

## SECTION 6. RESTORATION PLAN IMPLEMENTATION

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This section explains the process that will be followed in the development, design and implementation of this Restoration Plan, as identified in Sections 3, 4, and 5 of this document and summarized in Table 6-1, which provides a funding breakdown for the Aquatic and Terrestrial Priority Funds. These procedures are based, in large part, on following provisions from the *2012 Process Plan*:<sup>1</sup>

- Some approved projects will be developed and implemented by the State, and other approved projects will be developed in partnership with the State in a manner consistent with State procurement requirements.
- Some partners may be identified early in the restoration planning through the public scoping process described above; other partners may be identified later after the Aquatic and Terrestrial Restoration Plans have been adopted.
- Compliance with State procurement regulations will affect how and what entities implement projects.

For each project or conceptual proposal included in this Restoration Plan, the State will initiate the following process.

### **Project Development and Design:**

- Consistent with past guidance approved by the Trustee Restoration Council, the project administration activities will be capped at 5% of the total estimated project development and design costs, whichever is less.
- The State may coordinate and contract with government entities or landowners, or competitively-procured contracted consultants and non-profits, as needed, for managing project development and design or related activities. All services to the State under the *Restoration Plans*, including subcontractors, engineering, non-construction services, and construction services, will be competitively procured consistent with State law.
- Where consistent with state procurement requirements, the partnering entities will be funded and responsible for general management of the project development and design activities. Many of these entities indicated the possibility or likelihood of matching funds in their abstracts. ~~Starting in 2023, As~~ part of the project development efforts for all aquatic and terrestrial priority projects, opportunities to obtain matching funds for the full project ~~should be pursued~~will be required to increase the project's cost-effectiveness and cost/benefit. NRDP will consider the value of the matching funds when determining a

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<sup>1</sup> See Section 5.3.3 (pp. 17 and 18) on Implementation of Restoration Plan Projects in the *2012 Process Plan*.

project's cost-effectiveness and cost/benefit prior to project implementation. Matching funds need to be specific to proposed projects, provided over a similar timeframe as proposed projects, and activities covered by matching funds need to meet the legal threshold for Restoration Funds. Matching funds can be in-kind contributions.

- Recreation projects are required to obtain 25% matching funds. Matching funds need to be specific to proposed projects, provided over a similar timeframe as proposed project, and activities covered by matching funds need to meet the legal threshold for Restoration Funds. Matching funds can be in-kind contributions, see Section 5.0.
- If a project is approved, the percentage match commitment for the cash and in-kind match contributions will be documented in the project file. For cash matches, a document of the cash transaction is required, whereas for in-kind matches, a summary is required as part of the final project report.
- The contracted entities will be required to competitively procure any subcontractors used for all services, environmental consulting, engineering, and design activities, consistent with State procurement guidance to be provided by NRDP.
- Unless specified elsewhere in the Restoration Plans, all recreation--based infrastructure built with UCFRB Restoration Funds must be maintained and operated with non-State of Montana natural resource damage funds. Written confirmation of this requirement must be provided.

## **Project Implementation**

- The State will separately procure contractors for the project implementation phase, involving preparation of construction design and bid specifications, construction oversight and construction of a developed project. For this subsequent procurement, the State would consider, as appropriate, the responsibility, responsiveness, knowledge, skills, abilities, and/or cost in selecting the appropriate entity/person for this activity. Each project may require a different skill set to supply the needed project management or construction oversight, thus separate procurement for implementation is needed. These procurement activities will follow all relevant State law requirements.
- All projects must comply with all applicable laws, such as permitting and evaluation of impacts from a proposed project, as appropriate.

The development, design, and implementation of the final *Restoration Plans* will focus on the actions set forth for each aquatic priority area and priority landscape, rather than a set dollar amount required for each area or landscape. Funding of individual projects within aquatic priority areas and terrestrial priority landscapes will be based on cost-effectiveness and cost:benefit, rather than on concept proposal estimates.

Funding for all project management, development, design, and implementation will be on a reimbursement basis. Reimbursement will occur following the submittal of a completed and correct invoice, with proper cost documentation of and a progress report on the activities covered under the invoice, pursuant to provisions of the contract agreement. Prior to paying for any subcontracted services, the contractor (including non-profits) must provide documentation of the NRDP-approved procurement process.

Each project involving property and/or water rights acquisitions will require a subsequent approval of the proposed transaction, once fully developed in accordance with the *Restoration Plans*, by the Trustee following consideration of input from the public, Advisory Council and Trustee Restoration Council.

### **Restoration Implementation Updates and Reporting**

The State will provide quarterly updates and issue annual reports that will describe the status of all project development and implementation conducted pursuant to the proposed actions covered in this plan and summarized in Table 6-1.

### **Restoration Plan Revisions and Updates**

The Aquatic and Terrestrial Restoration Plans were reviewed and revised two years after the Governor's approval of the 2012 plans ~~and~~ the 2016 plans. The 2019 Restoration Plans ~~will be~~ reviewed and revised four years after Governor's approval. The 2023 Restoration Plans will be reviewed and revised four years after Governor's approval allowing development and completion of restoration projects and interest earnings to accrue. The frequency of later reviews/revisions can be addressed in subsequent plans. The revisions to the restoration plans will include a public solicitation of conceptual restoration proposals and scoping for associated impacts from implementation of the Restoration Plans.