

SECTION 1. INTRODUCTION

1.1 Purpose and Scope of this Document

This *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans (Restoration Plans)* document describes the State of Montana's proposed restoration actions for aquatic and terrestrial resources of the Upper Clark Fork River Basin. It is based on the natural resource damage provisions in state and federal superfund law and on the plan development process set forth in the *2012 Final Upper Clark Fork River Basin Interim Restoration Process Plan (2012 Process Plan)* approved by ~~Governor Schweitzer~~the Trustee in May 2012. It is organized as follows:

- This introductory Section 1 describes the purpose and scope of this document.
- Section 2 provides background on the previous restoration planning efforts that led to the development of this Plan and on available restoration funding.
- Section 3 describes the restoration alternatives analysis and actions the State proposes for restoration of aquatic resources in the UCFRB.
- Section 4 describes the restoration alternatives analysis and actions the State proposes for restoration of terrestrial resources in the UCFRB.
- Section 5 describes the actions the State proposes for enhancement of recreational services in the UCFRB.
- Section 6 summarizes all proposed actions and describes how actions are to be implemented.

The State of Montana Natural Resource Damage Program (NRDP) developed these plans in consultation with fish and wildlife biologists from the Montana Department of Fish, Wildlife and Parks (FWP). Draft versions of these plans were the subject of a 30-day public comment period that ended on Friday, October 26, 2012.¹ The Governor made the final decision on these plans in December of 2012, following consideration of input from the public, the NRDP, the UCFRB Remediation and Restoration Advisory Council, and the Trustee Restoration Council. Further information on the role of each of these entities in the restoration planning development, review and approval process is provided in the *2012 Process Plan*. Any substantive change to any of these plans would be subject to the same review and public comments steps prior to a final decision by the Governor.

In 2015, the NRDP, in consultation with FWP, updated and revised the *2012 Restoration Plans*. As part of the 2015 Update to the *2012 Restoration Plans*, the NRDP solicited from the public, including governmental entities, revisions to the *2012 Restoration Plans* and restoration action concepts. Revisions to the *2012 Restoration Plans* were considered in the Response to Comments dated April 12, 2015. These projects and revisions were summarized in the Draft 2016 Update to

¹ The public comments received and State's responses to them are covered in the *Final Response to Public Comment on the Draft UCFRB Aquatic and Terrestrial Resources Restoration Plans*, prepared by the NRDP, dated December 2012. This response document and this final restoration document are available on the NRDP website at: <https://dojmt.gov/lands/upper-clark-fork-river-basin/>

the 2012 *Restoration Plans*. The NRDP released the Draft 2016 Update to the 2012 *Restoration Plans* for a 32-day public comment period and provided opportunities for additional public comment at the Upper Clark Fork River Basin Advisory Council meeting on April 22, 2015, and at the Governor's Trustee Restoration Council meeting on May 13, 2015. Based on the public comment received, the NRDP prepared a Final 2016 Update to the 2012 *Restoration Plans*. This Final 2016 Update was recommended by the Upper Clark Fork River Basin Advisory Council at their October 21, 2015, meeting, and the Governor's Trustee Restoration Council at their November 10, 2015, meeting. The Governor approved this Final 2016 Update on January 29, 2016.

In 2018, the NRDP in consultation with FWP updated and revised the 2016 *Restoration Plans*. As part of the 2018 Update to the 2016 *Restoration Plans*, the NRDP solicited from the public, including governmental entities, revisions to the 2016 *Restoration Plans* and restoration action concepts. Revisions to the 2016 *Restoration Plans* were considered in the Response to Comments dated September 13, 2018. These projects and revisions were summarized in the Draft 2018 Update to the 2016 *Restoration Plans*. The NRDP released the Draft 2018 Update to the 2016 *Restoration Plans* for a 30-day public comment period and provided opportunities for additional public comment at the Upper Clark Fork River Basin Advisory Council meeting on November 14, 2018. Based on the public comment received, the NRDP prepared a Final 2018 Update to the 2016 *Restoration Plans*. This Final 2018 Update was recommended by the Upper Clark Fork River Basin Advisory Council meeting at their January 16, 2019, meeting, and the Governor's Trustee Restoration Council at their February 6, 2019, meeting. The Governor approved this Final 2018 Update in February 2019.

[In 2023, the NRDP in consultation with FWP, updated and revised the 2018 Restoration Plans. As part of the 2023 Update to the 2018 Restoration Plans, NRDP solicited from the public, including governmental entities, revisions to the 2018 Restoration Plans and restoration action concepts. Revisions to the 2018 Restoration Plans were considered in the Response to Comments dated May 3, 2023.](#)

SECTION 2. BACKGROUND

2.1 Restoration Plan Development Steps

In 1983, the State of Montana (State) filed a lawsuit against the Atlantic Richfield Co. (ARCO) for injuries to the State's natural resources in the UCFRB, which extends from Butte to Milltown (Figure 1-1). The lawsuit was brought under federal and state Superfund laws and sought damages from ARCO. Decades of extensive mining and mineral processing by ARCO and its predecessors in the Butte and Anaconda areas released hazardous substances that injured natural resources and deprived Montanans of their use. In 1989, the Environmental Protection Agency (EPA) filed another lawsuit to establish ARCO's liability for remedial cleanup in the UCFRB.

The NRDP pursued the natural resource damage (NRD) litigation against ARCO on behalf of the State. The State settled this lawsuit through a series of settlement agreements completed in 1999, 2005, and 2008.² This document is specific to the expenditure of the UCFRB Restoration Fund, which was established with natural resource damages recovered in the State's partial settlement of its lawsuit in 1999. The consent decrees for the 2005 and 2008 settlement agreements, along with the restoration plans approved pursuant to those decrees, provide the framework for expenditures of natural resource damages obtained from those settlements, which are specific to the Milltown, Butte Area One, Clark Fork River, and the Smelter Hill Upland injured areas.

The UCFRB Restoration Fund contains no Montana taxpayer funds, is administered by the Governor of Montana as trustee for natural resources of the State, and is established to restore, rehabilitate, replace, or acquire the equivalent of the injured natural resources of the UCFRB. From 2000 through 2010, the NRDP administered an annual restoration grants process funded largely by the interest earnings of the UCFRB Restoration Fund. In December 2011, the Governor approved a revised framework document for UCFRB Restoration Fund expenditures, the *Final UCFRB Long Range Priorities and Fund Allocation Plan*, hereafter referred to as the *2011 Long Range Guidance Plan*. That plan allocated the remaining balance of the UCFRB Restoration Fund into separate funds for groundwater, aquatic, and terrestrial resource restoration projects.

The *2011 Long Range Guidance Plan* also triggered the development of a restoration planning process for development of restoration plans specific to groundwater, aquatic, and terrestrial resources. In May 2012, the Governor approved a *final UCFRB Interim Restoration Process Plan (2012 Process Plan)* that set forth the process for development of these resource-specific restoration plans that dictate the expenditures of UCFRB Restoration Fund in the future.

In October 2012, the Governor approved groundwater restoration plans from Butte-Silver Bow and Anaconda Deer-Lodge city-county local governments pursuant to the procedures and requirements specified in the *2012 Process Plan*.³ These plans describe the counties' proposed plans for expenditure of groundwater priority funds that were allocated via the *2011 Long Range Guidance Plan* for water system improvements in Butte (about \$30.1 million) and Anaconda (about \$10 million). The counties' draft versions of these plans were subject of public comment

²These settlements are summarized on the NRDP's website at: <https://dojmt.gov/lands/>.

³The counties' final groundwater plans are available from the NRDP website at: <https://dojmt.gov/lands/butte-area-one/> (Butte Groundwater), <https://dojmt.gov/lands/anaconda/> (Anaconda Groundwater)

and consideration by the UCFRB Remediation and Restoration Advisory Council and the Trustee Restoration Council prior to the Governor's final approval decision.⁴

Similarly, the aquatic and terrestrial *Restoration Plans* are based on the procedures and requirements specified in the *2012 Process Plan*, as well as provisions in federal and state laws regarding restoration plans. Under the federal Superfund law, the natural resource trustees must complete a restoration plan and consider public input before natural resource damage settlement funds can be spent.⁵ The restoration plan needs to specify how funds will be spent and include an evaluation of restoration alternatives according to criteria specified in federal natural resource damage regulations.⁶ These plans cover proposed expenditures of the aquatic and terrestrial priority funds that were allocated via the *2011 Long Range Guidance Plan* for the restoration of aquatic and terrestrial resources and associated recreational services. Restoration projects funded in the future by the UCFRB Restoration Fund will be developed and implemented pursuant to the provisions of these final aquatic and terrestrial *Restoration Plans* and associated funding approved by the Governor.

2.2 Previous Analysis of Restoration Alternatives

The *Restoration Plans* rely on the State's previous restoration planning efforts that entailed analysis of restoration alternatives and helped form the basis for aquatic and terrestrial resource prioritization plans finalized in 2011. The following is a summary of those past alternatives analysis efforts.

In the State's 1995 *Restoration Determination Plan (RDP)*, the State analyzed restoration alternatives and selected a specific restoration and or replacement alternative for each of the nine injured resource areas covered under *Montana v. ARCO*, using the DOI legal criteria.⁷ The 1995 *RDP* provided part of the basis for the State's partial settlement with ARCO in 1999.

From 2003 to 2008, the State produced a restoration plan, and several revisions thereof, for the Milltown site, which was incorporated into a consent decree that addressed the terms and costs of cleaning up the Milltown Dam Reservoir area east of Missoula and restoring the Clark Fork and Blackfoot Rivers at the site. The 2008 Milltown Restoration Plan⁸ included an analysis of restoration alternatives and selection of a preferred alternative that essentially revised the 1995 *RDP's* restoration alternatives analysis for the Milltown site.

⁴ Public comments on these draft groundwater restoration plans and the State's responses to them are *Final Response to Public Comment on the Draft Groundwater Restoration Plans Prepared by Butte-Silver Bow and Anaconda-Deer Lodge County City/County Government*, prepared by the NRDP, dated October 2012. This response document and this final restoration document are available on the NRDP website at: <https://dojmt.gov/wp-content/uploads/FinalRtoConGWplans2012.pdf>

⁵ 42 U.S.C. §9607 and §9611.

⁶ 43 CFR §§ 11.81 & 11.93.

⁷ *Restoration Determination Plan for the Upper Clark Fork River Basin*, prepared by the NRDP, with assistance from Rocky Mountain Consultants, Inc., dated October 1995.

⁸ *Design Summary and Implementation Plan, Restoration Plan for the Clark Fork River and Blackfoot River near Milltown Dam*, prepared for NRDP by River Design Group, Inc., WestWater Consultants, Inc., and Geum Environmental Consulting, Inc., dated January 2008.

In 2007, the State produced restoration plans for the Butte Area One, Smelter Hill Uplands, and Clark Fork River sites that were incorporated into the 2008 Consent Decree, which finally settled *Montana v. ARCO*.⁹ These plans included an analysis of restoration alternatives and selection of a preferred alternative that essentially revised the 1995 RDP's restoration alternatives analysis for these three sites. The State most recently updated the [restoration plans for Butte Area One and for Clark Fork River in 2020](#). ~~Restoration Plan in the December 2016 Butte Area One Restoration Plan Amendment for the Parrot Tailings Waste Removal.~~

From 2000 to 2010, the State produced annual restoration plans that summarized the annual grant cycle process and projects and the Trustee's final funding decisions on those projects. Through June 2011, the Trustee approved 122 restoration grant projects in the UCFRB for funding totaling \$119.6 million from the UCFRB Restoration Fund.

Following the final settlement of *Montana v ARCO* in 2008, the State initiated restoration planning efforts that built on these previous restoration planning efforts and ultimately led to the framework provided in the *2011 Long Range Guidance Plan*. A myriad of approaches to allocating the UCFRB Restoration Fund to groundwater, aquatic, and terrestrial resources were proposed and subject of considerable deliberation by the Advisory and Trustee Restoration Councils, with consideration of public comment over a three-year period. Likewise, various alternatives to prioritizing areas for the restoration and replacement of aquatic and terrestrial resources were considered in developing draft and final aquatic and terrestrial prioritization plans issued in 2010. Considerable scientific data, analysis, and expertise contributed to the State's development of these prioritization plans, which were subject to substantial public consideration over an 18-month period and finalized in 2011. The *2011 Aquatic Prioritization Plan* was updated in 2018 with data collected by FWP. The *2018 Prioritization of Areas in the Upper Clark Fork River Basin for Fishery Enhancement*¹⁰ was subject to a 30-day public comment period and subject to Advisory and Trustee Restoration Councils consideration. The prioritization plans built on the restoration actions already conducted or planned for the Silver Bow Creek, Clark Fork River, Smelter Hill Area Uplands, Butte Area One, and Milltown injured area sites. As part of the changes to the draft prioritization plans that were based on public comment, additional clarification was provided on the connections between the work in the priority areas designed in this plan and the work already funded/planned for the restoration of injured aquatic and terrestrial areas.

The *2011 Aquatic Prioritization Plan* and the 2018 update to this plan focused on a combination of restoration and replacement alternatives. It prioritized tributary areas based on helping restoration of the Silver Bow Creek and Clark Fork River mainstem fisheries. It also identified increasing flows by acquiring water rights on the mainstems as a priority in considering what

⁹*Butte Ground and Surface Water Restoration Planning Process and Draft Conceptual Restoration Plan*, prepared by the NRDP, dated November 2007; *Revised Restoration Plan for the Clark Fork River Aquatic and Riparian Resources*, prepared by the NRDP, dated November 2007; *Draft Conceptual Smelter Hill Uplands Resource Restoration Plan*, prepared by the NRDP, dated December 2007. These plans are available from the NRDP website at: <https://dojmt.gov/wp-content/uploads/2011/06/anacondauplandsrestorationplan2008.pdf> (Smelter Hill Uplands) <https://dojmt.gov/wp-content/uploads/010308-CFR-Restoration-Plan-no-append..pdf> (Clark Fork River) <https://dojmt.gov/wp-content/uploads/butteareaonerestorationplan2008.pdf> (Butte). The amendments to the Butte Area One and the Clark Fork River restoration plans are also available on NRDP's website.

¹⁰ The Final 2018 UCFRB Prioritization of Areas in the Upper Clark Fork River Basin for Fishery Enhancement, prepared by the NRDP, dated January 2018. This final restoration document is available on the NRDP website at: <https://dojmt.gov/wp-content/uploads/Aquatic-Prioritization-Plan-2018-FINAL.pdf>.

additional measures along the mainstems, beyond those already conducted or planned and funded, were needed to restore the mainstem fisheries.¹¹ The *2011 Terrestrial Prioritization Plan* focused on replacement alternatives, taking into consideration the remediation and restoration efforts funded through other efforts that will cost-effectively address the terrestrial resource injured areas. Both of these plans identified priority areas for aquatic and terrestrial restoration from 1 to 4 (with 1 being the highest priority and 4 being the lowest), with some landscapes and water bodies not prioritized and injured areas included. Sections 3.1.1 and 4.1.1 of this document further explain the goals and methodology of these prioritization efforts.

The 2011 prioritization plans, and the 2018 update were adopted as part of the *2011 Long Range Guidance Plan*, which focused future restoration funds to the four priority areas identified in these prioritization plans and the aquatic or the terrestrial injured resource areas for which the State made restoration claims. The *2012 Process Plan* further narrowed the universe of aquatic and terrestrial restoration alternatives by focusing restoration alternatives in the high Priority 1 or 2 areas, consistent with the sequential approach to restoration work advocated in the prioritization plans,¹² or in the aquatic and terrestrial injured resource areas for which the State made restoration claims. These areas of eligible funding are shown in Figures 2-1 and 2-2. The *2012 Process Plan* further focused restoration efforts in the Basin by providing guidance on encouraged types of aquatic and terrestrial restoration projects that would be most likely to cost-effectively address restoration needs in Priority 1 and 2 resources areas.¹³

These restoration planning efforts that entailed analysis of alternatives all were conducted based on achieving an overall goal of restoring or replacing injured natural resources in a timely, cost-effective, and prioritized manner. The resource allocation and prioritization efforts initiated after the final 2008 *Montana v. ARCO* settlement focused on determining, within available funding limits, what additional actions would best augment the already completed or planned integrated remediation and restoration efforts being conducted with settlement funds earmarked to the injured areas that focus on addressing hazardous substance contamination. It should be understood that injuries to natural resources of the UCFRB from over 100 years of extensive mining and mineral processing are pervasive and extensive and that no amount of money can restore fully all the injured resources of the UCFRB, as captured in the following excerpt from the State's *1995 Restoration Determination Plan*:¹⁴

It must be observed that the State of Montana harbors no illusions about what can practically be accomplished in the Upper Clark Fork River Basin given the type and pervasiveness of contamination and the magnitude of the injures to the State's natural resources. Restoration will be difficult if for no other reason than the fact that metals and metalloids like arsenic, which are responsible for much of the contamination in the Upper Clark Fork River Basin, do not degrade, rather they must be removed, otherwise isolated, or leave

¹¹ See pp. 2 – 4 of the *2011 Aquatic Prioritization Plan*.

¹² See pp. 10 – 11 in the *2011 Terrestrial Prioritization Plan* and Table 2 on pp. 24 – 25 in the *2011 Aquatic Prioritization Plan*.

¹³ Attachment 5-2, 5-3, and 5-4 of the *2012 Process Plan* contain guidance on encouraged types of aquatic, terrestrial, and recreation projects, respectively, in Priority 1 and 2 areas.

¹⁴ See p. 1-5 in the *Restoration Determination Plan for the Upper Clark Fork River Basin*, prepared by the State of Montana NRDP and Rocky Mountain Consultants, October 1995.

the system naturally for injuries to be mitigated. Although it may be possible in some instances of natural resource injury for human intervention to restore resources and services to baseline levels in years or even decades, for the most part this is not such a case. Generally, the most that can be achieved in the way of restoration of the Upper Clark Fork River Basin within the lifetimes of persons alive today is to ameliorate natural resource injuries, enabling the resource and the services provided by the resources to recover substantially.

2.3 Public Solicitation of Aquatic and Terrestrial Concept Restoration Proposals

To assist with the development of restoration alternatives for these restoration plans, the State solicited restoration concept proposals from the public, in recognition of the wealth of knowledge and relationships that other entities can bring to the restoration planning process. Through these solicitation processes, which were first introduced in a February 2012 draft version of the Process Plan, the State requested that interested individuals and entities submit abstracts outlining their ideas for projects that would protect or enhance fishery or wildlife resources in Priority 1 and 2 areas or in the aquatic and terrestrial injured resource areas for which the State made restoration claims, or enhance recreational services associated with these resources, such as fishing, floating, hunting, wildlife viewing, and hiking (Figure 2-1 and 2-2). To assist the public, the State emphasized its guidance on encouraged types of aquatic, terrestrial, and recreation projects in its outreach efforts on this solicitation process.

In 2012, eighty restoration concept abstracts were submitted by various individuals or entities by the June 15, 2012, deadline. Appendix A provides a summary table of these 80 abstracts (Table A-1).¹⁵ Of the 80 abstracts, 15 were submitted by governmental entities, 54 were submitted by five different non-profit conservation or watershed groups, and 11 were submitted by other individuals/entities.

The NRDP conducted an initial screening analysis of the abstracts for eligibility and reported on this analysis at the July 18, 2012, Advisory Council meeting. Of the 80 abstracts, six were determined not to meet eligibility requirements, either because they did not meet project location eligibility requirements (abstracts #2, #39a, #41, #70) or did not meet legal threshold requirements (#5c, #72).¹⁶ The Advisory Council hosted two public forums, held on August 1, and August 2, 2012, to learn more about the 74 concept proposals from the public that met eligibility requirements.¹⁷

In 2015, the NRDP received a total of seven letters during the public solicitation / comment period: four conceptual restoration proposals and three letters proposing revisions to the *Restoration Plans*. The State's draft 2015 Update to the *Restoration Plans* considered these four projects, and three comments was presented at the April 22, 2015, meeting of the Advisory Council and a

¹⁵ A compilation of all 80 abstracts is available upon request from the NRDP at nrdp@mt.gov.

¹⁶ While the creation of a land trust proposed in abstract #75 does not constitute a restoration action, the ideas for easements and acquisitions suggested in this concept proposal were further considered.

¹⁷ The presentations from the Advisory Council's abstract forums held in August 2012 is available upon request from the NRDP at nrdp@mt.gov.

meeting of the May 13, 2105, Trustee Restoration Council. These projects are listed in Table A-1 in Appendix A.

In 2018, the NRDP again solicited project concepts and comments proposing revisions to the *Restoration Plans*. NRDP received a total of 24 conceptual restoration abstract proposals and one letter with five comments proposing revisions to the *Restoration Plans*. The State's draft Response to Project Abstracts and Public Comments on the 2018 Update to the *Restoration Plans* that considered these 24 projects, and five comments was presented at the September 19, 2018, meeting of the Advisory Council and a meeting on September 27, 2018, Trustee Restoration Council. These projects are also listed in Table A-1 in Appendix A. Figure 2-3 indicates the general location of the 2012, 2015, and 2018 concepts proposals.

The State carefully considered incorporation of the concept proposals submitted by the public, along with State-generated concept proposals, in its preparation of the aquatic and terrestrial resources restoration plans and revisions to the *Restoration Plans*. Sections 3.2 and 4.2.3 explain how the State further considered the concept proposals that met eligibility requirements and determined what additional restoration actions would be appropriate for funding at this time, beyond those suggested by the public. The State's consideration of these concept proposals was also part of its restoration alternatives analysis process. In most cases, those proposals submitted by the public that fit with the State's guidance in the *2012 Process Plan* on encouraged types of projects were incorporated, either partially or fully, into the State's proposed restoration actions covered in this document. The abstract summary table contained in Appendix A (Table A-1) provides references to the sections of this document that address a concept proposal submitted by the public or generated by the State. Table A-1 also indicates whether the proposal was or was not incorporated into the State's restoration aquatic and terrestrial restoration plans. Section 6 explains how the State will further work with the entities that submitted concept proposals that are included in these restoration plans. Table A-1 provides summary information on the additional restoration concepts generated by the State as part of its analysis of priority restoration needs.

2.4 Funding Summary

As set forth in the *2012 Process Plan*, the exact allocation amount for aquatic and terrestrial resource priority and reserve funds was determined by the applying the percentages for each resource and reserve fund specified in the *2011 Long Range Guidance Plan* to the UCFRB Restoration Fund Balance on July 1, 2012, the end of fiscal year 2012.¹⁸ This market fund balance was \$144,029,070. Subtracting out the \$26,746,332 of encumbered funds for already-approved restoration projects and \$40,129,972 allocated to the Butte and Anaconda groundwater priority funds, the remaining funds that can be allocated for restoration of aquatic and terrestrial resources is \$77,152,766. Following are the priority and reserve fund allocations based on this balance:

- Aquatic Priority Account: \$45,670,190; Aquatic Reserve Fund: \$8,059,445
- Terrestrial Priority Account: \$19,909,661; Terrestrial Reserve Fund: \$3,513,470

The above priority resource allocations are the budgets the State used in determining the proposed actions specified in the *UCFRB Aquatic and Terrestrial Resources Restoration Plans* contained in

¹⁸ Section 5.2 of the *2012 Process Plan* indicates resource allocations will be based on the UCFRB Restoration Fund Balance at the end of the month, following the month in which the Governor approves of the *Process Plan*. The Governor approved that plan in May 2012, thus the fund balance at fiscal year-end 2012 is the basis for allocations.

Sections 3 and 4 of this document, respectively. The *UCFRB Aquatic Resources Restoration Plan* governs future expenditures from the Aquatic Priority Account, and the *UCFRB Terrestrial Resources Restoration Plan* governs future expenditures from the Terrestrial Priority Account. The costs of proposed actions that have both aquatic and terrestrial restoration components would be debited from the Aquatic and Terrestrial Priority Accounts in a manner similar to how funding for past approved projects was broken down by resource category as shown in Table A-2. For example, proposed flow augmentation projects would be funded by aquatic resource funds, but proposed acquisition of riparian habitat would be funded by a proportionate split of aquatic and terrestrial resource funds.

Appendix B contains four tables that provide additional background on how these fund balances were derived: 1) Table B-1 provides the 2012 UCFRB Restoration Fund Summary; 2) Table B-2 provides a detailed breakdown of the past approved funding by resource categories; 3) Table B-3 provides a spreadsheet showing how the future resource allocation was derived based on past approved funding; and 4) Table B-4 provides an fiscal year 2018 update to the October 2012 funding chart from the *2011 Long Range Guidance Plan* that contains summary fund status information on all the NRD settlement funds dedicated to restoration work in the UCFRB.

In 2016, no new allocation of funding was proposed or considered for projects.

In 2018, NRDP was advised to use the cash and invested cash value and not the Statewide Accounting and Budgeting and Human Resource System (SABHRS) fund balance, referred to as the market value¹⁹, for reporting UCFRB Restoration Funds available to allocate. The market value of the reported UCFRB Restoration Fund balance includes non-cash accounting entries of unrealized appreciation/depreciation and does not account for changing liabilities that will impact cash. The change to the cash and invested cash value methodology is required to properly calculate the amount of funding available to spend on groundwater, aquatic, and terrestrial priority restoration actions at any one point in time. As of 2012, using the cash and invested cash value, \$68,715,246 was allocable; this is compared to the market value of \$77,152,766 that was allocated to the aquatic and terrestrial priority resources in 2012, as reported above. This corrected starting UCFRB Restoration Fund balance of cash and invested cash, results in balances for each resource allocation: aquatic \$48,588,022 and terrestrial \$20,127,225.

Since the cash and invested cash value in 2012 was less than the 2012 allocation, interest earned from fiscal years 2013 to 2018 was used to make the original allocations whole. Then, the remaining interest was allocated per the 2012 Final Process Plan to the Butte and Anaconda groundwater priority accounts (\$3.95 million and \$900,000 respectively), the aquatic (\$4.7 million) and terrestrial (\$450,000) priority accounts and the aquatic and terrestrial reserve accounts (\$1.4 million and \$450,000 respectively), as shown on Table B-4.

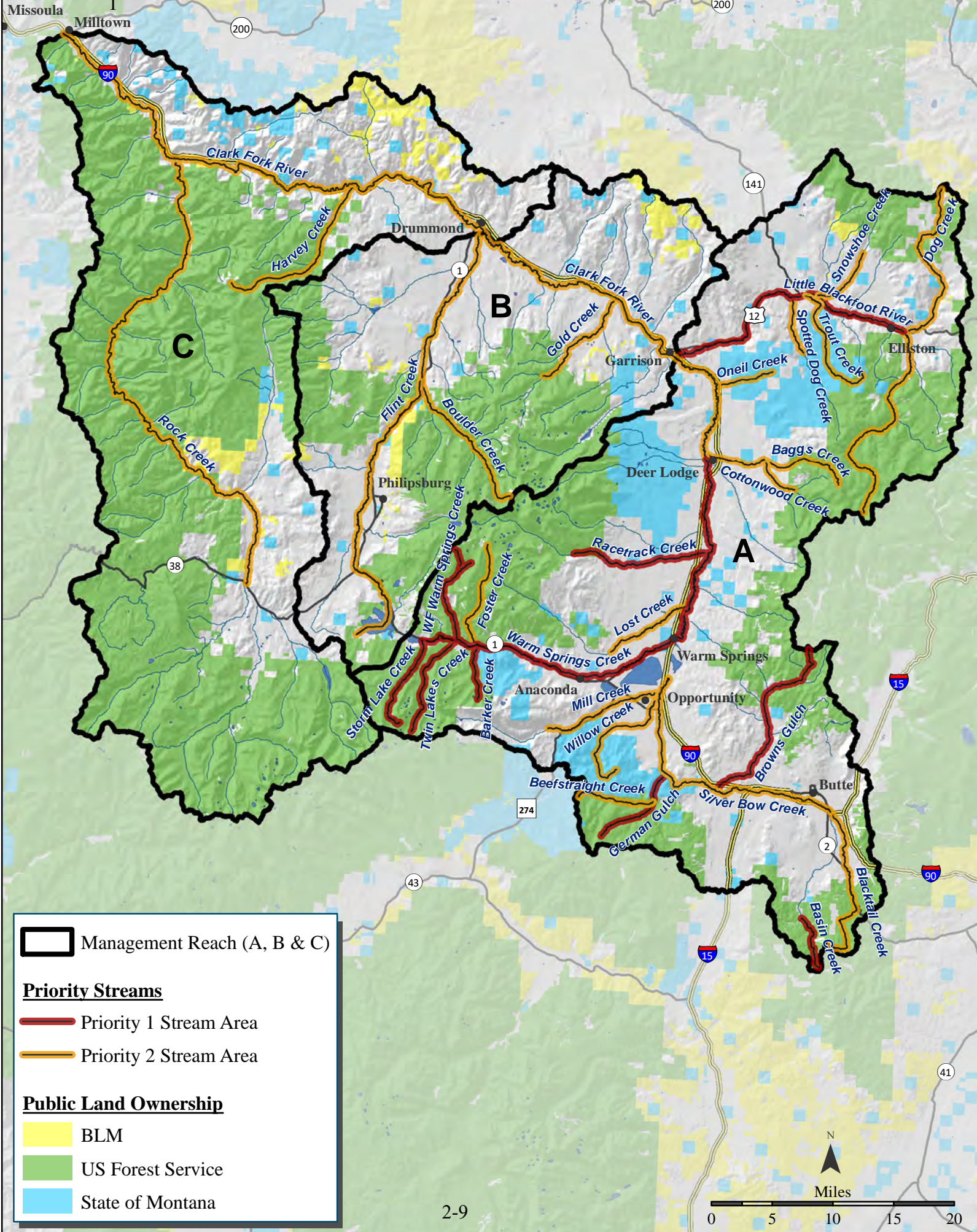
The 2018 *Restoration Plan* revision allocated \$4,700,000 of aquatic interest to priority aquatic projects and \$450,000 of terrestrial interest to priority terrestrial projects.

[The 2023 Restoration Plan revision allocates approximately \\$4,000,000 of aquatic interest to priority aquatic, recreational, and educational projects and reallocates \\$1,350,000 from other aquatic allocations determined to be available for reallocation at this time. In 2023, with the](#)

¹⁹ The term “market value” was used in the 2012 Restoration Plan for what is actually the SABHRS fund balance, the basis for the original allocation. The SABHRS fund balance is not the same as market value. The term market value will continue to be used for consistency in terminology.

completion of the Parrot Tailings Removal Project and repayment of the proportionate share of the UCFRB funds that were used to fund the Parrot Tailings Removal Project, additional funds are now available in the Streamside Tailings Operable Unit (SSTOU) funds for allocation. These funds are allocated on a percentage basis since the actual amount available will not be known until late 2023.

Figure 2-1. Aquatic Priority Areas 1 and 2



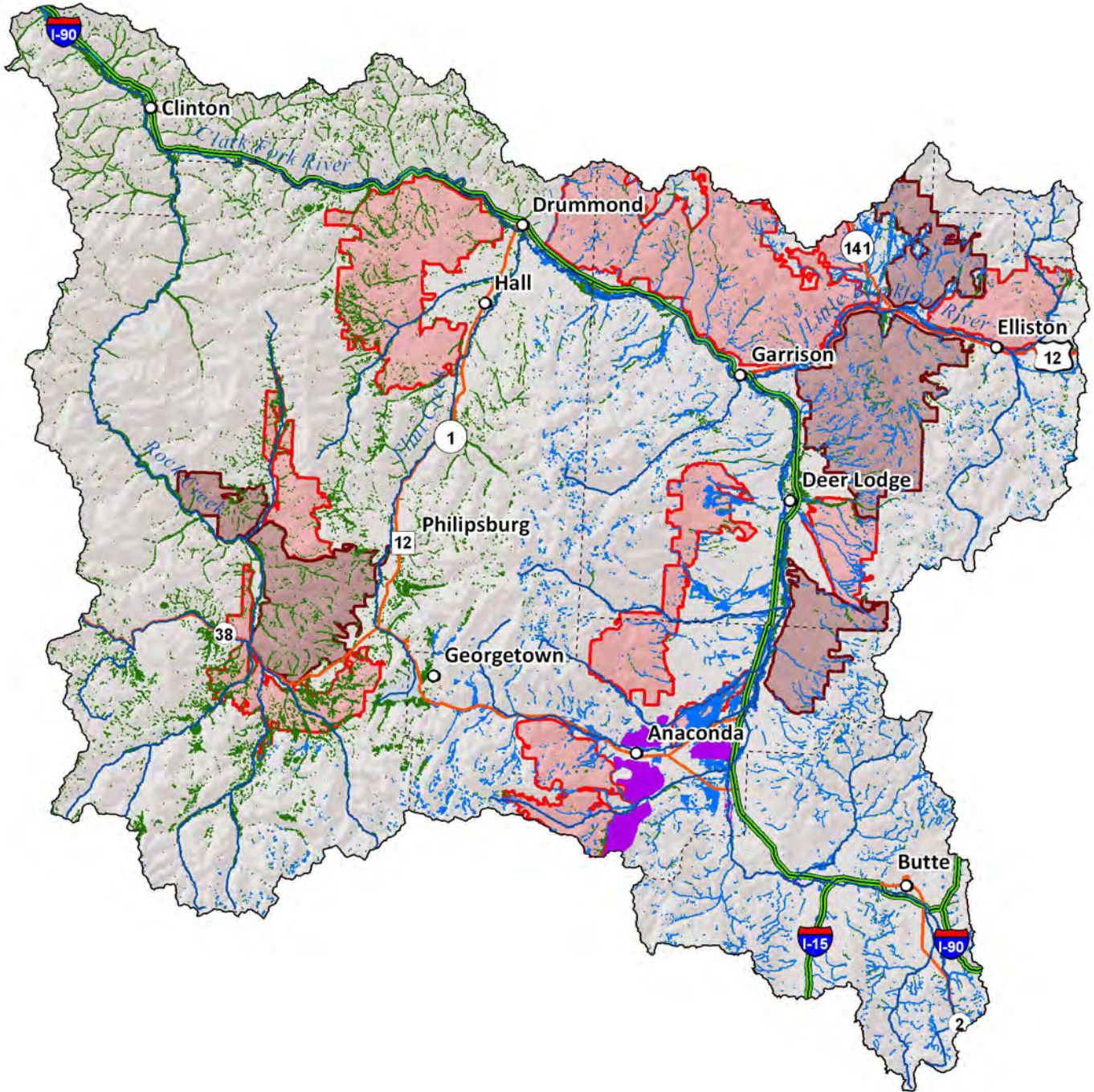
Management Reach (A, B & C)

Priority Streams

- Priority 1 Stream Area
- Priority 2 Stream Area

Public Land Ownership

- BLM
- US Forest Service
- State of Montana



- Wetland/Riparian from NWI
- Wetland/Riparian from MT Landcover
- Towns
- County Boundaries
- Rivers & Streams
- Interstate
- Montana Route
- U.S. Route
- Terrestrial Injured Areas

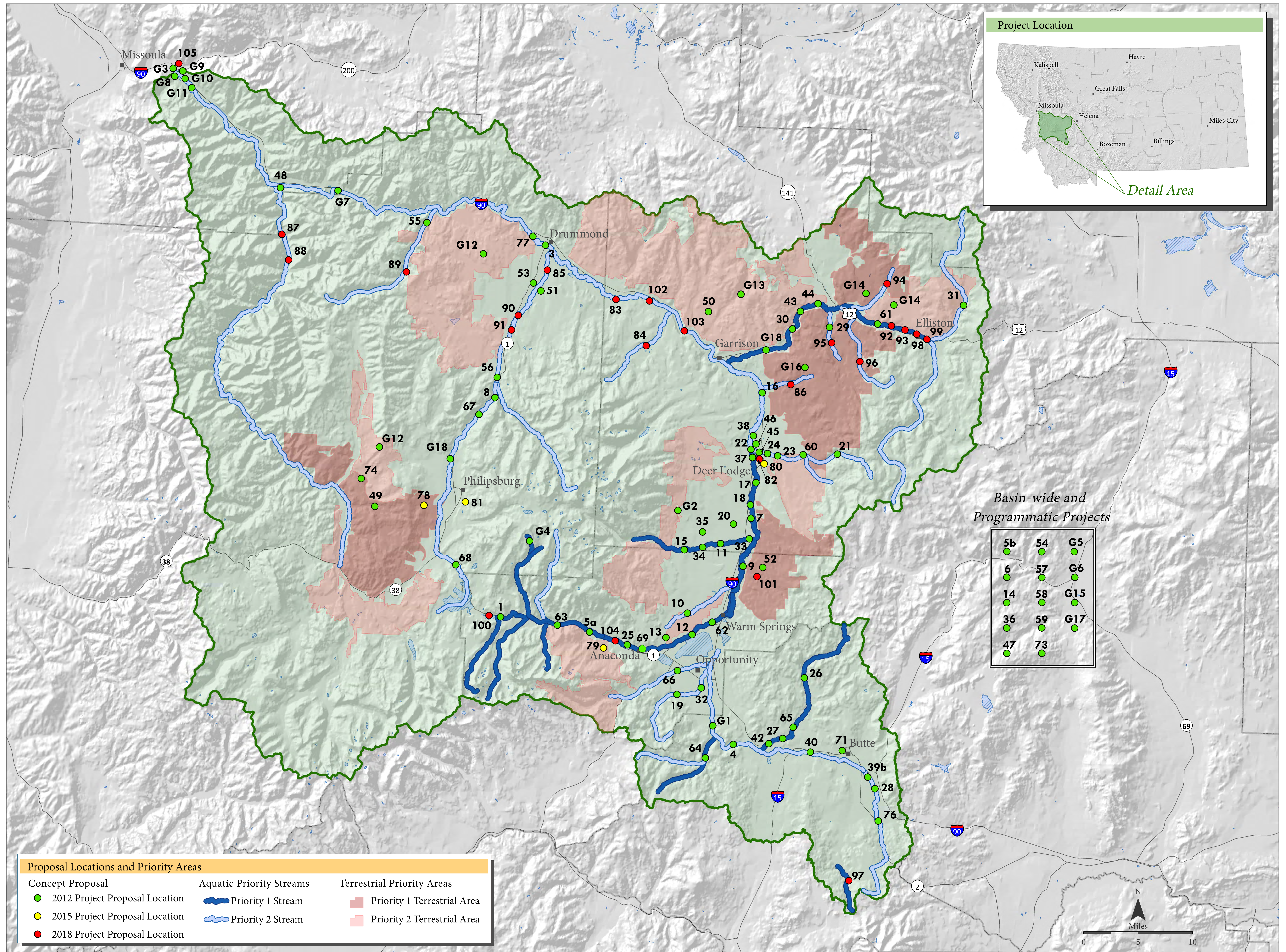
Priority Areas

- 1
- 2



Figure 2-3. Restoration Concept Proposal Locations

September 2018



Proposal Locations and Priority Areas

Concept Proposal	Aquatic Priority Streams	Terrestrial Priority Areas
● 2012 Project Proposal Location	■ Priority 1 Stream	■ Priority 1 Terrestrial Area
● 2015 Project Proposal Location	■ Priority 2 Stream	■ Priority 2 Terrestrial Area
● 2018 Project Proposal Location		

Basin-wide and Programmatic Projects

5b	54	G5
6	57	G6
14	58	G15
36	59	G17
47	73	