

**10-4-06**  
**INTERNAL WORKING DRAFT**

**Canyon Ferry Reservoir**  
**Shoreline Management Guidelines**



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## **Introduction**

These Shoreline Management Guidelines were developed to provide specific guidance regarding use and management of Reclamation–administered federal land around Canyon Ferry Reservoir. The guidelines build upon land management direction provided in the Canyon Ferry Reservoir Resource Management Plan/Environmental Assessment (USDI-Bureau of Reclamation 2003).

Canyon Ferry Reservoir was created by construction of a dam for power generation, irrigation, municipal and industrial water, flood control, and recreation. To meet these purposes, the Reservoir typically fluctuates 17 feet or more from summer to winter. This water level fluctuation presents important shoreline management challenges that will be addressed in the following sections. Canyon Ferry Reservoir covers 35,200 acres and includes 76 miles of shoreline.

The Shoreline Management Guidelines were developed with public input obtained during public Working Group meetings (approximately five per year) beginning in May 2003.

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**Shoreline Access**

The shoreline surrounding Canyon Ferry Reservoir is highly valued by both the general public and by Cabin Ferry Cabin Site owners. Most of the Reservoir shoreline is devoted to developed recreational facilities (1,000 acres) or is undeveloped and open for unconfined and dispersed recreation such as hunting and hiking (8,219 acres).

On a smaller portion of the shoreline (141 acres), the Canyon Ferry Act (Public Law 105-277-Title X Canyon Ferry Reservoir Act) legislated a relatively unique condition whereby former cabin site lessees purchased their leases for fair market value. However, The Canyon Ferry Act applied a “restrictive use covenant” requiring that public access to the shoreline remain unobstructed and maintained. The Act also allowed Canyon Ferry Cabin Site owners access to one boat dock per cabin site, as well as to other improvements (e.g. boathouses, ramps, retaining walls) that were in place at the time of enactment (i.e., October 1998).

In addition to the unique provisions contained in the Canyon Ferry Act, Reclamation must administer federal land under its jurisdiction by applying established law and policy (USDI-Bureau of Reclamation, 2003, 43 CFR parts 420, 423, and 429). Uses of Reclamation lands (including the Canyon Ferry Reservoir shoreline) must be managed in the public interest and be compatible with authorized project purposes, the environment, natural and cultural resources, and public health.

**Shoreline Access for Public Recreation**

Public recreational use of Canyon Ferry Reservoir shoreline is increasing in popularity. It is Reclamation policy that appropriate recreation opportunities, facilities, and services will be provided on Reclamation land. Reclamation accommodates the demand for public recreation at Canyon Ferry Reservoir by developing and maintaining campgrounds (12), day-use facilities (8), boat ramps (16), group use shelters, and public restrooms. Please refer to the Canyon Ferry Reservoir Resource Management Plan/Environmental Assessment (USDI-Bureau of Reclamation, 2003) for more detailed information on recreational facilities.

Reclamation is committed to improving access for persons with disabilities. Consequently, many recreation sites currently meet Americans with Disabilities Act (ADA) standards, and other sites are planned to be upgraded to meet those standards. Reclamation has developed site specific action plans (USDI-Bureau of Reclamation 2004), and an implementation schedule to achieve ADA compliance at developed Canyon Ferry Reservoir public access sites by 2010. For example, 2006 ADA improvements were accomplished at Court Sheriff, Riverside, and Indian Road Campgrounds.

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### Beach Camping and Campfires

Most of the Canyon Ferry Reservoir shoreline is undeveloped and access is often limited. Consequently, unconfined and dispersed recreation occurs in these areas. Undeveloped shoreline areas will remain open to camping and campfires. However, Reclamation encourages public use that leaves undeveloped areas in the condition that they were found. Public use of remote sites will be monitored to determine the need for sanitation facilities and for the need for closure due to natural resource damage.

### Hunting

Hunting on Reclamation land surrounding Canyon Ferry Reservoir is allowed during hunting seasons established by the Montana Department of Fish, Wildlife & Parks (MFWP). All MFWP hunting regulations apply to Reclamation lands. Hunters are urged to hunt responsibly by maintaining safe distances from developed public access sites, residences, livestock, and other structures. For more information contact the MFWP at:

Montana Fish, Wildlife & Parks  
1420 East Sixth Avenue  
P.O. Box 200701  
Helena, MT 59620-0701  
<http://fwp.mt.gov/default.html>

### Hiking

There are no developed non-motorized trails on Reclamation-administered land surrounding Canyon Ferry Reservoir. However, much of the shoreline is easily accessed on foot and this type of use is encouraged by Reclamation. Hiking is also allowed on maintenance roads of the Canyon Ferry Wildlife Management Area that are closed to public motorized access.

### Prospecting

Prospecting or other mineral extraction requires Right-Of-Use authorization from Reclamation. Please see Authorization and Permitting for more information.

### Off Highway Vehicle (OHV) Use

While the public is encouraged to access and enjoy public land, off-road access by motorized vehicles is prohibited unless specifically opened for that purpose (43 CFR Part 420). Non-motorized overland access will be encouraged in undeveloped areas to provide recreational opportunity, reduce user conflicts, and maintain the long-term integrity of natural resources. Opportunities to restore sites impacted by unauthorized motorized access on federal land will be actively pursued (USDI-Bureau of Reclamation 2003, page VI-15).

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**Design and Construction Guidelines for Shoreline Facilities**

The long-term goal of the plan is to have all docks and other shoreline facilities designed and constructed to ensure that the intrinsic values of Canyon Ferry Reservoir are protected equally and fairly for everyone who utilizes the reservoir.

Prior to making improvements, new installation, or alteration of existing facilities that occupy shoreline property, private landowners are required to secure authorization from the Bureau of Reclamation, Army Corps of Engineers, and Lewis & Clark County Conservation District.

Private landowners are encouraged to design and construct docks and bank stabilization improvements using the following guidelines.

**Boat Dock Guidelines**

These guidelines were developed by the Bureau of Reclamation to provide residents and landowners with suggested guidelines for boat docks. Approvals from Reclamation and the agencies listed on the construction request must be secured prior to any work being done. Failure to obtain these approvals may mean that the structure will have to be removed at your expense.

1. Number of Docks Allowed
  - a. Non-commercial situations
    - i) House or cabin on land adjoining the reservoir - maximum of one dock for each cabin.
    - ii) PL 105-277 as amended; Title X - Canyon Ferry Reservoir, Montana Act.
    - iii) Please note attached permit process with Reclamation, Army Corps of Engineers and the Lewis & Clark County Conservation District.
  - b. Community docks, a single dock having one or more slips that serve several houses or cabin owners, is encouraged and recommended.
  - c. All docks should be identified with a cabin number on the dock in plan view.
  - d. Commercial operations may need many docks for their business. Commercial operations are guided by Reclamation and Army Corps of Engineers designs.
2. Dock Locations
  - a. When possible, boat docks should be located between the boundary markers of the landowner's property.
  - b. When it is not possible or practical to place the boat dock between the boundary markers of the owner's lot, landowners are encouraged to reach agreements for dock placement that are suitable to all affected property owners. Written documentation of these agreements is desirable in case affected properties change owners.

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- c. Land owners have the first right to place their dock between their property boundary markers.

#### 3. Boat Dock Design

##### a. Standard Boat Docks

- i) All new docks and replacement docks should be removable.
- ii) Docks should be designed to allow water to flow under and around them. Solid docks that do not allow water to flow under or around them should not be used.

Docks other than those authorized by Public Law 105-277 - Reclamation has no authority to permit docks other than those authorized by the Canyon Ferry Act.

#### 4. Boat Lifts

- a. No more than one boat lift shall be authorized per property.
- b. No boat lift shall impede access to other docks or property.
- c. No boat lift shall be constructed with solid side walls.
- d. No extension or other structure or object may be attached to, or upon a boat lift; however, a boat lift may be attached to an authorized dock.

#### 5. Jet Skis

- a. Dock attachments for jet skis must be attached to the one dock allowed by PL 105-277 and kept to within dock dimensions as described in dock sizes below.

#### 6. Dock Sizes

- a. Docks should be placed so that they do not block or hinder boating access to other docks or any part of the reservoir.
- b. To minimize visual and other impacts to shoreline uses, docks should be held to minimum functional dimensions of 2 to 3 boats. Community docks may require larger dimensions.
- c. Docks shall not exceed 60 feet in length if there is 5 feet of water depth at the end of the dock when the lake is at its mean annual high water elevation of 3798.5. For a 60 foot dock, where the depth of the water is less than 5 feet, additional length may be allowed.
- d. Docks over 60 feet in length may be required to have a warning light on each section of dock beyond 60 feet in length.
- e. No dock shall exceed one hundred (100) feet in length as measured from 3798.5 ft elevation.
- f. Maximum width of a dock should be 10 feet.
- g. On a T or C shaped dock the maximum width across the head of the T or C should not exceed 40 feet. (See illustration below)
- h. On an L shaped dock, the maximum length of the wing section should not exceed 30 feet. This creates a maximum of 40 feet across the head of the L. (See illustration below.)

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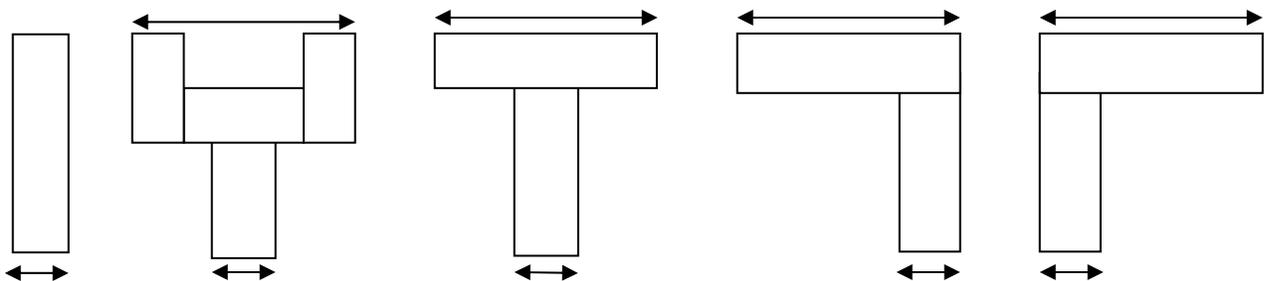
7. Dock Construction Materials

- a. Docks should be constructed of wood, metal, plastic, fiberglass or other material standard to the industry.
- b. Factory pressure treated (non-toxic marine grade) wood, untreated wood or plywood are suitable materials.
- c. All field applied preservatives, wood treatment, carpet, glue, paint, varnish and other such materials must meet state and federal standards for marine applications.
- d. When applying an approved preservative, take precautions to avoid letting the preservative drip, spill or otherwise enter the water.
- e. When molded foam or other floating material is used, it must be enclosed or sealed to avoid breakup and/or scattering of loose material. If floatation material becomes scattered the source should be repaired immediately and the loose material must be removed from the reservoir.
- f. Wood, metal, metal pipe, axles and wheels or other durable material should be used for skids on docks to prevent shoreline damage and dock damage when removing and installing docks unless the dock is lifted in and out of the water.
- g. Natural, non-contrasting exterior finishes or colors such as natural wood, earth tones, or other colors found in the area should be used for all visible surfaces.
- h. Anchor materials should be of pre-formed concrete, rocks, steel blocks, or driven pipe with adequate nylon or polypropylene rope, or non-corrosive metal cable or chain.

8. Timeframe for Implementation of Dock Guidelines

- a. Dock owners should consider taking steps to meet these guidelines when docks are replaced or when dock maintenance or upgrades are more than ¼ of original dock. Permits for construction of new docks must be reviewed and approved before a permit is issued.

Standard Dock Designs:



Boat Docks for Canyon Ferry Cabin Sites

No special use permit is required for Canyon Ferry Cabin Site boat docks because they are specifically allowed by the Canyon Ferry Act (Public Law 105-277). Instead, a photocopy of the joint permit application required by the U.S. Army Corps of Engineers (section 404 and section

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10 permits) and Lewis and Clark County Conservation District (310 permits) should be provided to Reclamation. Further, photocopies of subsequent approval from those entities must also be provided to Reclamation prior to dock placement. Please see Appendix C for a flow chart depicting the approval process for boat docks at Canyon Ferry Reservoir.

**Shoreline Restoration and Erosion Control Guidelines**

Canyon Ferry Reservoir shoreline is highly valued for its aesthetic appeal, lake access, recreational potential, and wildlife habitat. Consequently, loss of shoreline is a serious concern. Shoreline restoration and erosion control at Canyon Ferry Reservoir includes several site-specific challenges including varying water elevations (typically from 3780' to 3797') and unique shoreline soil properties. This section of the Canyon Ferry Reservoir Shoreline Management Guidelines provides information to aid in determining the sources of erosion, when erosion control is warranted, and appropriate erosion control measures. It is the policy of Reclamation that, wherever possible, the natural condition of the shoreline will be maintained for its aesthetic appeal and resource functions. Shoreline restoration and protection measures will require Right-Of-Use authorization from Reclamation. Reclamation reserves the right to refuse to authorize any use deemed incompatible with administration of federal land in the public interest. Potential for obtaining Right-of-Use authorization for shoreline restoration and protection will be generally prioritized as follows: 1) threat to private structures; 2) threat to private land; 3) replacement of existing stabilization measures; and 4) threatened federal land. Please see the Authorization and Permitting section of this Plan for more information.

Lake and reservoir shorelines are dynamic landscape features, undergoing various rates of change related to soil structure and cohesiveness, slope, vegetative cover, wind exposure, seasonal water elevations, and fetch (length of water surface wind-ward from the shore). Understanding site-specific shoreline characteristics can provide insight regarding the need for, and type of, potential restoration or protection measures. An important consideration is how any particular erosion control measure will function given the dynamic nature and rate of shoreline change on the planning area. A comprehensive site evaluation should be completed as a first step in the shoreline planning process (please see a suggested site evaluation form at the end of this section).

Canyon Ferry Reservoir supports a wide spectrum of shoreline types. Generally, shorelines with ample shallow beach and gradual shoreline slope are less susceptible to significant erosion. Shallow, low gradient beaches dissipate erosive wave energy. Coarse beach material (e.g., gravel and cobble) also dissipates wave energy and provides natural shoreline armoring. Naturally-occurring vegetation contributes to shoreline stability by dissipating wave energy and holding soil in root systems. Protecting existing vegetation is an important first step in reducing the rate of shoreline erosion. Some shorelines are protected by landforms (e.g., bays and peninsulas) that reduce fetch and exposure to prevailing winds. Shorelines with characteristics such as those just described may not warrant any artificially constructed erosion control measures.

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High rates of shoreline recession may occur on steep banks that receive high wave energy where there is no armoring beach material. Shoreline restoration and erosion control may be compelling in these areas when structures, roadways, public recreational facilities, or important wildlife habitats are threatened. However, only those methods with the least impact to the natural environment should be selected for application. Shoreline restoration and erosion control methods vary from “soft” measures that dissipate wave energy, to “hard” structural measures that deflect wave energy. Hard, structural methods may deflect wave energy to the toe of the structure, and may accelerate flanking erosion on adjacent sites. Consequently, shoreline restoration and erosion control efforts should be coordinated with adjacent ownerships in problem areas.

The type of shoreline protection and restoration method employed may also change within the shoreline segment as site conditions change. For example, wave energy may be greatest on an exposed point, and taper off to either side of the point. Consequently, measures applied to the point would be designed for high erosive force, whereas measures employed in flanking positions may incorporate more vegetation due to reduced erosive impact. Similarly, protection measures applied to the toe of the slope may differ from those used in less critical positions located higher on the shoreline bank.

Important criteria for selecting a method for shoreline restoration and erosion control include cultural and natural resource impacts, effectiveness, cost, design complexity, functional life, risk and consequences of failure, availability of construction materials, and the amount of required maintenance. For example, gabion, sheet pile, timber or concrete walls are very expensive and have limited potential to self-adjust to shoreline dynamics. Unstable underlying soils combined with especially severe weather events can result in compromised function, expensive repair, and/or total replacement. Due to significant resource and financial risks, the services of a qualified engineer with shoreline stabilization experience should be required for all structural erosion control proposals.

#### Methods

Following is a suggested implementation hierarchy and brief description of selected erosion control methods:

1) No Action

The no action alternative is the best option to employ unless there are unavoidable and compelling reasons for active erosion control.

2) Relocation of Threatened Structures or Roadways

Where feasible, threatened structures and roadways should be moved rather than implement active erosion control. When siting new structures or roads, it is important that adequate set-back is allowed to prevent future threats from shoreline erosion.

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## 3) Non-Structural Stabilization

Vegetation protection, re-vegetation, and/or slope grading may be all that is needed to control shoreline erosion. Non-structural alternatives are the least impacting and most aesthetically appealing of the active erosion control alternatives.

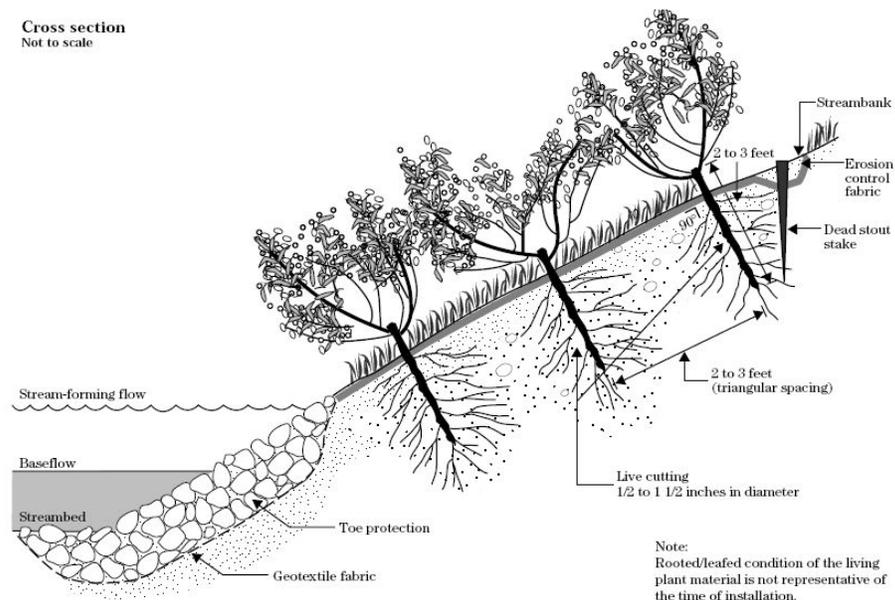
## 4) Dynamic Revetment

Dynamic revetments are appropriate on relatively low gradient shorelines. This method includes placement of gravel and cobble material that is anticipated to be re-arranged by wave action into an “equilibrium profile”. This contrasts with boulder-sized riprap revetments that are designed not to move. Dynamic revetments will require period maintenance. However, they constitute a less expensive, and more natural and aesthetically appealing solution than riprap placement. (see Allan et. al. 2005 for more information about dynamic revetments).

## 5) Bio-Engineering

Bioengineering includes either vegetation establishment alone or in combination with structural protection measures. The benefits of vegetation include wave energy dissipation, soil-holding root systems, induced sediment deposition, reduced abrasion due to long-shore sediment transport, aesthetic appeal, and fish and wildlife habitat. While shoreline protection using only inert materials (e.g., rock) will degrade with time, shoreline protection with live plants will improve with time. However, plant materials require special handling and planting methods (see NRCS 1996, and Allen and Leech 1997), and vegetation cannot be established until a site is stabilized. Consequently, some slope grading and structural stabilization may also be required; especially in critical toe and flank locations.

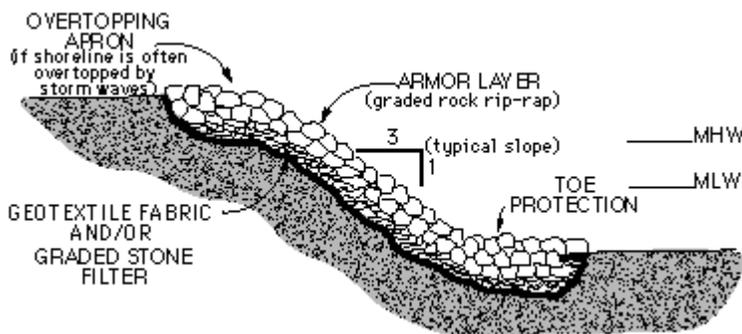
Following is an example of bioengineering that incorporates both structural and vegetative measures. Taken from the NRCS Engineering Field Handbook, Part 650, Chapter 16 (NRCS, 1996).



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## 6) Stone Rip-Rap Revetment

Stone rip-rap revetments combine dissipation of wave energy with soil stabilization. First, the bank must be graded to a stable slope (a 3:1 or flatter slope is recommended). Filter fabric (geotextile) and/or gravel bedding is then placed over the graded slope to hold the underlying soil in place. Finally, rough, angular, interlocking rock of the appropriate size and thickness is placed to armor the slope. The size and thickness of the armoring stone will depend on the amount of wave energy anticipated to occur at the site. This type of shoreline protection often includes toe protection, an overtopping apron, and flanking protection at the ends of the revetment. Stone rip-rap revetments can be very costly, are un-natural in appearance, and will require periodic maintenance. However, they are unlikely to completely fail in severe storms. The appearance and habitat function of stone revetments can be enhanced by tamping live stakes into joints between the rocks (see NRCS, 1996).



## 7) Gabion Wall

Gabions are rectangular wire baskets filled with stone. Gabions should be staggered (rather than vertical) and joined together. Gabion walls can be very costly, are un-natural in appearance, and will deflect wave energy to the toe and to adjacent sites (flanks). Consequently, toe and flank protection (such as with rip-rap) is essential. Gabions will require periodic maintenance. Gabion walls do not work where loose soils occur. Best locations include cohesive soils with high clay content.

## 8) Concrete or Sheet Pile Walls

Constructed walls are used on steep shorelines that receive very high wave energy. These structures do not self adjust with shoreline dynamics and may require complete replacement with storm damage. Typical causes of failure include inadequate design and construction, poor quality materials, undercutting at the structure toe, freezing and thawing effects, and debris impacts. Constructed walls are very costly, un-natural in appearance, and deflect wave energy to the toe of the wall and to adjacent sites (flanks). Increased turbulence and scour from reflected wave energy may accelerate erosion of the foreshore in front of the structure. Consequently, toe and flank protection (such as with rip-rap) is essential to reduce undercutting and dissipate wave energy. Due to high cost, engineering requisites, potential for failure, and risk of resource impacts, concrete, timber or sheet pile walls will require extensive site evaluation and alternative development. These techniques require engineered systems with proven reliability and will

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undergo rigorous and critical review prior to approval or disapproval by Reclamation.

**Authorization and Permitting**

Right-of-Use Authorization

Use of federally-owned shoreline and other land should not result in, or give the appearance of, private exclusive recreational or residential use. Further, unless specifically designated, off-road vehicle use is prohibited, including on shoreline areas (Federal Register 43 CFR part 420).

Reclamation policy for administering land and water surfaces can be found at <http://www.usbr.gov/pmts/lands/>. At Canyon Ferry Reservoir, this policy is modified by the Canyon Ferry Act (Public Law 105-277). However, current reclamation law and policy applies to all new uses, and to maintenance of existing uses.

Proposed new uses of Reclamation-administered land, as well as maintenance of existing facilities located on federal land, must first be authorized by Reclamation to ensure that Reclamation fulfills compliance requisites of the National Environmental Policy Act and National Historic Preservation Act. Right-of-Use authorization may be obtained by completing an application form (Form 7-2540) available at the Canyon Ferry Field Office or at <http://www.usbr.gov/pmts/lands/>. Examples of uses that may be deemed compatible with management of federal land include temporary building material storage, stairs, walkways, trails, and temporary use of motorized vehicles. However, Reclamation reserves the right to refuse to authorize any use which may be deemed incompatible. Examples of uses not likely to be considered compatible with management of federal land include burning debris, regular motorized vehicle use, or storing personal equipment on the shoreline.

Right-of-Use applications will require administrative fees of \$200. In addition, federal regulations require that Reclamation recover the appraised value of the use. The method by which use values are determined will be developed over time.

Right-of-Use authorizations are an agreement between Reclamation and a person or organization and are not transferable. A new Right-of-Use authorization must be issued if a new person or entity wishes to continue a use previously authorized. Right-of-use authorizations are issued for a specific length of time and are not perpetual.

Temporary Water Service Contracts

In contrast to Right-of-Use authorizations, Temporary Water Service Contracts are required for personal use of Canyon Ferry Reservoir water such as for irrigation of lawns and gardens.

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Permitting

In addition to Right-Of-Use authorization from Reclamation, planned shoreline activities may require permits from the U.S. Army Corps of Engineers and the Lewis & Clark Conservation District.

A Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Water Bodies is available from the U.S. Army Corps of Engineers. For more information, contact:

U.S. Army Corps of Engineers  
10 West 15<sup>th</sup> Street, Suite 2200  
Helena, MT 59626  
(406) 441-1375

**<https://www.nwo.usace.army.mil/html/od-rmt/mthome.htm>**

A copy of the Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Water Bodies must also be provided to the Lewis & Clark Conservation District to obtain a 310 permit required by The Montana Natural Streambed and Land Preservation Act of 1975. For more information, contact:

Lewis & Clark Conservation District  
790 Colleen Street  
Helena, MT 59601  
(406) 449-5000 ext. 112

**[http://www.dnrc.mt.gov/permits/stream\\_permitting/310\\_applicant.asp](http://www.dnrc.mt.gov/permits/stream_permitting/310_applicant.asp)**

## **Shoreline Management Land Categories (Figure 1)**

### Undeveloped/Limited Access Areas

Undeveloped areas occur outside of developed recreational facilities. These areas provide a dispersed recreational experience and provide valuable riparian and upland habitat for antelope, deer, waterfowl, waterbirds, non-game birds, and many other species. Some undeveloped areas are accessed by established roads. However, motorized access is prohibited in most undeveloped areas to reduce user conflicts and protect natural resources. Opportunities to restore sites impacted by unauthorized motorized access on federal land will be actively pursued (USDI-Bureau of Reclamation 2003, page VI-15).

### Residential Areas

Areas of dense residential development include the Canyon Ferry Cabin Sites which are separated from Canyon Ferry Reservoir by a thin strip of federally-owned shoreline. Land use challenges in these areas will include allowing for both legislated access (P.L. 105-277,

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APPENDIX A) to boat docks by Cabin Site owners and public access to the federally-owned shoreline strip. Portions of this Shoreline Management Guidelines (e.g., Shoreline Restoration and Protection, Design and Construction Guidelines for Shoreline Facilities) are especially relevant in these areas. While technically legal, hunting is discouraged near residences to ensure public safety.

### Administrative Areas

Administrative areas are located immediately above and below Canyon Ferry Dam. These areas are closed to public access for public safety and facility security purposes. Administrative area closures are identified with signage, cables, floating buoys, and chain-link fences.

### Recreation Areas

Areas developed by Reclamation for recreation around Canyon Ferry Reservoir include twelve campgrounds and eight day-use facilities. These areas include identified campsites, group use shelters, public restrooms, beaches, and boat ramps. Developed recreation areas are heavily used. While technically legal, hunting is discouraged near developed recreation areas to ensure public safety.

### Marina Areas

Three marina areas occur around Canyon Ferry Reservoir including Goose Bay Marina, Yacht Basin Marina, and Kim's Marina and RV Resort. Marina concessions located on Reclamation land around Canyon Ferry Reservoir provide facilities, goods, and services that are not available in other developed recreational sites (e.g., boat moorage, boat rental, cabin rental, groceries and fishing equipment). While shoreline in the marina concession areas is maintained by the concessionaire, public access is allowed to shoreline areas. More information about marina concessions at Canyon Ferry Reservoir is available in the Canyon Ferry Reservoir Resource Management Plan/ Environmental Assessment (USDI-Bureau of Reclamation 2003) and in the Commercial Services Plan & Financial Feasibility Evaluation Canyon Ferry Reservoir Montana (Aukerman, Haas & Associates 2004).

### Wildlife Management Area

Management of a portion of Reclamation land on Canyon Ferry Reservoir was transferred to the Montana Department of Fish, Wildlife & Parks (MFWP) through a Memorandum of Understanding (MOU) in 1957. The MOU formed the Canyon Ferry Wildlife Management Area (CFWMA). Management direction for the CFWMA was further defined in the Canyon Ferry Wildlife Management Area Management Plan (Carlsen and Northrup 1992). The CFWMA is managed by MFWP to provide public recreational access to significant wildlife resources. While there are roads to identified parking areas, much of the CFWMA is open to non-motorized access only. Contact Tom Carlsen (MFWP Wildlife Biologist) for more information (406-266-3367, [tcarsen@mt.net](mailto:tcarsen@mt.net)) about the CFWMA.

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Figure 1. Shoreline Land Management Categories

To be added

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**Definitions:**

**BOAT RAIL SYSTEM:** A facility consisting of tracks extending from or across the lakeshore protection zone into the lake which is designed to facilitate launching or retrieving boats.

**BOAT RAMP:** A facility consisting of a pad, driveway or roadway extending from or across the lakeshore protection zone into the lake which is designed to facilitate launching or retrieving boats.

**CRIB DOCK:** A type of permanent dock consisting of solid wood cribs filled with ballast material such as rock on which a deck is constructed.

**DOCK:** A platform, either non-floating or floating, which extends into, over or across the water to provide for boat moorage, access to a moorage area, swimming facilities, or other related activities.

**DOCK LENGTH:** Dock length is the length of that portion of the dock which extends lake ward at any time over water and is measured from the current water level to the farthest water ward end of the dock.

**DOCK WING:** That portion of a dock and deck which lies generally parallel to the shoreline with its main function as a wave break or to provide a boat slip or sheltered area as opposed to primarily provides access out to deep water.

**DREDGING:** The process of excavating material from the lake bottom and thereby lowering the bottom of lake elevation. The term shall include the process of extending the lake area landward by excavating material from the lakeshore protection zone and thereby lowering the elevation of that portion of that zone.

**RETAINING WALL:** Any structure built essentially parallel and contiguous to the shoreline of a lake which is designed to protect the land mass inland from the structure, from erosion or wave action and protect the lake from situation.

**RECONSTRUCTION:** To rebuild an existing facility such that at the time of reconstruction in excess of 50% of the value or size of the facility excluding foundation is replaced.

**RIPRAP:** A layer, facing, or protective mound of stones, or rock or other materials randomly placed to prevent erosion, scour, or sloughing of a structure or embankment.

**LAKESHORE PROTECTION ZONE:** The land area which is within twenty (20) horizontal feet of the perimeter of the lake and adjacent wetlands when the lake is at the mean annual high water elevation. Where a shoreline is irregular or erratic or a channel or gorge of a lake juts landward, the lakeshore protection zone shall correspondingly follow these irregularities.

**MEAN ANNUAL HIGH WATER ELEVATION:** The mean average of the highest elevation of a lake in each of at least five (5) consecutive years, excluding any high levels caused by erratic

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or unusual weather or hydrologic conditions. A highest elevation caused by operation of a dam or other impoundment counts towards the establishment of the mean annual high water elevation.

PERMIT: A document issued by the governing body verifying compliance with the requirements and provisions of these requirements.

### Literature Cited and Suggested Information Sources:

- Allan, J. C., R. Geitgey, and R. Hart. 2005. Dynamic revetments for coastal erosion control. Oregon Department of Transportation, Salem, OR and Federal Highway Administration, Washington D.C. 83 pp.  
[http://www.oregon.gov/ODOT/TD/TP\\_RES/docs/Reports/DynamicRevetments.pdf](http://www.oregon.gov/ODOT/TD/TP_RES/docs/Reports/DynamicRevetments.pdf)
- Allen, H. H., and J. R. Leech. 1997. Bioengineering for streambank erosion control; Report 1, Guidelines. Technical Report EL-97-8. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS. <http://el.erdc.usace.army.mil/elpubs/pdf/trel97-8.pdf>
- Aukerman, Haas & Associates. 2004. Commercial services plan & financial feasibility Evaluation Canyon Ferry Reservoir Montana. USDI-Bureau of Reclamation.
- Carlsen, T., and R. Northrup. 1992. Canyon Ferry Wildlife Management Area management Plan. Montana Fish, Wildlife & Parks 76 pp.
- Maryland DNR. Date unknown. Shore erosion control guidelines for waterfront property owners. Maryland Department of Natural Resources Water Resources Administration. 30 pp. <http://www.dnr.state.md.us/grantsandloans/waterfrontpropertyownersguide.pdf>
- NRCS. 1996. Chapter 16 Streambank and shoreline protection. *in* Engineering Field Handbook Part 650. U.S. Department of the Agriculture, Natural Resources Conservation Service. <http://www.info.usda.gov/CED/ftp/CED/EFH-Ch16.pdf>
- Northwest Regional Planning Commission. 2004. The shoreline stabilization handbook. Northwest Regional Planning Commission. 49 pp.  
<http://nsgd.gso.uri.edu/lcsg/lcsg04001.pdf>
- USDI-Bureau of Reclamation. 2003. Canyon Ferry Reservoir Resource Management Plan/Environmental Assessment. U.S. Department of the Interior, Bureau of Reclamation <http://www.usbr.gov/gp/mtao/canyonferry/final.pdf>
- USDI-Bureau of Reclamation. 2004. Accessibility Action Plans (Draft). USDI-Bureau of Reclamation Technical Service Center. Denver, Colorado.

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APPENDIX A:

**TITLE X—CANYON FERRY RESERVOIR, MONTANA, ACT**

**SECTION 1001. FINDINGS.**

Congress finds that the conveyance of the properties described in section 4(b) to the lessees of those properties for fair market value would have the beneficial results of—

- (1) reducing Pick-Sloan project debt for the Canyon Ferry Unit;
- (2) providing a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in the State from willing sellers at fair market value to—
  - (A) restore and conserve fisheries habitat, including riparian habitat;
  - (B) restore and conserve wildlife habitat;

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- (C) enhance public hunting, fishing, and recreational opportunities; and
- (D) improve public access to public land;
- (3) eliminating Federal payments in lieu of taxes and associated management expenditures in connection with the Federal Government’s ownership of the properties while increasing local tax revenues from the new owners; and
- (4) eliminating expensive and contentious disputes between the Secretary and leaseholders while ensuring that the Federal Government receives full and fair value for the properties.

**SEC. 1002. PURPOSES.**

The purposes of this Act are to—

- (1) establish terms and conditions under which the Secretary of the Interior shall, for fair market value, convey certain properties around Canyon Ferry Reservoir, Montana, to private parties; and
- (2) acquire certain land for fish and wildlife conservation purposes.

**SEC. 1003. DEFINITIONS.**

In this Act:

- (1) CANYON FERRY-BROADWATER COUNTY TRUST.—The term “Canyon Ferry-Broadwater County Trust” means the Canyon Ferry-Broadwater County Trust established under section 8.
- (2) CFRA.—The term “CFRA” means the Canyon Ferry Recreation Association, Incorporated, a Montana corporation.
- (3) COMMISSIONERS.—The term “Commissioners” means the Board of Commissioners for Broadwater County, Montana.
- (4) LEASE.—The term “lease” means a lease or permit in effect on the date of enactment of this Act that gives a leaseholder the right to occupy a property.
- (5) LESSEE.—The term “lessee” means—
  - (A) the leaseholder of 1 of the properties on the date of enactment of this Act; and
  - (B) the leaseholder’s heirs, executors, and assigns of the leasehold interest in the property.
- (6) MONTANA FISH AND WILDLIFE CONSERVATION TRUST.—  
The term “Montana Fish and Wildlife Conservation Trust” means the Montana Fish and Wildlife Conservation Trust established under section 7.
- (7) PROJECT.—The term “project” means the Canyon Ferry Unit of the Pick-Sloan Missouri River Basin Project.
- (8) PROPERTY.—
  - (A) IN GENERAL.—The term “property” means 1 of the cabin sites described in section 4(b).
  - (B) USE IN THE PLURAL.—The term “properties” means all 265 of the properties and any contiguous parcels referred to in section 4(b)(1)(B).
- (9) PURCHASER.—The term “purchaser” means a person or entity, excluding CFRA or a lessee, that purchases the properties under section 4.
- (10) RESERVOIR.—The term “Reservoir” means the Canyon Ferry Reservoir, Montana.
- (11) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

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(12) STATE.—The term “State” means the State of Montana.

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**SEC. 1004. SALE OF PROPERTIES.**

- (a) IN GENERAL.—Consistent with the Act of June 17, 1902 (32 Stat. 388, chapter 1093) and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), the Secretary shall convey to CFRA or a purchaser—
- (1) all right, title, and interest (except the mineral estate) of the United States in and to the properties, subject to valid existing rights and the operational requirements of the Pick-Sloan Missouri River Basin Program; and
  - (2) perpetual easements for—
    - (A) vehicular access to each property;
    - (B) access to and use of 1 dock per property; and
    - (C) access to and use of all boathouses, ramps, retaining walls, and other improvements for which access is provided in the leases as of the date of enactment of this Act.
- (b) DESCRIPTION OF PROPERTIES.—
- (1) IN GENERAL.—The properties to be conveyed are—
    - (A) the 265 cabin sites of the Bureau of Reclamation located along the northern end of the Reservoir in portions of sections 2, 11, 12, 13, 15, 22, 23, and 26, Township 10 North, Range 1 West; and
    - (B) any small parcel contiguous to any property (not including shoreline or land needed to provide public access to the shoreline of the Reservoir) that the Secretary determines should be conveyed in order to eliminate an inholding and facilitate administration of surrounding land remaining in Federal ownership.
  - (2) ACREAGE; LEGAL DESCRIPTION.—The acreage and legal description of each property and of each parcel shall be determined by the Secretary in consultation with CFRA.
  - (3) RESTRICTIVE USE COVENANT.—
    - (A) IN GENERAL.—In order to maintain the unique character of the Reservoir area, the Secretary, the purchaser, CFRA, and each subsequent owner of each property shall covenant that the use restrictions to carry out subparagraphs
      - (B) and (C) shall—
        - (i) be appurtenant to, and run, with each property; and
        - (ii) be binding on each subsequent owner of each property.
      - (B) ACCESS TO RESERVOIR.—
        - (i) IN GENERAL.—The Secretary, the purchaser, CFRA, and the subsequent owners of each property shall ensure that—
          - (I) public access to and along the shoreline of the Reservoir in existence on the date of enactment of this Act is not obstructed; and
          - (II) adequate public access to and along the shoreline of the Reservoir is maintained.
        - (ii) FEDERAL RECLAMATION LAW.—
          - (I) IN GENERAL.—No conveyance of property under this Act shall restrict or limit the authority or ability of the Secretary to fulfill the duties of the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental 112 STAT. 2681–713 PUBLIC LAW 105–277—OCT. 21, 1998 to and amendatory of that Act (43 U.S.C. 371 et seq.).
          - (II) NO LIABILITY.—The operation of the Reservoir by the Secretary in fulfillment of the duties described in subclause (I) shall not result in liability for damages, direct or indirect, to the owner of any property conveyed under section 4(a) or damages from any loss of use or enjoyment of the property.
      - (C) HISTORICAL USE.—The Secretary, the purchaser, CFRA, and each subsequent owner of each property shall covenant that future uses of the property shall be limited to the type and intensity of uses in existence on the date of enactment of this Act, as limited by the prohibitions contained in the annual operating plan of the Bureau of Reclamation for the Reservoir in effect on October 1, 1998.
- (c) PURCHASE PROCESS.—
- (1) IN GENERAL.—The Secretary shall—
    - (A) solicit sealed bids for the properties;

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- (B) subject to paragraph (2), sell the properties to the bidder that submits the highest bid above the minimum bid determined under paragraph (2); and
- (C) not accept any bid for less than all of the properties in 1 transaction.
- (2) MINIMUM BID.—
  - (A) IN GENERAL.—Before accepting bids, the Secretary shall establish a minimum bid, which shall be equal to the fair market value of the properties determined by an appraisal of each property, exclusive of the value of private improvements made by the leaseholders before the date of the conveyance, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.
  - (B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.
- (3) RIGHT OF FIRST REFUSAL.—If the highest bidder is other than CFRA, CFRA shall have the right to match the highest bid and purchase the properties at a price equal to the amount of the highest bid.
- (d) TERMS OF CONVEYANCE.—
  - (1) PURCHASER.—If the highest bidder is other than CFRA, and CFRA does not match the highest bid, the following shall apply:
    - (A) PAYMENT.—The purchaser shall pay the amount bid to the Secretary for distribution in accordance with section 6.
    - (B) CONVEYANCE.—The Secretary shall convey the properties to the purchaser.
    - (C) OPTION TO PURCHASE.—The purchaser shall give each lessee of a property conveyed under this section an option to purchase the property at fair market value, as determined under subsection ©(2).
    - (D) NONPURCHASING LESSEES.—
      - (i) RIGHT TO CONTINUE LEASE.—A lessee that is unable or unwilling to purchase a property shall be provided the opportunity to continue to lease the PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-714 property for fair market value rent under the same terms and conditions as apply under the existing lease for the property, and shall have the right to renew the term of the existing lease for 2 consecutive 5-year terms.
      - (ii) COMPENSATION FOR IMPROVEMENTS.—If a lessee declines to purchase a property, the purchaser shall compensate the lessee for the fair market value, as determined pursuant to customary appraisal procedures, of all improvements made to the property by the lessee. The lessee may sell the improvements to the purchaser at any time, but the sale shall be completed by the final termination of the lease, after all renewals under clause (i).
  - (2) CFRA.—If CFRA is the highest bidder, or matches the highest bid, the following shall apply:
    - (A) CLOSING.—On receipt of a purchase request from a lessee or CFRA, the Secretary shall close on the property and prepare all other properties for closing within 45 days.
    - (B) PAYMENT.—At the closing for a property—
      - (i) the lessee or CFRA shall deliver to the Secretary payment for the property, which the Secretary shall distribute in accordance with section 6; and
      - (ii) the Secretary shall convey the property to the lessee or CFRA.
    - (C) APPRAISAL.—The Secretary shall determine the purchase amount of each property based on the appraisal conducted under subsection ©(2), the amount of the bid under subsection ©(1), and the proportionate share of administrative costs pursuant to subsection (e). The total purchase amount for all properties shall equal the total bid amount plus administrative costs under subsection (e).
    - (D) TIMING.—CFRA and the lessees shall purchase at least 75 percent of the properties not later than August 1 of the year that begins at least 12 months after title to the first property is conveyed by the Secretary to a lessee.
    - (E) RIGHT TO RENEW.—The Secretary shall afford the lessees who have not purchased properties under this section the right to renew the term of the existing lease for 2 (but not more than 2) consecutive 5-year terms.
    - (F) REIMBURSEMENT.—A lessee shall reimburse CFRA for a proportionate share of the costs to CFRA of completing the transactions contemplated by this Act, including any interest charges.
    - (G) RENTAL PAYMENTS.—All rent received from the leases shall be distributed by the Secretary in accordance with section 6.
- (e) ADMINISTRATIVE COSTS.—Any reasonable administrative costs incurred by the Secretary, including the costs of survey and appraisals, incident to the conveyance under subsection (a) shall be reimbursed by the purchaser or CFRA.

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- (f) **TIMING.**—The Secretary shall make every effort to complete the conveyance under subsection (a) not later than 1 year after the satisfaction of the condition established by section 8(b).

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- (g) **CLOSINGS.**—Real estate closings to complete the conveyance under subsection (a) may be staggered to facilitate the conveyance as agreed to by the Secretary and the purchaser or CFRA.
- (h) **CONVEYANCE TO LESSEE.**—If a lessee purchases a property from the purchaser or CFRA, the Secretary, at the request of the lessee, shall have the conveyance documents prepared in the name or names of the lessee so as to minimize the amount of time and number of documents required to complete the closing for the property.

**SEC. 1005. AGREEMENT.**

- (a) **MANAGEMENT OF SILO’S CAMPGROUND.**—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Commissioner of Reclamation, shall—
- (1) offer to contract with the Commissioners to manage the Silo’s campground;
  - (2) enter into such a contract if agreed to by the Secretary and the Commissioners; and
  - (3) grant necessary easements for access roads within and adjacent to the Silo’s campground.
- (b) **CONCESSION INCOME.**—Any income generated by any concession that may be granted by the Commissioners at the Silo’s recreation area—
- (1) shall be deposited in the Canyon Ferry-Broadwater County Trust; and
  - (2) may be disbursed by the Canyon Ferry-Broadwater County Trust manager as part of the income of the Trust.

**SEC. 1006. USE OF PROCEEDS.**

Notwithstanding any other provision of law, proceeds of conveyances under this Act shall be available, without further Act of appropriation, as follows:

- (1) 10 percent of the proceeds shall be applied by the Secretary of the Treasury to reduce the outstanding debt for the Pick-Sloan project at the Reservoir.
- (2) 90 percent of the proceeds shall be deposited in the Montana Fish and Wildlife Conservation Trust.

**SEC. 1007. MONTANA FISH AND WILDLIFE CONSERVATION TRUST.**

- (a) **ESTABLISHMENT.**—The Secretary, in consultation with the State congressional delegation and the Governor of the State, shall establish a nonprofit charitable permanent perpetual public trust in the State, to be known as the “Montana Fish and Wildlife Conservation Trust” (referred to in this section as the “Trust”).
- (b) **PURPOSE.**—The purpose of the Trust shall be to provide a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in the State from willing sellers at fair market value to—
- (1) restore and conserve fisheries habitat, including riparian habitat;
  - (2) restore and conserve wildlife habitat;
  - (3) enhance public hunting, fishing, and recreational opportunities; and
  - (4) improve public access to public land.
- (c) **ADMINISTRATION.**—
- (1) **TRUST MANAGER.**—The Trust shall be managed by a trust manager, who—

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- (A) shall be responsible for investing the corpus of the Trust; and
  - (B) shall disburse funds from the Trust on receiving a request for disbursement from a majority of the members of the Joint State-Federal Agency Board established under paragraph (2) and after determining, in consultation with the Citizen Advisory Board established under paragraph (3) and after consideration of any comments submitted by members of the public, that the request meets the purpose of the Trust under subsection (b) and the requirements of subsections (d) and (e).
- (2) **JOINT STATE-FEDERAL AGENCY BOARD.**—
- (A) **ESTABLISHMENT.**—There is established a Joint State-Federal agency Board, which shall consist of—

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- (i) 1 Forest Service employee employed in the State designated by the Forest Service;
  - (ii) 1 Bureau of Land Management employee employed in the State designated by the Bureau of Land Management;
  - (iii) 1 Bureau of Reclamation employee employed in the State designated by the Bureau of Reclamation;
  - (iv) 1 United States Fish and Wildlife Service employee employed in the State designated by the United States Fish and Wildlife Service; and
  - (v) 1 Montana Department of Fish, Wildlife and Parks employee designated by the Department.
- (B) REQUESTS FOR DISBURSEMENT.—After consulting with the Citizen Advisory Board established under paragraph
- (3) and after consideration of the Trust plan prepared under paragraph (3)© and of any comments or requests submitted by members of the public, the Joint State-Federal Agency Board, by a vote of a majority of its members, may submit to the Trust Manager a request for disbursement if the Board determines that the request meets the purpose of the Trust.
- (3) CITIZEN ADVISORY BOARD.—
- (A) IN GENERAL.—The Secretary shall nominate, and the Joint State-Federal Agency Board shall approve by a majority vote, a Citizen Advisory Board.
- (B) MEMBERSHIP.—The Citizen Advisory Board shall consist of 4 members, including 1 with a demonstrated commitment to improving public access to public land and to fish and wildlife conservation, from each of—
- (i) a Montana organization representing agricultural landowners;
  - (ii) a Montana organization representing hunters;
  - (iii) a Montana organization representing fishermen; and
  - (iv) a Montana nonprofit land trust or environmental organization.
- (C) DUTIES.—The Citizen Advisory Board, in consultation with the Joint State-Federal Agency Board and the Montana Association of Counties, shall prepare and periodically update a Trust plan including recommendations for requests for disbursement by the Joint State-Federal Agency Board.

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- (D) OBJECTIVES OF PLAN.—The Trust plan shall be designed to maximize the effectiveness of Montana Fish and Wildlife Conservation Trust expenditures considering—
- (i) public needs and requests;
  - (ii) availability of property;
  - (iii) alternative sources of funding; and
  - (iv) availability of matching funds.
- (4) PUBLIC NOTICE AND COMMENT.—Before requesting any disbursements under paragraph (2), the Joint State-Federal Agency Board shall—
- (A) notify members of the public, including local governments; and
  - (B) provide opportunity for public comment.
- (d) USE.—
- (1) PRINCIPAL.—The principal of the Trust shall be inviolate.
  - (2) EARNINGS.—Earnings on amounts in the Trust shall be used to carry out subsection (b) and to administer the Trust and Citizen Advisory Board.
  - (3) LOCAL PURPOSES.—Not more than 50 percent of the income from the Trust in any year shall be used outside the watershed of the Missouri River in the State, from Holter Dam upstream to the confluence of the Jefferson River, Gallatin River, and Madison River.
- (e) MANAGEMENT.—Land and interests in land acquired under this section shall be managed for the purpose described in subsection (b).

**SEC. 1008. CANYON FERRY-BROADWATER COUNTY TRUST.**

- (a) ESTABLISHMENT.—The Commissioners shall establish a nonprofit charitable permanent perpetual public trust to be known as the “Canyon Ferry-Broadwater County Trust” (referred to in this section as the “Trust”).
- (b) PRIORITY OF TRUST ESTABLISHMENT.—

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- (1) **CONDITION TO SALE.**—No sale of property under section 4 shall be made until at least \$3,000,000, or a lesser amount as offset by in-kind contributions made before full funding of the trust, is deposited as the initial corpus of the Trust.
- (2) **IN-KIND CONTRIBUTIONS.**—
  - (A) **IN GENERAL.**—In-kind contributions—
    - (i) shall be approved in advance by the Commissioners;
    - (ii) shall be made in Broadwater County;
    - (iii) shall be related to the improvement of access to the portions of the Reservoir lying within Broadwater County or to the creation and improvement of new and existing recreational areas within Broadwater County; and
    - (iv) shall not include any contribution made by Broadwater County.
  - (B) **APPROVAL.**—Approval by the Commissioners of an in-kind contribution under subparagraph (A) shall include approval of the value, nature, and type of the contribution and of the entity that makes the contribution.
- (3) **INTEREST.**—Notwithstanding any other provision of this Act, all interest earned on the principal of the Trust shall PUBLIC LAW 105-277—OCT. 21, 1998 112 STAT. 2681-718 be reinvested and considered part of its corpus until the condition stated in paragraph (1) is met.
- (c) **TRUST MANAGEMENT.**—
  - (1) **TRUST MANAGER.**—The Trust shall be managed by a nonprofit foundation or other independent trustee to be selected by the Commissioners.
  - (2) **USE.**—The Trust manager shall invest the corpus of the Trust and disburse funds as follows:
    - (A) **PRINCIPAL.**—A sum not to exceed \$500,000 may be expended from the corpus to pay for the planning and construction of a harbor at the Silo’s recreation area.
    - (B) **INTEREST.**—The balance of the Trust shall be held and the income shall be expended annually for the improvement of access to the portions of the Reservoir lying within Broadwater County, Montana, and for the creation and improvement of new and existing recreational areas within Broadwater County.
  - (3) **DISBURSEMENT.**—The Trust manager—
    - (A) shall approve or reject any request for disbursement; and
    - (B) shall not make any expenditure except on the recommendation of the advisory committee established under subsection (d).
- (d) **ADVISORY COMMITTEE.**—
  - (1) **ESTABLISHMENT.**—The Commissioners shall appoint an advisory committee consisting of not fewer than 3 nor more than 5 persons.
  - (2) **DUTIES.**—The advisory committee shall meet on a regular basis to establish priorities and make requests for the disbursement of funds to the Trust manager.
  - (3) **APPROVAL BY THE COMMISSIONERS.**—The advisory committee shall recommend only such expenditures as are approved by the Commissioners.
- (e) **NO OFFSET.**—Neither the corpus nor the income of the Trust shall be used to reduce or replace the regular operating expenses of the Secretary at the Reservoir, unless approved by the Commissioners.

**SEC. 1009. AUTHORIZATION.**

- (a) **IN GENERAL.**—The Secretary is authorized to—
  - (1) investigate, plan, construct, operate, and maintain public recreational facilities on land withdrawn or acquired for the development of the project;
  - (2) conserve the scenery, the natural historic, paleontologic, and archaeological objects, and the wildlife on the land;
  - (3) provide for public use and enjoyment of the land and of the water areas created by the project by such means as are consistent with but subordinate to the purposes of the project; and
  - (4) investigate, plan, construct, operate, and maintain facilities for the conservation of fish and wildlife resources.
- (b) **COSTS.**—The costs (including operation and maintenance costs) of carrying out subsection (a) shall be nonreimbursable and nonreturnable under Federal reclamation law.

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APPENDIX B:  
SHORELINE RESTORATION AND EROSION CONTROL  
SITE EVALUATION FORM

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PROJECT LOCATION \_\_\_\_\_

CABIN LOT NUMBER \_\_\_\_\_

1) Is the shoreline federally-owned public land ?                    Y     N

2) Is erosion occurring at the project site?                            Y     N

3) Is erosion occurring on adjacent sites ?                            Y     N

4) Why are you considering shoreline restoration and/or erosion control ?

Immediate threat to an existing structure                           

(please answer item 5)

Current loss of private land   

Anticipated loss of private land

Would like to build a new structure on the shoreline                   

Want additional shoreline area   

Want to improve the aesthetic appeal of the shoreline                   

Other \_\_\_\_\_

5) If applicable, what type of structure is threatened (e.g., road, shed, residence, etc.) ?

\_\_\_\_\_

6) What type of slope occurs at the project site ?

Steep (>2: 1), high (> 15 feet high) bluff                           

Steep, low (< 15 feet high) bank   

Moderately sloped (4:1 to 2:1)   

Gentle slope (10:1 to 4:1)   

Beach (flatter than 10:1)    

Additional comments:

\_\_\_\_\_

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7) Is the project site exposed to prevailing winds (from the west), east winds, or located in a protected area ( e.g., bay or on the lee side of a landform such as a peninsula) ?

- Exposed to prevailing winds (please answer item 8)
- Exposed to east winds (please answer item 8)
- Protected

Additional comments:

---

8) If the project site is exposed to prevailing or east winds winds, what is the wind-ward length of water surface (i.e., fetch) in miles ? \_\_\_\_\_ miles

9) What is the condition of vegetation along the shoreline at the project site ?

- Vegetated
- Sparsely vegetated
- Un-vegetated

Additional comments:

---

10) What kind of materials make up the soil at the project site ?

- Consolidated clay
- Silt
- Sand
- Gravel/cobble
- Bedrock
- Mixed layers (sand, silt, clay, gravel)

Additional comments:

---

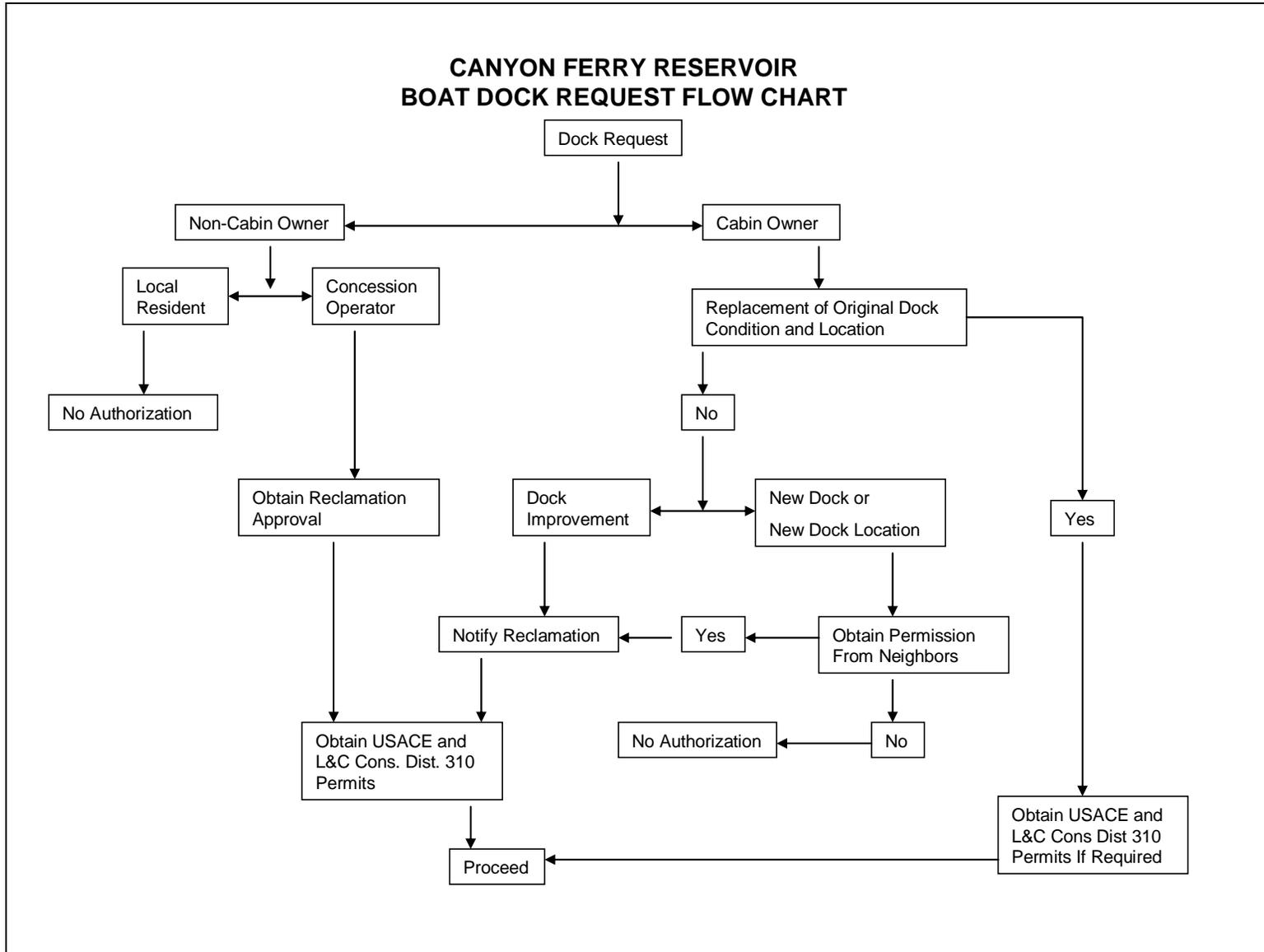
11) Does groundwater flow out of the face of the shoreline (i.e., piping) ?  
Y  N

12) Is there surface run-off at the project site ?  
Y  N

13) Are there other shoreline attributes that could affect implementation of shoreline stabilization measures ? (please list)

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APPENDIX C:



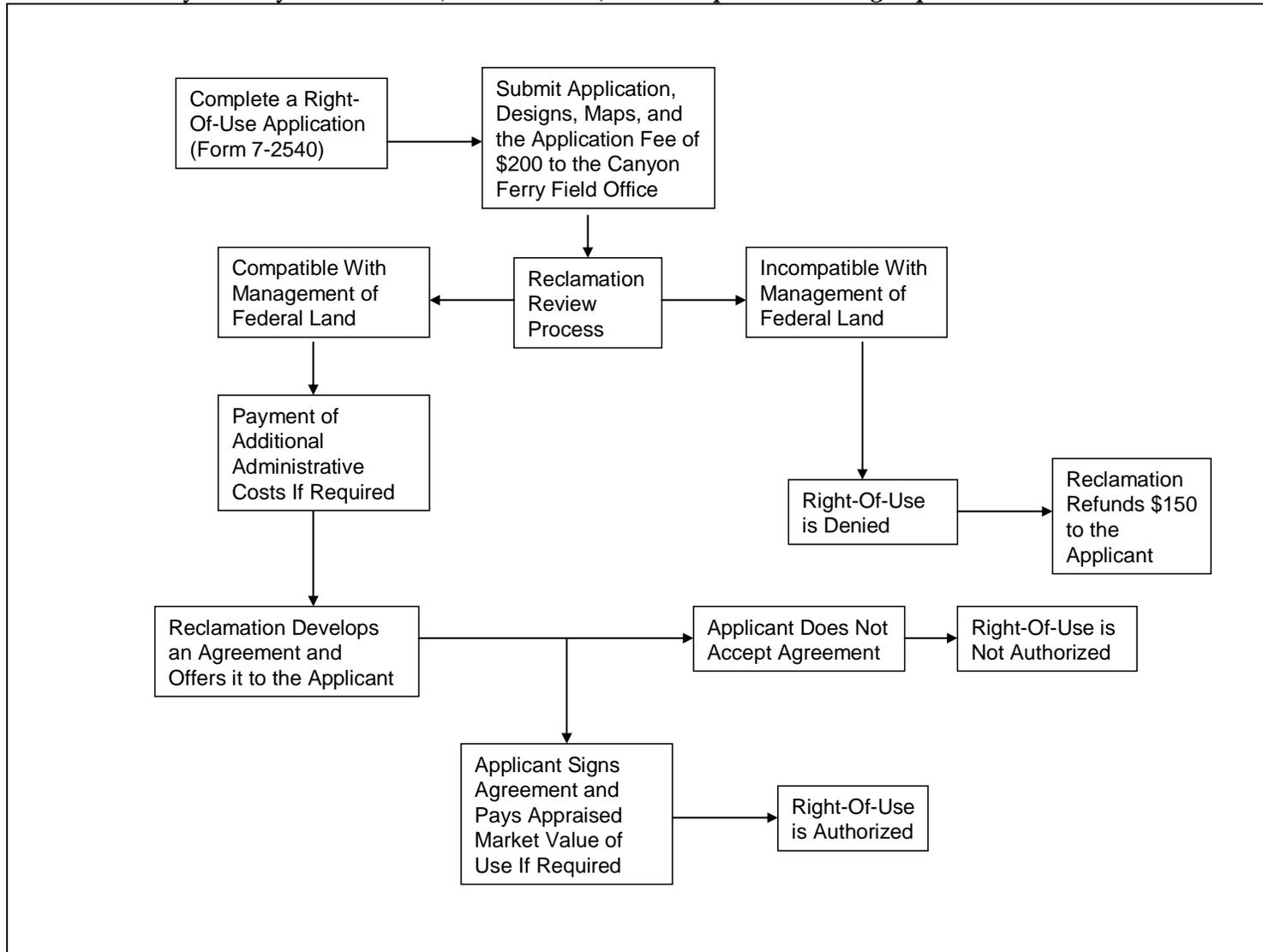
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APPENDIX D

**Right-Of-Use Authorization Flow Chart For Canyon Ferry Reservoir**

Please contact the Canyon Ferry Field Office (406-475-3310) or see <http://www.usbr.gov/pmts/lands/> for additional information.



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