

currents

your voice for clean water | summer 2012



Clean Water, Vibrant Communities, Healthy Working Lands

THE UNFOLDING RESTORATION STORY OF THE UPPER CLARK FORK

A network of feeder creeks, tributaries and streams come together just north of Butte in the headwaters of the Clark Fork, the largest river by volume in Montana. At the town of Warm Springs, two major tributary streams—Silver Bow Creek and Warm Springs Creek—join to create the Upper Clark Fork, a river that meanders through agricultural lands and open space downstream all the way to Missoula.

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Dear Friend of Clean Water:

It is an exciting time to be a resident of the Clark Fork River basin. As we head outside to enjoy the long summer days, we have much to celebrate in the ongoing transformation of our river corridor:

- Work in the headwaters restored a native fishery long buried under mining waste. In fact, this year the Montana Department of Fish Wildlife & Parks adopted the first fishing regulations ever for Silver Bow Creek.
- Just upstream from Missoula, we've watched the removal of Milltown Dam, extraction of waste from the riverbed, and restoration of a living river in a natural channel. The first radio-collared trout negotiated the passage within two weeks of the dam's breach, reconnecting a watershed that was cleaved for more than a century.

But this is a work in progress, and a good deal of work remains. Silver Bow and Milltown essentially form the bookends of the Upper Clark Fork, with 120 miles of river in between. That's the next target of cleanup over the coming years, and it presents its own unique challenges.

The Clark Fork Coalition is there for the duration of this process—not just as a committed conservation group, but as a skin-in-the-game landowner and cleanup participant as co-owner of Dry Cottonwood Creek Ranch.

Thank you for being part of this important work, and for sharing in our celebration.

I'd like to take a moment to thank and bid a fond farewell to departing board members Daniel Kiely, Bill Possiel, and Rebecca Guay. Daniel and Bill have termed off the board, and Becky recently took a new position as Town Manager in West Yellowstone. We wish the three of them the best of luck in their new adventures and endeavors.

I am honored to join the leadership team of the Clark Fork Coalition board, and am deeply appreciative of the tireless work and vision of my predecessor, Daniel Kiely, who served as board president for the past two years. Daniel will remain active in our work, but we hope he finds plenty of time to revisit his favorite stretches of the Clark Fork 320, and linger long into evening with a fly rod in his hand.



Sarah Bates
CFC Board President



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It's a storied stretch of river, marked by human use. But it's also a cornerstone area—a region of water and land that links biologically irreplaceable landscapes like the Salmon—Selway, Crown of the Continent, and High Divide ecosystems. The 3,700 square-mile Upper Clark Fork basin sits at the junction of some of the wildest ecosystems in the lower 48 states, and is home to a full suite of fish and wildlife—including iconic species like bull trout, westslope cutthroat trout, grizzly bears, elk, mule deer, and antelope.

The creeks and streams that make up the Upper Clark Fork are our ribbons of life, providing drinking water, fish habitat, wildlife migration

corridors, crop irrigation, and recreational opportunities. But many of the Clark Fork's vital streams face a mix of problems from decades of mining pollution and management practices that have led to de-watering, sediment and nutrient overload, stripped vegetation, and creeks that are disconnected from the river.

Still, the Clark Fork is a river on the upswing. In the headwaters, 28 miles of Silver Bow Creek have been rebuilt, cleaned up and restored. The creek now supports fish, bugs and plants for the first time in 150 years, since mining began in Butte. In 2012—for the first time ever—MT Fish, Wildlife, and Parks issued fishing regulations on this newly restored, native

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Milltown Dam and Reservoir, 2008



Milltown after dam removal and restoration, 2011

RESTORATION AT MILLTOWN—THE LATEST

After a winter lull, restoration activity at the Milltown site picked up this spring. Crews re-graded and revegetated the north bank of the river at and above the Clark Fork-Blackfoot confluence (the old powerhouse area) before runoff, and undertook some additional re-vegetation work on the reclaimed bypass channel as well.

Meanwhile, on the Blackfoot, crews demolished the abandoned bridge piers and plan to soon haul away trash and reclaim the steambanks as well. Many thanks to the Natural Resources Damages Program for funding this critical effort, which will make recreation much safer on our rivers from now on.

Finally, the development of a State Park and access site at the confluence continues to move forward, with park design plans for the confluence available at www.milltownstatepark.org. The rivers still remain closed to floating and fishing this summer, but we expect that they will re-open for good in Spring of 2013.

SILVER BOW RECOVERY—FISH ON

After a decade and a half of work, the restoration work at Silver Bow Creek is nearly complete. What was once a near-dead zone for vegetation, fish, and wildlife is now a thriving ecosystem that boasts native shrubs, grasses, and flowers, as well as a robust westslope cutthroat fishery.

And, in a true testament to the creek's recovery, fishing regulations were issued for the first time in history on Silver Bow in 2012.



Matt Vincent

Silver Bow Creek before restoration



Matt Vincent

Silver Bow Creek after restoration

fishery. And rumor has it that Silver Bow boasts some of the fattest cutthroats around.

Meanwhile, 120 miles downstream, the confluence of the Blackfoot and Clark Fork rivers is free-flowing after the 2008 removal of the 100-year-old Milltown dam, meaning that thousands of stream-miles are now opened up to fish, which can migrate past the former dam site and head up the Clark Fork, Blackfoot, and Rock Creek. And a cleanup of legacy



Restoration in the Upper Clark Fork means better fishing for local anglers.



For students, stream restoration offers a real-world learning opportunity.

mining waste on 43 miles of the mainstem Clark Fork between Butte and Missoula is set to begin.

Former fishing guide and Clark Fork Coalition board member Paul Roos calls the Upper Clark Fork “a sleeping giant of a fishery.” It is that—and then some. The recovery of the Clark Fork is about people, too. As we work together to clean up past mistakes and restore the waters we share, we’re setting the stage for a larger scale recovery, with economic and cultural benefits that will reverberate through communities up and down the Clark Fork.

All told, over half a billion dollars is earmarked for the Upper Clark Fork’s rehabilitation. To protect these investments, and ensure the sustained recovery of the river, we are working with landowners, civic groups, businesses, agencies, and schools to catalyze interest and investment in the care of our shared watershed.

Cleanup and restoration of the Clark Fork mean different things to different people. For hunters and anglers, it means better fishing, enhanced wetland habitat for waterfowl hunting, and healthier forage for big game animals. For students and teachers, it’s a real-world glimpse into classroom science. For ranchers, it means a livelihood protected, and a way of life passed on to the next generation. And for local residents and citizens of the Clark Fork, the large-scale cleanup and restoration is all about building a sustainable future for our families and communities.

Long-term conservation successes depend on all of us—the people who live in, learn from, use, and care for the waters we share. Clean water on the Clark Fork unites us all. It is a goal that transcends political boundaries and personal differences, and we’re excited so many of you are a part of it. Learn more about how you can get involved in the Upper Clark Fork’s restoration at www.clarkfork.org/programs/restore.html ↓

COTTONWOOD CREEK: WIN-WIN RESTORATION FOR LANDOWNERS AND WILDLIFE

Stream restoration projects on private land in the Upper Clark Fork Valley have brought new, efficient infrastructure to several agricultural operations.

We recently partnered with the Watershed Restoration Coalition, a landowner group in the Upper Clark Fork, to implement irrigation infrastructure improvements on the Applegate Ranch on Cottonwood Creek.

Cottonwood Creek runs right through downtown Deer Lodge, and has a high profile in the Upper Clark Fork valley. The Applegate project has several components that are important to both agriculture and native fish. It allows a rancher to irrigate his hay ground with an automated irrigation system, resulting in a better hay crop than under flood irrigation. Along with the irrigation upgrade, contractors also installed a fish screen to prevent fish from swimming up the irrigation diversion and becoming trapped in the pipeline.

The new irrigation system on the Applegate ranch is not only helping a local rancher save time, energy and money, but is also improving habitat and migratory conditions for native fish.

Visit www.clarkfork.org to see live footage of the Applegate infrastructure upgrade installation via our new video, "*Working with Water*," chronicling our restoration work in the Upper Clark Fork Valley.



SUMMER 2012 CURRENTS

Helping fish and landowners at Applegate Ranch

More Hurdles for the Proposed Rock Creek Mine

PROTECTING THE CABINET MOUNTAINS WILDERNESS IN THE LOWER CLARK FORK RIVER

We all agree: mining beneath a wilderness area is an alarming concept—especially when so many of the impacts that a proposed copper and silver mine would leave behind are difficult to predict. In fact, the Coalition has spent 25 years protecting the Cabinet Mountains from this mine, ever since ASARCO announced its intentions to excavate under the Cabinet Mountains Wilderness just north of Noxon, Montana in 1987.

Today, a corporation called Revett Minerals, Inc. owns the mining claims and is pushing forward a proposal to mine beneath wilderness lakes. Our concerns about the proposed Rock Creek mine are the same as they've always been: 1) The mine would likely require permanent water treatment. 2) The operation could potentially de-water lakes in the Cabinet Wilderness, as well as key tributaries to the river. 3) The mine could have serious negative consequences for bull trout, grizzly bears, lynx, and all wildlife that depend on clean water and healthy landscapes.

The proposed Rock Creek Mine could have detrimental impacts to clean water, fish, and wildlife.

Here's the latest on where the Rock Creek mine proposal stands: last summer, the Coalition won a court victory in the Montana District Court along with our partners Trout Unlimited, Earthworks and Rock Creek Alliance. The Court voided a permit that the MT Department of Environmental Quality had previously granted to Revett Minerals, and recognized Rock Creek's unique ecological significance and its value to threatened bull trout. The ruling blocked the company from moving forward with sediment-generating construction work until they complete a more thorough permit application, which should include site-specific analysis as well as public input and review of the plan.

Rather than completing a more detailed permit application that shows the public any potential impacts from the construction work, Revett instead appealed the decision to the MT Supreme Court. Together with our partners, the Coalition's legal team submitted a response brief to the Supreme Court this past April. We expect the case to work its way through the Courts by the end of 2012.

In the meantime, the Confederated Salish and Kootenai Tribes (CSKT) announced in March that they are working to recognize Chicago Peak—a traditional cultural property that is sacred to the Tribes—on the National Register of Historic Places. The CSKT members are concerned that the proposed mine would severely diminish the peak's important cultural and historical value. The cultural significance of Chicago Peak is yet one more concern to add to the long list of serious misgivings about this proposed mine.

Questions on the Rock Creek Mine? Contact Legal Director Barbara Hall at Barbara@clarkfork.org ↓

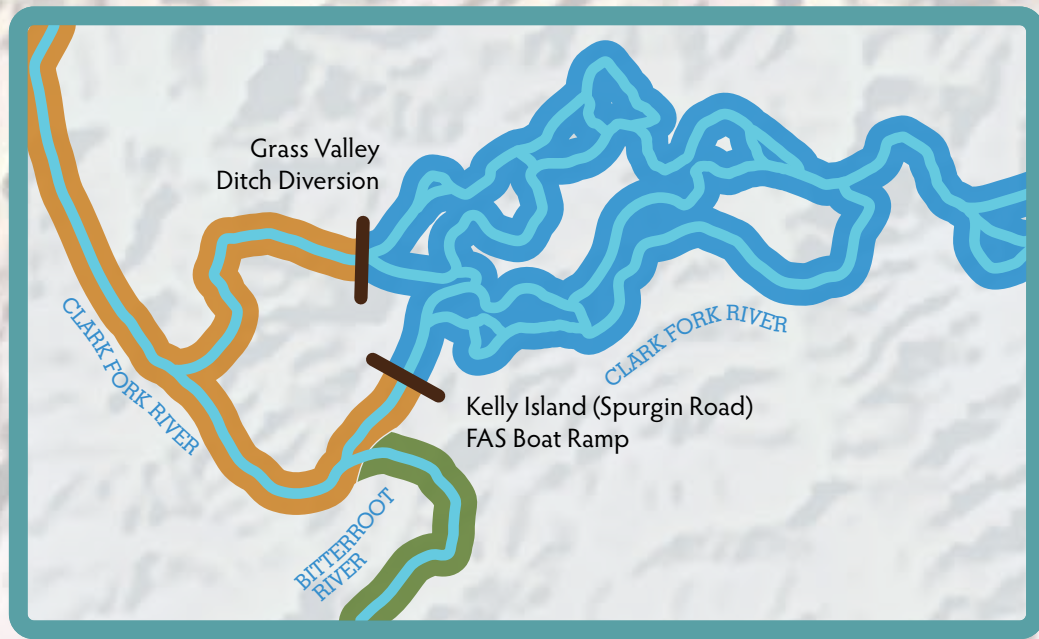


Safe Pipeline, Clean Clark Fork

Thanks to timely advocacy from the Missoula Water Quality District, the Missoula County Commissioners, Mountain Water, Clark Fork Coalition, and Trout Unlimited, among others, the Clark Fork River will be spared the risk of an oil pipeline disaster like the one that occurred on the Yellowstone River in the spring of 2011.

Last year's flooding on local rivers was significant: the Clark Fork at Turah and through Milltown was about a 35-year event—the highest flow in 25 years on record. And, the high water scoured a side channel at the upstream end of the Milltown project—just above the ground where an active oil pipeline crossed under the river. As a result, the pipeline was less than 3 feet below the river bottom, leaving it vulnerable to further erosion in a highly active and migrating part of the Clark Fork river. A pipeline rupture at this location, as close as it is to the Missoula urban area, would have major impacts on people, fish, and wildlife, and would pollute our sole-source aquifer.

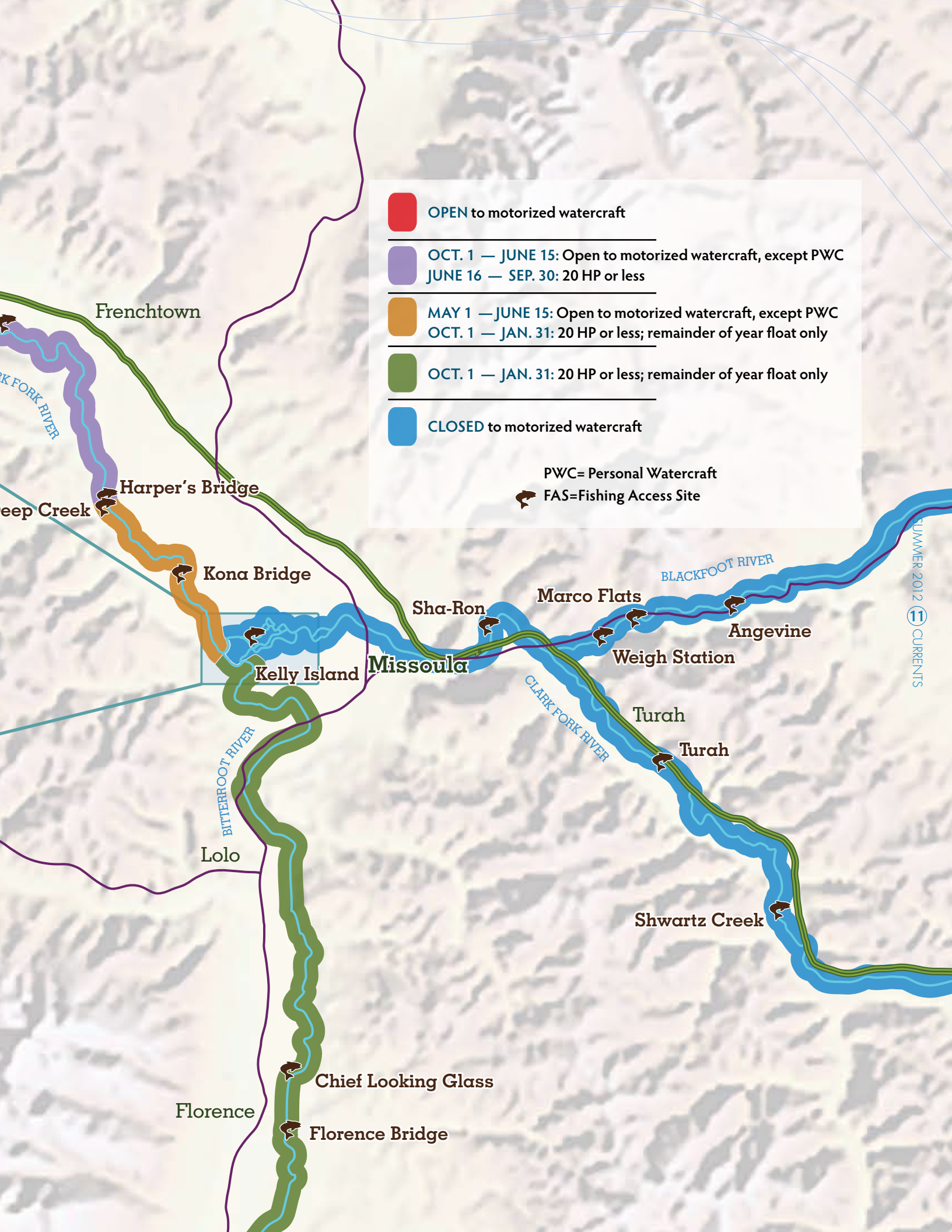
After a concerted letter-writing campaign by a group of likeminded stakeholders, the Yellowstone Pipe Line Company made fixing this crossing their number one priority in the state of Montana. We're happy to report that, this spring, the company completed horizontal drilling and installation of a new pipeline, now located forty feet beneath the bed of the river at the same location. And this new, safe pipeline crossing was put in place before spring runoff to boot—meaning potential disaster was averted, and a major "win" was scored for river conservation. Many thanks are due to Missoula County Water Quality District and the County Commissioners for spearheading this effort. Questions? Contact Chris Brick at chris@clarkfork.org.



Celebrating the Quiet Waters victory with our partners.

QUIET WATERS: NEW RULES AND REGS TAKE EFFECT THIS SEASON

Many of our members and supporters sent comments last year to Montana Fish, Wildlife, and Parks in support of limiting motorized use in and around Missoula on the Clark Fork, Bitterroot, and Blackfoot Rivers. Thanks to you, the state agency voted to keep high-speed motor boats off all rivers near Missoula during the summer months. The new rules also include a spring closure on the Bitterroot. **This map explains the new rules, which are in effect for the 2012 season.**



- OPEN to motorized watercraft

- OCT. 1 — JUNE 15: Open to motorized watercraft, except PWC
 JUNE 16 — SEP. 30: 20 HP or less

- MAY 1 — JUNE 15: Open to motorized watercraft, except PWC
 OCT. 1 — JAN. 31: 20 HP or less; remainder of year float only

- OCT. 1 — JAN. 31: 20 HP or less; remainder of year float only

- CLOSED to motorized watercraft

PWC= Personal Watercraft
 FAS=Fishing Access Site

Legal Notes:

What might the recent PPL v. Montana decision mean for the Clark Fork River?

GUEST ARTICLE BY BRUCE FARLING,
EXECUTIVE DIRECTOR OF MONTANA TROUT UNLIMITED

The outcome of the recent U.S. Supreme Court decision in PPL v. Montana created a cloud of uncertainty about who now owns some of Montana's most significant natural treasures, the beds of our iconic rivers.

The high court concluded that the State of Montana does not own a 16-mile reach of the Missouri River that contains the famous Great Falls, as well as five PPL dams. That's because, in the court's view, this river reach was not commercially navigable at the time Montana became a state—which is the legal test for state ownership of riverbeds.

The nut of the case before the Supreme Court was in determining exactly what constitutes a commercially navigable river. In their argument, PPL said river commerce halted at the Great Falls and at other places along Montana rivers where the company later constructed its dams, such as at Thompson Falls on the Clark Fork, basing their claim on the fact that boats couldn't navigate the cascading falls at the time. The State of Montana and the Montana Supreme Court, however, deemed these natural impediments to be simply short interruptions in travel. That is, people paddled up to these impediments, then portaged them, then returned to the water and floated on to continue the commercial quest, much as Lewis and Clark did. And thus, in the State's view, the falls didn't render the rivers non-navigable.

But, the high court ruled for PPL, saying river reaches with falls that blocked travel on that particular river section were not navigable and thus not owned by the State of Montana. Despite rumors to the contrary the PPL ruling does not affect Montana's recreational stream access law, which unlike some other states is not predicated on who owns the beds and banks of rivers and streams. The decision does affect money, however. It appears to preclude the State of Montana from charging past and future rent from PPL for some of the company's dams.

The Montana Supreme Court had previously determined the company did owe millions in back rent and must make future payments for occupying state property with its dams. Since the U.S. high court nixed this finding, PPL has been claiming complete victory. But hold on.

The high court said only that the State doesn't own river reaches that were not navigable for commerce at statehood. What it didn't say is who actually owns



joel sartore/usfws

"Despite rumors to the contrary, the PPL ruling does not affect Montana's recreational stream access law."



these reaches. The court did imply rather obliquely that the owner might be the federal government. Or, that the owners could be those who also own adjoining riverside property, meaning PPL might now have to pay rent to somebody else. And, aside from the Great Falls reach of the Missouri, the court didn't definitely conclude that the state no longer owned other river reaches occupied by PPL dams, including the Missouri in the vicinity of Holter and Hauser dams, or the Madison River at Hebgen and Ennis dams. Further, the high court left it to Montana's courts to determine what other rivers are affected, what evidence of commercial use can be considered, and exactly how one determines the upper and lower extent of a non-navigable reach. Clearing up these nuances could take decades, and likely means additional challenges will need to be cleared up by Montana's courts.

Questions on the recent PPL v. Montana decision? Contact Bruce Farling at bruce@montanatu.org, or at www.montanatu.org ↓

AQUATIC INVASIVE SPECIES: YOU CAN MAKE A DIFFERENCE

The river recreation season is underway, and anglers, floaters and others have been hitting the reaches of our local rivers in stride. While you're out cooling off and catching fish in the Clark Fork, Bitterroot, Blackfoot, and other streams this season, be sure to take note of any wayward weeds or other invasive species you may see on our streams.

Meanwhile, don't forget to **Inspect, Clean, and Dry** gear, boots, clothing, and boats after each outing—especially when you move from one water body to another. In the meantime, check out the new boat washing station at the Missoulian Angler Fly Shop on South Higgins in downtown Missoula. Using this station is an easy way to wash off your driftboat or raft of any debris, mud, or weeds following a long day on the river. A big thanks to Russell Parks at the Missoulian Angler for coordinating this effort and getting the boat washing station up and running!

For a full list of aquatic invasive species in our area, click Protect at www.clarkfork.org. Report any strange sightings to CFC, or by calling MT FWP at TIP-MONT.

**INSPECT.
CLEAN.
DRY.**



THANK YOU

Thank you to all students and teachers from Powell County High School, who participated in our spring planting day as part of the Hands on the Ranch program!

Over **50 students** from earth science and biology classes planted **200 willows and red osier dogwoods** along the banks of Dry Cottonwood Creek. These new plantings will help stabilize the streambanks, prevent weeds, and provide shade and complex fish habitat for native trout. And a new grazing program at Dry Cottonwood Creek Ranch will protect the riparian corridor from harm, helping to ensure that the new vegetation thrives for years to come!



Many thanks to Clark Fork Coalition supporters and funders of **Hands on the Ranch**:

- Powell County High School
- The Steele-Reese Foundation
- Patagonia Environmental Grants Program
- Town Pump Foundation
- New Belgium Foundation
- Deer Lodge County Conservation District
- Nick & Mary Babson
- William H. & Margaret M. Wallace Foundation
- The Dennis & Phyllis Washington Foundation



IN THE FIELD WITH THE WATERSHED EDUCATION NETWORK



These are exciting times for the Clark Fork, and those who are involved in—and witnessing—one of the most remarkable river restorations in the American West. And if you're a budding water steward, the learning adventures abound. Which is where the important work of the Watershed Education Network, one of our partners in watershed science, kicks in.

WEN, as they've been known to communities in western Montana these last 16 years, fosters knowledge, appreciation, and awareness of watershed health, offering monitoring instruction to citizen scientists and experiential education programs to local schools. WEN's team of education experts helps students explore the connections inherent in watershed science—connections between groundwater, surface water, drinking water, and local creeks, streams, and rivers in western Montana. WEN also makes in-classroom visits and presentations to science classes throughout the school year, leading hands-on activities that help students explore the difference between surface water (rivers and streams) and groundwater (water in the ground).

We are excited to announce that WEN offers several education programs this summer as well as their high school student fly fishing course July 30-Aug 3. Learn more about opportunities for your kids to learn about river health—and have a little fun, too—at www.montanawatershed.org

BUILDING COMMUNITY CONNECTIONS:

The "Living Near Water" continuing education series

In 2012, the Coalition is offering 3 two-credit courses as part of its "Living Near Water" continuing education series. We collaborate with local conservation districts and boards of Realtors to organize and teach state-accredited courses in communities throughout the watershed, focusing on river ecology, water-smart development concepts, and practical stream care tips for property owners.

This year, we've taught 3 courses in Missoula and Hamilton, introducing 100+ real estate professionals, land use planners, and interested citizens to concepts and practical tips for living near our celebrated waterways. More courses are lined up for Superior and Deer Lodge this fall.

Many thanks to the sponsors of the "Living Near Water" courses held this winter and spring, including the Missoula Organization of Realtors, the Bitterroot Organization of Realtors, and the Bitter Root Water Forum.



RIVER ROCK STARS:

A big thank you to our volunteers ... we couldn't do it without you!

River Rock Star: Terri Duncan

Terri is a student studying natural resources conservation at the University of Montana, and is truly a volunteer extraordinaire. She has helped out at almost every volunteer opportunity including at our "Living Near Water" courses, the Earth Day event in Philipsburg, restoration workdays, and at the River Cleanup—and she even joined us at the office to help us with an emergency mailing project. Terri shows up to every volunteer opportunity with a smile and a great attitude, and is always willing to take on whatever task comes her way, no matter how big or small. Her hard work, positive attitude and smile are contagious, and make whatever project she's working on more enjoyable for everyone. Thank you, Terri, for all of your hard work and dedication!



Terri Duncan

River Rock Star: Marietta Pfister

Marietta Pfister is a 73-year old long-time resident of the Blackfoot Valley who founded the Blackfoot River Cleanup in 2003. Tired of watching floaters litter the river as they floated past her house, Marietta decided to take responsibility for a large-scale cleanup of this legendary trout stream. Over the past eight years, she has single-handedly brought together citizens, businesses, agencies, and conservation groups around the cause of clean water on the Blackfoot. Now, the annual Blackfoot River Cleanup takes place at Johnsrud Park on the last Saturday of July each year, drawing close to 200 participants. Thank you, Marietta, for helping make the basin a better place!



Marietta Pfister

River Rock Star(s): Cub Scouts

Each spring, 500+ volunteers gather in downtown Missoula for the annual Clark Fork River Cleanup. And, we have several groups and individuals who come out year after year to clean up the river and celebrate clean water with the community. In 2012, we'd like to recognize the Cub Scouts for their regular attendance at the River Cleanup every year. We couldn't do it without you—thank you, Cub Scouts!



Cub Scouts

CREATE YOUR LEGACY WITH THE CLARK FORK COALITION

Direct donations and outright gifts support the Clark Fork Coalition's work to build a healthier watershed. Planned gifts help ensure the future sustainability of our quality programs and activities.

Planned giving is important, and it's easy. Here's how it works:

Bequests are one of the most popular forms of gifts. You can direct the transfer of specific assets or a percentage of your estate in a will to the Coalition, and can make modifications to meet changing needs. We can also receive outright gifts—including stock and real estate—that qualify as planned giving, but benefit our organization right away.

Beneficiary designations are easy and are gaining in popularity. Gifts from your retirement plan, IRA, or even life insurance policy may qualify for significant tax savings when you name the Clark Fork Coalition as the beneficiary. Traditional retirement plans typically generate more taxable income for the beneficiary than any other asset in an estate. Directing nontaxable assets to loved ones and leaving taxable assets to

tax-exempt organizations like the Clark Fork Coalition preserves the whole value of the asset.

Qualified Endowments are planned gifts (cash or property) that are donated to the Coalition and are eligible for a tax credit if the person, business or organization pays income tax to the State of Montana, and if the gift is structured correctly. The Montana Endowment Tax Credit provides a 40% credit for individuals and a 20% credit for businesses that meet gift criteria. Through the incentive, taxpayers receive a reduction on the taxes they owe up to \$10,000 per year. **The net cost of a \$10,000 individual gift to the Coalition is only \$3,000** after applying the 40% tax credit on top of federal tax savings. This is a savings of over \$3,000 from a normal donation by an individual!

Your planned gift can help us today and enhance our impact tomorrow.

Please consider the Clark Fork Coalition when making your plans for the future. As with any financial decision, it's important to consult an independent advisor to help guide your planned giving. Questions? Contact Alicia Vanderheiden at alicia@clarkfork.org

700 VOLUNTEERS, 8,200 LBS. OF TRASH

A Big Thank You to MISSOULA

and to all community volunteers, sponsors,
and supporters of the 2012 Clark Fork River Cleanup.



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PARTNERS FOR A HEALTHY WATERSHED

Will You Help?

We're seeing remarkable gains in the work to make the Clark Fork basin clean, healthy, and whole again. The momentum is building—but there is still a ways to go. With your help, we can create an engaged network of youth, landowners, and community members, all leading the way to a sustainable future for the Clark Fork River.

- \$50 – CAMPAIGNER
- \$75 – SUPPORTER
- \$100 – ADVOCATE
- \$250 – ACTIVIST
- \$500 – SPONSOR

YES!

I'll use my voice for the "Partners for a Healthy Watershed" initiative and help build an engaged network of citizens in the Clark Fork.

name

address

city, state, zip

I want to pay by credit card:

cc #

Exp. Date

Signature