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# MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201  
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ [www.montanahistoricalsociety.org](http://www.montanahistoricalsociety.org) ♦

March 12, 2003

DIANA BELL  
CARTER-BURGESS  
707 17<sup>TH</sup> ST SUITE 2300  
DENVER CO 80202

RE: Miller Creek Road EIS, Missoula MT

Dear Ms. Bell:

Thank you for inviting us to the first interdisciplinary meeting for the Miller Creek Road EIS. At this juncture we do not anticipate needing to attend the meeting. With regards to your request for a scoping letter we note the following:

There is a minimum of four previously recorded cultural resources in the study area. However the study area has not been inventoried for cultural resources in its entirety. We have recently supplied the particulars of that information to HRA. Therefore we suggest that potential for effect to cultural resources in the study area and the undertaking Area of Potential Effect be assessed as part of the definition and identification of alternatives. An intensive field inventory of the APE may be warranted, and the Confederated Salish and Kootenai Tribes Preservation Officer should be consulted regarding possible cultural resource issues. We will consult with you regarding the need for or adequacy of inventory however formal section 106 concurrences regarding eligibility and/or effects to cultural resources will require federal agency consultation, and we suggest that is appropriate before a FONSI or ROD is issued.

Please do send us a copy of the meeting minutes, thank you again, and we look foreword to working with you and Federal Highways as this undertaking unfolds.

Sincerely,

Stan Wilmoth, Ph.D.  
State Archaeologist/Deputy, SHPO.





US Department  
Of Transportation  
Federal Highway  
Administration

Montana Division  
2880 Skyway Drive  
Helena, Montana 59602

2004020408

February 2, 2004

Mark Baumler, Ph.D.  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
PO Box 201202  
Helena, MT 59620-1202

Subject: Miller Creek EIS

**CONCUR**  
**MONTANA SHPO**

Dear Mr. Baumler:

DATE 12 Feb 04 SIGNED

Historic Research Associates recently completed an evaluation of cultural resources for an Environmental Impact Statement (EIS) that the Federal Highway Administration is conducting in the Miller Creek area of south west Missoula. Enclosed is a final copy of their Cultural Resources Report, as well as, the Cultural Resource Annotated Bibliography form and the Cultural Resources Information System forms for each historic site in the project area. We would request your review and concurrence in the determinations of eligibility for each of these sites.

If you have any questions, or require any further information, feel free to contact me at (406) 449-5302 ext. 240.

Sincerely,

Craig Genzlinger  
Operations Engineer

Enclosures

cc: (w/enclosure: Cultural Resource Report)  
Mike Boynton – WFL's  
Jon Axline – MDT  
Marsha Pablo – CSKT  
Jeanette Lostracco – Carter Burgess  
Steve Long – DEA

File: DTHF 70-00-D-00016 Tech Reports cg/lr



US Department  
Of Transportation  
**Federal Highway  
Administration**

Montana Division


Mark Baumler, Ph.D.  
State Historic Preservation Office  
PO Box 201202  
Helena, MT 59620-1202

Dear Mr. Baumler:

In February of this year, our office submitted a request for concurrence in eligibility of several historic sites for an Environmental Impact Statement (EIS) in Missoula, Montana, known as the Miller Creek EIS. Your office concurred in our findings on February 12, 2004. Since that time one additional alternative has been added to the EIS to look at expanding the existing Miller Creek access. Historic Research Associates recently completed an addendum to the cultural resources report that is enclosed, as well as, the Cultural Resource Annotated Bibliography form and the Cultural Resources Information System forms for each historic site in the project area. We would request your review and concurrence in the determinations of eligibility for each of these sites.

If you have any questions, or require any further information, feel free to contact me at (406) 449-5302 ext. 240.

Sincerely,

  
For Craig Genzlinger  
Operations Engineer

Enclosure

cc: Mike Boynton – WFLD  
Jon Axline – MDT  
Marsha Pablo – CSKT  
Jeanette Lostracco – CarterBurgess  
Steve Long – DEA

File: DTHF 70-00-D-00016 Tech Reports cj/lr

2004111802

RECEIVED  
NOV 18 2004

BY: \_\_\_\_\_

2880 Skyway Drive  
Helena, Montana 59602

November 17, 2004

In Reply Refer to:  
HDA-MT

RECEIVED

DEC 16 2004

MTWA  
MONTANA DIVISION

CONCUR  
MONTANA SHPO

DATE 14 Dec 04 SIGNED



Josef  
FHWA  
MILLER CREEK RD  
ADDENDUM



2006061405



US Department  
Of Transportation  
**Federal Highway  
Administration**

Montana Division

585 Shepard Way  
Helena, Montana 59601

RECEIVED

June 12, 2006

JUN 30 2006

In Reply Refer to:  
HDA-MT

FHWA  
MONTANA DIVISION

Stan Wilmoth  
State Historic Preservation Office  
PO Box 201202  
Helena, MT 59620-1202

Josef  
FAWA

RECEIVED  
JUN 14 2006

BY: SHPO

Subject: (DTFH70-00-D-00016  
Miller Creek Road EIS)

**CONCUR  
MONTANA SHPO**

Dear Mr. Wilmoth:

DATE 2/1/06 SIGNED *Josef W. Wilmoth*

By way of this letter, the Federal Highway Administration (FHWA) is requesting concurrence from the Montana State Historic Preservation Office (SHPO) as to the determination of effect to historic resources that would result from implementation of the build alternatives for the Miller Creek Road EIS. We are also requesting that your office concur in our decision to use "de minimis" (see explanation below) for purposes of Section 4(f) of the Department of Transportation Act, as recently amended by Congress.

As you know, over the last couple of years the FHWA has been consulting with your office pursuant to the Section 106 of the National Historic Preservation Act (NHPA), on the potential effects to historic resources of the proposed alternatives for the Miller Creek Road EIS. The build alternatives under consideration for the Miller Creek EIS include one that upgrades the existing access to the Miller Creek area by expanding Miller Creek Road (5A). This alternative would widen an existing at grade crossing with the NRHP-eligible Bitterroot Branch of the Northern Pacific Railroad (24MO718) and extend an existing culvert on the Miller-Kelley and Cave-Gannon Ditch (Missoula Irrigation District) (24MO520). The historic ditch would have the same width and alignment as before and there would be no change in function. There are also three new alignment alternatives that would create a grade separated crossing of the Bitterroot Branch of the Northern Pacific Railroad (24MO718) and require similar extension of the existing culvert in the Miller-Kelley and Cave-Gannon Ditch (24MO520). The bridge over the railroad and adjacent piers would add a new visual feature to the historic railroad in the immediate vicinity of the crossing, but would not alter or change the overall function and use of resource in any way. Below is a table that summarizes the alternatives' effects on the historic properties and the "Determinations of Effect" that we have determined.



## Summary of Determination of Effects

Site Number	Site Name	Alt. 1 No Action	Alt. 2B N. Lower Miller Creek	Alt. 3B Blue Mtn. Road	Alt. 4C S. Lower Miller Creek	Alt. 5A Miller Creek Road
1. 24MO520	Miller-Kelley and Cave-Gannon Ditch Missoula Irrigation District	Extension of Existing Culvert (1)  <b>No Effect</b>	Extension of Existing Culvert  <b>No Effect</b>	Extension of Existing Culvert  <b>No Effect</b>	Extension of Existing Culvert  <b>No Effect</b>	Extension of Existing Culvert  <b>No Effect</b>
2. 24MO718	Bitterroot Branch of the Northern Pacific Railroad (MRL)	Widening of Existing At Grade Crossing (1)  <b>No Effect</b>	Bridge Over Railroad Grade  Possible Pier within RR R/W  <b>No Adverse Effect</b>	Bridge Over Railroad Grade  Possible Pier within RR R/W  New At Grade Crossing on Access Road  <b>No Adverse Effect</b>	Bridge Over Railroad Grade  Possible Pier within RR R/W  <b>No Adverse Effect</b>	Widening of Existing At Grade Crossing  <b>No Effect</b>
3. 24MO587	Big Flat Canal	No Impact	No Impact	No Impact	No Impact	No Impact
4. 24MO583	Prehistoric Encampment	<b>No Effect</b>	<b>No Effect</b>	<b>No Effect</b>	No direct impact construction in the vicinity  <b>No Effect</b>	<b>No Effect</b>

(1) = Impacts associated with the City and County's locally-funded improvements to Miller Creek Road.

This letter is to present findings that these impacts would be sufficiently minor and that they would have “**no effect**” or “**no adverse effect**” as outlined in the previous table for purposes of Section 106 of the NHPA. Copies of the consultation correspondence by which SHPO concurred in the determinations of eligibility are on file with SHPO and FHWA.

In addition to the NHPA, the FHWA must comply with Section 4(f) which is codified at both 49 U.S.C § 303 and 23 U.S.C. § 138. Until recently Section 4(f) required that any time a proposed federally-approved or federally-funded highway project would result in any “use” of land designated as a Section 4(f) resource, which includes listed or eligible historic properties under the NHPA, the FHWA must perform an evaluation (Avoidance Analysis) to determine whether there is a “feasible and prudent” alternative that would avoid the Section 4(f) resource.<sup>1</sup>

<sup>1</sup>As currently codified, the pertinent language of Section 4(f) reads as follows:

[T]he Secretary shall not approve any program or project . . . which requires the use of any . . . land from an historic site of national, State, or local significance as so determined by such officials unless

(1) there is no feasible and prudent alternative to the use of such land, and

(2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

23 U.S.C. § 138; 49 U.S.C. § 303 (c). This analysis would usually be required under what is referred to as the first prong of Section 4(f). A de minimis determination does not relieve FHWA of its responsibility under the second prong to “minimize harm” to the historic sites.

With regard to the Miller Creek Road EIS Project, the FHWA has determined that the impacts to the two historic properties, while causing “no effect” or “no adverse effect” for purposes of the NHPA, would nonetheless be “uses” for purposes of Section 4(f) because they would require the permanent incorporation of small areas of Section 4(f) land and resources into the expanded highway right-of-way.

Congress recently amended Section 4(f), however, when it enacted the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) (“SAFETEA-LU”). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes the FHWA to approve a project that uses Section 4(f) lands that are part of a historic property, without preparation of an Avoidance Analysis, if it makes a finding that such uses would have de minimis impacts upon the Section 4(f) resource, with the concurrence of the relevant SHPO.

More specifically, with regard to Section 4(f) resources that are historic resources, like those that would be affected by the Miller Creek Road EIS Project, Section 6009(a) (1) of SAFETEA-LU adds the following language to Section 4(f):<sup>2</sup>

(b) De Minimis Impacts. --

(1) REQUIREMENTS.--

(A) REQUIREMENTS FOR HISTORIC SITES.--The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

\*\*\*\*\*

(C) CRITERIA.--In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

(2) HISTORIC SITES.--With respect to historic sites, the Secretary may make a finding of de minimis impact only if--

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that--

(i) the transportation program or project will have no adverse effect on the historic site; or

---

<sup>2</sup> This provision will be codified as 23 U.S.C. § 138(b). Section 6009(a)(2) of SAFETEA-LU adds identical language at 49 U.S.C. § 303(d).



(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

This new provision of Section 4(f) is the basis of this letter, and of the FHWA's determination of de minimis impacts and request for Montana SHPO concurrence with respect to the proposed Miller Creek Road Project.

#### De Minimis Determination

As previously noted, the FHWA has already made determinations, and requests concurrence from the Montana SHPO in those determinations, that the uses of historic Section 4(f) properties that would be affected by the proposed Miller Creek Road EIS Project would cause “**no effect**” or “**no adverse effect**” for purposes of Section 106 of the NHPA. Those determinations satisfy the identical Section 4(f) provisions added by Section 6009 of SAFETEA-LU at 23 U.S.C. § 138(b)(2)(A)(i) and 49 U.S.C. § 303(d)(2)(A)(i).

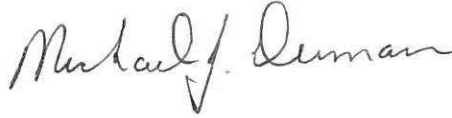
These findings reflect a conclusion that for each Section 4(f) historic resource impacted by the Miller Creek Road EIS Project, those impacts will not “alter, directly or indirectly, any of the characteristics of [the] historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.” See 36 CFR § 805(a)(1). Based on those findings, and taking into consideration the harm minimization and mitigation measures that have been incorporated into the proposed Project as documented in Sections 7 and 8 of the Section 4(f) Evaluation for each affected historic resource, it is the conclusion of the FHWA that the proposed Miller Creek Road EIS Project, would have de minimis impacts on the previously identified Section 4(f) historic sites and that an Avoidance Analysis under Section 4(f) is therefore not required.

#### Request for Concurrence

The FHWA requests the written concurrence of the Montana SHPO in the above-described finding of de minimis impact on historic resources from the proposed Miller Creek Road EIS Project. This written concurrence will be evidence that the concurrence and consultation requirements of Section 6009 of SAFETEA-LU, as they will be codified at 23 U.S.C. § 138(b)(2)(B)&(C), and 49 U.S.C. § 303(d)(2)(B) and (C) are satisfied. Concurrence can be provided either by signing and dating the signature block at the end of this letter, or by separate letter from the Montana SHPO to the Federal Highway Administration, Attn: Craig Genzlinger, 585 Shepard Way Helena, MT 59601.

If you have any questions, please contact Craig Genzlinger at (406)449-5302 ext. 240, or email at [Craig.Genzlinger@fhwa.dot.gov](mailto:Craig.Genzlinger@fhwa.dot.gov).

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Deuman".

*for* Janice Weingart Brown  
Division Administrator

File: DTFH70-00-D-00016 Miller Creek Road EIS cg/lw



US Department  
Of Transportation  
**Federal Highway  
Administration**

**Montana Division**  
2880 Skyway Drive  
Helena, Montana 59602

March 12, 2003

Mr. Joe Hovenkotter, Staff Attorney  
Confederated Salish and Kootenai Tribes  
PO Box 278  
51383 Highway 93  
Pablo, MT 59855

Subject: Miller Creek Environmental Impact Statement (EIS)

Dear Mr. Hovenkotter:

As we discussed recently, the Federal Highway Administration is conducting an EIS to examine a new crossing over the Bitterroot River that would access the Miller Creek area southwest of Missoula. This area is part of the Confederated Salish and Kootenai (CSKT) aboriginal area, and as I understand was a frequent camp location for tribal members in the past. As part of the EIS process, we are forming an Interdisciplinary Team made up of resource agencies that have an interest or regulatory role in the process. At your request, we will not formally have a CSKT member on the team, but rather will coordinate with you and your staff on an ongoing basis throughout the EIS as needed.

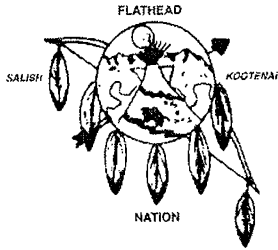
We look forward to working with the tribes on this project. If you have any questions or need further information, feel free to contact me at 449-5302 ext. 240.

Sincerely,

Craig Genzlinger  
Operations Engineer

Cc: Jeanette Lostracco – Carter Burgess  
Steve Long – David Evans and Associates

File: DTHF 70-00-D-00016 cg/lr



THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD NATION

P.O. Box 278  
Pablo, Montana 59855  
(406) 675-2700  
FAX (406) 275-2806  
E-mail: csktcouncil@ronan.net

RECEIVED  
APR 17 2003  
DEA-SPK



Joseph E. Dupuis - Executive Secretary  
Vern L. Clairmont - Executive Treasurer  
Leon Bourdon - Sergeant-at-Arms

**Tribal Preservation Department**

**TRIBAL COUNCIL MEMBERS:**

D. Fred Matt - Chairman  
Jami Hamel - Vice Chair  
Carole J. Lankford - Secretary  
Lloyd D. Irvine - Treasurer  
Joel A. Clairmont  
Margaret Goode  
S. Kevin Howlett  
Mary Lefthand  
Elmer "Sonny" Morigeau  
Ron Trahan

April 17, 2003

Martha Wiley  
David Evans and Associates Inc.  
West 110 Cataldo  
Spokane, WA 992012

RE: Miller Creek Road Project, Missoula Montana.

Dear Martha:

Your letter concerning the above-cited project has been forwarded to our office for cultural resource review. As you may know, the Missoula Valley and Bitterroot Valley lie within lands ceded to the United States Government by the Salish and Kootenai Tribes under the Hellgate Treaty. The study area, especially near the mouth of Miller Creek and along the Bitterroot River, is an area that we believe has high potential for the presence of culturally significant properties.

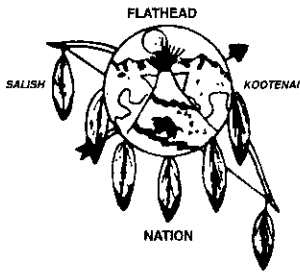
We believe that the proposed Miller Creek Road Project has the potential to adversely impact culturally significant tribal properties. Therefore, we believe that the proposed EIS should address potential impacts to heritage sites of cultural significance to the Confederated Salish and Kootenai Tribes, including cultural plant communities and native fisheries. I have forwarded a copy of your letter to our Tribes' Department of Natural Resources, and they may be able to provide additional information on endangered and sensitive species within your project corridor.

Thank you for consulting with us. We look forward to hearing more from you as this project proceeds.

Sincerely

Marcia Pablo  
Reservation Officer

c.c. Tom McDonald, CSKT DNR



THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD NATION

RECEIVED

P.O. Box 278  
Pablo, Montana 59855  
(406) 275-2700  
FAX (406) 275-2806  
E-mail: csktcouncil@cskt.org

PHWA  
MONTANA DIVISION



Joseph E. Dupuis - Executive Secretary  
Vern L. Clairmont - Executive Treasurer  
Leon Bourdon - Sergeant-at-Arms

January 12, 2005

**TRIBAL COUNCIL MEMBERS:**

D. Fred Matt - Chairman  
Jami Hamel - Vice Chair  
Carole Lankford - Secretary  
Joel Clairmont - Treasurer  
Lloyd D. Irvine  
Mike Kenmille  
Mary Lefthand  
Elmer "Sonny" Morigeau  
James Steele, Jr.  
Ron Trahan

Craig Genzlinger, Operations Engineer  
US Department of Transportation  
Federal Highway Administration  
2880 Skyway Drive  
Helena, Montana 59602

Dear Craig,

I have reviewed the cultural resources addendum report for the Miller Creek Environmental Impact Statement prepared by Historic Research Associates. As we discussed this fall, I believe this new alternative addresses a majority of issues concerning this project. Of course the Confederated Salish and Kootenai Tribes' (CSKT) major concern is for the Tribal cultural sites in the area, associated with our oral history and land use. At this present time the new alternative provides the most protection for these invaluable and non renewable resources.

Thank you for providing the CSKT Tribal Preservation Department the opportunity to review and comment on the Miller Creek Cultural Resource Report Addendum. We look forward to working with you in the future and wish you a Happy and Healthy New Year.

Sincerely,

Marcia Pablo  
Tribal Historic Preservation Director



March 13, 2003

MONTANA RAIL LINK, INC.  
101 INTERNATIONAL WAY  
POST OFFICE BOX 16390  
MISSOULA, MONTANA 59808-6390  
(406) 523-1500

Diana Bell  
Environmental Document Manager  
Carter & Burgess  
707 17<sup>th</sup> Street, Suite 2300  
Denver, Colorado 80202

Subject: Miller Creek Road EIS  
Interdisciplinary Team

After reviewing your letter of March 5, 2003 regarding development of an Environmental Impact Statement (EIS) for road and bridge improvements in the vicinity of Miller Creek Road and US Highway 93, Montana Rail Link (MRL) would like to make the following comments.

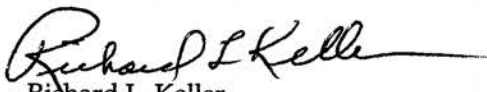
It's obvious from the Notice of Intent that the primary focus of this EIS will be to consider the need for a new road connection between US Highway 93 and the Miller Creek area. Any change in the road system within your study area will almost certainly result in a change in the number and/or locations of the railroad at-grade crossings on MRL's Bitterroot Branch Line.

An important goal for MRL, the Federal Railroad Administration, and the Federal Highway Administration is to reduce the number of at-grade railroad crossings within the limits of any project and improve the road geometry at the remaining crossings. The EIS should specifically include an analysis of the railroad at-grade crossings within the limits of this project and indicate how that number will be reduced.

Reducing the number of at-grade crossings or what is more correctly termed "crossing consolidation" does not necessarily require construction of a rail-highway grade separation. It's often possible to improve existing crossings, or even open new crossings, at locations that allow removal of nearby crossings. MRL's principal and possibly only concern with a road project within this study area will be its impact on railroad grade crossings.

MRL will try and have a representative at the first ID Team meeting on March 25<sup>th</sup>, but if for some reason we are unable to attend, please keep us on your mailing list for a copy of the meeting minutes.

Sincerely,

  
Richard L. Keller  
Chief Engineer

SRW:tjm

RK/C-3913....State Highway/Miller Creek Road near Missoula, Montana



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 West 15<sup>th</sup> Street, Suite 3200  
HELENA, MONTANA 59626

Ref: 8MO

March 27, 2003

Mr. Craig Genzlinger,  
Operations Engineer  
Federal Highway Administration  
2880 Skyway Drive  
Helena, Montana 59602

Re: Miller Creek Road EIS, Missoula County,  
Montana.

Dear Mr. Genzlinger:

The U.S. Environmental Protection Agency (EPA) has reviewed the March 3, 2003 Federal Register Notice of Intent to prepare an Environmental Impact Statement for road and bridge improvements in the vicinity of Miller Creek Road in Missoula County, Montana. The EPA reviews EISs in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. The EPA's comments will include a rating of both the environmental impact of the proposed action and the adequacy of the NEPA document. A summary of EPA's EIS rating system is enclosed for your information.

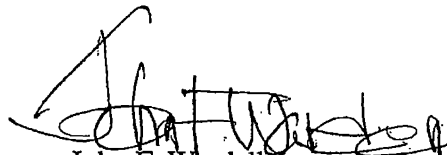
We are enclosing information and comments regarding NEPA and other Federal and State laws, environmental programs, rules, policies, etc., to help ensure comprehensive assessment of environmental impacts, adequate public disclosure, and an informed decision making process for selecting among project alternatives. It is EPA's goal that the Miller Creek Road EIS fulfill the basic intent of NEPA, and encompass to the maximum extent possible the environmental and public involvement requirements of State and Federal laws, Executive Orders, rules, and policies. Our experience has shown that when environmental concerns are thoroughly evaluated, the EIS is a more meaningful document that promotes better decisions. We appreciate the opportunity to review this project and provide information and comments.



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Thank you for your willingness to consider our comments at this stage of the process, and we hope they will be useful to you. If you have any questions you may contact Mr. Steve Potts of my staff in Helena at (406) 457-5022, or in Missoula at (406) 329-3313.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Wardell", written over a horizontal line.

John F. Wardell  
Director  
Montana Office

Enclosures

cc: Cindy Cody/Julia Johnson, EPA, 8EPR-N, Denver  
Todd Tillinger, Corps of Engineers, Helena  
Scott Jackson, USFWS, Helena  
Jeanette Lostracco, Carter & Burgess, Denver  
Carole Mackin/Jeff Ryan, MDEQ, Helena



**U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements**  
**Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO - - Lack of Objections:** The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC - - Environmental Concerns:** The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO - - Environmental Objections:** The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU - - Environmentally Unsatisfactory:** The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 - - Adequate:** EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 - - Insufficient Information:** The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 - - Inadequate:** EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)  
 INFORMATION/COMMENTS FOR DEVELOPMENT OF  
 THE MILLER CREEK ROAD ENVIRONMENTAL IMPACT  
 STATEMENT**

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## Introduction

The following information and comments are provided to help ensure comprehensive assessment of environmental impacts, adequate public disclosure, and an informed decision making process for selecting among project alternatives. It is EPA's goal that the EIS fulfill the basic intent of NEPA, and encompass to the maximum extent possible the environmental and public involvement requirements of State and Federal laws, Executive Orders, rules, programs, and policies (e.g., Clean Water Act, Clean Air Act, Endangered Species Act, E.O.11990-Protection of Wetlands, etc.). This information EPA appreciates the effort and resources that are committed to the preparation of documents of this nature and hopes to facilitate the process with these comments.

Each project analysis has its own unique scope, affected environment, past and proposed impacts, and will require its own level of analysis. For this reason, it is not our intent to provide either a checklist or standard format. Instead, we have attempted to discuss and provide information on the primary issues we consider most relevant for this type of project as well as those items that have occasionally not been sufficiently addressed in similar analyses. Our goal is to provide a basis for conducting the project analysis that results in a comprehensive assessment of the environmental effects, public disclosure of all foreseeable direct, indirect, and cumulative environmental impacts, and ultimately an improved decision-making process for selecting among the project alternatives.

All activities and associated impacts related to project implementation must be disclosed. Clear, in-depth analysis of all relevant issues is a requirement in the development of an EIS. Readability, a logical presentation of information, consistency between sections of the assessment and clarity are important to the reader. We sincerely hope that this will be beneficial to you and would appreciate any comments or questions regarding the issues discussed or information provided.

The EPA will review this EIS in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). Section 309 of the CAA Act requires EPA to review all draft and final Environmental Impact Statement (EIS) documents, develop formal Agency comments and publish them for public review. The EPA publishes in the Federal Register, a dual rating of the DEIS based on the preferred alternative identified in the document. The rating summarizes EPA's evaluation of: 1) the environmental impacts of the proposal; and 2) the adequacy of the draft EIS (See summary of EPA's rating system for EISs attached). With this broad charge, EPA is not limited in its comments to only the spectrum of laws and regulations for which it has a primary regulatory role. Comments on any aspect of the EIS and supporting documents are appropriate. Ordinarily, however, the most substantive EPA comments continue to be in areas where EPA has a specific regulatory mission.

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## NEPA Issues

### 1. Purpose and Need

Documents must have a clear and logical Purpose and Need Statement, including adequate explanation of the purpose and need for the project and rationale for the establishment of the analysis area boundary. An appropriate analysis area should encompass the environment potentially affected by implementation of the alternatives, and should be able to serve as a baseline to compare projected impacts and for measuring actual effects. Road projects are generally confined to the narrowly defined impact areas along the roadway, however, potential impacts to biodiversity, wildlife and fish, water quality, air quality, wetlands, stream drainage patterns, fragmentation and connectivity to other projects, and socioeconomics, may extend beyond such boundaries. An appropriate analysis area should encompass the potentially affected environment, and should be able to function as appropriate unit of analysis for projecting anticipated impacts and for measuring actual effects, including indirect and cumulative effects.

We do note that the potential indirect and cumulative effects of providing a new road and Bitterroot River bridge crossing to serve the rapidly growing Miller Creek area of Missoula County is likely to have significant indirect and cumulative effects on land use, growth rate, and patterns of growth, and resources affected by that growth. The EIS analysis area should be broad enough to assess and disclose these effects. We believe this analysis boundary should extend south of Miller Creek, since we understand that there is significant growth and development potential in this area that could be influenced by a new access road and bridge.

### 2. Alternatives

The EIS should support the purpose and need with a range of alternatives that will meet the objectives of the purpose and need and that address issues of concern. In accordance with 40 CFR 1502.14 the alternatives should:

- a. Rigorously explore and objectively evaluate all reasonable alternatives that meet the purpose and need for the project.
- b. Include reasonable alternatives not within the jurisdiction of the lead agency.
- c. Include a no action alternative. The no action alternative should be constructed to cover a period at least equal to the time over which environmental effects will be evaluated.
- d. Identify the agency's preferred alternative(s).
- e. Include appropriate mitigation measures not already included in the proposed action or alternatives.

Also, if there are any proposed nearby actions or adjacent developments that are closely related to the proposed action it would be appropriate to analyze and discuss those related developments as a connected action (40 CFR 1508.25).

We recommend that tables, maps, and figures, be used to present and display specific features of alternatives so that features of the different alternatives can be understood and evaluated in a comparative manner. Modified alignments and varying design standards should be considered among the features of alternatives. It is helpful if the rationale for inclusion and location of features is also discussed. Such rationale enhances public understanding of the proposed project, better achieves the public disclosure purpose of the EIS, and better explains to the public the trade-offs involved in making transportation design decisions.

### **Sustainability/Transportation Demand Management**

The EPA publication "Transportation Planning in the Northwest; Framework for Sustainability" (see copy enclosed), suggests that sustainable solutions to transportation problems are more likely to be realized by focusing on longer-term approaches that provide increased transportation choices (multi-modal mobility), that bring people to the activities or the activities to the people (accessibility), that foster community vitality, environmental justice, and quality of life (livability), and that meet our social, economic, and ecological needs without compromising the ability of future generations of all species to do likewise (sustainability).

Transportation solutions that shift the focus from addressing only mobility in terms of level of service (speed), to solutions that focus on achieving multi-modal mobility, accessibility, livability, and sustainability should be considered. A package of alternatives could include alternative transportation modes, trip reduction, land use adjustments, parking controls, pricing mechanisms, other incentives and/or disincentives, new route design or traffic circulation patterns, public transit improvements, and more. We encourage planners and decision makers to think in terms of reducing transportation demand, and where demand exists, address the real and underlying transportation need: to move people and goods --- *not necessarily cars*.

### **3. Existing Conditions**

The EIS should succinctly describe the existing conditions (using watershed analysis where applicable) within the analysis area. The discussion of existing conditions should include, but are not limited to a discussion of existing:

1. Water Resources
2. Air Quality (Present summary of monitoring data if available)
3. Wildlife Effects
4. Other (Noise, Pollution Prevention, Cultural Resources, Tribal, Env. Justice)

More detailed information on these topics follows in the "**Resource Issues**" section.

#### 4. Environmental Consequences

The EIS should analyze and disclose the environmental impacts of the management alternatives, including the effect of implementing the alternative on the physical, chemical and biological resources such as air and water quality, biologic components or ecosystems, and the likelihood of success of mitigation measures. The discussion should include analysis of impacts resulting from activities on all land ownerships, and consider the issues discussed under Resource Issues below as well as unavoidable adverse environmental effects, short-term and long-term environmental considerations, and any irreversible or irretrievable commitments of resources involved with the alternatives should they be implemented. In accordance with 40 CFR 1502.16 this section should address:

- a. Direct effects and their significance.
- b. Indirect effects and their significance.
- c. Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned.
- d. The environmental effects of alternatives including the proposed action.
- e. Energy requirements and conservation potential of various alternatives and mitigation measures.
- f. Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
- g. Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.
- h. Means to mitigate adverse environmental impacts.

Statements made in the assessment should be substantiated either by data and analysis included in the document, or by reference to readily available supporting documents. When referencing documents or data not included in the NEPA document, information should be included to ensure the reader understands the quality and type of analysis actually completed. Environmental analysis documents should reflect the level of analysis and data compilation actually completed. Unless clearly documented, the reviewer may be unable to establish whether data exists to support conclusions within the analysis. Public accessibility to supporting documents is also important.

#### Indirect Effects

The Council of Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA state that the environmental consequences section of an EIS should include: "Indirect effects and their significance (40 CFR 1502.16(b))." Indirect effects are defined as "...caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include **growth-inducing effects related to**

**induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems"** (40 CFR 1508.9(b)). The CEQ regulations also indicate that the EIS should include the "means to mitigate adverse environmental effects" (40 CFR 1502.16(h)). This provision applies to indirect effects as well as direct effects. Since the CEQ regulations require an analysis of indirect effects, the best time to identify these effects is early in project planning, when there is better opportunity to mitigate them.

New road construction that improves traffic flow and eliminates congestion could increase access and contribute to induced or accelerated residential, commercial, and industrial growth. In many situations, one can argue that this type of growth is an inevitable, natural progression. However, *increased rates of growth* in these areas, caused by a highway project, constitute indirect effects and should be evaluated in the EIS. Induced or increased rates of residential, commercial, and industrial growth can adversely affect water quality, wetlands, wildlife habitat loss and fragmentation, ecosystem, farm land and other natural resources. Roads can change land use and the face of the landscape, and contribute to the loss of the very values people seek in an area. Road projects often result in induced growth effects (urban sprawl, loss of rural character), and stimulate increased use of privately owned vehicles and vehicle miles traveled. This in turn, leads to increased auto dependency. These types of indirect effects and appropriate measures to mitigate these effects should be fully disclosed in the EIS.

The following list represents examples of resources that could be affected by increased growth and urbanization induced by the proposed highway improvements:

- water quality and hydrology of rivers, streams, and ground water;
- floodplains and wetlands;
- vegetation and wildlife;
- biodiversity;
- prime and unique farmlands;
- air quality;
- transportation;
- regional and community growth; and
- land use, property values, employment, and tax revenues.

Much of the mitigation for indirect effects is subject to regulation by the city/county in which the highway will be constructed. The EIS should serve the function of offering the city/county adequate notice of the foreseeable environmental consequences, thus providing the opportunity to plan and implement corrective measures, if needed, in a timely manner.

The EIS should identify the local land use controls that affect or regulate new development with regard to induced growth. If this analysis occurs before the highway project is completed, the city/county will be in a better position to effectively plan for future growth and develop mitigation measures for the impacts resulting from induced growth. Although the

analysis of indirect effects should not rely solely on compliance with existing comprehensive land use plans. While comprehensive land use plans are an important component of the analysis of indirect effects, compliance with these plans could still result in adverse environmental effects.

EPA also fully supports and encourages local government efforts to control the location of development and reduce environmental impacts through the local planning process, by means such as stipulating in zoning and land use plans that development occur in designated growth areas, and integrating and coordinating land use planning with transportation and environmental planning and review. EPA encourages utilization of "smart growth" concepts to minimize effects of growth and development on the environment and proper planning and design of new infrastructure (see <http://www.epa.gov/smartgrowth/>). Local government infrastructure costs, including roads, can be significantly reduced by smart growth planning concepts. We are enclosing with these comments a Smart Growth Framework document that was prepared for analyzing smart growth in the context of an I-15 improvement project near St. George, Utah where there were similar concerns about indirect and cumulative effects associated with growth and development related to transportation improvements. Although local planning decisions are outside the authority of State and Federal Highway Transportation Agencies a chapter describing economic, social, and environmental benefits that could be realized from smart growth planning concepts is being inserted into the I-15 Southern Corridor Project EIS in Utah to encourage and promote such planning concepts.

### **Cumulative Effects**

NEPA requires that cumulative impacts be addressed as a summary of the individual impacts of this and all other past, present, and "reasonably foreseeable" future plans and actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions. The cumulative, site-specific effects of these projects on the analysis area's environment must be analyzed and disclosed. This should include identification of all the direct and indirect effects that are known, and a good faith effort to explain the effects that are not known but are reasonably foreseeable.

In January 1997 the President's Council on Environmental Quality (CEQ) published, "*Considering Cumulative Effects Under the National Environmental Policy Act*", guidance that provides a framework for analyzing cumulative effects. In May 1997 EPA published a document entitled, "*Consideration of Cumulative Effects in EPA Review of NEPA Documents*." This document can be found at <http://es.epa.gov/oeca/ofa/legis.html> (Click on cumulative effects document title). The cumulative effects analysis should:

- 1) Identify the area in which effects of the proposed project will be felt.
- 2) Determine resources within the project impact area that could be affected by the proposed action, particularly the resource most likely to be significantly impacted (i.e.,



resources of concern), and determine the geographic areas in which those resources will be affected. The important factor in determining cumulative impact is the condition of the resource (i.e., the extent to which it is degraded).

Use appropriate analysis area boundaries for the resource and time period over which the cumulative effects have occurred or will occur. In most cases, the largest of these areas will be the appropriate area for analysis of cumulative effects. The selection of geographic boundaries and time periods should be, whenever possible, based on the natural boundaries of resources of concern (e.g., watershed boundary for water quality issues). The temporal scope requires estimating the length of time that effects of the proposed action singly or in combination with other anticipated actions will last and be significant to the resources of concern. The period of time that the proposed action's impacts persist can extend beyond the project life. The analysis should extend until the resources have recovered from the impact of the proposed action.

3) Identify impacts that are expected to resources of concern in that area from the proposed project through analysis of cause-and-effects relationships. Knowing how a particular resource responds to environmental change (cause-and-effect relationship) is essential for determining the cumulative effects of multiple actions. Cause-and-effect pathways should be identified to understand how the resources respond to environmental change (i.e., what the effect is). The cause-and-effect relationships for each resource should be understood to determine the magnitude of the cumulative effect resulting from all actions included in the analysis.

4) Identify other actions -past, present, and reasonably foreseeable future actions- that have had or are expected to have impacts in the same area, and the impact or expected impacts from these other actions. Even unrelated actions conducted on by other agencies or persons on all land ownerships, if they contribute to cumulative effects on a resource, should be incorporated into the analysis.

The identification of the effects of past actions is critical to understanding the environmental condition of the area. The EIS should consider how past and present activities have historically affected and continue to affect the resources, ecosystems, and communities of concern. The concept of a baseline or environmental reference condition against which to compare predictions of the effects of proposed actions and reasonable alternatives is critical to the NEPA process. The baseline condition of the resource of concern should include a description of how conditions have changed over time and how they are likely to change in the future with and without the proposed action.

It is also important to incorporate future actions of agencies and the public into cumulative impact analyses. Good cumulative effects analysis requires close coordination among agencies and the public to ensure that all past, present and reasonably foreseeable future actions are considered. Reasonably foreseeable future actions need to

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be considered even if they are not specific proposals. The criterion for excluding future actions from analysis whether they are "speculative." In general future actions can be excluded from the analysis of cumulative effects if: a) the action is outside the geographic boundaries or time frame established for the cumulative effects analysis; b) the action will not affect resources of concern that are the subject of the cumulative effects analysis; and c) including the action would be arbitrary.

5) Determine the overall cumulative impacts that can be expected if the individual impacts are allowed to accumulate, and provide comparisons of cumulative impacts for the proposed actions and the reasonable alternatives in relation to the no action alternative and/or an environmental reference point. The analyses should provide a clear basis for choice among options by the decision maker and the public. Monitoring should be put in place to evaluate predictions and mitigation effectiveness.

A common inadequacy of documents is the lack of analysis or disclosure of the sum of individual effects of all projects on the local environment. A summary listing of other projects occurring in the vicinity without the accompanying analysis is insufficient. Connected actions which result in increased cumulative effects are of concern to the EPA. For example, if the construction of a new road or reconstruction of an existing road will likely facilitate or cause additional developments, the effects of these linked impacts must also be analyzed.

### **Mitigation**

A comprehensive discussion of proposed mitigation for direct, indirect and cumulative impacts is required by the CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1502.14(f)). The CEQ regulations state that an EIS should include the means to mitigate adverse environmental effects (40 CFR 1508.7). Mitigation measures must be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated. A reasoned analysis of potential detrimental effects and measures to mitigate those effects is required. Simply listing the mitigation measures is insufficient to qualify as the reasoned discussion or "hard look" required by NEPA.

Judicial reviews of NEPA cases have supported not only the need for identifying mitigation measures, but for discussing mitigation effectiveness as well. The EIS should provide a quantitative (if possible) and/or a qualitative description of site-specific mitigation effectiveness. Mitigation effectiveness is determined by using a monitoring procedure designed to compare baseline data with existing conditions. It should also address coordination efforts required to undertake mitigation measures.

## Resource Issues

### 1. Water Resources

#### Surface Water/Aquatics

Road and bridge construction can result in increased surface water runoff, stream channel and hydrologic alteration, wetland modification and other water quality related problems. The EIS should clearly describe water bodies within the analysis area which may be impacted by project activities. Identifying affected watersheds and drainages on maps of the various alternatives helps convey their relationship with project activities.

The EPA considers the collection of baseline water quality and aquatic habitat data at the project level important to provide a comparison with projected impacts as well as actual project impacts. Water quality and aquatic habitat impacts associated with implementation of the alternatives should be fully evaluated and disclosed. Where water quality and aquatic habitat information for individual water bodies exists, it should be presented. This would include inventories; baseline data information such as temperature, sediment, turbidity, channel morphological conditions, the presence of toxic substances; water quality and the existence of any known point or non-point pollution sources or other problems. Other information relevant to the analysis, such as hydrologic condition and aquatic species habitat and the condition and productivity of that habitat, should also be included.

Existing water quality standards applicable to the affected water bodies should be presented to provide a basis for determining whether beneficial uses will be protected and water quality standards met. The EIS should clearly demonstrate that project implementation will comply with State Water Quality Standards (ARM 17.30 Subchapter 6), including an antidegradation analysis, as specified in the EPA Antidegradation Policy (40 CFR 131.12) and Montana Nondegradation Rules (ARM 17.30 Subchapter 7).

The EIS should provide a quantitative basis to judge whether biological, chemical, and physical parameters, such as sediment accumulation, nutrient loading, temperature, turbidity, and aquatic habitat, will be kept at levels that will protect and fully support designated uses and meet Montana Water Quality Standards under each of the action alternatives. A discussion of area developments, geology, topography, soils and stream stability in terms of erosion and mass failure potential may be necessary to adequately portray the potential risk to water quality, aquatic habitat and other resources from the implementation of specific alternatives.

Fisheries information such as fish species present, populations, and important fisheries habitats such as spawning gravels, over-wintering pools, etc., particularly near river crossing locations, should be described and project effects upon fisheries disclosed. The EIS should clearly describe the effect of each alternative on designated uses for area surface waters with particular attention to fisheries spawning and rearing habitat. It should also identify which water

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quality parameters, if any, are limiting factors to local fisheries under each alternative. This information should identify the extent to which fish habitat could be impaired by road and bridge construction activities including effects on stream structure, seasonal and spawning habitats, large organic material supplies, and riparian habitats.

Section 319 of the Clean Water Act requires that Federal actions be consistent with State Nonpoint Pollution Management Plans. The Federal consistency provisions of Section 319 represent an opportunity for State and Federal agencies to more closely coordinate their activities and cooperate in achieving water quality goals. If a State determines that a Federal project is not consistent with the provisions of the non-point source pollution program, the Federal agency must make efforts to accommodate the State's concerns. Executive Order 12372 provides guidelines for using the State intergovernmental review process for conducting Section 319 federal consistency reviews.

The appropriate State-identified Best Management Practices to reduce potential non-point sources of pollution from road and bridge construction and maintenance must be designed into the alternatives under consideration and disclosed. All possible efforts should be made to avoid and minimize siltation during construction of roads near streams and roads that require bridges or culverts. Direct or indirect non-point source water quality effects should be reduced through planning and design, and through mitigation measures to ensure consistency with the state's non-point source pollution program. The State contact for Federal consistency and non-point source pollution issues is, Carole Mackin at MDEQ in Helena at 444-7425.

### **River/Stream Crossings**

Culverts and bridges should be designed to accommodate flood flows with no substantial changes in flood elevation, and culverts should be designed to match the hydraulic traits (depth, velocity, and patterns) of natural streams. Bridges should avoid encroachment upon floodplains and should not increase base flood elevation above 0.5 feet from the natural condition. Impacts to biota and stream stability and deposition patterns due to restrictions in stream bedload transport by highway bridge spans and/or culverts should be evaluated and disclosed (i.e., bedload transport should be an important design criterion for bridges and culverts to avoid sediment deposition above river crossings or scour below river crossings). Construction of bridges with wide spans on pilings as opposed to fill, and at stable river locations that avoid sensitive resources is preferred. Bridges with wide spans also afford opportunities for wildlife passage, and reduced wildlife-vehicle collisions, and minimize impacts to riparian ecosystems. Bridges or open bottom arch culverts that allow natural stream bed substrate and stream grade, and sufficient width and capacity to pass flood flows, and bedload transport with minimal encroachment upon the river channel and riparian area are preferred. We recommend that culverts simulate the natural stream grade and substrate as much as possible to avoid concerns with fish passage.

Stream channel modifications should be avoided. If channel modifications are unavoidable (which will have to be well documented and concurred upon by regulatory agencies), they should simulate the original natural channel lengths and aquatic habitat features as much as possible. It is preferable to restore channel length and natural riffle/pool sequences as much as possible without installation of artificial grade control structures, although if channel length cannot be restored, grade control structures may be necessary in certain circumstances to maintain channel stability. We also recommend that aquatic biologists and staff with training and knowledge of fluvial geomorphology be consulted during design of stream channel modifications.

### **Storm Water Runoff**

Storm water discharges associated with highway construction are an industrial activity according to EPA's Storm Water Regulations (40 CFR 122.6). Highway construction projects must obtain an NPDES (MPDES in Montana) storm water permit if construction activities will disturb five or more acres of land. For projects within the jurisdiction of small municipalities (less than 100,000 people), and under five acres, other requirements may apply. Construction activities may be covered by a general NPDES (MPDES) permit rather than an individual permit. If a storm water permit is required, on site notification must be posted, along with a pollution prevention plan.

Normal highway runoff, aside from significant spills of hazardous material, contains contaminants which could affect surface and ground water quality. The EIS should characterize the quality of rivers, streams, lakes, and ground water resources in the vicinity of the project as well as the quality of the anticipated highway runoff. BMPs for collecting and treating storm water during construction and post-construction should be outlined in the EIS. If increases in storm water flows occur due to increases in impervious surfaces these increases should be described and addressed. Provisions for hazardous waste containment in case of a spill, and means of collection and treatment of storm water runoff should also be included. If there are any questions about storm water permitting activities, contact Brian Heckenberger of MDEQ in Helena at 444-5310. The EPA contact for storm water permitting activities is Gwen Jacobs of EPA in Helena at 457-5023.

### **Road Maintenance and Construction**

Road standards and design have a major effect on scheduled and unscheduled maintenance needs. The needs for normally scheduled maintenance debris from ditch cleaning, sanding as well as anticipated but unscheduled maintenance, such as debris from slumps, should be analyzed and planned for during the design phase of construction and reconstruction projects. Past practices of expediently sidecasting material over the shoulder, filling depressions and widening shoulders have an adverse effect on wetlands and riparian areas and are inappropriate. Plans for long term normal as well as emergency maintenance programs should be disclosed in the NEPA document and a specific site disposal plan describing proper site development,

disposal of debris and timely rehabilitation of completed portion to prevent invasion by noxious or undesirable vegetation should be prepared. Plans for management of roadside vegetation through the use of herbicides also require disclosure.

Winter maintenance often results in the introduction of sediment and salt either directly or indirectly to the stream and associated riparian and wetland resources. The impacts of winter maintenance activities are more a matter of a long term indirect and cumulative effects than of one specific incident. Snow plowing subsequent to sanding moves sand and salt off the roadbed to the adjacent ditchline and fill slopes. It then migrates downhill until it is deposited in streams or forms a carpet on gentle ground. When this occurs in a wetland, the area's functional abilities are altered. When winter maintenance may potentially affect wetlands, riparian areas or water quality, the effects of the program must be disclosed in a NEPA document. This should include the steps taken to minimize and mitigate the unavoidable effects on waters of the United States (i.e. sediment traps, reuse of sanding material, maintenance program requirements, etc.) as well as a discussion of the effects themselves.

Road agencies often initiate winter maintenance on roads neither designed nor previously managed as all-weather roads. Therefore, even if winter maintenance is not anticipated at the time the NEPA document is developed, it must still be analyzed. Alternatively, a mechanism may be initiated that would explicitly disallow the practice of winter maintenance until documentation of the effects of such a program and its associated impacts is completed.

### **303(d) Listed Water Bodies & TMDLs**

It is important that any water bodies in the project area that are listed by the State of Montana as having impaired water quality (on Montana 303(d) list) be identified. Section 303(d) of the Clean Water Act (CWA) requires that States develop a list of water bodies where existing pollution controls or requirements are inadequate to attain and maintain WQS. The 303(d) list includes water bodies that are impaired or threatened by pollutants from point sources, nonpoint sources, or a combination of both. The Montana Department of Environmental Quality (MDEQ) website, [http://www.deq.state.mt.us/ppa/mdm/303\\_d/303d\\_information.asp](http://www.deq.state.mt.us/ppa/mdm/303_d/303d_information.asp) provides information on water bodies on the Montana 1996 and 2000 and 2002 303 (d) lists.

Stream segments designated as “water quality impaired” and/or “threatened” listed on State 303(d) lists require development of a Total Maximum Daily Load (TMDL). A TMDL:

*Identifies the maximum load of a pollutant (e.g., sediment, nutrient, metal) a waterbody is able to assimilate and fully support its designated uses; allocates portions of the maximum load to all sources; identifies the necessary controls that may be implemented voluntarily or through regulatory means; and describes a monitoring plan and associated corrective feedback loop to insure that uses are fully supported;*

Or can also be viewed as, *the total amount of pollutant that a water body may receive*

*from all sources without exceeding WQS; or as a reduction in pollutant loading that results in meeting WQS.*

The Montana Dept. of Environmental Quality (MDEQ) and EPA are under a Court Ordered schedule to prepare TMDLs. Montana has divided the State into TMDL Planning Areas, grouping streams with similar water quality problems and land ownership as much as possible on a watershed basis. Each TMDL planing area may include 4 to 10 impaired watersheds that have specific TMDL preparation needs. The following TMDL completion schedule for the TMDL planning areas in the area established:

Bitterroot TMDL Planning Area due 2005  
Lolo TMDL Planning Area due 2006

Montana's approach is to include TMDLs as one component of comprehensive Water Quality Restoration Plans (WQRPs). TMDLs/WQRPs contain seven principal components:

1. Watershed characterization (hydrology, climate, vegetation, land use, ownership, etc.)
2. Description of impairments and applicable water quality standards.
3. Pollutant source assessment and estimate of existing pollutant loads.
4. Water quality goals, restoration targets (including TMDLs) and load allocations.
5. Restoration strategy
6. Monitoring Strategy
7. Public involvement (30 day public comment period, informational meetings, etc.)

The load allocations and targets established by TMDLs/WQRPs inform land managers how much sediment, nutrient or other pollutant discharge may be too much (i.e., prevent support of beneficial uses). A WQRP provides a means to track the health of a stream over time. If a WQRP has not restored beneficial uses within five years, the Montana DEQ conducts an assessment to determine if:

- \* the implementation of new and improved best management practices is necessary;
- \* water quality is improving but more time is needed to comply with WQS; or
- \* revisions to the plan will be necessary to meet WQS.

Pending completion of a TMDL in Montana, new and expanded nonpoint source activities may commence and continue, provided those activities are conducted in accordance with "reasonable soil, land and water conservation practices" (MCA 75-5-703). The Administrative Rules of Montana (17.30.602) define these as "methods, measures, or practices that protect present and reasonably anticipated beneficial uses." EPA's policy is that activities conducted in the watershed of 303(d) listed streams should avoid further degradation of the impaired streams, and should be consistent with TMDLs and associated WQRPs intended to restore water quality and beneficial use support in the long term.

We note that the Bitterroot River and Lolo Creek are listed by the Montana DEQ as a water bodies with impaired water quality listed on the Montana Clean Water Act Section 303(d) report. The Bitterroot River is reported as having only partial support for aquatic life and cold water trout fisheries. The causes of water quality impairment are listed as: nitrate, nutrients, other habitat alterations, and siltation. The sources of impairment are identified as: agriculture, grazing related sources (range grazing - riparian), urban runoff/storm sewers, land disposal, on-site wastewater systems (septic tanks), habitat modification-other than hydromodification, bank or shoreline modification/destabilization. Lolo Creek is reported as having only partial support for primary contact recreation (swimming) with aquatic life, fisheries and drinking water uses not assessed. The causes of water quality impairment are listed as: flow alteration, and the sources of impairment are identified as: agriculture and unknown sources.

The EIS should describe how the proposed project might affect the impaired streams, particularly how the water quality parameters causing the impairment and 303(d) listing may be effected. The proposed project should avoid aggravating water quality impairments. Proposed road and bridge development should be discussed with MDEQ and any local watershed groups that are involved in preparing TMDLs and watershed restoration plans for the impaired streams. The MDEQ should be asked to indicate if the proposed road and bridge developments are consistent with the State's development of TMDLs for the water quality impaired streams (i.e., contact Robert Ray, TMDL Program Manager at MDEQ at 406-444-5319 or Carole Mackin, Federal Consistency Coordinator at MDEQ at 406-444-7425).

## **Wetlands**

The document must clearly describe the existing wetlands within the analysis area; their acreage, type and ecological function and how both acreage and function will be protected. Road construction clearing and earthwork generally include sedimentation and hydrologic impacts which at some level may cause changes to surface and subsurface drainage patterns and, ultimately, wetland integrity and function. Executive Order 11990 requires that all Federal Agencies protect wetlands.

For purposes of Clean Water Act Section 404 permits where dredge or fill activity is proposed in waters of the United States, all aquatic resource areas, including wetlands, should be clearly identified and assessed in relation to project impacts. Wetlands are one of a number of "Special Aquatic Sites" referenced in the section 404(b)(1) Guidelines. The section 404(b)(1) Guidelines provide the substantive environmental criteria for protecting waters of the U.S. under section 404 of the Clean Water Act. Wetlands are significant environmental resources that provide a wide range of important functions and values. They have experienced severe cumulative losses nationally. For these reasons protection of wetlands and other important aquatic resource habitats is a high EPA priority.

Wetlands in the project area should first be identified and delineated consistent with the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, Final



Report and its recent guidance on implementation. Delineation should be followed by a functional assessment to determine the extent and importance of existing wetland and aquatic resources. Several options such as the Hydrogeomorphic (HGM) Wetland Assessment Method are available for use in determining wetland and associated aquatic resources functions and their values. Any special features such as rare or unique habitats should receive special attention. Once the wetland functions are defined, the possibilities for mitigating potential impacts can be explored.

Avoidance of wetland losses is a primary requirement of the Section 404(b)(1) guidelines [40 CFR 230.10(a)]. The Corps of Engineers and EPA, through their Mitigation Memorandum of Agreement, state they will "... strive to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, will strive to achieve a goal of no overall net loss of values and functions." Planning and design should seek to avoid impacts wherever possible, to minimize impacts which are unavoidable, and, as a final alternative, to provide adequate compensation for all unavoidable impacts. This will require a thorough evaluation of all less environmentally damaging project alternatives. For non-water dependent activities, such as roads, alternatives to siting in wetlands are presumed to be available unless demonstrated otherwise. Avoidance is required before compensatory mitigation will be considered.

The document must provide a clear description of anticipated direct, indirect and cumulative adverse impacts to wetlands from all planned activities. In accordance with the Clean Water Act, wetland mitigation strategies, methods and programs should be disclosed in the assessment and included in the overall site mitigation plan. We recommend that a detailed compensatory mitigation plan be developed for unavoidable wetland and aquatic resource impacts (see attached Mitigation Plan Requirements). This mitigation plan should include consideration of both direct, indirect, and cumulative effects. It should contain a statement of goals, a monitoring plan, long-term management/protection objectives and a contingency plan (a commitment to conduct additional work if required to meet the goals of the plan). The mitigation plan should also include best management practices and mitigation measures that will manage stormwater runoff from roadways before it reaches wetlands, streams and other aquatic habitats. In general, wetlands, including mitigation wetlands, should not be used for treatment of stormwater.

The 404(b)(1) Guidelines and Corps of Engineers and EPA 404 program staff should be consulted for specific guidance on the scope of avoidance and minimization alternatives that need to be addressed. We recommend coordination with the Corps of Engineers (Corps Montana Office, Todd Tillinger in Helena at 441-1375), EPA 404 Regulatory Staff (Ms. Kristine Knutson at 457-5021), Fish and Wildlife Service (Mr. Scott Jackson at 449-5225), Montana Dept. of Environmental Quality (Mr. Jeff Ryan at 444-4626) and other state and federal resources agencies when developing alternatives to determine whether impacts to wetlands can be eliminated or reduced. The need to select alternatives which avoid impacts to U.S. waters must be addressed during the 404 permit process.

To assure consistency with the 404(b)(1) Guidelines, a thorough analysis of all possible alternatives to avoid and minimize wetland and aquatic resource habitat impacts should be addressed through the NEPA EIS process. These alternatives can include project design changes including roadway alignment reconfiguration, modifications to size and configuration, bridges, construction on pilings as opposed to fill, abandonment of realignment proposals in highly sensitive areas, or use of safety devices to meet road safety objectives. We recommend that a draft 404(b)(1) analysis be prepared for the preferred alternative and appended to the EIS. This will help assure that 404 regulatory requirements are properly integrated into the NEPA process as directed by the CEQ regulations (40 CFR 1500.2(c)).

We suggest that the Federal Highway Administration meet with resource agencies, including EPA, to discuss mitigation options. We also suggest that impacts to wetlands and streams be discussed at the Montana Interagency Wetland Group meetings that are held on a bimonthly basis. This group is chaired by Mr. Gordon Stockstad of the MDT, Environmental Services Unit.

### **Ground Water**

Ground water under a road construction area may serve as a drinking water supply and/or a recharge source of nearby surface water bodies. Accordingly, contamination from road construction activities could have an adverse public health or ecological impact on such resources. An assessment of activities and potential contaminants used in the highway project should be conducted to determine risk of the project to ground water. Mitigation measures should be developed to assure that the ground water is adequately protected from the identified risks.

With regard to water supply wells or springs, the Federal Highway Administration should work with State environmental authorities and water purveyors (including private well owners) to identify what part, if any, of the project crosses present or planned water supply recharge areas. Highway authorities should also determine whether the project is located in a delineated Source Water Protection Area. Locally mandated wellhead program mitigation measures should be followed to protect the water supplies. The state contact for the Source Water Protection Program is Joe Meek at MDEQ at 444-4806 or Julie Dalsoglio at EPA at 457-5025.

### **Underground Storage Tanks**

EPA considers leaks from Underground Storage Tanks (UST's) a serious threat to human health, soil, and ground water resources. Unidentified UST's containing petroleum and hazardous substances could be encountered during highway construction. Many of these tanks have been abandoned and still contain petroleum residues. If any UST's are found in the proposed right-of-way Tillman McAdams of EPA at 457-5015 must be notified. The State contact for UST's is Jim Hill of MDEQ at 444-0481.

The EIS should address any known impacts associated with the closure (in situ or removal) of the tanks. For unknown impacts the EIS should address site assessments, initial response (if a leaking tank is discovered), corrective action plans to treat contamination caused by leaking UST's, disposal procedures for the tank, and contaminated soils and ground water.

### **Hazardous Waste Sites**

Highway routes and potential rights of way should be examined for proximity to hazardous waste sites. Projects that located near hazardous waste sites should provide mitigation measures that will safely avoid hydrologic and other disturbances of these sites. Mr. Mike Trombetta of MDEQ at 444-5877 or Susan Zazzali of EPA at 457-5019 may be contacted as an information source for hazardous waste sites in the area. A commonly used source for identification of known hazardous waste sites is the CERCLIS inventory generated from the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

### **2. Air Quality**

The effects of the various alternatives on air quality must be quantified. Generally, the primary air quality concern with highway construction is the effect of motor vehicle emissions on air quality and their impact on 1) non-attainment areas, 2) Class I and II protection areas and 3) areas where an air quality standard could be violated by increases in emissions due to increased motor vehicle use facilitated by completion of the project. Existing air quality and meteorological monitoring data should be presented, as well as needed data gathering to adequately perform air quality analysis and any monitoring proposed.

The air quality analysis must demonstrate that the proposed alternative would not cause or contribute to any violations of the National Ambient Air Quality Standards, that it will not cause the air quality to degrade by more than any applicable PSD (Prevention of Significant Deterioration) increment, and that it will not cause or contribute to visibility impairment.

The following discussion presents the general criteria by which an EIS dealing with mobile sources is evaluated for air quality impacts. This discussion presents the areas to be considered rather than the details of the analysis. A project with potentially minimal effects on air quality may not need to consider all the points mentioned below.

- (1) A description of the existing air quality should be presented, including the study areas designation of attainment or non-attainment of National Ambient Air Quality Standards. We note that portions of Missoula are classified as nonattainment areas for particulate matter (PM-10), see <http://www.deq.state.mt.us/ppa/rpp/airmaps/MissoulaMap.pdf> , and portions of Missoula are classified as nonattainment areas for carbon monoxide, see <http://www.deq.state.mt.us/ppa/rpp/airmaps/MissoulaMonoxideMap.pdf> . It will

be important for the proposed project to demonstrate conformity with the State Implementation Plan (SIP).

- (2) A localized analysis of pollutants particularly carbon monoxide (CO) is needed. In most cases the eight-hour standard of 9 ppm is the controlling standard. However, it is useful to provide both one-hour and eight-hour concentrations. This analysis is required and should be proportional to the scope of the project.
- (3) Areawide analysis should be done for CO, PM<sub>10</sub> (emissions and particulates made airborne from automobile use), and Volatile Organic Compounds as well as any other criteria pollutants or hazardous pollutants which may be affected by the project. Attention to fugitive dust may also be important considering the particulate matter nonattainment status. Some of this analysis may not be necessary if the project is included in the State Implementation Plan (SIP) emission inventory.
- (4) The analysis should include a comparison of the "No Build" and all Build alternatives for existing conditions, worst case conditions, and the design years.
- (5) The traffic analysis should show the project's impact on average daily traffic and speeds. The assumed population growth used to project traffic volumes should be identified to assure consistency with the population projections in the SIP, and local long range plans. The analysis should include any increase in travel arising from improved travel conditions, which should be explained in the document.
- (6) Construction impacts, such as fugitive dust and equipment emissions, and appropriate control measures to be taken should be discussed.
- (7) Monitoring should be conducted at areas of maximum concentration to which the public may be exposed. Refer to 44 FR 27586 (May 10, 1979) for monitoring guidance.
- (8) An appropriate model should be used, based on the project scope. MOBILE 6 is the most recent mobile source emission factor model released by EPA.
- (9) A determination of whether the project conforms to the State Implementation Plan is required in Section 176(c) of the Clean Air Act (as amended November 15, 1991), and a description of any State or local air quality regulations on SIP requirements covering specific activities occurring as part of the project construction and/or implementation.

The conformity provisions of the Section 176(c) of the Clean Air Act requires that all Federal actions conform to existing State Implementation Plans (SIP's), and

prohibits Federal agencies from taking any action that causes or contributes to a new violation of the NAAQS, increases the frequency or severity of an existing violation, or delays the timely attainment of a standard. Under section 176(c), the Federal agency responsible for a proposed action is required to determine if its action will conform to the applicable SIP before the final EIS is completed. The final rule on the conformity provision can be found in 40 CFR Parts 51 and 93.

You may want to contact Robert Edgar of EPA Denver at 303-312-6669 or Betsy Wahl of EPA (Helena) at 457-5013 if you have questions regarding the extent of appropriate air quality analysis or air quality issues or Clean Air Act requirements. Bob Habeck of MDEQ at 444-7305 is a State contact on Clean Air Act issues.

### **3. Wildlife Effects**

In the case of new road alignments or widening of existing roads, the EIS should evaluate direct and indirect (induced growth) wildlife effects. Affected environment sections should include current quality and capacity of habitat, usage by wildlife near the proposed project, and known wildlife corridors/trails and wildlife fragmentation and connectivity. Existing wildlife mortality should be disclosed if known. Environmental Consequences sections need to evaluate increased mortality from higher traffic levels, habitat removal, reduced access to available habitat and habitat fragmentation, effects on biodiversity (see Biodiversity below), and estimated reductions in impact from mitigation.

Road wildlife crossings should be dedicated for wildlife use to reduce wildlife mortality, connect habitat areas, and reduce traffic accidents. Crossings should be of sufficient width, contain minimal dark passages, and employ wing fencing techniques. The extent to which river/stream crossings can also serve as wildlife crossings (assuming stream crossings coincide with areas where there is wildlife movement or an opportunity to reduce mortality rates) should be evaluated. We note that information regarding wildlife and highway conflicts and mitigation may be available on this website, [www.berrymaninstitute.org](http://www.berrymaninstitute.org).

There are two documents that we suggest as references for evaluation of wildlife crossing issues: "*Critter Crossings, Linking Habitats and Reducing Roadkill*," U.S. Dept. Of Transportation, FHWA, Office of Natural Environment, February 2000; and "*Evaluation of Ecological Impacts From Highway Development*," U.S. EPA, April 1994.

Route selection, alignment, road design standards, key topographic features, and the linear nature of roads often result in a road which has a predilection to affect a particular component of the environment. The classic example of this is the road in the bottom of a narrow valley and its effects on the stream and associated riparian and wetland areas and resident wildlife. Construction of long, continuous segments of guardrail and snowplowing may also have unfortunate effects on wildlife. These types of effects must be disclosed.

## Threatened and Endangered Species

If the proposed activities could affect threatened or endangered species (e.g., bull trout, bald eagle, gray wolf, lynx, etc.), the EIS should include the Biological Assessment and the associated U.S. Fish and Wildlife Service (FWS) Biological Opinion or formal concurrence for the following reasons:

- (1) NEPA requires public involvement and full disclosure of all issues upon which a decision is to be made;
- (2) The CEQ Regulations for Implementing the Procedural Provisions of NEPA strongly encourage the integration of NEPA requirements with other environmental review and consultation requirements so that all such procedures run concurrently rather than consecutively (40 CFR 1500.2(c) and 1502.25); and
- (3) The Endangered Species Act (ESA) consultation process can result in the identification of reasonable and prudent alternatives to preclude jeopardy, and mandated reasonable and prudent measures to reduce incidental take. These can affect project implementation.

Since the Biological Assessment and EIS must evaluate the potential impacts on listed species, they can jointly assist in analyzing the effectiveness of alternatives and mitigation measures. EPA recommends that the final EIS and Record of Decision not be completed prior to the completion of ESA consultation. If the consultation process is treated as a separate process, the Agencies risk USFWS identification of additional significant impacts, new mitigation measures, or changes to the preferred alternative. If these changes have not been evaluated in the final EIS, a supplement to the EIS would be warranted.

## Biodiversity

While generally not a major issue of concern for smaller road improvement projects, biodiversity may be a critical consideration for new alignments, major reconstruction or when special habitats (i.e., wetlands, threatened and endangered species habitat) will be affected. The state of the art for this issue is changing rapidly. Biodiversity is the variety of life. It includes the number, abundance, and distribution of each species. It includes species diversity, gene pool diversity, and ecosystem diversity. The concept of biodiversity also includes the processes of interaction among species. Maintenance of biodiversity can minimize the need for listing species as threatened or endangered.

Biodiversity may be a critical consideration for new projects, major construction or when special habitats (i.e., wetlands, threatened and endangered species habitat) will be affected. The state of the art for this issue is changing rapidly. CEQ prepared guidance entitled, "Incorporating Biodiversity Considerations Into Environmental Impact Analysis Under the National Environmental Policy Act," <http://tis.eh.doe.gov/nepa/tools/guidance/Guidance-PDFs/iii-9.pdf>.

The scale used for the analysis should be described in the EIS. A landscape scale perspective is generally appropriate unless the presence of biotic species that inhabit a wide range of landscapes indicates a need for a larger scale (e.g., wide ranging predators or neo-tropical birds). Where indicator species are used, they should be representative of discrete specific habitats or conditions. Specifically, the document should address:

- (1) The diversity and uniqueness of flora and fauna that exists in the analysis area. A review of local climatic diversity, topography and ecotones may be helpful in identifying local biodiversity. The presence of threatened, endangered or sensitive species; communities that are at the edge of their range; or the identification of "gap" habitats indicate a greater need for analysis than homogenous habitats. Similarly, a discussion of nearby, large, undisturbed habitats that add to local diversity stability (such as wilderness or roadless areas) would be informative.
- (2) The effects of the proposed alternative actions on the maintenance of diversity.
- (3) The cumulative effects of past projects, proposed and approved future projects on diversity stability, fragmentation, connectivity with adjacent landscapes, and disruption to processes or functions.

#### **4. Other Issues**

##### **Noise**

We recommend that the following information be included in the EIS to describe the existing environment and to evaluate the noise effects of the proposed project and the alternatives.

- (1) the existing and anticipated land uses near the project site or route that have a sensitivity to noise and the number of people living near the route;
- (2) the existing noise levels adjacent to the proposed alignments;
- (3) the predicted noise levels from alternatives;
- (4) the noise abatement measures that will be used to reduce noise from the completed project and noise generated during construction including noise walls, building insulation and acquisition;
- (5) the number of residences/businesses exceeding noise thresholds for each alternative;
- (6) the number of residences/businesses exceeding a 10 dBA increase in noise levels (show on a map); and
- (7) the facilities that can not be protected by noise abatement measures and the impact on the occupants.

## **Pollution Prevention**

Pollution Prevention, also known as "source reduction," encompasses practices which reduce, eliminate, or prevent pollution at its source. By reducing the total amount of pollution that is produced, there is less waste to control, treat, or dispose of, and there are less hazards posed to public health and the environment. Under Section 6602(b) of the Pollution Prevention Act of 1990, Congress established a national policy that organizes preferences for pollution prevention. CEQ provided guidance for incorporating pollution prevention into NEPA through a memorandum to Federal Department and Agency heads (Federal Register, January 29, 1993, pages 6478 - 6481, <http://ceq.eh.doe.gov/nepa/regs/poll/ppguidnc.htm> ). The EPA Pollution Prevention Program may help with new ideas and technology (contact Mr. John Brink at 303-312-6498). In addition the Montana Pollution Prevention Program may be of assistance see <http://www.montana.edu/wwwated/> .

## **Cultural Resources**

The environmental impact analysis for the road and bridge should include evaluation and protection of cultural, historical and archaeological resources. Cultural, historical, and archaeological resource analyses should be conducted and completed as much as possible as part of the environmental analysis for the EIS. Knowledge of the presence or absence of significant cultural, historical and archaeological resource protection needs may be important for a reasoned choice among management alternatives.

## **Tribal Coordination**

Executive Order 13175, "Consultation and Coordination With Indian Tribal Governments," was issued on November 6, 2000 to assure meaningful consultation and collaboration with tribal officials in the development of Federal policies with tribal implications, and to strengthen U.S. government-to-government relationships with Indian tribes. Agencies are directed to respect Indian tribal self-government and sovereignty, honor tribal treaty & other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments, and have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Tribal trust resources are located within the exterior boundaries of reservations and outside the reservation in Usual and Accustomed fishing and hunting areas. Agencies should assess all impacts to tribal trust resource and include those impacts in the agencies' environmental documents, and should consult to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. The environmental document shall fully disclose the potential environmental impacts, both negative and positive, on tribal trust resources.



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## **Environmental Justice**

E.O. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," requires that Federal agencies make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental justice encompasses a broad range of impacts covered by NEPA, including impacts on the natural or physical environment and interrelated social, cultural, and economic impacts. The Forest Service should develop a strategy for effective public involvement of minority (e.g., Native American) and low-income populations in land management considerations, analyzing environmental, social, cultural and economic effects, and developing mitigation measures. Detailed guidance on addressing Executive Order 12898 in NEPA documents is available from CEQ, <http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>.

EPA 910-F-00-001

January 2000

 **EPA** United States Environmental Protection Agency

# Transportation Planning in the Northwest Framework for Sustainability



FOR INFORMATION

## A Message for Transportation and Land Use Decision Makers

Region 10's involvement in transportation projects has traditionally been within the National Environmental Policy Act (NEPA) process. NEPA is required to review the project, to state the environmental impacts of the project, and to ensure that the decision that meets the requirements of NEPA. In fulfilling our NEPA responsibilities, we identify major impacts areas with high potential for environmental impacts and then work with the appropriate federal and lead agencies to eliminate unacceptable environmental impacts or to develop alternative environmental benefits, and develop sustainable solutions to the issues raised by the project.

Transportation projects, and in particular road building projects, have emerged repeatedly in Region 10 as major federal actions with a high potential for significant environmental impacts. We have found that road building, as the solution to transportation problems, is often treated as a foregone conclusion in NEPA documents and, in fact, is often accepted as a given by society in general. There are other solutions to many of our transportation needs: solutions that are sustainable, minimize or eliminate the environmental impacts intrinsic to road building, meet the transportation needs of the affected communities, and do not require the construction of new roads.



Chukar Regional Administrator

The purpose of this transportation message is to fuel the creative efforts of transportation agencies and the public to develop these more sustainable solutions. It is not our intention to say that roads should never be built. We recognize that roads may represent the best solution in some transportation problems. However, in shaping the future of our communities, it is important to enter the NEPA process with a willingness to explore a variety of options and approaches, and to allow the NEPA process to do what it is intended to do: to foster a better decision-making and action to prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man. (PL 91-190, 42 U.S.C. 4321-4347). The Environmental Protection Agency intends to work as much as possible with land use and transportation participants from the earliest planning stages to make this happen.

*Christine*

# To work toward sustainable transportation solutions, EPA asks Northwest transportation and land use decision makers to:

**Integrate land use planning, transportation planning, and environmental review so that the NEPA process is open to the full range of alternatives to solve transportation needs.**

The land use planning, transportation planning, and environmental review processes currently occur in linear sequence, sometimes beginning with land use, sometimes with transportation. The result of a linear process is often a predetermined outcome that does not adequately consider or avoid undesirable effects to land use, transportation, and/or the environment, and that

is difficult if not

impossible to change. Achieving this integration and the sustainable outcomes we hope for will require the good will, cooperation, and dedication of all players. EPA intends to work with land use planning and transportation planning entities in exploring new ways of achieving a more integrated approach to land use, transportation, and environmental planning and review.

**Acknowledge, evaluate, and discuss the serious environmental, economic, and social impacts often associated with road building and the use of privately owned vehicles.**

The environmental costs of new roads are often enormous, and frequently are not acknowledged or openly discussed by project proponents. Roads contribute significantly to air pollution, water pollution, and wildlife habitat loss and fragmentation. Roads can contribute to urban sprawl and the loss of rural farming and forestry areas and natural areas near urban centers. They can change the face of the landscape and contribute to the loss of the very values people seek in a geographic area. It is important that project proponents acknowledge, adequately evaluate, and disclose such impacts during project planning.

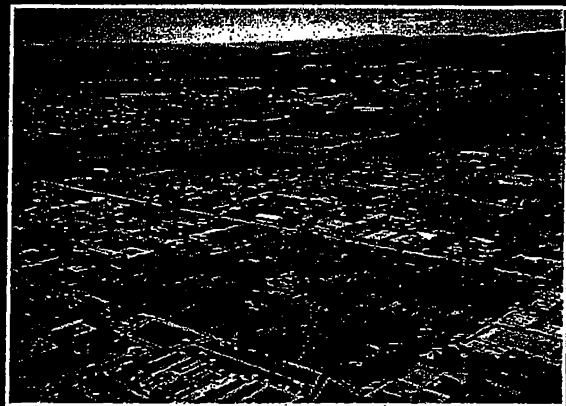
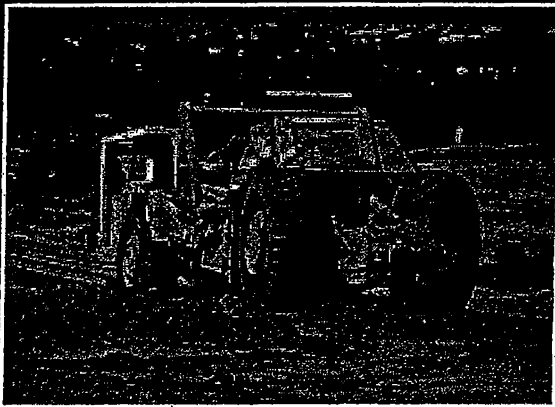


Photo courtesy of Calthorpe Associates



## **Acknowledge and discuss the escalating nature of the road building solution.**

Road building and expansion often result in induced growth effects (sprawl), and stimulate increased use of privately owned vehicles and vehicle miles traveled. This, in turn, leads to increased auto dependency and demand for more roads. In their 1995 report entitled, *Expanding Metropolitan Highways: Implications for Air Quality and Energy Use*, the Transportation Research Board concludes that "The evidence from the studies reviewed here supports the view that highway capacity additions can induce new trips, longer trips, and diversions from transit." In his March, 1997 paper entitled *Determining Generated Traffic External Costs*, Todd Litman of the Victoria Transport Policy Institute finds that the induced or generated traffic from increased highway capacity increases over time and "an increasing portion of generated traffic results from new trips, land use changes associated with urban sprawl, and increased auto dependency." This type of information should be discussed openly and evaluated during project planning.



Photo courtesy of Local Government Commission

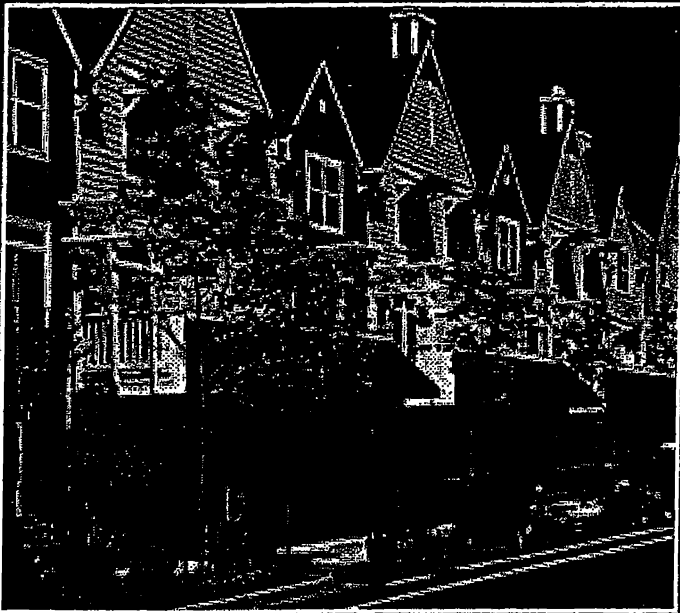


Photo courtesy of Calthorpe Associates

**Pursue transportation solutions that shift the focus from addressing only mobility in terms of level of service (speed), to solutions that focus on achieving multi-modal mobility, accessibility, livability, and sustainability.**

EPA believes that sustainable solutions to transportation problems are more likely to be realized by focusing on longer-term approaches that provide increased transportation choices (multi-modal mobility), that bring people to the activities or the activities to the people (accessibility), that foster community vitality, environmental justice, and quality of life (livability), and that meet our social, economic, and ecological needs without compromising the ability of future generations of all species to do likewise (sustainability). We encourage planners and decision

makers to think in terms of reducing transportation demand, and where demand exists, address the real and underlying transportation need: to move people and goods — not necessarily cars.

# Before deciding upon new road solutions, consider the following:

**Explore creative alternatives.** Creative solutions that integrate land use with transportation while protecting the environment and enhancing livability can emerge from the public thinking when citizens are actively engaged and there is partnership with participating agencies and decision makers. Provide analytical support for community-generated ideas, and explore multi-faceted solutions. It may be possible to combine several ideas/alternatives that, collectively, will address the project need. A package of alternatives could include alternative transportation modes, trip reduction, land use adjustments, parking controls, pricing mechanisms, other incentives and/or disincentives, new route design or traffic circulation patterns, and more.



Photo courtesy of King County METRO



Photo courtesy of Local Government Commission

**Diversify the transportation system by providing more transportation choices.** The Transportation Equity Act for the 21st Century (TEA-21) continues and expands upon the important changes in transportation policy initiated by the Intermodal Surface Transportation Efficiency Act (ISTEA): it dedicates funding to alternatives to driving and to transportation modes that reduce air pollution and improve environmental protection and sustainability. Having a community that is provided multiple transportation choices enhances personal freedom, is more equitable for those who cannot afford or do not have the ability to drive, and is more protective of the environment by decreasing dependency on privately owned vehicles and the need for more lanes of pavement.

**Emphasize transportation demand management.** Include transportation demand management (trip reduction) and transportation system management (TDM and TSM) in all projects and alternatives, with the greater emphasis upon TDM. An array of travel alternatives, roadway use options such as carpool lanes, financial incentives, work hours and location management options exist, and more ideas are being generated. Land use strategies, such as mixed use and transit oriented development, also serve to curb travel demand.

**Maximize the use of existing infrastructure.** Further habitat degradation, fragmentation, and loss can be prevented by making better use of existing transportation infrastructure. For example, emphasize use of existing rights-of-way, improving existing rail lines, roads, and trails, and better integrating existing transportation infrastructure with land use planning. Actions such as re-striping pavement to provide bike lanes, peak hour lane conversion for high occupancy vehicles (HOV), and transit priority/preference techniques such as traffic signal override and synchronization, are easy, inexpensive innovations that can make a big difference in traffic flow and livability.

**Consider redevelopment.** Redevelopment prevents sprawl and protects farms, forests, and natural lands by making better use of existing developed areas and urban space. It can also exert a positive influence on the surrounding community. Businesses thrive when they are located in attractive settings that are accessible to pedestrians, bicyclists, and public transportation; communities develop when people get out of their cars; and the amenities provided by the natural environment, farmlands, and rural areas remain intact.

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## For more information...

With questions and comments about this publication, contact the U.S. Environmental Protection Agency, Region 10, Seattle, Washington at 1 (800) 424-4EPA. Several sources of further information and technical assistance include:

U.S. Environmental Protection Agency  
<http://www.epa.gov>

EPA Office of Mobile Sources  
<http://www.epa.gov/oms/traq>

U.S. Department of Transportation  
Federal Transit Administration  
<http://www.fta.dot.gov>

Livable Communities Initiative  
Old Executive Office Building, Room 360  
Washington, D.C. 20502  
Website: <http://tis.eh.doe.gov/livablecommunity/index2.html>

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## A Framework for Analyzing Smart Growth in the Context of the I-15 Southern Corridor Project in St. George, Utah

The *secondary and cumulative impacts* of transportation projects such as the proposed I-15 Southern Corridor consist principally of those environmental, social and economic changes brought about by the development of lands made more accessible by the project. While development of these lands may well occur in any event, it generally happens in more accelerated fashion when new highways such as the I-15 Southern Corridor open access to previously inaccessible areas. *Induced development* is a component of transportation projects such as the I-15 Southern Corridor and consists of development that would not be otherwise as likely or as desirable absent a new corridor. The environmental, economic, and social impacts of induced development have both secondary and cumulative aspects within the context of the National Environmental Policy Act (NEPA).

Accelerated growth – made possible by improved transportation and access – quickens greatly the build-out of infrastructure and the increase in population over what would otherwise occur in an unplanned, transport/access-limited scenario. This is especially the case in areas where growth is already desirable, with or without improved transportation access. The faster growth and development occurs, the less opportunity there is to plan for this growth in ways that minimize the economic, social, and environmental consequences of rapid, less-planned development.

The secondary and cumulative impacts of growth will be qualitatively similar under a business-as-usual (non-smart growth) scenario, with or without the proposed Southern Corridor. That is, there will be a variety of predictable environmental, social, and economic impacts as land is transformed from present to future uses. These impacts result from development that occurs in conformance with current municipal development plans, codes, zoning requirements and other ordinances, as well as builder and developer practices and preferences. However, the impacts of growth and development under a “build” alternative, occurring as a result of improved access to hitherto inaccessible areas, will be more amplified and accelerated than under a “no build” alternative.

Communities nationwide are beginning to implement plans, principles, financing mechanisms, and other policy tools to create a future in which the impacts of business-as-usual growth and development are mitigated if not avoided entirely. This type of growth and development is sometimes called “smart growth,” or “sustainable development,” or “new community design.” It is growth that simultaneously achieves economic prosperity, strong neighborhoods and quality of life, and healthy and sustainable ecosystems as the underpinning of both economic and social vitality. As an alternative to business-as-usual, this form of growth is one that must be designed for, planned, supported, and executed with a high degree of collaboration among entrepreneurs, citizens, and government. A departure from business-as-usual will not likely occur by accident.

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The impacts of business-as-usual and what is called smart growth are significantly different both in intensity and scale, as well as magnitude over time. The consequences of a "smart growth" scenario in the evaluation of secondary and cumulative impacts within a new highway project such as the I-15 Southern Corridor are measurably different and allow community planners and decision makers an opportunity to compare two very different scenarios for both types of impacts.

Principles of a smart growth scenario include:

- + efficiency in the consumptive use of water and minimization of the qualitative impacts of development on surface and ground waters;
- + efficiency, durability, and effectiveness over time of waste water and drinking water infrastructure
- + minimization of the impacts of consumptive water use on ecosystems and habitats;
- + utilization of compact neighborhood and building designs together with the integration of mixed use zoning principles to optimize both near and long-term infrastructure costs (utilities, schools, health care), avoid air quality compliance issues, and reduce the unit costs of public service provision (police, fire, refuse, road maintenance); fiscal cost savings to government increases the potential net fiscal benefit of growth as efficient government imposes fewer burdens on taxpayers;
- + protection of habitat and species unique to a bio-region both to ensure compliance with applicable laws and to maximize the quality of life and frequently the economic value represented by the proximity of diverse natural systems;
- + creation of a range of housing opportunities and choices consistent with expected demographics of incoming populations, together with walkable neighborhoods, which help create a strong sense of place and livability;
- + provision of a variety of transportation options to future residents and workers to minimize the costs of time lost to increased traffic, congestion, and transit, and to anticipate the mobility needs of an older average population (should retirement populations constitute the main form of in-migration);
- + preservation of open space, farmland, natural beauty, archaeological, historical, and cultural resources to maximize diversity of experiences and enhance quality of life for new residents, employers, and workers;
- + maximization of ecosystem integrity by avoiding fragmentation of critical habitats and natural systems
- + efficiency in the use of energy in all buildings and infrastructure using energy efficient

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design concepts and new technologies based on renewable sources of energy; and

+ optimization in the use of materials for construction and infrastructure development, saving on cost for developers, purchasers, and government.

Smart Growth Scenario:

In a smart growth scenario, the secondary and cumulative impacts to be evaluated and compared with those in a business-as-usual scenario can be based on some reasonably accepted estimate for future population growth (i.e. 150,000 new residents/30,000 new households by 2030) in the region to be served by the project. These impacts and how they might be measured include:

- the difference in per household water consumption as a result of using advanced water efficient technologies, landscaping practices, and water and wastewater management principles across all sectors (residential, commercial, industrial, recreational); the difference can be measured in volume/gallons per household/person per day as well as the unit cost of service including supply acquisition, storage, delivery, and system operation and maintenance.
- the difference in projected infrastructure (wastewater, drinking water, solid waste landfill) size and costs (capital and operation/maintenance) as a result of land use design, building efficiency characteristics (materials, energy, water) and landscape features under “smart growth” codes, standards, ordinances, and zoning requirements versus those currently in place in the towns and counties to experience accelerated growth as a consequence of the highway.
- the extent to which natural landscape, open spaces and parks, and species habitat are fragmented under the “smart growth versus business-as-usual scenarios; this can be measured in total and contiguous acres as well as other indicators suggested by resource and land management agencies.
- the difference in per household energy consumption as a result of using current building and energy codes and standards versus those of programs such as Energy Star Buildings, Leadership in Energy and Environmental Design, and Partnership for Advanced Technology in Housing; the difference can be measured by 1) air quality impacts (emissions) based on current and future utility generation and fuel mix percentages and emission factors for those fuels for those fuels and generation technologies, or 2) the cost differential per household for energy efficient design and end-use efficiency based on kWh ratings of standard vs. more efficient technologies and designs.
- the extent to which mixed-use zoning is permitted under smart growth and business-as-usual scenarios; this can be measured in terms of the number and extent of zoning rules permitting versus prohibiting mixed use development as well as acres of developable land on which mixed-use zoning is either prohibited or permitted; current rules can be compared to what might be reasonably expected/possible in the way of

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mixed-use under a smart growth scenario as evidenced by the latest community consideration of zoning/code/plan changes.

- the extent to which growth or development boundaries are established and maintained within the area expected to be affected by the highway; this can be measured by the presence or absence of existing growth boundaries as represented by zones in which development is excluded vs. permitted/anticipated.

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## Wetland Mitigation Plan Requirements

Mitigation plans required pursuant to Section 404 shall be prepared by a qualified wetlands professional and shall contain, at a minimum, the following elements:

### I. Project Description

- (1) Location of Project
- (2) Brief Summary
- (3) Responsible Parties
- (4) Map Indicating Jurisdictional Area and Area of Proposed Fill
- (5) Habitat Type(s) and System Functions to be Impacted
  - (a) Cowardin Classification
  - (b) Soil Characteristics (e.g., Soil Survey Classification and Series, Organic Content, Structure, Texture, Permeability)
  - (c) Functional Assessment
  - (d) Relationship to Aquatic and Upland Resources within the Watershed
  - (e) Relevant Hydrologic Factors (e.g. Water Depths, Velocity, Hydroperiod)

### II. Mitigation Goals and Objectives

- (1) Habitat Type(s) and System Functions to be Created, Restored, or Enhanced
- (2) Relevant Hydrologic Factors (e.g. Water Depths, Velocity, Hydroperiod)
- (3) Temporal Impact/Loss
- (4) Replacement Ratio

### III. Success Criteria/Performance Standards

- (1) Target Wildlife/Vegetation Characteristics
    - (a) Wildlife/Vegetation Target Species
    - (b) Wildlife Habitat Attributes
    - (c) Percent Vegetation Cover
    - (d) Species Diversity and Richness
    - (e) Structure/Canopy Stratification
    - (f) Above/Below Ground Biomass
  - (2) Target Hydrologic Regime
    - (a) Source(s) of water
    - (b) Discharge Points
    - (c) Water Depths
    - (d) Water Velocity
    - (e) Hydroperiod
    - (f) Area to be Affected
    - (g) Direction(s) of Flow
    - (h) Size of Watershed
  - (3) Target Soil Characteristics
-

- (a) Organic Content
- (b) Texture
- (c) Structure
- (d) Color
- (e) Permeability
- (4) Water Quality Standards (e.g., Heavy Metals, pH, Temperature, Dissolved Oxygen Monitoring)

#### IV. Proposed Mitigation Site

- (1) Location and Size of Mitigation Area
- (2) Habitat Type(s) and System Functions
- (3) Buffer Area Location and Size
- (4) Present and Proposed Use of Adjacent Areas
- (5) Potential Site Constraints

#### V. Proposed Site Plans

- (1) Plan View Drawing (0.5' Contours with Specific Spot Elevations)
- (2) Grading
- (3) Hydrologic Alterations
- (4) Existing Seasonal High and Low Surface Water Levels and Groundwater Levels
- (5) Structure Location and Elevation (e.g. Water Control, Large Organic Debris)
- (6) Soil Amendments
- (7) Erosion Control
- (8) Bank Stabilization
- (9) Plantings (e.g., Species List, Source, Density, Plant Material Type, Size)
- (10) Irrigation Schedule
- (11) Upland Buffer Locations
- (12) Existing and Proposed Adjacent and Watershed Land Uses
- (13) Special Maintenance or Protective Features (e.g., Fences, Signs, Conservation Easement Boundaries)
- (14) Transect and Monitoring Locations

#### VI. Implementation Schedule

#### VII. Time Zero Report

- (1) As-Built Survey
- (2) Photographic Documentation
- (3) Alterations/Modifications to Original Site Plan
- (4) Landscape Contractor Responsibilities (e.g. Fertilization, Irrigation, Plant Replacement)
- (5) Inspection of Completed Mitigation Site

#### VIII. Maintenance and Contingency Plans

- 
- (1) Responsible Parties
  - (2) Funding Mechanism
  - (3) Initiating Procedures

#### IX. Monitoring Plan

- (1) Performance Criteria (Refer to Section III)
- (2) Monitoring Methods
- (3) Annual Reports (Minimum 5 Years)
- (4) Schedule
- (5) Responsible Parties

#### RESTORATION EVALUATION PLAN

1. The project will contribute to increased ecosystem functioning within the watershed.
2. The restoration project, once completed, will be self-sustaining, requiring minimum maintenance and other human intervention.
3. The project will support a broad range of functions.
4. The project will contribute to the restoration of historic ecosystem composition and biodiversity.
5. Anticipated watershed land use will not negatively affect system functioning.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

RECEIVED  
OCT 19 2007  
FHWA  
MONTANA DIVISION

OCT 16 2007

Ref: 8P-W-GW

Mr. Craig Genzlinger  
FHWA Montana Division  
585 Shepard Way  
Helena, MT 59601

Re: Miller Creek Road Final EIS  
Missoula Valley Sole Source Aquifer  
Missoula, Montana

Dear Mr. Genzlinger:

The U.S. Environmental Protection Agency (EPA) has participated in the review of the Miller Creek Road Draft Environmental Impact Statement (DEIS) prepared to provide safe and improved access between US 93 and the Miller Creek area located in Missoula, Montana. The Montana Division of the Federal Highway Administration (FHWA) requested the review of this DEIS to address any potential impacts to the Missoula Valley Sole Source Aquifer (Aquifer), as defined in Section 1424(e) of the Safe Drinking Water Act.

On November 28, 2006, EPA submitted the following comments to the FHWA related to the protection of the Aquifer:

The DEIS indicates that dry wells may be proposed as a means of minimizing storm water runoff impacts associated with the proposed road improvements to the Missoula Valley Sole Source Aquifer (page 4-89). However there is not a definitive commitment that dry wells will be used, nor is there much information about design of the dry well treatment system. Dry wells can be an effective way to remove contaminants from storm water runoff, but we would like to see a more definitive commitment in the Final EIS that dry wells would in fact be used to capture and treat roadway runoff, and would like additional information to assure that the proposed treatment system would effectively capture and treat roadway runoff and protect aquifer quality. Also, it is important that a regular dry well inspection and maintenance schedule be implemented, and that groundwater monitoring be performed to assure that dry wells provide effective treatment of storm water runoff from the roadway.

The FHWA addressed these comments in the Preliminary Final Environmental Impact Statement (PFEIS) in August 2007. The following response is based on the current preliminary design of the preferred alternative-Alternative 5A: Miller Creek Road At-

Grade intersection and improvements along Old US 93 and adjacent intersections:

Improvements along Old US 93 and adjacent intersections include a curb and gutter and storm sewer connection along the south side. No direct impacts to surface drainage would occur in this area. With the Preferred Alternative, runoff would accumulate and drain from US 93 in a similar manner to existing conditions. Improvements to existing water quality facilities or a new detention pond would need to be constructed to handle the additional runoff volume created from the increased impervious surface area. Another water quality facility would be needed along Miller Creek Road to treat the increased runoff volume from the increased impervious surface area. The facility is recommended to be constructed in the 100 year floodplain to the west of Miller Creek Road and would then discharge to the Bitterroot River after treatment. Dry wells are only one of a number of water quality treatment facilities that will be considered during final design. However, much of the stormwater runoff will be contained in the stormwater sewer system along Miller Creek Road and US 93. Inclusion of dry wells was primarily a concern with the bridge alternatives in the area of the Missoula Valley Aquifer. The selection of an appropriate water quality treatment facility or facilities will be made based on their ability to meet EPA and Missoula Water Quality District requirements and ensure protection of the Missoula Valley Aquifer.

The EPA has been involved in the project planning to date, and concurs with the finding that the Missoula Valley Aquifer would not be negatively degraded by the preferred alternative in the Final Environmental Impact Statement (FEIS). The commitments outlined in the FEIS by FHWA to protect the Aquifer are indicative of the effort to protect groundwater resources in Missoula, Montana. As the project planning progresses into construction, the EPA would like another opportunity to review construction documents to ensure that the protection of the Aquifer is still a priority.

If you have additional questions or wish clarification, please contact Chris Guzzetti at 1-800-227-8917, extension 312-6453.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Pratt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steven J. Pratt, P.E., CAPM (inactive)  
Director, Ground Water Program





**Montana Fish,  
Wildlife & Parks**

1420 East Sixth Avenue  
P O Box 200701  
Helena, MT. 59620-0701  
May 1, 2003

Wendy Wallach, Environmental Planner  
Carter Burgess  
707 17<sup>th</sup> Street – Suite 2300  
Denver, Co. 80202

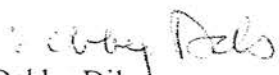
RE: Miller Creek Road EIS

Dear Ms. Wallach:

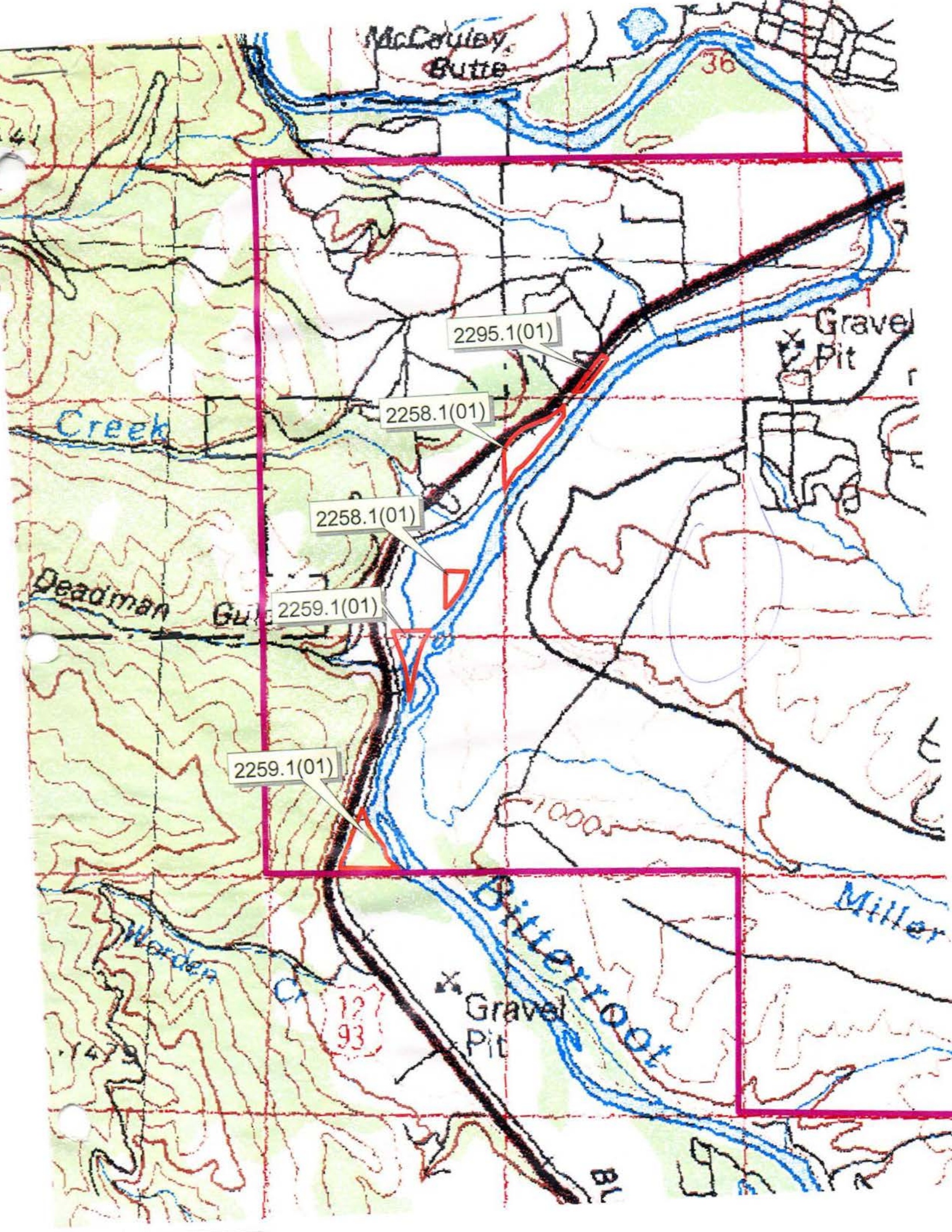
In response to your letter of April 25, 2003, Montana Fish, Wildlife & Parks owns five properties in the project vicinity. These are known as Bitterroot River Parcels 4, 4A-6, 4A-7, 5, and the Buckhouse Bridge Boatcamp. A map of those properties is enclosed with this letter. Because of their public ownership and potential public use, all of these properties would qualify for 4(f) treatment. None of the properties were acquired with Land and Water Conservation Funds. Properties owned by others that would qualify for 4(f) or 6(f) are not tracked by this office.

Your letter will be forwarded to the FWP Regional Personnel in Missoula also. Walt Timmerman, the statewide LWCF Coordinator will respond separately regarding how to investigate potential locally sponsored LWCF projects in the EIS vicinity.

Sincerely,

  
Debby Dils  
Land Section Supervisor

Enclosures  
Cc: R2





**Montana Fish,  
Wildlife & Parks**

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MAY 16 2003

DEA-SPK

**Region 2 Office, 3201 Spurgin Road, Missoula, MT 59804-3099  
Phone 406-542-5500 • Fax 406-542-5529**

May 14, 2003

Martha Wiley  
Senior Environmental Planner  
David Evans and Assoc., Inc.  
West 110 Cataldo  
Spokane WA 99201

Dear Ms. Wiley:

Reference: Miller Creek Road Project

Our comments below reiterate previously submitted comments and include requested information on sensitive and listed species.

Montana Fish, Wildlife & Parks owns property and maintains conservation easements on several parcels in the proposed project reach. We plan to be an active participant as this project progresses.

The total area being considered for new construction includes areas with broad floodplains and wetlands, as well as those with a narrower floodplain and higher terraces. We ask that in the range of considerations incorporated into the design and site plan, that the impacts to wetlands and river function be weighed heavily. We anticipate that construction of a bridge in the reach with a more constricted floodplain will have the least impacts. If the project does impact wetlands, how will these impacts be mitigated?

MFWP would like to enhance public river access in the reach of the Bitterroot River being considered for this project. As soon as specific sites are tentatively selected for consideration, we request the opportunity to develop or contribute to the design of a public access site in conjunction with this project.

We encourage the design of wildlife crossings as part of the project.

Project design plans should incorporate and not limit options for a pedestrian/bicycle trail system between Missoula and Lolo.

MFWP administers the Montana Stream Protection Act (124 permitting process). We look forward to reviewing design plans for the project at an early stage in their development.

**Sensitive and Listed Species**

*Aquatic*

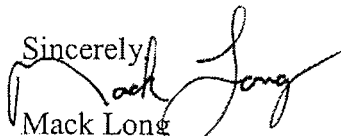
As proposed, the new bridge would cross the Bitterroot River near Missoula. This reach supports a fluvial westslope cutthroat trout population (Montana Species of Special Concern) and low densities of bull trout (Federally Threatened and Montana Species of Special Concern). Any project in this vicinity will require consultation with the U.S. Fish and Wildlife Service.

*Birds*

The Bald Eagle (*Haliaeetus leucocephalus*), listed as a Threatened Species by USFWS, nests along the Bitterroot and Clark Fork Rivers, and during the winter months many more eagles fish and perch along this stretch of the Bitterroot River.

Thanks you for the opportunity once again to comment on the proposed Miller Creek Road Project.

Sincerely



Mack Long  
Regional Supervisor

ML/gs



**Montana Department of Transportation**

*David A. Galt, Director  
Judy Martz, Governor*

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

May 29, 2003

Craig Genzlinger, Operations Engineer  
Montana Division  
Federal Highway Administration  
2880 Skyway Drive  
Helena, MT 59602

Subject: Miller Creek Road - EIS

Craig,

I recently received an information package for the Miller Creek Road Environmental Impact Statement. This information indicates that the overall purpose of the review is to provide the Miller Creek area a secondary access to accommodate current and future development-related traffic.

As you may be aware, the Montana Department of Transportation (MDT) has an existing development review process that developers must abide by to gain new access or modify existing access to State-maintained roadways. Our process, the System Impact Action Process (SIAP) provides a coordinated internal review of any access request that will significantly impact the State's roadways.


Any proposed new access location to US 93, regardless of recommendation in an EIS, is subject to MDT's SIAP review and approval process. In addition to reviewing access requests, MDT's established SIAP review requires that the applicant identify and mitigate any negative impacts their proposed action will have on MDT's roadways. MDT must approve of the mitigation measures and approach permits will be conditioned on the implementation of those approved mitigations.

In the matter of the proposed Miller Creek area access to US-93, I recommend that the EIS team coordinate with our processes as soon as possible so that considerable expense and effort are not expended on an EIS that will not guarantee MDT's approval of future additional access to US-93.

In the future, please direct any correspondence concerning the Miller Creek Road EIS to Jim Skinner, System Impact Action-Supervisor, in the Rail, Transit & Planning Division. I have attached a copy of the "Guide to the Systems Impact Action Process" handbook that provides developers requesting access to our system an overview of the review process. Please provide this information to the consultants working on this project.

If you have any questions or if you need additional information about MDT's SIAP review please don't hesitate to call Jim at (406) 444-9233.

Sincerely,

  
Sandra Straehl, Program & Policy Analysis Bureau Chief  
Rail, Transit & Planning Division

Attachment

copies: Loran Frazier, P.E., Missoula District Administrator  
Patricia Saindon, Rail, Transit & Planning Division  
Gary Larson, Project Analysis Engineer  
Don Dusek, P.E., State Traffic Engineer  
Dwane Kailey, Missoula District Engineering Services Supervisor  
Greg Robertson, Missoula County  
Jeanett Lastracco, Carter & Burgess



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JUN 16 2003

DEA-SPK

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.3009 • <http://nris.state.mt.us>

June 18, 2003

Martha Wiley  
David Evans and Associates, Inc.  
West 110 Cataldo  
Spokane, Washington 99201

Dear Martha,

I am writing in response to your request for information on plant and animal species of concern in the vicinity of the Miller Creek Road Project, T12N, R19W, Sections 7, 18 and 19; and T12N, R20W, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15 and 24, in Missoula County. We checked our databases for information in this general area and have enclosed 10 species of concern reports, one map and explanatory material.

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by requested township, range and section with an additional one-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area.
- (2) On the map, polygons represent one or more source features as well as the locational uncertainty associated with the source features. A source feature is a point, line, or polygon that is the basic mapping unit of an EO Representation. The recorded location of the occurrence may vary from its true location due to many factors, including the level of expertise of the data collector, differences in survey techniques and equipment used, and the amount and type of information obtained. Therefore, this inaccuracy is characterized as locational uncertainty, and is now incorporated in the representation of an EO. If you have a question concerning a specific EO, please do not hesitate to contact us.
- (3) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (4) The accompanying map(s) displays management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (5) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).
- (6) The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments.

Electronic access to the Montana Natural Heritage Program is available at URL  
<http://nris.state.mt.us/mtnhpf/>

We have a new data request system available via the internet. The URL is:

<http://nris.state.mt.us/reqapp/userMain.htm>

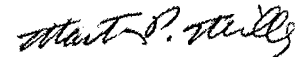
I've assigned your username: mawiley

And password: mawi287

You may wish to change the password as a security measure.


I hope the enclosed information is helpful to you. Please feel free to contact me at (406)-444-3290 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,









Martin P. Miller, Data Assistant  
Montana Natural Heritage Program  
([martinm@state.mt.us](mailto:martinm@state.mt.us))

# Montana Species of Concern Miller Creek Road Project

 Search Area





### Biological Data

-  Vertebrate animal
-  Community
-  Invertebrate animal
-  Nonvascular Plant
-  Other
-  Vascular Plant











### Conservation Easements



### Special Designations

-  ACEC, ONA, Primitive Area
-  RNA
-  Wilderness
-  Wild & Scenic River

### Land Status

-  Bureau of Land Management
-  Bureau of Reclamation
-  Army Corps of Engineers & US Dept of Defense
-  National Park Service
-  US Forest Service
-  Other US Dept of Agriculture
-  US Fish & Wildlife Service
-  Bureau of Indian Affairs Trust
-  Tribal
-  State Trust
-  Montana Fish, Wildlife, & Parks
-  University & Institutions
-  County & City
-  Plum Creek
-  Private Conservation
-  Other private
-  Water



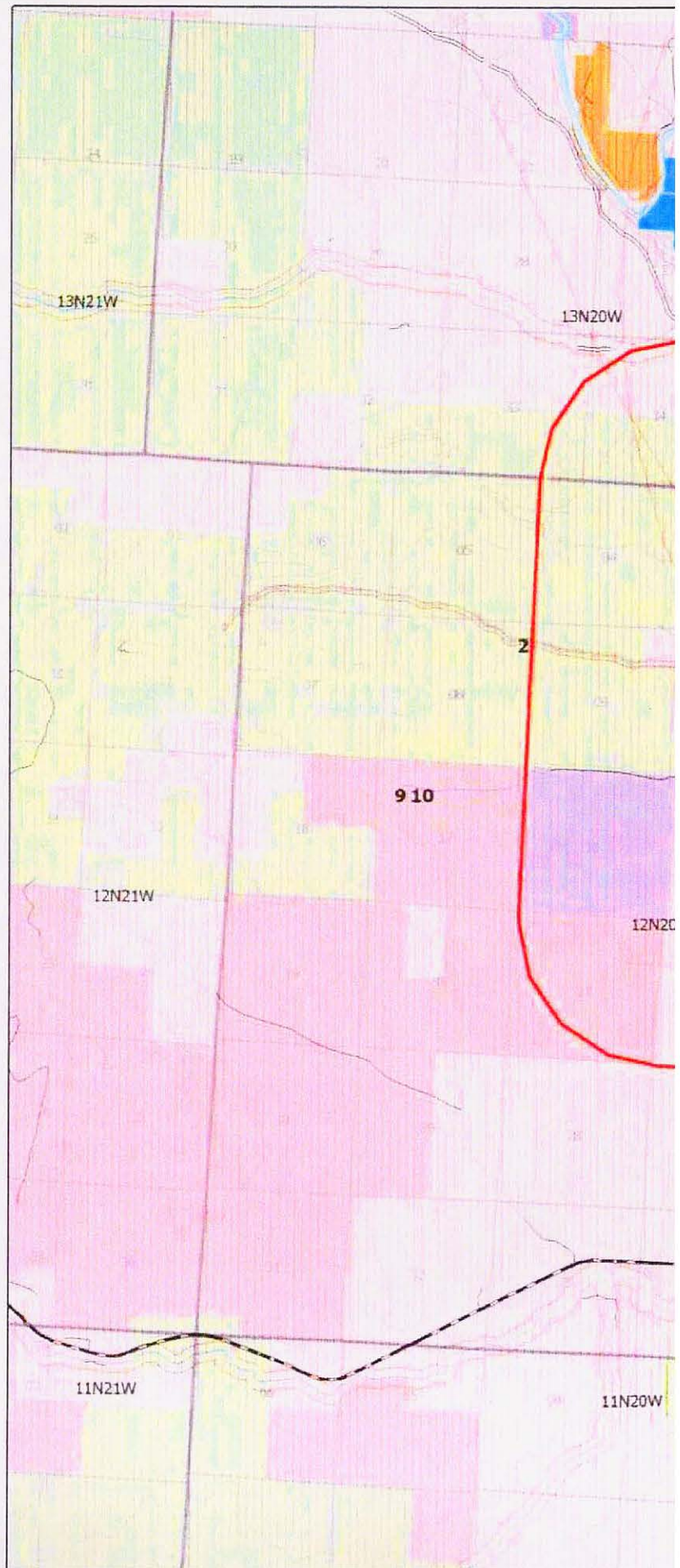

Species locations depicted outside the search area have imprecisely known locations and may actually occur within the search area.

Not all legend items may occur on map.

Features shown on this map do not imply public access to any lands.

This map displays management status, which may differ from ownership.

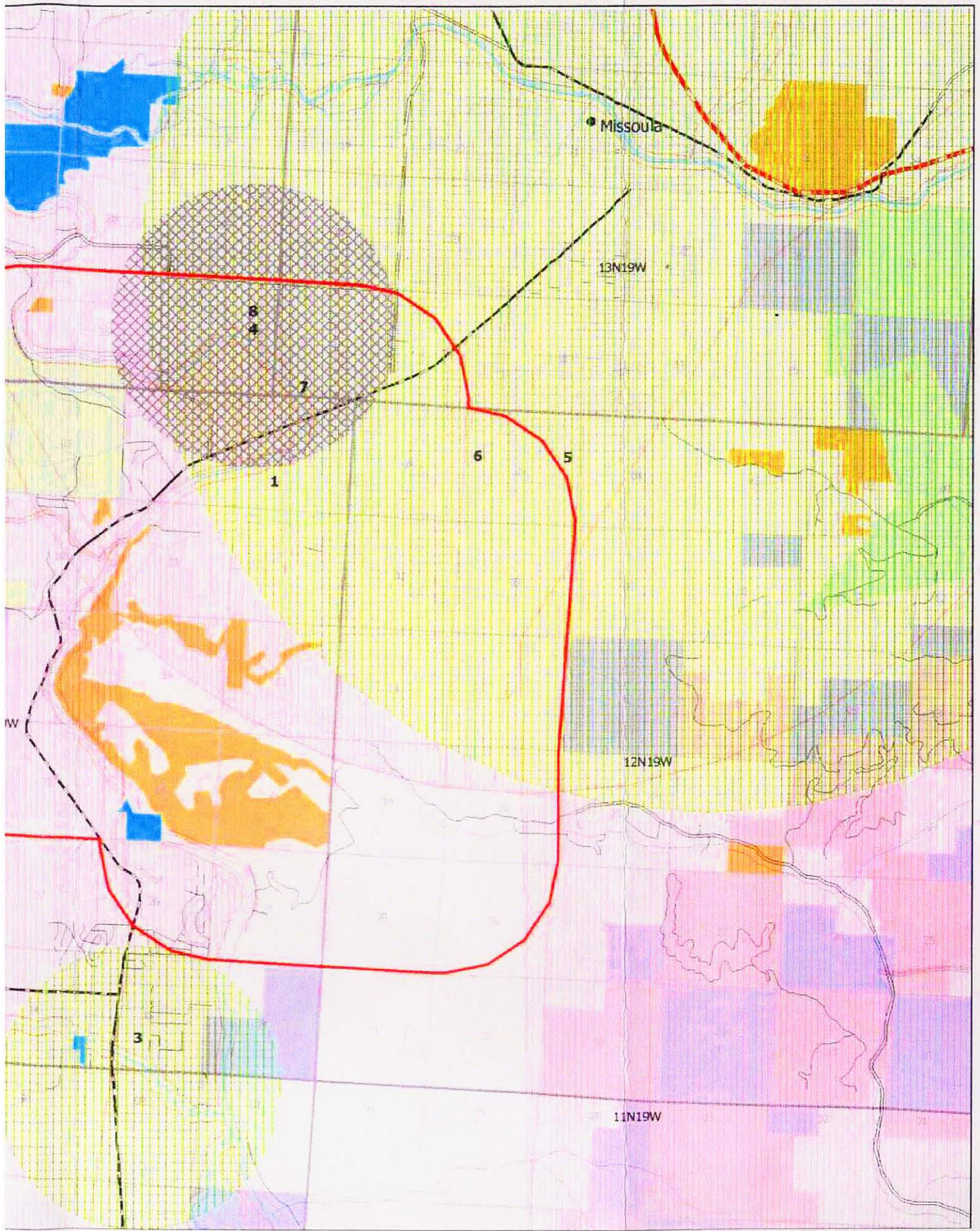
Refer to accompanying documentation for full explanation of map features.

**MONTANA  
Natural Heritage  
Program**

Natural Resource Information System  
Montana State Library  
PO Box 201800  
Helena, MT 59620-1800  
(406) 444-3009 mtnhp@state.mt.us





Missoula

13N19W

12N19W

11N19W

8

4

7

1

6

5

3

0.5 0 0.5 1 1.5 2 2.5 Miles

# Montana Natural Heritage Program

## Locational Information

Representation Accuracy	Low ( >0%, <=20% )		
Size (acres): Observed	16,329	EO Rep. Size (acres):	16,829.1
Min. Elevation (meters)	990	Max. Elevation (meters)	2,700
County	Missoula, Ravalli		
USGS Quadrangle Map	Alta, Bald Top Mountain, Bare Cone, Bender Point, Bing, Blodgett Mountain, Blue Joint, Blue Mountain, Bonner, Boulder Peak, Burnt Fork Lake, Burnt Ridge, Camp Creek, Carlton Lake, Cleveland Mountain, Como Peaks, Corley Gulch, Corvallis, Darby, Davis Point, Deer Mountain, Dick Creek, El Capitan, Elk Mountain, Florence, French Basin, Gash Point, Gird Point, Granite Pass, Grayhorse Creek, Hamilton North, Hamilton South, Henderson Ridge, Horse Creek Pass, Jennings Camp Creek, Kent Peak, Lick Creek, Lolo Hot Springs, Medicine Hot Springs, Mount Jerusalem, Mountain House, Nez Perce Peak, Overwhich Falls, Painted Rocks Lake, Piquett Creek, Piquett Mountain, Printz Ridge, Robbins Gulch, Saint Joseph Peak, Saint Mary Peak, Sawmill Saddle, Schultz Saddle, Shoup, Skalkaho Pass, Southeast Missoula, Southwest Missoula, Stevensville, Sula, Tennile Lake, Tin Cup Lake, Trapper Peak, Victor, Ward Mountain, Watchtower Peak, Whetstone Ridge, Willow Mountain		
Township/Range/Section	001N017W 01, 001N018W 02, 001N018W 10, 001N018W 11, 001N018W 14, 001N018W 15, 001N018W 19, 001N018W 20, 001N018W 23, 001N018W 24, 001N018W 25, 001N018W 28, 001N018W 29, 001N018W 36, 001N019W 12, 001N019W 13, 001N019W 15, 001N019W 16, 001N019W 17, 001N019W 18, 001N019W 19, 001N019W 21, 001N019W 22, 001N019W 24, 001N019W 26, 001N019W 27, 001N019W 34, 001N019W 35, 001N020W 09, 001N020W 10, 001N020W 16, 001N020W 17, 001N020W 24, 001N020W 25, 001N020W 27, 001N020W 34, 001N020W 36, 001N021W 03, 001N021W 04, 001N021W 10, 001N021W 14, 001N021W 15, 001N021W 18, 001N021W 19, 001N021W 20, 001N021W 23, 001N021W 26, 001N021W 35, 001N021W 36, 001N022W 02, 001N022W 03, 001N022W 04, 001N022W 07, 001N022W 08, 001N022W 09, 001N022W 11, 001N022W 12, 001N022W 13, 001N022W 17, 001N022W 18, 001N022W 20, 001N022W 21, 001N022W 22, 001N022W 25, 001N022W 26, 001N022W 27, 001N022W 32, 001N022W 34, 001N022W 35, 001N022W 36, 001N023W 08, 001N023W 17, 001N023W 20, 001N023W 28, 001N023W 29, 001N023W 33, 001S018W 06, 001S019W 01, 001S019W 02, 001S019W 03, 001S019W 04, 001S019W 05, 001S019W 06, 001S019W 07, 001S019W 09, 001S019W 16, 001S020W 02, 001S020W 09, 001S020W 10, 001S020W 15, 001S020W 16, 001S020W 21, 001S020W 22, 001S020W 27, 001S021W 02, 001S021W 03, 001S021W 10, 001S021W 11, 001S021W 15, 001S021W 19, 001S021W 20, 001S021W 21, 001S021W 22, 001S021W 26, 001S021W 27, 001S021W 29, 001S021W 30, 001S021W 31, 001S021W 32, 001S021W 33, 001S021W 34, 001S021W 35, 001S022W 04, 001S022W 05, 001S022W 06, 001S022W 07, 001S022W 08, 001S022W 17, 001S022W 18, 001S022W 25, 001S022W 26, 001S022W 31, 001S022W 32, 001S022W 33, 001S022W 36, 001S023W 04, 001S023W 05, 001S023W 07, 001S023W 09, 001S023W 10, 001S023W 13, 001S023W 14, 001S023W 15, 001S023W 16, 001S023W 17, 001S023W 18, 001S023W 19, 001S023W 20, 001S023W 21, 001S023W 22, 001S023W 24, 001S023W 28, 001S023W 30, 001S023W 31, 001S023W 34, 001S023W 35, 001S024W 03, 001S024W 10, 001S024W 11, 001S024W 13, 001S024W 14, 001S024W 25, 002N016W 19, 002N016W 30, 002N016W 31, 002N017W 04, 002N017W 05, 002N017W 06, 002N017W 08, 002N017W 09, 002N017W 10, 002N017W 11, 002N017W 12, 002N017W 16, 002N017W 36, 002N018W 06, 002N018W 24, 002N018W 25, 002N018W 35, 002N018W 36, 002N019W 01, 002N019W 11, 002N019W 12, 002N020W 07, 002N020W 18, 002N021W 01, 002N021W 02, 002N021W 03, 002N021W 04, 002N021W 05, 002N021W 06, 002N021W 13, 002N021W 23, 002N021W 24, 002N021W 26, 002N021W 27, 002N021W 30, 002N021W 31, 002N021W 32, 002N021W 33, 002N022W 01, 002N022W 02, 002N022W 03, 002N022W 04, 002N022W 06, 002N022W 08, 002N022W 09, 002N022W 10, 002N022W 25, 002N023W 01, 002S021W 02, 002S021W 03, 002S021W 04, 002S021W 05, 002S021W 09, 002S021W 10, 002S021W 33, 002S021W 34, 002S022W 01, 002S022W 02, 002S022W 04, 002S022W 05, 002S022W 06, 002S022W 07, 002S022W 09, 002S022W 10, 002S022W 15, 002S022W 16, 002S022W 17, 002S022W 19, 002S022W 20, 002S022W 22, 002S022W 27, 002S022W 28, 002S022W 31, 002S022W 34, 002S023W 01, 002S023W 02, 002S023W 03, 002S023W 04, 002S023W 05, 002S023W 06, 002S023W 08, 002S023W 09, 002S023W 12, 002S023W 13, 002S023W 14, 002S023W 17, 002S023W 18, 002S023W 19, 002S023W 23, 002S023W 24, 002S023W 30, 002S023W 35, 002S023W 36, 002S024W 24, 002S024W 25, 002S024W 26, 002S024W 35, 002S024W 36, 003N017W 05, 003N017W 06, 003N017W 08, 003N017W 09, 003N017W 15, 003N017W 16, 003N017W 17, 003N017W 20, 003N017W 21, 003N017W 22, 003N017W 27, 003N017W 28, 003N017W 31, 003N017W 33, 003N017W 34, 003N018W 03, 003N018W 04, 003N018W 05, 003N018W 07, 003N018W 08, 003N018W 11, 003N018W 12, 003N018W 14, 003N018W 15, 003N018W 19, 003N018W 20, 003N018W 22, 003N018W 26, 003N018W 27, 003N018W 30, 003N018W 31, 003N018W 32, 003N018W 33, 003N018W 35, 003N018W 36, 003N019W 01, 003N019W 02, 003N019W 06, 003N019W 07, 003N019W 12, 003N019W 18, 003N019W 21, 003N019W 22, 003N019W 23, 003N019W 24, 003N019W 25, 003N019W 28, 003N019W 30, 003N019W 31, 003N019W 32, 003N019W 33, 003N020W 13, 003N020W 24, 003N020W 25, 003N020W 26, 003N020W 27, 003N020W 28, 003N020W 31, 003N020W		

Land Owner/Manager

# Montana Natural Heritage Program

Map Label	Scientific Name	Common Name
3	Cypripedium parviflorum	Small Yellow Lady's-slipper

## Biological Information Species of Concern (Y)/Potential Concern (W): Y

EO Code	PMORC0Q090*005*MT	Global Rank	G5	State Rank	S3
USFWS Endangered Species Status		Forest Service Status	SENSITIVE	BLM Status	WATCH
Observation Dates: Last	1976-05-27	First	1976		
EO Data	UNKNOWN.				
General Description	UNKNOWN; SPECIES OCCURS IN BOGS AND DAMP WOODS.				
General Comments					

## Locational Information

Representation Accuracy	Medium ( >20%, <=80% )				
Size (acres): Observed	3.089	EO Rep. Size (acres):	3,089.5		
Min. Elevation (meters)	990	Max. Elevation (meters)	1,170		
County	Missoula				
USGS Quadrangle Map	Florence, Southwest Missoula				
Township/Range/Section	011N020W 01, 011N020W 02, 011N020W 03, 011N020W 10, 011N020W 11, 011N020W 12, 012N020W 26, 012N020W 34, 012N020W 35, 012N020W 36				
Land Owner/Manager	PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)				

Map Label	Scientific Name	Common Name
4	State champion tree	State Champion Tree

## Biological Information Species of Concern (Y)/Potential Concern (W): Y

EO Code	OCHAMPTREE*029*MT	Global Rank	Z	State Rank	SNR
USFWS Endangered Species Status		Forest Service Status		BLM Status	
Observation Dates: Last	1994-05-26	First	1994-05-26		
EO Data	JUNIPERUS OCCIDENTALIS. TOTAL POINTS 145; CIRCUMFERENCE 81"; HEIGHT 56'; CROWN SPREAD 33'.				
General Description					
General Comments	THIS IS THE LARGEST REPORTED WESTERN JUNIPER IN MONTANA. TREE CONDITION FAIR; TOP IS DYING BUT LOWER CROWN REMAINS HEALTHY.				

## Locational Information

Representation Accuracy	Medium ( >20%, <=80% )				
Size (acres): Observed	3.089	EO Rep. Size (acres):	3,089.5		
Min. Elevation (meters)	990	Max. Elevation (meters)	1,020		
County	Missoula				
USGS Quadrangle Map	Southwest Missoula				
Township/Range/Section	013N020W 36				
Land Owner/Manager	PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)				

# Montana Natural Heritage Program

Map Label	Scientific Name	Common Name
5	<i>Camissonia andina</i>	Obscure Evening-primrose

## Biological Information Species of Concern (Y)/Potential Concern (W): Y

EO Code	PDONA03010*004*MT	Global Rank	G4	State Rank	S2
USFWS Endangered Species Status		Forest Service Status		BLM Status	SENSITIVE
Observation Dates: Last	1934-05-20	First	1934		
EO Data	UNKNOWN.				
General Description	UNKNOWN.				
General Comments	NONE.				

## Locational Information

Representation Accuracy	Low ( >0%, <=20% )				
Size (acres): Observed	49,431	EO Rep. Size (acres):	49,431.4		
Min. Elevation (meters)	960	Max. Elevation (meters)	1,860		
County	Missoula				
USGS Quadrangle Map	Northeast Missoula, Northwest Missoula, Southeast Missoula, Southwest Missoula				
Township/Range/Section	013N019W 27				
Land Owner/Manager	PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)				

Map Label	Scientific Name	Common Name
6	<i>Myotis thysanodes</i>	Fringed Myotis

## Biological Information Species of Concern (Y)/Potential Concern (W): Y

EO Code	AMACC01090*003*MT	Global Rank	G4G5	State Rank	S3
USFWS Endangered Species Status		Forest Service Status		BLM Status	
Observation Dates: Last	1964-09-03	First	1964-09-03		
EO Data	SPECIMEN COLLECTED.				
General Description					
General Comments					

## Locational Information

Representation Accuracy	Low ( >0%, <=20% )				
Size (acres): Observed	49,431	EO Rep. Size (acres):	49,431.4		
Min. Elevation (meters)	960	Max. Elevation (meters)	1,860		
County	Missoula				
USGS Quadrangle Map	Northeast Missoula, Northwest Missoula, Southeast Missoula, Southwest Missoula				
Township/Range/Section	013N019W 28				
Land Owner/Manager	PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)				

# Montana Natural Heritage Program

Map Label	Scientific Name	Common Name
7	<i>Penstemon angustifolius</i>	Narrowleaf Penstemon

Biological Information		Species of Concern (Y)/Potential Concern (W): Y			
EO Code	PDSCR1L0C0*001*MT	Global Rank	G5	State Rank	S2
USFWS Endangered Species Status		Forest Service Status		BLM Status	WATCH
Observation Dates: Last	1933-06-02	First	1924		
EO Data	ANTHERS GLABROUS, STERILE STAMEN YELLOW-BEARDED, COROLLA SKY BLUE, FADING TO PINK.				
General Description	SANDY BANK ABOVE BITTERROOT RIVER.				
General Comments					

Locational Information					
Representation Accuracy	Medium ( >20%, <=80% )				
Size (acres): Observed	3,089			EO Rep. Size (acres):	3,089.5
Min. Elevation (meters)	990			Max. Elevation (meters)	1,020
County	Missoula				
USGS Quadrangle Map	Southwest Missoula				
Township/Range/Section	013N019W 31				
Land Owner/Manager	PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)				

Map Label	Scientific Name	Common Name
8	State champion tree	State Champion Tree

Biological Information		Species of Concern (Y)/Potential Concern (W): Y			
EO Code	OCHAMPTREE*028*MT	Global Rank	Z	State Rank	SNR
USFWS Endangered Species Status		Forest Service Status		BLM Status	
Observation Dates: Last	1994-05-26	First	1994-05-26		
EO Data	JUNIPERUS SCOPULORUM. TOTAL POINTS 121; CIRCUMFERENCE 67"; HEIGHT 48"; CROWN SPREAD 23'.				
General Description					
General Comments	THIS IS THE 2ND LARGEST REPORTED ROCKY MOUNTAIN JUNIPER IN MONTANA. EXTENSIVE INTERNAL DECAY.				

Locational Information					
Representation Accuracy	Medium ( >20%, <=80% )				
Size (acres): Observed	3,089			EO Rep. Size (acres):	3,089.5
Min. Elevation (meters)	990			Max. Elevation (meters)	1,020
County	Missoula				
USGS Quadrangle Map	Southwest Missoula				
Township/Range/Section	013N020W 36				
Land Owner/Manager	PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)				

# Montana Natural Heritage Program

Map Label	Scientific Name	Common Name
9	Salvelinus confluentus pop. 2	Bull Trout - Columbia River

Biological Information		Species of Concern (Y)/Potential Concern (W): Y:			
EO Code	AFCHA05023*001*MT	Global Rank	G3T2Q	State Rank	SNR
JSFWS Endangered Species Status	LT	Forest Service Status		BLM Status	
Observation Dates: Last	1999	First			
EO Data	THIS OCCURRENCE IS BASED ON BUFFERING BY 100 METERS ALL STREAM REACHES AND LAKES/RESERVOIRS THAT (a) HAVE BULL TROUT PRESENT & /or (b) ARE IMPORTANT FOR MIGRATION OR OVER-WINTERING or (c) LINK OCCUPIED STREAM REACHES TO MAJOR RIVERS.				
General Description	STREAM-SPECIFIC DATA ON BULL TROUT PRESENCE ARE AVAILABLE FROM THE "MONTANA RIVERS INFORMATION SYSTEM." <a href="http://NRIS.STATE.MT.US">HTTP://NRIS.STATE.MT.US</a> , OR 406-444-3345.				
General Comments	ARCS REPRESENTING OCCUPIED STREAM SEGMENTS AND NODAL AREAS OBTAINED FROM MONTANA FISH, WILDLIFE & PARKS ON 27 JUNE, 2000. ADDITIONAL STREAM SEGMENTS ARE INCLUDED IN THIS OCCURRENCE TO CONNECT OCCUPIED HEADWATERS WITH THE MAINSTEM. THERE ARE LIKELY ADDITIONAL STREAM SEGMENTS WITH BULL TROUT BEYOND THOSE INCLUDED HERE, SINCE NOT ALL STREAMS HAVE BEEN SURVEYED OR SAMPLED.				

# Montana Natural Heritage Program

Map Label	Scientific Name	Common Name
1	<i>Rotala ramosior</i>	Toothcup

## Biological Information Species of Concern (Y)/Potential Concern (W): Y

EO Code	PDLYT0B030*004*MT	Global Rank	G5	State Rank	S1
USFWS Endangered Species Status		Forest Service Status		BLM Status	
Observation Dates: Last	1987-07-26	First	1967		
EO Data	101-1000 INDIVIDUALS; MANY MORE PLANTS IN 1986 (WET SPRING) THAN 1987.				
General Description	DIVERSE WETLAND SURROUNDING SLOUGH OF BITTERROOT RIVER; TEMPORARILY INUNDATED ECOTONE, WITH CYPERUS ARISTATUS, LIMOSELLA AQUATICA, GRATIOLA NEGLECTA.				
General Comments	AREA USED TO EXERCISE HUNTING DOGS, AND IS SURROUNDED BY RESIDENTIAL AREA; ALSO PREVIOUSLY USED AS A GRAVEL PIT. WOLFFIA PUNCTATA WAS ALSO FOUND HERE IN 1986.				

## Locational Information

Representation Accuracy	High ( >80%, <=95% )				
Size (acres): Observed	2	EO Rep. Size (acres):	7.7		
Min. Elevation (meters)		Max. Elevation (meters)			
County	Missoula				
USGS Quadrangle Map	Southwest Missoula				
Township/Range/Section	012N020W 01				
Land Owner/Manager	PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)				

Map Label	Scientific Name	Common Name
2	<i>Oncorhynchus clarki lewisi</i>	Westslope Cutthroat Trout

## Biological Information Species of Concern (Y)/Potential Concern (W): Y

EO Code	AFCHA02088*029*MT	Global Rank	G4T3	State Rank	S2
USFWS Endangered Species Status		Forest Service Status		BLM Status	SPECIAL STATUS
Observation Dates: Last		First			
EO Data	APPROXIMATE NUMBERS OF STREAMS: - WITH PURE POPULATIONS = 42; - WITH POTENTIALLY PURE POPULATIONS = 29; - WITH 90-99% PURE POPULATIONS = 10. IDENTIFIED 'POPULATION AGGREGATES':NONE.				
General Description	POPULATIONS TESTED PURE IN: AMBROSE, BASS, BEAVER, BLUE JOINT, BOULDER, CAMERON, CHAFFIN, CHICKEN, COAL, DALY, DICK, FRED BURR, GOLD, GRANITE, HUGHES, KOOTENAI, LAIRD, LICK, LITTLE BLUE JOINT, LITTLE BOULDER, MARTIN, MEADOW, MOOSE, N RYE, PIQUETT, RAILROAD, REIMEL, ROARING LION, RYE, SAWTOOTH, SKALKAHO, SLEEPING CHILD, THREEMILE, TOLAN, WEST, WILLOW, & WOODS CREEKS AND THE E, W, BURNT & NEZ PERCE FKs BITTERROOT RIVER.				
General Comments	FOR INFORMATION ON SPECIFIC POPULATIONS, CONTACT MONTANA FISH, WILDLIFE & PARKS OR QUERY THE MONTANA RIVERS INFORMATION SYSTEM @ <a href="http://nris.state.mt.us/wis/mris1.html">http://nris.state.mt.us/wis/mris1.html</a> .				

# Montana Natural Heritage Program

## Locational Information

Representation Accuracy	Low ( >0%, <=20% )		
Size (acres): Observed	595,662	EO Rep. Size (acres):	595,661.9
Min. Elevation (meters)		Max. Elevation (meters)	
County	Deer Lodge, Flathead, Granite, Lake, Lewis and Clark, Lincoln, Mineral, Missoula, Powell, Ravalli, Sanders		
USGS Quadrangle Map	Adair, Ahern Pass, Alberton, Alder Gulch, Alexander Mountain, Allan Mountain, Alta, Anaconda North, Antelope Creek, Arlee, Arrastra Mountain, Avon, Bald Top Mountain, Bare Cone, Barren Peak, Bata Mountain, Bearmouth, Beartrap Mountain, Beaver Lake, Belknap, Belmont Point, Belmore Sloughs, Bend, Bender Point, Berge Peak, Big Hawk Mountain, Big Hole Peak, Big Salmon Lake East, Big Salmon Lake West, Bigfork, Bing, Bison Mountain, Black Pine Ridge, Blacktail, Blodgett Mountain, Blue Joint, Blue Mountain, Blue Point, Bonner, Boulder Lakes, Boulder Peak, Boyd Mountain, Browns Lake, Bruin Hill, Buffalo Bridge, Bull Island, Bull Lake, Burnt Fork Lake, Burnt Ridge, Cabinet, Cable Mountain, Cadotte Creek, Calico Creek, Camas Ridge East, Camas Ridge West, Camp Creek, Capitol Mountain, Carlton Lake, Carpp Ridge, Cedar Lake, Chamberlain Mountain, Charlo, Cilly Creek, Circus Peak, Cleveland Mountain, Clinton, Columbia Falls North, Columbia Falls South, Como Peaks, Condon, Connor Creek, Cook Mountain, Coopers Lake, Corley Gulch, Cornish Gulch, Corvallis, Crater Lake, Crescent Cliff, Creston, Crimson Peak, Crowell Mountain, Cyclone Lake, Cygnet Lake, Danaher Mountain, Darby, Davis Mountain, Davis Point, De Borgia North, De Borgia South, Deer Lodge, Deer Mountain, Demers Ridge, Diamond Point, Dick Creek, Dixon, Doris Mountain, Driveway Peak, Drummond, Dunham Point, Dunkleberg Creek, East Bay, Eddy Mountain, El Capitan, Elephant Peak, Elk Mountain, Elliston, Elmo, Esmeralda Hill, Essex, Eureka North, Eureka South, Felix Peak, Fisher Mountain, Fishtrap Lake, Florence, Fort Connah, Fortine, Fred Burr Lake, French Basin, Frenchtown, Gable Peaks, Garden Point, Garrison, Gash Point, Gateway Pass, Georgetown Lake, Gird Point, Goat Peak, Gold Creek, Gold Creek Peak, Gold Hill, Gooseberry Peak, Granite Pass, Gray Wolf Lake, Greenhorn Mountain, Greenough, Griffin Creek, Grizzly Point, Hahn Creek Pass, Hall, Hamilton North, Hamilton South, Harvey Point, Haugan, Haystack Mountain, Hemlock Lake, Henderson Mountain, Henderson Ridge, Heron, Holland Lake, Horse Creek Pass, Horse Mountain, Howard Lake, Huckleberry Mountain, Hungry Horse, Huson, Ibex Peak, Idaho Gulch, Illinois Peak, Inch Mountain, Iris Point, Jennings Camp Creek, Jewel Basin, Johnson Peak, Kalispell, Kelly Lake, Kenelty Mountain, Kent Peak, Keystone Peak, Kilbrennan Lake, Kintla Lake, Kintla Peak, Knowles, Kootenai Falls, Ksanka Peak, Lake Inez, Lake Marshall, Lake McDonald East, Lake McDonald West, Lake Mountain, Landowner Mountain, Larchwood, Leonia, Libby, Lick Creek, Limestone Ridge, Lincoln, Little Hoodoo Mountain, Lolo Hot Springs, Lookout Pass, Lost Trail Pass, Lozeau, Luke Mountain, Lupine Creek, MacDonald Pass, Marcum Mountain, Marmot Mountain, Maukey Gulch, Maxville, McDonald, McGee Meadow, McGee Peak, Meadow Creek, Medicine Hot Springs, Medicine Tree Hill, Melton Ranch, Miller Lake, Moose Creek, Moose Lake, Moose Peak, Morrell Lake, Morrell Mountain, Mount Bradley, Mount Cannon, Mount Carter, Mount Emerine, Mount Evans, Mount Geduhn, Mount Grant, Mount Haggin, Mount Harding, Mount Headley, Mount Hefty, Mount Jackson, Mount Jerusalem, Mount Marston, Mount Powell, Mount Rockwell, Mount Saint Nicholas, Mount Thompson-Seton, Mountain House, Nevada Mountain, Nez Perce Peak, Nimrod, Northeast Missoula, Northwest Missoula, Noxon, Noxon Rapids Dam, Nyack, Nyack SW, Olney, Orofino Creek, Orofino Mountain, Ovando, Ovando Mountain, Overwhich Falls, Pagoda Mountain, Painted Rocks Lake, Paradise, Peck Lake, Penrose Peak, Pentagon Mountain, Perma, Petty Mountain, Philipsburg, Pikes Peak, Pilot Peak, Pink Mountain, Pinnacle, Pioneer Ridge, Piper-Crow Pass, Piquett Creek, Piquett Mountain, Plains, Polebridge, Polson, Porcupine Creek, Porphyry Reef, Potato Lakes, Potomac, Pozega Lakes, Primrose, Printz Ridge, Priscilla Peak, Proctor, Pulpit Mountain, Quartz Ridge, Quigg Peak, Quinns Hot Springs, Quintonkon, Racetrack, Radnor, Ravalli, Ravenna, Red Meadow Lake, Red Mountain, Red Plume Mountain, Rexfo		



# Montana Natural Heritage Program

Township/Range/Section 001N017W 05, 001N017W 06, 001N018W 01, 001N018W 02, 001N018W 03, 001N018W 05, 001N018W 06, 001N018W 07, 001N018W 10, 001N018W 11, 001N018W 14, 001N018W 15, 001N018W 19, 001N018W 20, 001N018W 23, 001N018W 24, 001N018W 25, 001N018W 28, 001N018W 29, 001N018W 33, 001N018W 34, 001N019W 03, 001N019W 04, 001N019W 07, 001N019W 08, 001N019W 09, 001N019W 10, 001N019W 11, 001N019W 12, 001N019W 13, 001N019W 15, 001N019W 16, 001N019W 17, 001N019W 18, 001N019W 21, 001N019W 22, 001N019W 23, 001N019W 24, 001N019W 26, 001N019W 27, 001N019W 34, 001N019W 35, 001N020W 01, 001N020W 02, 001N020W 03, 001N020W 10, 001N020W 11, 001N020W 12, 001N020W 13, 001N020W 14, 001N020W 22, 001N020W 23, 001N020W 27, 001N020W 34, 001N020W 35, 001N021W 03, 001N021W 04, 001N021W 08, 001N021W 09, 001N021W 10, 001N021W 14, 001N021W 15, 001N021W 16, 001N021W 17, 001N021W 18, 001N021W 19, 001N021W 20, 001N021W 23, 001N021W 25, 001N021W 26, 001N021W 29, 001N021W 30, 001N021W 35, 001N021W 36, 001N022W 07, 001N022W 08, 001N022W 13, 001N022W 17, 001N022W 18, 001N022W 19, 001N022W 20, 001N022W 21, 001N022W 22, 001N022W 25, 001N022W 26, 001N022W 27, 001N022W 29, 001N022W 30, 001N022W 31, 001N022W 32, 001N022W 33, 001N022W 34, 001N022W 35, 001N022W 36, 001N023W 20, 001N023W 24, 001N023W 25, 001N023W 26, 001N023W 28, 001N023W 29, 001N023W 33, 001N023W 36, 001S018W 04, 001S018W 06, 001S019W 01, 001S019W 02, 001S019W 03, 001S019W 04, 001S019W 09, 001S019W 16, 001S019W 21, 001S020W 03, 001S020W 04, 001S020W 07, 001S020W 08, 001S020W 09, 001S020W 10, 001S020W 11, 001S020W 13, 001S020W 14, 001S020W 15, 001S020W 16, 001S020W 17, 001S020W 18, 001S020W 19, 001S020W 20, 001S020W 21, 001S020W 23, 001S020W 28, 001S020W 29, 001S020W 32, 001S020W 33, 001S021W 02, 001S021W 03, 001S021W 13, 001S021W 19, 001S021W 24, 001S021W 29, 001S021W 30, 001S021W 31, 001S021W 32, 001S021W 34, 001S021W 35, 001S022W 01, 001S022W 02, 001S022W 04, 001S022W 05, 001S022W 06, 001S022W 07, 001S022W 08, 001S022W 11, 001S022W 14, 001S022W 15, 001S022W 18, 001S022W 22, 001S022W 23, 001S022W 25, 001S022W 26, 001S022W 31, 001S022W 32, 001S022W 33, 001S022W 34, 001S022W 35, 001S022W 36, 001S023W 04, 001S023W 05, 001S023W 06, 001S023W 07, 001S023W 09, 001S023W 10, 001S023W 13, 001S023W 14, 001S023W 15, 001S023W 16, 001S023W 17, 001S023W 18, 001S023W 20, 001S023W 21, 001S023W 34, 001S023W 35, 001S024W 11, 001S024W 13, 001S024W 14, 002N015W 06, 002N016W 01, 002N016W 03, 002N016W 16, 002N016W 18, 002N016W 19, 002N016W 20, 002N016W 21, 002N016W 29, 002N016W 30, 002N017W 02, 002N017W 03, 002N017W 04, 002N017W 05, 002N017W 06, 002N017W 08, 002N017W 09, 002N017W 10, 002N017W 11, 002N017W 16, 002N017W 17, 002N017W 19, 002N017W 20, 002N017W 21, 002N017W 22, 002N017W 23, 002N017W 24, 002N017W 25, 002N017W 26, 002N017W 27, 002N017W 30, 002N017W 31, 002N017W 32, 002N017W 35, 002N018W 06, 002N018W 23, 002N018W 24, 002N018W 25, 002N018W 26, 002N018W 27, 002N018W 28, 002N018W 32, 002N018W 33, 002N018W 35, 002N018W 36, 002N019W 01, 002N019W 10, 002N019W 11, 002N019W 12, 002N019W 15, 002N019W 21, 002N019W 22, 002N019W 27, 002N019W 28, 002N019W 34, 002N020W 06, 002N020W 07, 002N020W 08, 002N020W 16, 002N020W 17, 002N020W 18, 002N020W 20, 002N020W 21, 002N020W 22, 002N020W 27, 002N020W 34, 002N020W 35, 002N021W 01, 002N021W 02, 002N021W 03, 002N021W 04, 002N021W 05, 002N021W 06, 002N021W 13, 002N021W 16, 002N021W 17, 002N021W 19, 002N021W 20, 002N021W 21, 002N021W 22, 002N021W 23, 002N021W 24, 002N021W 26, 002N021W 27, 002N021W 28, 002N021W 30, 002N021W 31, 002N021W 32, 002N021W 33, 002N021W 34, 002N022W 25, 002S020W 03, 002S020W 04, 002S020W 05, 002S020W 06, 002S020W 07, 002S020W 08, 002S020W 09, 002S020W 14, 002S020W 15, 002S020W 18, 002S020W 20, 002S020W 21, 002S020W 22, 002S020W 29, 002S020W 30, 002S020W 31, 002S021W 02, 002S021W 03, 002S021W 04, 002S021W 05, 002S021W 09, 002S021W 10, 002S021W 12, 002S021W 13, 002S021W 14, 002S021W 15, 002S021W 16, 002S021W 18, 002S021W 19, 002S021W 20, 002S021W 21, 002S021W 22, 002S021W 32, 002S021W

Land Owner/Manager

Map Label	Scientific Name	Common Name
10	Felis lynx	Lynx

**Biological Information** Species of Concern (Y)/Potential Concern (W): Y

EO Code AMAJH03010\*450\*MT Global Rank G5 State Rank S3

USFWS Endangered Species Status PS:LT Forest Service Status BLM Status

Observation Dates: Last First

EO Data

General Description

General Comments

# Montana Natural Heritage Program

## Locational Information

Representation Accuracy

Size (acres): Observed

EO Rep. Size (acres): 22,494,297.8

Min. Elevation (meters)

Max. Elevation (meters)

County

Beaverhead, Carbon, Cascade, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Jefferson, Judith Basin, Lake, Lewis and Clark, Lincoln, Madison, Meagher, Mineral, Missoula, Park, Pondera, Powell, Ravalli, Sanders, Silver Bow, Stillwater, Sweet Grass, Teton, Wheatland

USGS Quadrangle Map

Adair, Ahern Pass, Ajax Ranch, Alberton, Alder, Alder Gulch, Alexander Mountain, Allan Mountain, Alpine, Alta, Amelong Creek, Amphitheatre Mountain, Anaconda North, Anaconda South, Antelope Creek, Argenta, Arlee, Arrastra Mountain, Arsenic Mountain, Ash Mountain, Ashley Mountain, Austin, Avon, Babb, Bachelor Mountain, Baggs Creek, Bailey Mountain, Bald Hills, Bald Knob, Bald Top Mountain, Baldy Lake, Bandbox Mountain, Banfield Mountain, Bannock Pass, Bare Cone, Bare Mountain, Barker, Barr Creek, Barren Peak, Basin, Bassoo Peak, Bata Mountain, Beacon Point, Bean Lake, Bear Trap Creek, Bearmouth, Beartrap Mountain, Beaver Lake, Beehive, Belknap, Belmont Point, Belmore Sloughs, Belt Park Butte, Benchmark, Bend, Bender Point, Benning Mountain, Berge Peak, Big Draw, Big Hawk Mountain, Big Hole Battlefield, Big Hole Pass, Big Hole Peak, Big Horn Peak, Big Rock, Big Salmon Lake East, Big Salmon Lake West, Big Table Mountain, Bigfork, Bighorn Mountain, Bison Canyon, Bison Mountain, Black Mountain, Black Peak, Black Pine Ridge, Black Pyramid Mountain, Blacktail, Blacktail Deer Creek, Blankenbaker Flats, Blodgett Mountain, Bloom Peak, Blowout Mountain, Blue Grass Ridge, Blue Joint, Blue Mountain, Blue Point, Bohannon Spring, Bonner, Bonnet Top, Boston Coulee School, Boulder Lakes, Boulder Peak, Bowen Lake, Boyd Mountain, Bozeman Pass, Brays Canyon, Brisbin, Broomtail Ridge, Browns Lake, Bruin Hill, Bubbling Springs, Bucks Nest, Buffalo Bridge, Buffalo Lake NE, Bull Island, Bull Lake, Bungalow Mountain, Burke, Burnt Fork Lake, Burnt Mountain, Burnt Ridge, Butch Hill, Butte North, Buxton, Cabinet, Cable Mountain, Cadotte Creek, Calico Creek, Calvert, Calx Mountain, Camas Prairie, Camas Ridge East, Camas Ridge West, Camp Creek, Campfire Lake, Canuck Peak, Canyon Creek, Capitol Mountain, Caribou Peak, Carlton Lake, Carpp Ridge, Castagne, Castle Mountain, Castle Reef, Castle Town, Cathedral Peak, Cathedral Point, Cattle Gulch, Cave Mountain, Cayuse Basin, Cedar Lake, Chamberlain Mountain, Charcoal Gulch, Checkerboard, Cherry Creek Canyon, Cherry Lake, Chessman Reservoir, Chief Mountain, Chimney Lakes, Chimney Rock, Chrome Mountain, Cilly Creek, Cinnamon Peak, Cinnamon Spring, Circus Peak, Cirque Lake, Clark Mountain, Cleveland Mountain, Cliff Lake, Clinton, Clyde Park, Columbia Falls North, Columbia Falls South, Comb Rock, Como Peaks, Condon, Coney Peak, Conleys Lake, Connor Creek, Cook Mountain, Cooke City, Coopers Lake, Corley Gulch, Cornish Gulch, Corral Creek, Corvallis, Coxcombe Butte, Coyote Creek, Crater Lake, Crazy Peak, Crescent Cliff, Creston, Crimson Peak, Cripple Horse Mountain, Crowell Mountain, Curley Creek, Cut Bank Pass, Cutoff Mountain, Cyclone Lake, Cygnet Lake, Dahl Lake, Dailey Lake, Daisy Peak, Danaher Mountain, Darby, Davis Mountain, Davis Point, De Borgia North, De Borgia South, Deadman Pass, Deep Creek Park, Deer Creek, Deer Lodge, Deer Mountain, Deer Peak, Demers Ridge, Devils Footstool, Dewey, Dexter Point, Diamond Point, Dick Creek, Dickie Hills, Dickie Peak, Divide Lake, Dixon, Dome Mountain, Doris Mountain, Double Falls, Driveway Peak, Drummond, Duck Lake, Dunham Point, Dunkleberg Creek, Dunsire Point, Ear Mountain, Earthquake Lake, East Bay, East Glacier Park, Eddy Mountain, Edna Mountain, Eightmile Creek, El Capitan, Electric Peak, Elephant Peak, Elevation Mountain, Elk Creek, Elk Mountain, Elk Park Pass, Elk Springs, Elkhorn Hot Springs, Ellis Canyon, Elliston, Elmo, Elton, Emerald Lake, Emigrant, Ennis, Ennis Lake, Ermont, Esmeralda Hill, Essex, Ettien Spring, Eureka Basin, Eureka North, Eureka South, Evans, Evaro, Everson Creek, Fairview Peak, Fan Mountain, Felix Peak, Finn, Fish Lake, Fisher Mountain, Fishtail, Fishtrap Lake, Flatiron Mountain, Flint Mountain, Florence, Foolhen Mountain, Fort Connah, Fortine, Fossil Lake, Fourmile Spring, Fox Creek, Fox Gulch, Fred Burr Lake, Freezeout Mountain, French Basin, Frenchtown, Fridley Peak, Gable Mountain, Gable Peaks, Gallatin Gateway, Gallatin Peak, Garden Poin

# Montana Natural Heritage Program

Township/Range/Section 0, 001N009W 03, 001N009W 04, 001N009W 05, 001N009W 06, 001N009W 07, 001N009W 08, 001N009W 09, 001N009W 16, 001N009W 17, 001N009W 18, 001N009W 19, 001N009W 20, 001N009W 21, 001N009W 29, 001N009W 30, 001N009W 31, 001N009W 32, 001N010W 01, 001N010W 02, 001N010W 03, 001N010W 04, 001N010W 05, 001N010W 06, 001N010W 07, 001N010W 08, 001N010W 09, 001N010W 10, 001N010W 11, 001N010W 12, 001N010W 13, 001N010W 14, 001N010W 15, 001N010W 16, 001N010W 17, 001N010W 18, 001N010W 19, 001N010W 20, 001N010W 21, 001N010W 22, 001N010W 23, 001N010W 24, 001N010W 25, 001N010W 26, 001N010W 27, 001N010W 28, 001N010W 29, 001N010W 30, 001N010W 31, 001N010W 32, 001N010W 33, 001N010W 34, 001N010W 35, 001N010W 36, 001N011W 01, 001N011W 02, 001N011W 03, 001N011W 04, 001N011W 05, 001N011W 06, 001N011W 07, 001N011W 08, 001N011W 09, 001N011W 10, 001N011W 11, 001N011W 12, 001N011W 13, 001N011W 14, 001N011W 15, 001N011W 16, 001N011W 17, 001N011W 18, 001N011W 19, 001N011W 20, 001N011W 21, 001N011W 22, 001N011W 23, 001N011W 24, 001N011W 25, 001N011W 26, 001N011W 27, 001N011W 28, 001N011W 29, 001N011W 30, 001N011W 31, 001N011W 32, 001N011W 33, 001N011W 34, 001N011W 35, 001N011W 36, 001N012W 01, 001N012W 02, 001N012W 03, 001N012W 04, 001N012W 05, 001N012W 06, 001N012W 07, 001N012W 08, 001N012W 09, 001N012W 10, 001N012W 11, 001N012W 12, 001N012W 13, 001N012W 14, 001N012W 15, 001N012W 16, 001N012W 17, 001N012W 18, 001N012W 19, 001N012W 20, 001N012W 21, 001N012W 22, 001N012W 23, 001N012W 24, 001N012W 25, 001N012W 26, 001N012W 27, 001N012W 28, 001N012W 29, 001N012W 30, 001N012W 31, 001N012W 32, 001N012W 33, 001N012W 34, 001N012W 35, 001N012W 36, 001N013W 01, 001N013W 02, 001N013W 03, 001N013W 04, 001N013W 05, 001N013W 07, 001N013W 08, 001N013W 09, 001N013W 10, 001N013W 11, 001N013W 12, 001N013W 13, 001N013W 14, 001N013W 15, 001N013W 16, 001N013W 17, 001N013W 18, 001N013W 19, 001N013W 20, 001N013W 21, 001N013W 22, 001N013W 23, 001N013W 24, 001N013W 25, 001N013W 26, 001N013W 27, 001N013W 28, 001N013W 29, 001N013W 30, 001N013W 31, 001N013W 32, 001N013W 33, 001N013W 34, 001N013W 35, 001N013W 36, 001N014W 02, 001N014W 03, 001N014W 04, 001N014W 05, 001N014W 06, 001N014W 07, 001N014W 08, 001N014W 09, 001N014W 10, 001N014W 16, 001N014W 17, 001N014W 18, 001N014W 19, 001N014W 20, 001N014W 24, 001N014W 25, 001N014W 26, 001N014W 27, 001N014W 30, 001N014W 33, 001N014W 34, 001N014W 35, 001N014W 36, 001N015W 01, 001N015W 02, 001N015W 03, 001N015W 04, 001N015W 05, 001N015W 06, 001N015W 07, 001N015W 08, 001N015W 09, 001N015W 10, 001N015W 11, 001N015W 12, 001N015W 13, 001N015W 14, 001N015W 15, 001N015W 16, 001N015W 17, 001N015W 18, 001N015W 19, 001N015W 20, 001N015W 21, 001N015W 22, 001N015W 23, 001N015W 24, 001N015W 25, 001N015W 26, 001N015W 27, 001N015W 28, 001N015W 29, 001N015W 30, 001N015W 31, 001N015W 32, 001N015W 33, 001N015W 34, 001N015W 35, 001N016W 01, 001N016W 02, 001N016W 03, 001N016W 04, 001N016W 05, 001N016W 06, 001N016W 07, 001N016W 08, 001N016W 09, 001N016W 10, 001N016W 11, 001N016W 12, 001N016W 13, 001N016W 14, 001N016W 15, 001N016W 16, 001N016W 17, 001N016W 18, 001N016W 19, 001N016W 20, 001N016W 21, 001N016W 22, 001N016W 23, 001N016W 24, 001N016W 25, 001N016W 26, 001N016W 27, 001N016W 28, 001N016W 29, 001N016W 30, 001N016W 31, 001N016W 32, 001N016W 33, 001N016W 34, 001N016W 35, 001N017W 01, 001N017W 02, 001N017W 03, 001N017W 04, 001N017W 05, 001N017W 06, 001N017W 07, 001N017W 08, 001N017W 09, 001N017W 10, 001N017W 11, 001N017W 12, 001N017W 13, 001N017W 14, 001N017W 15, 001N017W 16, 001N017W 17, 001N017W 18, 001N017W 19, 001N017W 20, 001N017W 21, 001N017W 22, 001N017W 23, 001N017W 24, 001N017W 25, 001N017W 26, 001N017W 27, 001N017W 28, 001N017W 29, 001N017W 30, 001N017W 31, 001N017W 32, 001N017W 33, 001N017W 34, 001N017W 35, 001N018W 01, 001N018W 02, 001N018W 03, 001N018W 04, 001N018W 05, 001N018W 06, 001N018W 07, 001N018W 08, 001N018W 09, 001N018W 10, 001N018W 11, 001N018W 12, 001N018W 13, 001N018W 14, 001N018W 15, 001N018W 16, 001N018W 17, 001N0

Land Owner/Manager

# Montana Natural Heritage Program

P.O. Box 201800  
1515 East Sixth Avenue  
Helena, Montana 59620-1800  
(406) 444-3009  
<http://nris.state.mt.us>

## Explanation of Element Occurrence Reports

Since 1985, the Montana Natural Heritage Program (MTNHP) has been compiling and maintaining an inventory of the elements of biological diversity in Montana. This inventory includes plant species, animal species, plant communities, and other biological features that are rare, endemic, disjunct, threatened or endangered throughout their range in Montana, vulnerable to extirpation from Montana, or in need of further research.

Individual species, communities, or biological features are referred to as "elements." An "element occurrence" generally falls in one of the following categories:

**Plants:** A documented location of a plant population. In some instances, adjacent, spatially separated clusters are considered subpopulations and are grouped as one occurrence (e.g., the subpopulations occur in ecologically similar habitats, and are within approximately one air mile of one another).

**Animals with limited mobility** (most invertebrates, amphibians, reptiles, small mammals, most fish): The location of a specimen collection or of a verified sighting; assumed to represent a breeding population. Additional collections or sightings are often appended to the original record.

**Mobile or migratory animals** (most birds and larger mammals, some fish): Breeding areas (including nesting territories, dens and leks) and significant aggregation sites (winter feeding areas, staging grounds, or hibernacula).

**Communities:** All contiguous, high-quality habitat as defined by physical and biological features.

**Other:** Significant biological features not included in the above categories, such as bird rookeries, peatlands, or state champion trees.



The quantity and quality of data contained in MTNHP reports is dependent on the research and observations of the many individuals and organizations who contribute information to the program.

Please keep in mind that the absence of information for an area does not mean the absence of significant biological features. Reports produced by the Montana Natural Heritage Program summarize information known to the program at the time of a request. These reports are not intended as a final statement on the elements or areas being considered, nor are they a substitute for on-site surveys which may be required for environmental assessments.

As a user of MTNHP, your contributions of data are essential to maintaining the accuracy of our data bases. New or updated location information for all species of special concern is always welcome.

We encourage you to visit our website at <http://nris.state.mt.us/mtnhp/>. On-line tools include species lists, an electronic version of *Montana Bird Distribution*, and search capabilities by county, management unit, or USGS 7.5' quadrangle. Also available is the *Montana Rare Plant Field Guide*, which contains photos, high-quality diagnostic illustrations, and supporting information for over 300 rare plant species in Montana.

Certain codes and abbreviations are used in element occurrence reports. Although many of these are very straightforward, the following explanations should answer most questions.

### Global Rank and State Rank

Taxa are evaluated and ranked by MTNHP on the basis of their global (range-wide) status, and their state-wide status according to a standardized procedure.

For each level of distribution, global and state, species are assigned a numeric rank ranging from 1 (critically imperiled) to 5 (demonstrably secure). For example, Clustered lady's-slipper (*Cypripedium fasciculatum*) is ranked G4 S2. That is, globally the species is apparently secure, while in Montana it is imperiled because of rarity, or because of other factors making it demonstrably vulnerable to extirpation.

#### Rank      Definition

- |   |  |
|---|--|
| 1 | Critically imperiled because of extreme rarity, or because of some factor of its biology making it especially vulnerable to extirpation. |
| 2 | Imperiled because of rarity, or because of other factors demonstrably making it very vulnerable to extinction throughout its range.      |
| 3 | Vulnerable because of rarity, or found in a restricted range even though it may be abundant at some of its locations.                    |
| 4 | Apparently secure, though it may be quite rare in parts of its range, especially at the periphery.                                       |
| 5 | Demonstrably secure, though it may be quite rare in parts of its range, especially at the periphery.                                     |
| U | Possibly in peril but status uncertain; more information needed.   |
| H | Historical, known only from records over 50 years ago; may be rediscovered.  |
| X | Believed to be extinct; historical records only.   |

#### Other Global and State Rank codes:

- |   |   |
|---|---|
| T | Rank for a subspecies or variety; appended to the global rank for the full species, e.g., G4T3.   |
| Q | Taxonomic questions or problems involved; more information needed.  |
| ? | Inexact or uncertain.   |
| Z | Ranking not applicable.   |
| A | Accidental in the state. Includes species (usually birds or butterflies) recorded very infrequently, hundreds or thousands of miles outside their usual range.  |
| B | A state rank modifier indicating breeding status for a migratory species. Example: S1B, SZN = breeding occurrences for the species are ranked S1 (critically imperiled) in the state; non-breeding occurrences are not ranked in the state. |
| # | A modifier to SX or SH: the species has been reintroduced but the population is not yet established.  |

### **U. S. Fish And Wildlife Service Endangered Species Act Status**

Abbreviations indicate the categories defined in the U.S. Fish and Wildlife Service Notice of Review and indicate the status of a taxon under the federal Endangered Species Act of 1973 (16 U.S.C.A. §1531-1543 (Supp. 1996)).

Note: the categories C2, 3B and 3C are no longer maintained by the U.S. Fish and Wildlife Service (61 FR 7596, Feb. 28, 1996).

Current categories are:

- |    |   |
|----|---|
| LE | listed endangered   |
| LT | listed threatened   |
| PE | proposed endangered   |
| PT | proposed threatened   |
| C  | candidate: Substantial information exists in U.S. Fish and Wildlife files on biological vulnerability to support proposals to list as threatened or endangered. |

- NL not listed or no designation (see below)
- XN non-essential experimental population
- (PS) Indicates "partial status" - status in only a portion of the species' range. Typically indicated in a "full" species record where an infraspecific taxon or population, that has a record in the database, has USESA status, but the entire species does not.

(PS:value) Indicates "partial status" - status in only a portion of the species' range. The value of that status appears in parentheses because the entity with status is not recognized as a valid taxon by Central Sciences (usually a population defined by geopolitical boundaries or defined administratively, such as experimental populations).

A species can have more than one federal designation if the species' status varies within its range. In these instances, the Montana designation is listed first. Example: LELT = species is listed as endangered in Montana; elsewhere in its range it is listed as threatened.

### U.S. Forest Service Status

The status of species on Forest Service lands as defined by the U.S. Forest Service manual (2670.22). These taxa are listed as such by the Regional Forester (Northern Region) on National Forests in Montana. Species are listed as:

T/E/P listed as Threatened (LT) or Endangered (LE) under the Endangered Species Act or proposed for listing (P), and known or suspected to occur on national forests.

S sensitive species, subspecies or variety, for which the Regional Forester has determined there is a concern for population viability rangewide or in the region.

### Bureau of Land Management Status

The status of species on Bureau of Land Management land is defined by the BLM 6840 manual and designated by the Montana State Office of the BLM in 1996:

S Special Status animals and Sensitive plant species: proven to be imperiled in at least part of its range and documented to occur on BLM lands.

W watch species: either known to be imperiled and suspected to occur on BLM lands, suspected to be imperiled and documented on BLM lands, or needing further study for other reasons.

### Other terms that may be used in this report

USGS quadrangle – Name of the 7.5-minute USGS topographic map(s) where the population is located.

Township, range, section, TRS comments - legal description of the centroid of the population and, if known, additional townships or sections. TRS locators may be based on unsurveyed townships; in such cases, the locators are derived from U. S. Forest Service visitor maps or from BLM surface management status maps. This is done for convenience in describing species locations; the information does not necessarily indicate legal boundaries.

Representation Accuracy – represents the assigned level of how accurately the final EO Rep reflects the original observed area (estimated value).

Very High	(>95%)
High	(>80%, <=95%)
Medium	(>20%, <=80%)
Low	(>0%, <=20%)

Last observation: date the element was last observed extant at the site (not necessarily the date the site was last visited).

Land Owner/manager – the ownership or management of the land on which the element occurs. Areas are generally listed from smallest to largest. In most instances, this information is derived from U.S. Forest Service visitor maps or from BLM surface management status maps.

Please remember that this report is a summary of information. Additional data are available on most sites and species. If you have questions or need further assistance, please contact us either by phone at (406/444-0914), e-mail (mtnhp@state.mt.us) or at the mailing address shown on the first page.

## PLEASE READ

In the past, the Montana Natural Heritage Program represented the majority of element occurrence (EO) locations as points, as well as a few polygons. During the summer of 2002, the Heritage Program began implementing a new methodology that depicts all EOs as polygons. These polygons represent one or more related “source features” (observations or collections upon which the occurrence is based), as well as any locational uncertainty (the area within which the species or population could occur). Locational uncertainty is important because the accuracy of a recorded location may vary with the data collector’s experience, techniques and equipment, the thoroughness of the survey, and the amount and type of information recorded.

As we map new EOs, the polygons or “EO representations” that we create should portray locations quite accurately. However, EO data that was migrated from our old system to the new one will have some additional problems. Some of our more generally located EOs became HUGE polygons that clearly include a larger area of uncertainty than is justified by locational descriptions and the element’s habitat requirements. We are currently reviewing existing EOs to reduce those polygonal representations to better reflect the likely area of occurrence. Although this work has high priority, it will take some time to complete. We appreciate your understanding during this period. If you have a question concerning a specific EO, please do not hesitate to contact us.



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

MONTANA FIELD OFFICE  
100 N. PARK, SUITE 320  
HELENA, MONTANA 59601  
PHONE (406) 449-5225, FAX (406) 449-5339

M.17 FHWA - Miller Creek Rd.

August 20, 2003

Martha Wiley  
David Evans and Associates, Inc.  
West 110 Cataldo  
Spokane, Washington 99201

Dear Ms. Wiley:

This is in response to your April 1, 2003 letter regarding the Federal Highway Administration's proposal to provide an alternate access route to the City of Missoula via Miller Creek Road in Missoula County, Montana. Your letter requested information the U.S. Fish and Wildlife Service (Service) may have pertaining to threatened and endangered (T/E) species that may occur in the proposed project area. These comments have been prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

In accordance with section 7(c) of the Act, the Service has determined that the following threatened, endangered, proposed and candidate species or critical habitat may be present in the vicinity of the project area:

#### Listed Species

#### Expected Occurrence

bald eagle ( <i>Haliaeetus leucocephalus</i> ); threatened	spring or fall migrant; nesting nearby; winter resident along Bitterroot River
bull trout ( <i>Salvelinus confluentus</i> ); threatened	resident in Bitterroot River
Canada lynx ( <i>Lynx canadensis</i> ); threatened	may occur in nearby forested areas
grizzly bear ( <i>Ursus arctos horribilis</i> ); threatened	possible transient in adjacent areas
gray wolf ( <i>Canis lupus</i> ); non-essential experimental	transient in general vicinity
<u>Proposed Species or Critical Habitat</u>	
bull trout critical habitat	Bitterroot River provides foraging, migratory, and over-wintering habitat



<u>Candidate Species</u>	<u>Expected Occurrence</u>
yellow-billed cuckoo ( <i>Coccyzus americanus</i> )	riparian areas with cottonwood and willow trees

On November 22, 1994, the Service approved a plan to establish non-essential experimental populations of gray wolves in Yellowstone National Park and central Idaho. Rules published in the *Federal Register* designate gray wolves in each area as non-essential experimental populations under section 10(j) of the Act. Within the designated non-essential experimental population areas described and depicted in the rules, all gray wolves will be managed in accordance with the provisions outlined in the rules, which include the following:

- a) For section 7 consultation purposes, wolves designated as non-essential experimental that are within the boundaries of any unit of the National Park or National Wildlife Refuge systems are treated as a threatened species. As such, the section 7 procedures for listed species would apply to Federal actions within National Parks and National Wildlife Refuges.
- b) Wolves designated as non-essential experimental that are not within units of the National Park or National Wildlife Refuge systems, but are within the boundaries of the non-essential experimental population area, are treated as proposed species for section 7 purposes. As such, Federal agencies are only required to confer with the Service when they determine that an action they authorize fund or carry out "is likely to jeopardize the continued existence" of the species.
- c) Wolves occurring outside the central Idaho and Yellowstone non-essential experimental population areas retain their threatened status.

This proposed project lies within the central Idaho non-essential experimental population area. The central Idaho experimental population area includes portions of Idaho south of Interstate 90 and west of Interstate 15. It also includes a corner of Montana south of Interstate 90, east of Highway 93 as it runs south of Missoula, south of Highway 12 to Lolo pass, and west of Interstate 15.

Section 7(c) of the Act requires that federal agencies proposing major construction activities complete a biological assessment to determine the effects of the proposed actions on listed and proposed species and use the biological assessment to determine whether formal consultation is required. A major construction activity is defined as "a construction project (or other undertaking having similar physical impacts) which is a major federal action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act (NEPA)" (50 CFR Part 402). If a biological assessment is not required (i.e., all other actions), the federal agency is still required to review their proposed activities to determine

whether listed species may be affected. If such a determination is made, consultation with the Service is required.

For those actions wherein a biological assessment is required, the assessment should be completed within 180 days of initiation. This time frame can be extended by mutual agreement between the federal agency or its designated non-federal representative and the Service. If an assessment is not initiated within 90 days, this list of T/E species should be verified with the Service prior to initiation of the assessment. The biological assessment may be undertaken as part of the federal agency's compliance of section 102 of NEPA and incorporated into the NEPA documents. We recommend that biological assessments include the following:

1. A description of the project.
2. A description of the specific area that may be affected by the action.
3. The current status, habitat use, and behavior of T/E species in the project area.
4. Discussion of the methods used to determine the information in Item 3.
5. An analysis of the affects of the action on listed species and proposed species and their habitats, including an analysis of any cumulative effects.
6. Coordination/mitigation measures that will reduce/eliminate adverse impacts to T/E species.
7. The expected status of T/E species in the future (short and long term) during and after project completion.
8. A determination of "is likely to adversely affect" or "is not likely to adversely affect" for listed species.
9. A determination of "is likely to jeopardize" or "is not likely to jeopardize" for proposed species.
10. Citation of literature and personal contacts used in developing the assessment.

If it is determined that a proposed program or project "is likely to adversely affect" any listed species, formal consultation should be initiated with this office. If it is concluded that the project "is not likely to adversely affect" listed species, the Service should be asked to review the assessment and concur with the determination of no adverse effect.

Pursuant to section 7(a) (4) of the Act, if it is determined that any proposed species may be jeopardized, the federal agency should initiate a conference with the Service to discuss conservation measures for those species. For more information regarding species of concern occurring in the project areas, including proposed and candidate species, please contact the Montana Natural Heritage Program, 1515 East 6th Ave., Helena, 59601, (406) 444-3009.

A federal agency may designate a non-federal representative to conduct informal consultation or prepare biological assessments. However, the ultimate responsibility for Section 7 compliance remains with the federal agency and written notice should be provided to the Service upon such a designation. We recommend that federal agencies provide their non-federal representatives with

proper guidance and oversight during preparation of biological assessments and evaluation of potential impacts to listed species.

Section 7(d) of the Act requires that the federal agency and permit/applicant shall not make any irreversible or irretrievable commitment of resources which would preclude the formulation of reasonable and prudent alternatives until consultation on listed species is completed.


Power lines in the vicinity, if not properly constructed, could pose electrocution hazards for bald eagles. To conserve eagles and other large raptors protected by federal law, we urge that any power lines that need to be modified or reconstructed as a result of these projects be raptor-proofed following the criteria and techniques similar to those outlined in the publication, "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996." A copy may be obtained from: Jim Fitzpatrick, Treasurer, Carpenter Nature Center, 12805 St. Croix Trail South, Hastings, MN 55033. The use of such techniques would likely be most beneficial adjacent to expected raptor foraging areas (i.e., stream crossings or wetlands that support populations of waterfowl).

One of the primary components likely to be included in the proposed project includes the construction of a new bridge over the Bitterroot River. Bridges that do not allow for inevitable migration of the stream channel will require extensive erosion control in the foreseeable future. These increased bank stabilization activities, including riprap, have both indirect and direct cumulative impacts that significantly affect the physical, chemical and biological dynamics of the stream and its associated aquatic resources. As cumulative effects to these resources increase, the option to riprap and stabilize stream channels upstream of bridges may no longer be viable. The Service recommends that the design of stream crossings include an analysis of cumulative indirect and direct impacts including calculation of bedload dynamics and future bridge maintenance activities and the consideration of additional bridge length as a means of ameliorating these impacts.

It appears likely that the proposed project may impact wetlands or other waters of the United States and that Corps of Engineers (Corps) Section 404 permits may eventually be required. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the Corps as may appear reasonable and prudent based on the information available at that time.

If you have questions regarding this letter, please contact Mr. Scott Jackson at the address above or by phone at (406) 449-5225, extension 201.

Sincerely,



R. Mark Wilson  
Field Supervisor



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES  
585 SHEPARD WAY  
HELENA, MONTANA 59601  
PHONE (406) 449-5225, FAX (406) 449-5339

M.17 FHWA - Miller Creek Rd.

May 16, 2006

Scott Swarts  
David Evans and Associates, Inc.  
415 118<sup>th</sup> Avenue SE  
Bellevue, Washington 98005

Dear Mr. Swarts:

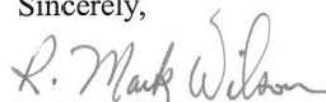
This is in response to your recent request regarding the Federal Highway Administration's proposed Miller Creek Road project in Missoula County, Montana. You requested updated information the U.S. Fish and Wildlife Service (Service) may have pertaining to threatened and endangered (T/E) species that may occur in the proposed project area. These comments have been prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

The Service previously provided a list of T/E species that may be present in the vicinity of this project in a letter dated August 20, 2003. Because of the length of time that has elapsed, you have asked for an updated list for this project. The federally-listed species that may be present in the general project vicinity have not changed since our 2003 letter was written, and include: threatened bald eagles (*Haliaeetus leucocephalus*); threatened bull trout (*Salvelinus confluentus*); threatened Canada lynx (*Lynx canadensis*); threatened grizzly bears (*Ursus arctos horribilis*); experimental gray wolves (*Canis lupus*); and candidate yellow-billed cuckoos (*Coccyzus americanus*). Much of the information we supplied in our previous letter remains valid and should be utilized during the assessment of this proposed project. Relevant changes that have occurred are as follows:

- The status of gray wolves in the project area itself (east of U.S. Highway 93) remains non-essential experimental. Across U.S. 93 to the west, the classification of gray wolves has changed to endangered.
- Critical habitat has been designated for bull trout and includes the Bitterroot River within the project area. The Bitterroot River in this area provides foraging, migratory, and over-wintering habitat for bull trout.
- Critical habitat has been proposed for Canada lynx, but the nearest proposed areas are north and east of Missoula, north of Interstate 90. The Service would not anticipate that this project would affect proposed critical habitat for lynx.

If you have questions regarding this letter, please contact Scott Jackson at the address above or by phone at (406) 449-5225, extension 201.

Sincerely,

A handwritten signature in cursive script that reads "R. Mark Wilson". The signature is written in black ink and is positioned above the printed name and title.

R. Mark Wilson  
Field Supervisor



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES  
MONTANA FIELD OFFICE  
585 SHEPARD WAY  
HELENA, MONTANA 59601  
PHONE (406) 449-5225, FAX (406) 449-5339

RECEIVED  
AUG 08 2007  
FHWA  
MONTANA DIVISION

M.17 FHWA Miller Creek Rd.

August 3, 2007

Craig Genzlinger  
Federal Highway Administration  
Montana Division  
585 Shepard Way  
Helena, Montana 59601

Dear Mr. Genzlinger:

This is in response to your recent request relative to the Federal Highway Administration's (Administration) proposed Miller Creek Road project (DTFH70-00-D-00016) in Missoula County, Montana. As work continues on finalizing the Environmental Impact Statement (EIS) for this project, you asked the U.S. Fish and Wildlife Service (Service) to review the preferred alternative that has been proposed for that project and the determinations of effect for federally-listed species that have been made for that alternative. The preferred alternative for this project has been identified as Alternative 5A: Miller Creek Road At-Grade Intersection.

In previous correspondence, the Service indicated that the following federally-listed species and designated critical habitat may be present in the vicinity of the project area:

- threatened bald eagle (*Haliaeetus leucocephalus*);
- threatened bull trout (*Salvelinus confluentus*);
- designated bull trout critical habitat;
- threatened Canada lynx (*Lynx canadensis*);
- threatened grizzly bear (*Ursus arctos horribilis*); and
- endangered gray wolf (*Canis lupus*).

As you know, on July 9, 2007, the Final Rule removing bald eagles in the lower 48 states from the list of endangered and threatened wildlife was published in the Federal Register. This delisting will take effect on August 8, 2007. Although no longer covered by the Endangered Species Act of 1973, as amended (ESA), bald eagles will continue to be protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. So, while consultation pursuant to section 7 of ESA will no longer be necessary for bald eagles, it is recommended that the Administration coordinate with the Service if it is determined that this project is likely to disturb bald eagles.

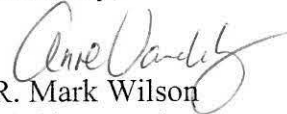
The Administration determined in the draft EIS that Alternative 5A would have no effect on bull trout, bull trout critical habitat, Canada lynx, grizzly bears, and gray wolves. It was also determined that this preferred alternative would not be likely to adversely affect bald eagles. The Service acknowledges the Administration's determination that Alternative 5A for this project

would have no effect on bull trout, bull trout critical habitat, Canada lynx, grizzly bears, and gray wolves. We also concur with your determination that Alternative 5A would not be likely to adversely affect bald eagles. Therefore, formal consultation is not required for this project. The Service bases its concurrence on information displayed in the Biological Resources Report and draft EIS for this project. Additionally, from our review of this alternative and the area in which it would occur, it seems unlikely that effects from implementation of this alternative would meet the new regulatory definition of disturbance for bald eagles.

This concludes informal consultation pursuant to regulations 50 CFR §402.13 implementing the ESA. This project should be re-analyzed if new information reveals effects of the action that may affect threatened or endangered species, if an alternative other than 5A is chosen for implementation, or if the project is modified in a manner that causes an effect not considered in this consultation.

Your consideration and conservation of fish and wildlife resources during project planning and design is much appreciated. If you have questions regarding this letter or your responsibilities under the ESA, please contact Scott Jackson at (406)449-5225, extension 201.

Sincerely,

  
R. Mark Wilson  
Field Supervisor

*for*

Copy to: Todd Tillinger, COE, Helena Regulatory Office



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
HELENA REGULATORY OFFICE  
10 WEST 15<sup>TH</sup> STREET, SUITE 2200  
HELENA MT 59626

REPLY TO  
ATTENTION OF

May 16, 2006

Helena Regulatory Office  
(406) 441-1375 Phone  
(406) 441-1380 Fax

Subject: Corps File Number **2003-90-136**  
FHWA - Miller Creek Road, Missoula  
Project DTFH70-00-00016  
Jurisdictional Determination

Mr. Craig Genzlinger, Operations Engineer  
US Department of Transportation  
Federal Highway Administration - Montana Division  
585 Shepard Way  
Helena, Montana 59601

Dear Mr. Genzlinger:

Reference is made to your request for a jurisdictional determination for wetlands identified within the Miller Creek Road project corridor. The project corridor is along Miller Creek Road near the southwest edge of the community of Missoula, in Missoula County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the U. S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels and ditches, may be waters of the U. S. in certain circumstances, which must be determined on a case-by-case basis.

Based on the information provided and on previous site visits by the Corps, the site contains jurisdictional waters of the U. S. under the authority of Section 404 of the Clean Water Act. This is an Approved Jurisdictional Determination. If you disagree with this jurisdictional determination, you have the right to appeal the decision. If you would like more information on the jurisdictional appeal process, contact this office.

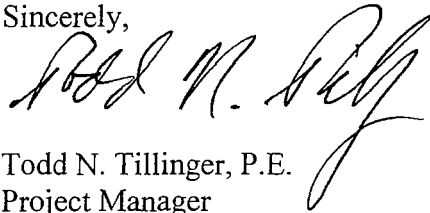
**Specifically, the following wetlands were determined to be jurisdictional waters of the U.S.: Wetlands 1, 5, 6, 7 East, 7 West, 9, 10, 11, and 14. Additionally, the Bitterroot River, Big Flat Ditch/Canal, and Miller Creek are jurisdictional waters.** As the scope and scale of the project evolves, other waters might be identified within the project corridor, which must be determined on a case-by-case basis.



The Corps concurs with the wetland delineation provided in Appendix C of the Biological Resources Report dated November 2004. Wetland delineations are valid for five years from the date they are performed. The wetland delineation for this project was performed in July 2003. After five years, wetland delineations need to be re-assessed to determine their validity.

If you have any questions regarding this determination feel free to contact me at (406) 441-1376, and reference Corps File Number **2003-90-136**.

Sincerely,



Todd N. Tillinger, P.E.  
Project Manager

Copy Furnished:

Ms. Diana Bell  
Carter & Burgess, Inc.  
707 17<sup>th</sup> Street, Suite 2300  
Denver, Colorado 80202



## FIRE DEPARTMENT



625 E. Pine, Missoula, MT 59802  
Office (406)258-4709 Fax (406)258-4941  
[www.ci.missoula.mt.us/fire](http://www.ci.missoula.mt.us/fire)

September 27, 2004

Jeanette Lostracco  
Carter & Burgess, Inc.  
70717<sup>th</sup> Street, Suite 2300  
Denver, Colorado 80202

Dear Ms. Lostracco,

We are writing in support of the process to develop an alternative means of access into the Miller Creek area, i.e. a bridge across the Bitterroot River. From a public safety perspective, a secondary route into the Miller Creek area is desirable to ensure access in the event of an emergency.

In order to provide fire and emergency services, we have identified the need for a fire station in the Miller Creek / Linda Vista area. As this area continues to grow, increases in our call volume and response distances make it more difficult to meet our response time goals. These goals, derived in part from National Fire Protection Association (NFPA) standards, Insurance Services Office (ISO) recommendations, and other fire service guidelines include:

- Establishing our first-due engine company on the scene within 6 minutes 90% of the time for both fires and medical emergencies. This includes a 1 minute dispatch time goal, a 1 minute turnout time goal, and a 4 minute response time goal (NFPA 1710).
- Establishing our first alarm assignment (2 engine companies, 1 ladder company, 1 Battalion Chief) on the scene within 10 minutes 90% of the time at a fire suppression incident. This includes a 1 minute dispatch time goal, a 1 minute turnout time goal, and an 8 minute response time goal (NFPA 1710).

An additional fire station will help us meet our response time goals. This station is tentatively scheduled to open in 2008, depending on funding. While we will proceed with planning, constructing, and staffing a station regardless of another means of access, it would be appropriate to consider the possible location of a bridge in our planning efforts. A bridge would provide a secondary access, ensuring ingress / egress in the event of an emergency. It may also serve to improve our response times to both the Miller Creek area and the developing areas to the south along Highway 93.

We realize there are other issues to consider, including transportation considerations as well as environmental concerns. We will continue to monitor the progress of your planning efforts, and contribute our input as needed or requested. Thank you for keeping us informed and current with new developments.

Sincerely,

Thomas A. Steenberg  
Fire Chief

cc: M. Painter, MFD Ass't. Chief; J.Oliphant, City of Missoula Public Works; Craig Genzlinger, Federal Highway Administration



AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION EMPLOYEE M / F / V / H





## FIRE DEPARTMENT



625 E. Pine, Missoula, MT 59802  
Office (406)258-4709 Fax (406)258-4941  
[www.ci.missoula.mt.us/fire](http://www.ci.missoula.mt.us/fire)

February 20, 2006

Steve Long  
David Evans and Associates, Inc.  
1331 17<sup>th</sup> Street, Suite 900  
Denver, Co. 80202

REC'D MAR 01 2006

Dear Steve,

The Missoula Fire Department continues to support an alternative means of accessing the Miller Creek / Linda Vista area. Specifically, we support the placement and construction of a bridge that crosses the Bitterroot River and provides an additional access to US 93 from Miller Creek / Linda Vista.

I've met with you briefly during the recent US 93 Access Control public meetings, and discussed our plans to build a new fire station in the Miller Creek / Linda Vista area. I can now confirm that construction of this facility, Fire Station Five, will take place this year. Fire Station Five will be staffed with a crew of three firefighters 24/7/365, and will enhance public safety in the Miller Creek / Linda Vista area. It will have the potential to provide emergency services to the growing areas south of Missoula along US 93.

The Missoula Fire Department has a network of stations designed to provide emergency service to our community. Fire Station Five is currently needed to provide timely fire and medical services to an expanding population in the Miller Creek / Linda Vista area. A bridge across the Bitterroot River would enhance our ability to provide these services to businesses, homes, and travelers on US 93 as well.

A bridge across the river would enhance public safety in several ways:

- In the event that Miller Creek Road was impassable, emergency vehicles could access the area in a timely fashion.
- It would provide for a timely response to fire and medical emergencies in the US 93 area south of Missoula.
- In an emergency, a bridge over the Bitterroot River would provide residents in the Miller Creek / Linda Vista area an additional evacuation route.
- It would ease the traffic congestion that can occur on Miller Creek Road and affect emergency response times.
- A bridge would enhance the ability of Fire Station Five to play a part in Missoula's overall public safety network by providing better access to other parts of the city.

Fire Station Five will be located at the corner of Lower Miller Creek Road and the planned future extension of Christian Drive. The businesses and homes along US 93 are in clear view from the site of the new station; without a bridge, an emergency response to the other side of the river requires driving back to Miller Creek Road to access US 93.

We realize that there are many issues to consider and appreciate the opportunity to provide support for a new bridge across the Bitterroot River.

Sincerely,

Jeff Logan  
Battalion Chief  
Missoula Fire Department

cc: Chief Steenberg; AC Painter; AC/PA Diehl





## FIRE DEPARTMENT



625 E. Pine, Missoula, MT 59802  
Office (406)258-4709 Fax (406)258-4941  
[www.ci.missoula.mt.us/fire](http://www.ci.missoula.mt.us/fire)

February 21, 2006

RECD MAR 01 2006

Steve Long  
David Evans and Associates, Inc.  
1331 17<sup>th</sup> Street, Suite 900  
Denver, Co. 80202

Dear Mr. Long,

We are writing to support the development of an alternative means of access into the Miller Creek / Linda Vista area. From a public safety perspective, a secondary route into the Miller Creek / Linda Vista area would ensure timely ingress / egress in the event of an emergency. We believe a bridge across the Bitterroot River should be considered to provide this additional access.

We are currently working to construct a new facility, Fire Station Five, on Lower Miller Creek Road. This station is necessary for us to meet our response time goals. These goals, derived in part from National Fire Protection Association (NFPA) standards, Insurance Services Office (ISO) recommendations, and other fire service guidelines include:

- Establishing our first-due engine company on the scene within 6 minutes 90% of the time for both fires and medical emergencies. This includes a 1 minute dispatch time goal, a 1 minute turnout time goal, and a 4 minute response time goal (NFPA 1710).
- Establishing our first alarm assignment (2 engine companies, 1 ladder company, 1 Battalion Chief) on the scene within 10 minutes 90% of the time at a fire suppression incident. This includes a 1 minute dispatch time goal, a 1 minute turnout time goal, and an 8 minute response time goal (NFPA 1710).

Fire Station Five will be part of the network of stations designed to provide fire and emergency services to our community. The development and construction of a bridge across the Bitterroot River would enhance the services that Station Five will offer, as well as assisting us in meeting the response time goals identified above.

We appreciate your efforts to keep us informed of new developments as you work to address some of Missoula's transportation issues. Please contact me if we can be of assistance or you require additional information or clarification.

Sincerely,



Thomas A. Steenberg  
Fire Chief

cc: Painter, AC; Diehl, AC/PA; Logan, BC





# MISSOULA FIRE DEPARTMENT



625 E. Pine, Missoula, MT 59802  
Office (406)258-4709 Fax (406)258-4941  
[www.ci.missoula.mt.us/fire](http://www.ci.missoula.mt.us/fire)

May 22, 2006

Misty McCoy, Carter, Burgess, Inc.  
Environmental Planning Dept  
707 17<sup>th</sup> Street, Suite 2300  
Denver, CO 80202

Dear Misty,

I am writing in response to your request for information relating to the new fire station being built in the Miller Creek / Linda Vista area.

The need for a fire station in this area was identified in the late 1990's in conjunction with the City of Missoula's annexation planning efforts.

Funding, through the sale of General Obligation Bonds, for City of Missoula Fire Station Five was approved by the Missoula voters on November 8, 2005. The Missoula City Council awarded the construction contract to Garden City Builders on March 27<sup>th</sup>, 2006. It is currently under construction at 6501 Lower Miller Creek Road. The 1.5 acre property at this site was donated to the City of Missoula for the construction of a fire station by the Maloney Ranch, LLC.

This station is necessary for us to meet our response time goals. These goals, derived in part from National Fire Protection Association (NFPA) standards, Insurance Services Office (ISO) recommendations, and other fire service guidelines include:

- Establishing our first-due engine company on the scene within 6 minutes 90% of the time for both fires and medical emergencies. This includes a 1 minute dispatch time goal, a 1 minute turnout time goal, and a 4 minute response time goal (NFPA 1710).
- Establishing our first alarm assignment (2 engine companies, 1 ladder company, 1 Battalion Chief) on the scene within 10 minutes 90% of the time at a fire suppression incident. This includes a 1 minute dispatch time goal, a 1 minute turnout time goal, and an 8 minute response time goal (NFPA 1710).

Station Five is estimated to be completed in January of 2007. When staffed and operational, the station will initially house two pieces of fire apparatus – a Type 1 engine (fire pumper) and a Type 6 engine (wildlands fire pumper). Per our current policy, three personnel will be on duty 24/7/365 to respond to fire, rescue, and medical emergencies - a station Captain and two firefighters.

While this station will serve the rapidly growing Linda Vista / Miller Creek area, it will also be part of the network of stations designed to provide fire and emergency services to our community.

The development and construction of a bridge across the Bitterroot River would enhance the services that Station Five will offer, as well as assisting us in meeting the response time goals identified above. We understand that financial constraints may prevent placement of a bridge at the present time, but believe it will be required in the future. From a public safety perspective, a secondary route into the Miller Creek / Linda Vista area is essential to ensure timely ingress / egress in the event of an emergency.

Please let me know if you have additional questions, or require clarification on any of the above.

Sincerely,

Tom Steenberg, Fire Chief



AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION EMPLOYEE M / F / V / H





US Department  
Of Transportation  
**Federal Highway  
Administration**

Montana Division

2880 Skyway Drive  
Helena, Montana 59602

April 26, 2005

In Reply Refer to:  
HDA-MT

Mr. Peter Nielson  
Environmental Health Unit Supervisor  
Missoula Valley Water Quality District  
301 West Alder  
Missoula, MT 59802

Subject: Miller Creek Road EIS

Dear Mr. Nielson:

The Federal Highway Administration (FHWA) is preparing an Environmental Impact Statement, which entails proposed transportation improvements in the vicinity of Miller Creek Road, including an improved connection to US 93. The project area lies within the Aquifer Protection Area and within the boundaries of the Missoula Valley Water Quality District.

There is a need to prevent degradation of both, the Missoula Valley Sole Source Aquifer as well as the Bitterroot River and Miller Creek as much as possible. In an effort to understand and assess the potential effects of the Miller Creek project in the Miller Creek area on the Missoula Sole Source Aquifer, it would be helpful if we could receive the following information:

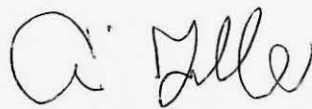
1. Locations and depths of the 37 wells drawing from the Missoula Valley Aquifer or those located within or immediately adjacent to the Miller Creek area.
2. Location of the nine public water supply wells operated by the Mountain Water Company and Valley West Water Company or those located within or immediately adjacent to the Miller Creek area.
3. Location and depth of groundwater monitoring wells located in the Miller Creek area used by the Missoula Valley Water Quality District.

The project consulting team has been coordinating this issue through you and/or your staff, but has not been able to obtain the above described information or monitoring data. I would appreciate any assistance you could provide in helping us. We are currently drafting the EIS and in order to utilize this information we would appreciate receiving it by the end of May.



If you have any questions, or would like to discuss this information or the project in general, feel free to contact me at (406) 449-5302 ext 240.

Sincerely,

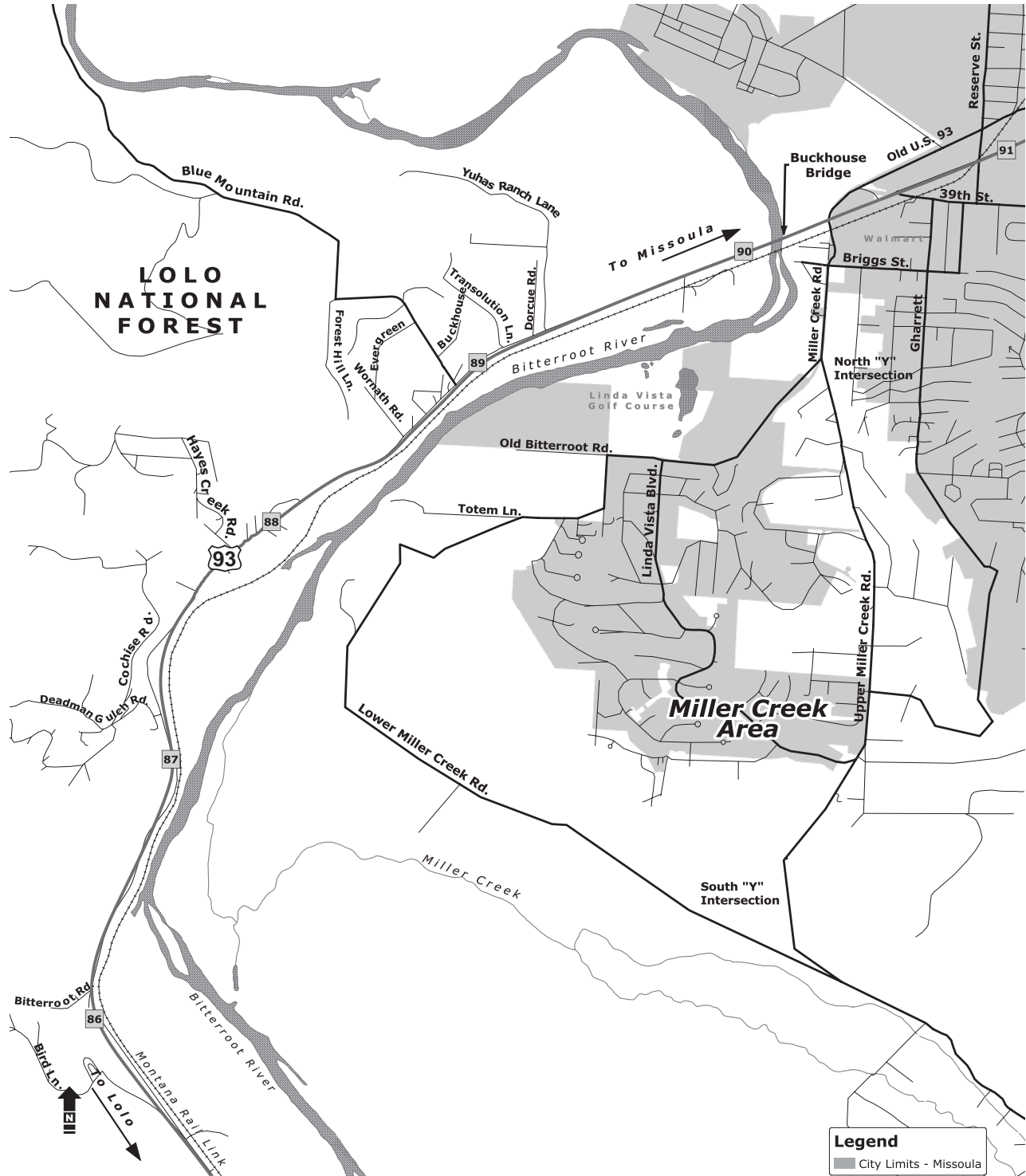
A handwritten signature in black ink, appearing to read "Craig Genzlinger". The signature is written in a cursive style with a large initial "C" and "G".

Craig Genzlinger  
Operations Engineer

Attachment

File: DTHF 70-00-D-00016 (EIS) cg/lr

Figure 1-3  
Project Area





**McCoy, Misty S.**

---

**From:** Svendsen, Neal - Missoula, MT [Neal.Svendsen@mt.usda.gov]  
**Sent:** Thursday, August 10, 2006 12:57 PM  
**To:** McCoy, Misty S.  
**Subject:** RE: Farmland Conversion Form for Miller Creek Road EIS Project

Misty,

Attached is the Miller Creek Road AD-1006 with NRCS parts completed. Let me know if you need any further information.

As a Missoula resident I'm not that fond of the preferred alternative. There's already too much traffic in and out of the Miller Creek area. Site B (alt 3B) is much better and Site C (alt 4C) is probably the best considering the long term development of the area. But I suppose the costs of building a bridge and moving existing buildings is too high. Maybe some day.....

Neal

---

**From:** McCoy, Misty S. [mailto:Misty.McCoy@c-b.com]  
**Sent:** Wednesday, August 09, 2006 5:32 PM  
**To:** Svendsen, Neal - Missoula, MT  
**Subject:** Farmland Conversion Form for Miller Creek Road EIS Project

Hi Neal,

Thank you for answering my questions about the Farmland Conversion Impact Rating form in our conversation earlier today. I have attached the form for the Miller Creek Road EIS project in Missoula, Montana, as well as a map for each of the four build alternatives (or "sites") listed on the form. I hope I have provided all the information that will assist you in completing the form.

Site A (Alternative 2B) would have approximately 7.6 acres of direct impacts and 0.482 acres of indirect impacts to Farmlands of Local Importance.

Site B (Alternative 3B) would have approximately 4.8 acres of direct impacts and 13.789 acres of indirect impacts to Farmlands of Local Importance.

Sites C and D (Alternative 4C and 5A, respectively) would have no impacts to farmlands because the land in the vicinity of those alternatives is converted - either it is already developed or planned to be developed. Site D has been identified as the preferred alternative for the project at this time.

If possible, could you email the form back to me once you've completed Parts II, IV, and V? Unfortunately, our schedule is pretty tight - the Miller Creek Road Draft EIS document is scheduled to be signed the first week of September. I know you are very busy, but any help you can provide in helping us meet that deadline would really be appreciated.

If you have any questions, please don't hesitate to contact me.

Thanks again for your help.

---

**Misty McCoy**

**Carter :: Burgess, Inc.**

Environmental Planning Dept.

707 17th Street, Suite 2300

Denver, CO 80202

303.820.5267

303.820.2402 FAX

[misty.mccoy@c-b.com](mailto:misty.mccoy@c-b.com)

U.S. Department of Agriculture

# FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request	8/9/06
Name Of Project	Miller Creek Road EIS	Federal Agency Involved	FHWA Western Federal Lands
Proposed Land Use	US 93 Connection to Miller Creek area	County And State	Missoula Montana
PART II (To be completed by NRCS)		Date Request Received By NRCS	

Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated	16,200	Average Farm Size	403
Major Crop(s)	Spring wheat	Farmable Land In Govt. Jurisdiction Acres: 137,600 % 10.8%		Amount Of Farmland As Defined in FPPA Acres: 136,800 % 10.7%			
Name Of Land Evaluation System Used	Missoula County Area Soil Survey	Name Of Local Site Assessment System None		Date Land Evaluation Returned By NRCS 8/10/06			

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	2B Site A	3B Site B	4C Site C	5A Site D
A. Total Acres To Be Converted Directly	7.6	4.8	0.0	0.0
B. Total Acres To Be Converted Indirectly	0.482	13.789	0.0	0.0
C. Total Acres In Site	8.082	18.589	0.0	0.0

PART IV (To be completed by NRCS) Land Evaluation Information	2B Site A	3B Site B	4C Site C	5A Site D
A. Total Acres Prime And Unique Farmland	0	0	0	0
B. Total Acres Statewide And Local Important Farmland	8.082	18.589	0	0
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.006	0.014	0	0
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	42	42	0	0

PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	2B Site A	3B Site B	4C Site C	5A Site D
	45	45	0	0

PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points	2B Site A	3B Site B	4C Site C	5A Site D
1. Area In Nonurban Use		10	10	11	6
2. Perimeter In Nonurban Use		6	5	7	0
3. Percent Of Site Being Farmed		12	12	0	0
4. Protection Provided By State And Local Government		0	0	0	0
5. Distance From Urban Builtup Area		1	1	3	0
6. Distance To Urban Support Services		0	0	0	0
7. Size Of Present Farm Unit Compared To Average		0	0	0	0
8. Creation Of Nonfarmable Farmland		2	8	0	0
9. Availability Of Farm Support Services		5	5	5	5
10. On-Farm Investments		15	15	0	0
11. Effects Of Conversion On Farm Support Services		5	5	0	0
12. Compatibility With Existing Agricultural Use		8	8	0	0
<b>TOTAL SITE ASSESSMENT POINTS</b>	160	64	69	26	11

PART VII (To be completed by Federal Agency)	2B Site A	3B Site B	4C Site C	5A Site D
Relative Value Of Farmland (From Part V)	45	45	0	0
Total Site Assessment (From Part VI above or a local site assessment)	64	69	26	11
<b>TOTAL POINTS (Total of above 2 lines)</b>	109	114	26	11

Site Selected: <b>D</b>	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Reason For Selection:  
*minimized environmental impacts and meets preferred traffic operations.*





# Cooperating Agency Correspondence







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 West 15<sup>th</sup> St, Suite 3200  
HELENA, MONTANA 59626

Ref: 8MO

April 10, 2003

Mr. Craig Genzlinger  
Operations Engineer  
FHWA- Montana Division  
2880 Skyway Drive  
Helena, Montana 59602

Re: Miller Creek Road EIS

Dear Mr. Genzlinger:

This is in response to your letter dated April 3, 2003 requesting EPA to be a cooperating agency with the Federal Highway Administration (FHWA) during the preparation of an Environmental Impact Statement (EIS) for the Miller Creek Road project.

The EPA is interested in providing meaningful and early input on environmental issues of concern for this project. We are particularly interested in helping to ensure that proper river, wetland, and surface and ground water quality, air quality protection, and secondary and cumulative effects considerations are incorporated into the Miller Creek Road project. The Agency, however, has resource limitations and other program commitments which may limit the degree and extent of EPA's participation in the EIS preparation process. These resource constraints and other program commitments make it difficult for me to agree to formal full fledged participation as a cooperating agency during the preparation of the EIS (see 40 CFR 1501.6(c)).

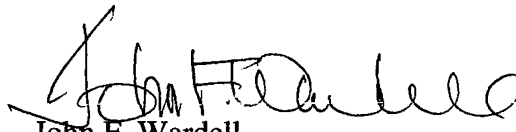
EPA will be reviewing and providing comment on the draft and final EIS's for this project in accordance with our responsibilities under NEPA and Section 309 of the Clean Air Act. Mr. Steve Potts, EPA Montana NEPA Coordinator, will coordinate and manage EPA's participation in and review of this project. The EPA provided EIS guidance and scoping comments for this project on March 27, 2003. Mr. Potts attended the March 25, 2003 interdisciplinary team meeting and field trip in Missoula for this project, and will continue to participate in interdisciplinary team meetings and field trips as resources, workload, and schedules allow. We will also try to review and comment upon preliminary EIS documents as much as our workload and schedules allow. We encourage you to send us preliminary EIS documents to allow us the opportunity for early review and input.



I hope you understand our workload and resource constraints, and our inability to agree to formal cooperating agency status, although we will make every effort to provide input and assist in the EIS preparation process and participate on the interdisciplinary team as much as our resources and workload will allow.

If you have any questions or would like to discuss this matter further please feel free to call me at (406) 457-5001. You may reach Mr. Steve Potts of my staff at (406) 457-5022 in Helena, or at (406)329-3313 in Missoula. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Wardell". The signature is written in a cursive style with a large initial "J" and "W".

John F. Wardell  
Director  
Montana Office

cc: Cynthia Cody, EPA, 8EPR-N, Denver  
Jeanette Lostracco, Carter Burgess, Helena



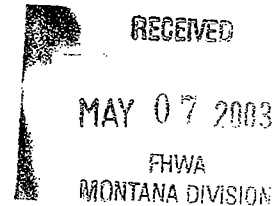


# Montana Fish, Wildlife & Parks

Region 2 Headquarters, 3201 Spurgin Road, Missoula, MT 59804-3099  
Phone 406-542-5500 • Fax 406-542-5529

May 6, 2003

Craig Genzlinger  
US Dept. of Transportation  
Montana Division  
2880 Skyway Dr.  
Helena, MT 59602



Dear Mr. Genzlinger:

Reference: Miller Creek Road EIS—Cooperating Agency Request

We have reviewed your letter and materials requesting that MFWP formally become a Cooperating Agency in the preparation of the Environmental Impact Statement for the Miller Creek Road project. While we regularly cooperate on projects, to our knowledge we (Region 2 of MFWP) have not functioned in the past in this formal capacity, so this will be a learning process for us. We agree to participate as a cooperating agency on your project, but would like to point out a few of our constraints or uncertainties about this process.

1. Our normal process when reviewing or scoping a project from an outside agency for this particular (Miller Creek) location could involve about 7-10 personnel representing our various divisions. We note the “Cooperating Agency Responsibilities” include “attending scoping and coordination meetings and joint field reviews.” We are likely to need fairly flexible scheduling in meeting dates/times in order to enable the most pertinent personnel to attend various meetings while continuing their other work. There might be times that no one person can attend.
2. We understand that part of the cooperating agency concept is built on the hope that the Miller Creek Road EIS would lead to “the reduction of paperwork and delay,” and “the elimination of duplication of Federal, State and local procedures and environmental documents.” We are not sure that this would indeed occur. For instance, MFWP (independent of this EIS), would be the reviewing/permitting agency for any 124 (Montana Stream Protection Act) permit required for a new bridge. At this time we cannot assure you that the Miller Creek Road EIS document would suffice for that permitting process. Additionally, since MFWP is a landowner in the project scoping area, if the project were to be located partially on or adjacent to our land, we cannot assure you that the EIS would suffice for our MEPA needs relative to our lands process (which likely would involve some of our Helena Headquarters divisions, as well as participation by the MFWP Commission).

3. As indicated in the “Responsibilities,” in rare occurrences, the cooperating agency would, “If needed, perform analyses or write a portion” of the EIS. Our personnel’s workload at present would probably preclude this option.
4. We agree to cooperate with you on this project, but ask you to understand that our scheduling may limit the promptness with which we can respond to certain review and work requests.
5. Initially, we would designate Sharon Rose (542-5540; [shrose@state.mt.us](mailto:shrose@state.mt.us)) as our contact person. She would be in charge of routing materials, information requests, and meeting messages, as well as coordinating our written responses.

Thank you for inviting us to be a cooperating agency. We look forward to a rewarding collaboration.

Sincerely,

A handwritten signature in black ink that reads "Mack Long". The signature is written in a cursive style with a large, stylized "M" and "L".

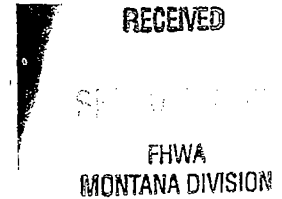
Mack Long  
Regional Supervisor

ML/sr



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
MONTANA FIELD OFFICE  
100 N. PARK, SUITE 320  
HELENA, MONTANA 59601  
PHONE (406) 449-5225, FAX (406) 449-5339



M.17 FHWA Miller Creek Road

August 28, 2003

Craig Genzlinger  
Federal Highway Administration  
Montana Division  
2880 Skyway Drive  
Helena, Montana 59602

Dear Mr. Genzlinger:

This responds to your letter dated April 3, 2003, regarding the initiation of an environmental impact statement by the Federal Highway Administration for their proposal for road and bridge improvements in the vicinity of Miller Creek Road in Missoula County, Montana. Your letter requested that the U.S. Fish and Wildlife Service (Service) be a Cooperating Agency with regards to this project.

The Service agrees to be a Cooperating Agency for this project. As such, the Service will review and respond to documents required for compliance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), and other applicable laws. The Service has been involved with this project and has provided initial comments during meetings, discussions, and correspondence with the involved agencies and consultants.

Thank you for the opportunity to work with you on this project. If you have questions regarding this letter, please contact Mr. Scott Jackson, of my staff, at (406)449-5225, extension 201.

Sincerely,

R. Mark Wilson  
Field Supervisor



**U.S. ARMY CORPS OF ENGINEERS**

HELENA REGULATORY OFFICE  
10 WEST 15TH STREET, SUITE 2200  
HELENA, MONTANA 59626

October 15, 2003

REPLY TO  
ATTENTION OF:

Helena Regulatory Office  
Phone (406) 441-1375  
Fax (406) 441-1380

Subject: Corps File Number 2003-90-136  
Miller Creek Road - Environmental Impact Statement  
Missoula, Montana

Mr. Craig Genzlinger, Operations Engineer  
US Department of Transportation  
Federal Highway Administration - Montana Division  
2880 Skyway Drive  
Helena, Montana 59602

Dear Mr. Genzlinger:

This letter is a response to your April 3, 2003 request that the US Army Corps of Engineers (Corps) be a Cooperating Agency for the Federal Highway Administration (FHWA) project listed above. The project corridor is along Miller Creek Road near the southwest edge of Missoula.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material below the ordinary high water mark of our Nation's rivers, streams, lakes or wetlands.

Pursuant to the National Environmental Policy Act, the Corps agrees to be a Cooperating Agency. Our participation as a Cooperating Agency will be limited to reviewing and commenting on project features that may affect Waters of the United States. This will be in addition to our regulatory and permitting responsibilities.

Todd Tillinger of this office will be the Corps' project manager. He may be reached by phone at (406) 441-1375 or by e-mail at [todd.n.fillinger@usace.army.mil](mailto:todd.n.fillinger@usace.army.mil). Please reference Corps File Number 2003-90-136 on all future correspondence or inquiries.

Sincerely,

Allan Steinle  
Montana Program Manager

Copy Furnished:

Jeanette Lostracco, Carter & Burgess, Inc., 707 17<sup>th</sup> Street, Suite 2300, Denver, CO 80202