



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Montana Ecological Services Office
585 Shephard Way, Suite 1
Helena, Montana 59601-6287



In Reply Refer to:
FWS/R6
M.17 FHWA;
2024-0004493-S7-001

October 12, 2023

Joe Weigand
Federal Highway Administration
Montana Division
585 Shephard Way, Suite 2
Helena, Montana 59601

Dear Mr. Weigand,

Thank you for your letter of September 29, 2023, requesting U.S. Fish and Wildlife Service (Service) review and consultation on the proposed Missouri River—Fort Benton (STPB STWD(749); UPN 9319001) project. We received your letter on September 29, 2023, and a biological assessment (BA) for the project via electronic mail from Paul Sturm, of the Montana Department of Transportation (Department) on September 26, 2023. As the Federal Highway Administration's (FHWA) designated non-federal representative, the Department prepared the BA and analyzed the proposed action for effects on federally-listed threatened, endangered, and proposed species; specifically, the threatened grizzly bear (*Ursus arctos horribilis*), and endangered pallid sturgeon (*Scaphirhynchus albus*). This letter addresses the project-related effects to listed species that may occur in the project vicinity in accordance with the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.).

The proposed project would conduct a geotechnical investigation in the vicinity of the Montana State Highway 80 (MT-80) bridge that crosses the Missouri River at Fort Benton, Montana, in Choteau County. The action would involve drilling 15 borings within the Department's right-of-way near the bridge to ascertain geotechnical information that will inform the design of a future bridge replacement project. Two of the proposed borings are within the Missouri River and would be conducted from the MT-80 bridge by drilling through the bridge deck.

We have reviewed the BA and concur with your determination that the proposed project *may affect, not likely to adversely affect* the threatened grizzly bear and endangered pallid sturgeon. We based our conclusion on the information displayed in the BA, including conservation measures listed on pages 4, 5, and 15 of the BA, that the project is limited in scope, and on information in our records.

This concludes informal consultation pursuant to the regulations implementing section 7(a)(2) of the Act (50 C.F.R. 402.13). This project should be re-analyzed: (1) if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; (2) if the action is subsequently modified in a manner that causes an effect to the

listed species or critical habitat that was not considered in this consultation; or (3) if a new species is listed or critical habitat designated that may be affected by the action (50 CFR 402.16).

We appreciate your efforts to ensure the conservation of threatened and endangered species as part of our joint responsibilities under the Act. If you have further questions related to this consultation or your responsibilities under the Act, please contact Mike McGrath at (406) 430-9009, or mike_mcgrath@fws.gov.

Sincerely,



Jacob M. Martin
Acting Office Supervisor

cc: Paul Sturm and Bill Semmens, Montana Department of Transportation, Helena, Montana