The following items are TCCWSD's Responsibility:

Table 1 Terms and Conditions (TCCWSD)

Condition
Safety
1. Plans and specifications for all proposed work will be reviewed and approved by Forest Service engineering prior to implementation of the work.
2. At the end of the field season, it is important that any corrective measures, including erosion control and armoring of the embankment, be completed to the extent that the dam can withstand the following winter conditions and spring runoff or precipitation events. Project work plans will include some room for contingencies because of the limited field season in which to accomplish the work.
3. The dam owners are responsible to provide their own radio or telephone communications.
4. Activities, in as much as possible, will be conducted in a manner sensitive to wilderness resource values. A Forest Service wilderness ranger will discuss resource protection standards and wilderness ethics with workers.
5. Airlift flights in the valley will be routed to minimize noise near residences. When possible helicopters will avoid flying directly over trails. Where feasible and safe to do so, helicopters will avoid flying over mountain goats by staying to the south and west of Tin Cup Creek except near the dam site.
6. All solid wastes/refuse will be properly stored.
7. All trash will be removed from National Forest lands, except for burnable kitchen wastes. Latrines will be used for human wastes and kitchen wastewater. Latrines will be located 200' from water and filled in at the end of the seasons use.
8. All fuel shall be stored in an approved spill containment structure that shall be of sufficient capacity to contain all the fuel stored in the structure. Refueling of equipment will also take place within a safe containment area. The basic containment structure shall include an HDPE-lined basin and berm to contain spills or leaks. Fuel will be stored more than 120 feet from the surface water. All hazardous material will be removed from the site by the end of the operating season. A hazardous spill kit will be on site.
9. Soil borrow areas, staging and stockpiling areas, fuel storage and containment area, and camping site for Tin Cup Dam will be approved by the Forest Service prior to use.
10. If possible, all work will be accomplished outside of standing or flowing water.
11. Certified noxious weed free straw bales, silt fence or weed seed free wattles, to capture sediment from construction operations shall be installed below any newly disturbed areas where sediment may reach water. Three or more structures in succession may be required in cases where sediment is entering or will enter Tin Cup Creek.
12. Camps will be confined to existing disturbed areas previously surveyed for cultural resources in order to reduce impacts on native vegetation and protect heritage sites. If horses are used in the project, the location of any stock confinement and/or picket areas will be determined in consultation with the BNF heritage staff to avoid adverse effects to known or potential cultural sites. If additional cultural resources are encountered during implementation, activities must be halted and the BNF historian must be notified to evaluate the significance of the site and determine if mitigation or protection is necessary.
13. To avoid adverse affects on known heritage sites, TCCWSD operations within the reservoir, below the high water mark, will be limited to areas identified by the FS heritage personnel.
14. TCCWSD will submit a revegetation plan to the Forest Service for review, to ensure consistency with Wilderness values and direction provided for in the Selway-Bitterroot Wilderness Vegetation Management-Forest Plan Amendment 12. Revegetation will be required where ground disturbing activities occurred outside the high water mark to forestall weedy invasion and to promote natural rehabilitation by local native plant sources. Initial seeding this fall will be, unless otherwise agreed to, with mountain brome (Bromus marginatus) at 10 pure live seed lbs/acre. These sites will be monitored next year (and following years if needed) to see if additional revegetation with other local native seed is warranted. If so, the Forest Service will direct that follow-up seed collection and revegetation occur consistent with the Selway-Bitterroot Wilderness Vegetation Management- Forest Plan Amendment 12.
15. All equipment used in repair or construction activities will be cleaned prior to use in the project area. All mud, dirt, and plant parts will be removed from all equipment before moving to the project area. Cleaning must occur off National Forest Lands.
16. All borrow areas will be inspected prior to use or material transport. Sites occupied by noxious weed species will not be

Condition
used.
17. If straw bales or straw wattles are used in reclamation activities, they must be certified noxious weed free or noxious weed-seed free by the State of Montana.
18. Tread or drainage structures on the Tin Cup Trail #96 will be protected. Damaged tread or drainage structures will be restored to the original condition.
19. TCCWSD is responsible for obtaining the required state or federal permits. This would include: State of Montana, Department of Natural Resources 310 permit and Army Corps of Engineers 404 permit. A 318 authorization may be required from the Department of Environmental Quality
20. Air Operations, Safety, Camp Management, Materials Handling and Spill Plan, Sediment Monitoring, Communications, and Reclamation Plans will be required as a condition for the construction work and will be developed by TCCWSD prior to construction and approved by the Forest Service. A contingency plan and response guide for spill emergencies, including onsite and during transport, shall be submitted and approved by the Forest Service prior to onsite fuel storage.

ENVIRONMENTAL MONITORING

Monitoring and Inspection that is TCCWSD's Responsibility:

TCCWSD will provide a qualified engineer for site monitoring and quality control of work.

TCCWSD will develop and implement a sediment monitoring plan and an erosion control plan, in conjunction with the attached terms and conditions, and requirements of any 310 or 404 permits, if applicable, to ensure that environmental protection and mitigation measures are effective. This will include items such as checking sediment traps to see that they are functioning and to clean them out as needed.

Follow-up inspections of the dam after the first filling of water will be required in order to provide monitoring of the effectiveness of the repair work for safety and engineering standards.

The following items are Forest Service (FS) Responsibility:

Table 2 Mitigation Measures (FS)

Measure
1. Wilderness visitor safety will be insured by temporary closures during work and helicopter operations.
2. Where cultural resources or human remains are encountered during project implementation, the Forest retains the authority to require modification to or halt project activities until protective measures can be established.
3. Forest Service heritage personnel will identify, for TCCWSD, areas within the reservoir, below the high water mark, where TCCWSD can operate without affecting known heritage sites (also see item 21).
4. The Forest Service, prior to commencement of work, will approve all specifications and plans prepared by TCCWSD.
5. The Forest Service engineer is responsible to approve any work from a technical standpoint and assure that the work meets dam safety laws and regulations.

Monitoring that is Forest Service Responsibility:

A Forest Service fisheries biologist may visit the site after completion to verify the work was conducted consistent with the terms and assumptions identified in the Biological Assessment.

Depending on final operating plans, actual operations, and commensurate with their determination of potential risk for effects to heritage sites, Forest Service heritage personnel may monitor operations and/or the completed project.

A Forest Service wilderness ranger will provide additional on-site monitoring during project work to ensure wilderness and resource protection standards are met at dam sites and within the access corridor. The wilderness ranger will provide feedback to ensure access and project work meet mitigation and protection standards.