlife habitat, and consequently, wildlife populations, and ensuring public access to these wildlife resources.

We agree with the general policies that:

- a) A few large projects are generally preferred to many smaller projects because of the lower cost per area and larger footprint on the landscape. Clustering of projects will improve their effectiveness.

- b) Other things being equal, projects adjacent to public lands or conservation easements are preferred to projects surrounded by unprotected private land or isolated from good wildlife habitat by large expanses of compromised habitats.
- c) Projects that provide protection and enhancement of several targeted habitats are generally preferred over projects that only contain a single habitat.
- d) Other things being equal, projects that meet some or all of the fisheries restoration goals are preferred to projects that lack benefits to fisheries.
- e) Access for wildlife-related recreation needs to be managed to ensure that increased recreational use does not negatively impact wildlife resources or compromise restoration and enhancement efforts.

### **Pages 4.3- Alternatives**

We are concerned that the identification of Priority areas 1 & 2 was based on Arcview mapping exercises as opposed to using actual wildlife data. Attached are wildlife observation maps prepared by Dan Hook and in looking at his maps, it seems like some of the critical wildlife areas are not identified as a priority by NRDP. Perhaps NRD did use the wildlife survey data that was digitized for NRDP some years ago but it isn't clear by the priorities. The data on the maps were based on 5076 observations of 105,699 animals. Simply put the "animals" are telling us where their critical habitat is. It appears that significant wildlife habitat was ignored by NRDP, particularly on the north face of the Flint Mtns. and south west of Interstate 90 in the upper basin (Mill creek-the divide).

In addition, there seems to be plenty of wildlife projects in the Clark Fork River valley from its headwaters to Garrison submitted to NRDP. Yet, a large amount of the proposed funding for terrestrial projects are being proposed for areas NOT damaged by the mining pollution. Why must we consider projects in Phillipsburg where yes, there is good habitat but also most of the private lands are closed to hunting? Why would the state want to help build elk and deer populations in an area that already suffers from "wildlife harboring" by private landowners. This creates huge headaches for local ranchers, hunters and FWP.

The Plan says "The landscape west of Philipsburg, Montana is defined by the Flint and Rock Creek watersheds and contains Priority 1 lands in the Antelope foothills at the southern periphery of the John Long Mountain Range as well as Priority 2 lands at the headwaters of Rock Creek. Due to its important riparian habitat, extensive high quality native grasslands, and a low level of landscape fragmentation, 51,751 acres (38% of lands in the area) are designated as Priority 1 lands. They account for almost a third (31%) of all Priority 1 lands in the UCFRB."

No mention is made of a fact that there is no public access to the Antelope Hills or that a majority of the landownership is by out of state trophy ranch owners. There is limited legal public access on the south end of the John Long Mountains.

Thank you for the opportunity to comment.

Sincerely,

Wayne and Kathy Hadley  
11155 Eastside Rd  
Deer Lodge, MT 59722

Figure 4 Combined elk mule deer and bighorn sheep locations







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**From:** Sesso, Jon <jsesso@bsb.mt.gov>  
**Sent:** Friday, October 26, 2012 6:14 PM  
**To:** Natural Resource Damage Program  
**Cc:** Sesso, Jon; Elizabeth Erickson; 'Mick Ringsak'; Jim Kambich  
**Subject:** Public comment on Aquatic and Terrestrial Plans  
**Attachments:** Public comment - Draft Aquatic and Terrestrial Plans pdf.pdf; 2012 Planning Dir comment letter on A&T Draft plan 10-26-12.doc

Here's public comment from Jon Sesso, Butte-Silver Bow Planning Director. One pdf format; one WORD



## *Butte-Silver Bow Planning Board*

October 26, 2012

Vivian Hammill, Chair, Trustee Council  
William Rossbach, Chair, Advisory Council  
Natural Resource Damage Program  
P.O. Box 201425  
Helena, MT 59620-1425

**Re:    *Comments on the Draft Upper Clark Fork River Basin Aquatic and  
Terrestrial Resources Restoration Plans (September 2012)***

Dear Ms. Hammill and Mr. Rossbach:

Please accept the following comments on the *Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans* (Plans), as released in September 2012.

First, thanks to the staff and members of the Councils for all the effort to solicit the ideas and abstracts from the general public and state agencies, compile the information, prepare the draft Plans, get the Plans through initial reviews and now out for public comment. No small feat, indeed, and the diligent efforts are commendable.

In general, the Plans represent a broad and impressive cross-section of viable projects to meet the aquatic and terrestrial restoration objectives set forth in the *Guidance Plan*, approved in 2011. As with any plan, though, certain refinements could be made to maximize the benefits from ensuing NRD investments. Please accept these comments in the spirit of achieving that best result.

- 1) The *Guidance Plan* was quite precise about directing restoration and replacement projects to the headwaters of the Upper Clark Fork River Basin, including the Silver Bow Creek watershed – where the majority of the natural resource damages occurred. Given the location and severity of those damages, the natural resources in the headwaters area should be the focal point of restoration investments. Within these draft Plans, however, given the complete absence of any terrestrial projects in the headwaters coupled with several recommended aquatic projects well downstream of any mining impacts, it appears that fundamental principle has been compromised.
- 2) The recommended projects in the Plans do not appear to take into account what may be a tremendous improvement of natural resources within Reach A of Upper Clark Fork River from the remedial and restoration investments that are just getting

started. It has been the mantra of the NRD program to avoid spending restoration funds on improvements that should or could be realized under remedial actions. Before commencing projects in Reach A using Aquatic or Terrestrial funds, it would seem more reasonable to wait, and realize the benefits of the \$100 million remedy implementation, not to mention the \$26.7 million restoration work, 95 % of which is slated for Reach A. With interest, there will be nearly \$150 million invested which should produce substantial results.

- 3) With regard to the Butte-Silver Bow proposal to offer the State stored water in Silver Lake for aquatic flows and other natural resource restoration benefits, the Trustee is urged to consider this significant opportunity. While there may be certain details to work out before moving forward with a project of this complexity, it would be extremely unfortunate for Montana to miss out on this effective, viable option to address chronic dewatering in the Upper Clark Fork Basin.

Since the mid-1990's, the Upper Clark Fork Steering Committee has had many discussions about how the Silver Lake storage could be used for the benefit of the River. Then, Butte-Silver Bow brought the Silver Lake Water System into public ownership in 1997, and went through the change process for an instream flow right in Warm Springs Creek and the Clark Fork from Silver Lake storage. Although this instream flow change must be renewed every ten years, there is no limit to the number of renewals and having already satisfied the stringent proof requirements for the change is a significant benefit to any user (i.e., the State of Montana, NRDP) of this right.

The instream flow right relies primarily on stored water, which is uniquely suited for fishery purposes and enhancing aquatic flows during times of drought. Water stored during runoff can be released later in the year when stream flows are low. When stored water is released from a reservoir, it retains its nature as stored water for the benefit of the reservoir owner or its customers. Other water right users that rely on direct stream flow cannot divert the stored water even if the direct flow water rights have senior priority dates. Montana law allows a water commissioner to be appointed for the protection and distribution of stored water even if a stream is not decreed.

In addition, the Silver Lake improvements support restoration projects throughout the Silver Lake Watershed, specifically through improvements to the Meyer's Dam at Warm Springs Creek. Dovetailing Silver Lake improvements with the installation of a fish trap at Meyer's Dam (see Sweeney proposal, #5a) has the potential to not only ensure aquatic flows during times of drought or low water, but to further our understanding of spawning behavior in this fishery and contribute to long-term restoration of westslope cutthroat trout and bull trout populations in the Upper Clark Fork.

The Silver Lake System is a robust water source with ample capacity to satisfy industrial demand and obligations that would be contracted to the NRDP for aquatic flow benefits. Additionally, the Butte-Silver Bow's Silver Lake proposal poses a significant benefit to realizing restoration principles directly benefiting species native to this ecosystem.

- 4) The Plans fails to consider the aquatic and terrestrial restoration projects outlined in the 2005 *Silver Bow Creek Watershed Restoration Plan*, which was developed with widespread and substantial public involvement. It is noted that there are certain projects included in the "Other Aquatic Projects" section of the 2012 Aquatics Plan, e.g., Blacktail Creek, German Gulch and Browns Gulch drainages. However, many worthy aquatic and terrestrial priorities from the 2005 Plan were not considered at all in the 2012 Plans. Likewise, there were many aquatic and terrestrial project ideas generated through the Butte Area One public involvement process that will not be addressed due to insufficient resources.

Again, given the location and severity of mining damages in the Silver Bow Creek Watershed, the Trustee is urged to give these unaddressed priorities greater consideration. At the very least, perhaps a substantial portion of the Contingency funds for both the aquatic and terrestrial trust accounts could be set aside for future use in the Silver Bow Creek Watershed. Or, in the alternative, the Trustee could earmark sufficient funds from the Silver Bow Creek Remedy remainders for worthy projects in the Silver Bow Creek Watershed that have been overlooked in the 2005 Plan and the Butte Area One process.

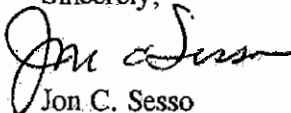
- 5) The re-evaluation process every two years is a good start to ensure the Plans can be amended to reflect new developments in the Basin, and the emerging impacts of both remedial and restoration actions as they occur. However, the Plans do not appear to adequately address the need for decision-making at the local level. It remains unclear whether local groups and communities in the Basin will still be able to design, develop and implement projects.

Additionally, it has long been expected that eventually, NRD implementation Plans, especially in the post-litigation phase of the program, would have greater community control coupled with greater on-the-ground staffing in the Basin, e.g. a fish biologist living and working in the Basin to implement priorities, thus contributing to broader objectives, such as minimizing administrative costs, maximizing investments in projects and growing the restoration economy in the Upper Clark Fork River Basin.

In terms of process, we commend the NRD Advisory Council for their efforts to develop and craft the draft Plans and conduct this public comment review. The collaborative process is much appreciated. These comments and suggested refinements are offered as part of the exchange of ideas and differing points of view.

Thank you for the opportunity to comment and trust this input warrants your serious consideration. All of us in Butte-Silver Bow look forward to collaborating with all stakeholders, Councils and Governor Schweitzer to refine the Plans that best serves the interests of all Basin stakeholders.

Sincerely,



Jon C. Sesso  
Planning Director

Co:

Paul D. Babb, Chief Executive  
Butte-Silver Bow Council of Commissioners  
Dan Powers, Environmental Health Officer  
Dan Dennehy, Public Works Director  
Eileen Joyce, Butte-Silver Bow County Attorney  
Members, Butte NRD Advisory Council  
Members, Butte Restoration Alliance  
Members, Greenway Authority Board  
Members, Citizens Technical Environmental Committee  
Governor Brian Schweitzer  
Butte Legislative Delegation  
Julie Delsoglio, Director EPA-Region 8, Montana Office  
Richard Oppen, Director, Montana DEQ



**From:** Darryl Barton [<mailto:darrylbarton@yahoo.com>]  
**Sent:** Tuesday, October 30, 2012 1:38 PM  
**To:** Coleman, Kathleen  
**Subject:** Re: Deer Lodge NRDP comments

Thank you, Kathy.

Here they are.

Darryl

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**From:** "Coleman, Kathleen" <[kcoleman@mt.gov](mailto:kcoleman@mt.gov)>  
**To:** 'Darryl Barton' <[darrylbarton@yahoo.com](mailto:darrylbarton@yahoo.com)>  
**Sent:** Tuesday, October 30, 2012 1:05 PM  
**Subject:** RE: Deer Lodge NRDP comments

Yes – however they will be marked as received late.  
Kathy

**From:** Darryl Barton [<mailto:darrylbarton@yahoo.com>]  
**Sent:** Tuesday, October 30, 2012 11:41 AM  
**To:** Coleman, Kathleen  
**Subject:** Re: Deer Lodge NRDP comments

Kathy,

May I send you an unsigned copy through email and a signed copy through regular mail?

Sorry about the oversight.

Thank you,

Darryl Barton

Mary Ann Fraley  
Mayor  
Jana McGill  
City Attorney  
Donna Seaton  
City Clerk / Treasurer

City of  
**Deer Lodge**  
300 Main Street  
Deer Lodge MT 59722-1098

**City Council**  
Rex Anderson  
David Austin  
Lyle E. Gillette, Jr.  
Tom Goddard  
Edward M. Hebbe IV  
Jack Hinkle  
Maggie Hunter  
John J. Molendyke

October 26, 2012

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

Carol:

On behalf of the City of Deer Lodge I would like to submit comments on the Natural Resource Damage Program's (NRDP) *Draft Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans*. We appreciate your producing a plan for the restoration of the Clark Fork River as it winds through the Deer Lodge valley. Over the next decade we are excited to see the improvements to our area that will greatly improve our environment, but will also have such a profound positive impact on the health of our local economy. Deer Lodge sits on the banks of the Clark Fork in the midst of the cleanup. We want to thank you for taking our comments to heart in recent years and hope that you will do the same with these comments.

The City of Deer Lodge has never received funding from NRDP. We take these funds seriously and have now submitted project ideas that we feel very strongly about. The first is our Deer Lodge Wastewater Project. The Draft Restoration Plan has deemed this project ineligible for funding based on it being a normal government function. While we agree that providing wastewater treatment and dispersal is a normal government function, this portion of the project goes above and beyond normal government function as we will be reducing our discharge to the Clark Fork River to zero. This is not normal among government wastewater systems. We provided an answer to the question of normal government function in a report sent to the NRDP. We respectfully would like to ask that the NRDP once again revisit the notion of normal government function in relation to this project. Deer Lodge has a design complete to make improvements to the wastewater system that will cost in upwards of \$11 million. We understand that most of these improvements are normal government function and did not ask NRDP for consideration in funding. We do, however, want to stress that the project we did submit goes above and beyond normal government function; it is a shovel-ready project that could be completed in 2013; and that it will undoubtedly provide a huge, measurable, positive effect Clark Fork River water quality. Improvement of the Clark Fork River is, after all, one of the main goals of the NRDP lawsuit.



Deer Lodge also submitted two projects involving improvements on Cottonwood Creek. Cottonwood Creek is a priority stream and we would like to thank you for setting aside \$1,686,636 for enhancements to Cottonwood Creek. We support developments to the Kohrs – Manning Ditch and the culvert that crosses Interstate – 90 that promise to improve fish passage. We also feel that there is a great need to projects on the urban channel of Cottonwood Creek. The temperature increases significantly as the creek passes through town. There is very little fish habitat or healthy vegetation along the stream banks. Deer Lodge is the proper agency to see projects of this type to completion. Our project idea took these factors into play while also incorporating flood reduction components. Rather than completely making our project ineligible for funding on the basis of normal government function because of the flood aspect of the project, we want to respectfully ask that the NRDP consider allowing Deer Lodge to develop a project that would address our concerns regarding fish habitat and vegetation improvements. Cottonwood Creek has such immense potential as a fishery that can be enjoyed by residents, especially children, who may not have many other options for angling.

Once again, thank you for your incredible work in producing this plan. We appreciate the work you do to improve the Clark Fork River Basin.

Sincerely,

Mary Ann Fraley  
Mayor



OCT 31 2012

NATURAL RESOURCE  
DAMAGE PROGRAM

**Drummond**  
**CHAMBER OF COMMERCE**

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PO Box 364 | DRUMMOND, MT 59832 | 406-288-3553

[www.drummondmontana.com](http://www.drummondmontana.com)

October 24, 2012

Natural Resource Damage Program  
Montana Department of Justice  
P.O. Box 201425  
Helena, MT 59620-1425

To whom it may concern:

We are writing in support of the proposed restoration plan for the Upper Clark Fork River Basin. If adopted, the proposed plan would go a long way toward remedying the ecological damage of decades ago that still haunts us today.

The Drummond Chamber of Commerce appreciates the thoughtful work of the many people who have contributed to the proposed plan for the Upper Clark Fork River Basin. We are particularly pleased to see that a proposal submitted by the Drummond Kiwanis Club has been included in the draft plan. The modest amount of money requested to purchase and restore flood plain property for a nature park is reasonable, fair and overdue. For too long, too little has been done for the small communities between Butte and Milltown.

The plan proposed by the Kiwanis Club would preserve the natural floodplain, including natural wetlands, and would provide a new recreational opportunity for the region. In spite of having a river run through our community, residents and visitors have only one public access point to the Clark Fork. The Drummond Riverside Park project would add a second.

If approved, everyone should feel satisfied that the money invested in Drummond would be spent on fish and wildlife — as was the intent of the NRDP lawsuit. By adopting this plan, you will leave an important legacy of clean water, healthy flowing rivers, and new opportunities for fishing, hunting and other recreational opportunities. We urge you to do just that.

Sincerely,

Members of the Drummond Community Chamber of Commerce