

US Department of Transportation Federal Aviation Administration

DOT Section 4(f) Evaluation for the Yellowstone Airport West Yellowstone, Montana

April 2021

This Department of Transportation Section 4(f) Evaluation (also referred to as a Section 303(c) Evaluation) is submitted for review pursuant to the following public law requirements: Section 102(2)(c) of the National Environmental Policy Act of 1969; 49 USC 47106; Section 303 of 49 USC Code, Subtitle I; Section 106 of the National Historic Preservation Act of 1966.

For Further Information:

Diane Stilson, P.E.
Civil Engineer & Environmental Protection Specialist
FAA, Helena Airports District Office
2725 Skyway Drive, Suite 2
Helena, MT 59602
Diane.Stilson@faa.gov
Ph: (406) 441-5411
Fax: (406) 449-5274

Yellowstone Airport DOT Section 4(f) Evaluation

TABLE OF CONTENTS

1. Introduction	3
1.1 DOT Section 4(f) Feasible and Prudent Requirements	4
1.2 Airport Description and Surrounding Land Uses	4
1.3 Purpose and Need	6
2. Identification of DOT Section 4(f) Resources	7
2.1 Parks/Recreational/Refuge Resources	7
2.2 Historic Sites	8
3. Alternative Analysis	13
3.1 Methodology	13
3.1.1 Direct Impacts/Physical Use	14
3.1.2 Indirect Impacts/Constructive Use	14
3.2 Alternatives	14
3.2.1 Alternatives Eliminated	15
3.2.1.1 Alternative 1: Rehabilitate Terminal Building in Place	15
3.2.1.2 Alternative 2: Construct New Terminal Building, Repurpose Existing Building	15
3.2.1.3 Alternative 3: Construct New Terminal Building, Demolish Existing Building	16
3.2.1.3.1 Alternative 3A: Site Adjacent and North of Existing Terminal ..	17
3.2.1.3.2 Alternative 3C: Site at Far South End of Apron	17
3.2.4 Alternatives Considered for Yellowstone Airport Beacon and Tower	17
3.2.4.1 Alternative B1 – Continue Operational Use of the Beacon and Tower	17
3.2.4.2 Alternative B2 – Discontinue Operation of the Existing Beacon and Tower, but Leave Intact on the Airport	18
3.3 Description of DOT 4(f) Resources Impacts and Measures to Minimize Harm	22
3.3.1 No Action Alternative	22
3.3.2 Alternatives W1 and S1	22
3.3.3 Proposed Action	22
3.3.3.1 Custer Gallatin National Forest (USFS)	22
3.3.3.2 Yellowstone Airport Terminal Building (24GA1958)	23
3.3.3.3 Yellowstone Airport Terminal Beacon (24GA1981)	24
3.3.3.4 The Great Bannock Trail	25
3.3.3.5 The Nez Perce (Nee-Me-Poo) National Historic Trail (NPNHT)	25
4. Coordination	26
4.1 Coordination with the State Historic Preservation Office and the Advisory Council on Historic Preservation	26
4.2 Coordination with Tribes	26
4.3 Coordination with Owners of DOT Section 4(f) Resources	27
4.4 Coordination with the Public	28
5. Finding	28

LIST OF ATTACHMENTS

1. State Historic Preservation Office (SHPO) Letter dated September 14, 2020
2. Advisory Council on Historic Preservation (ACHP) Letter dated August 20, 2020
3. Memorandum of Agreement (MOA) 2021
4. Programmatic Agreement (PA) 2021

1. Introduction

Section 303 was initially codified in Title 49 of United States Code (USC) § 1653(f) (Section 4(f) of the USDOT Act of 1966). In 1983, § 1653(f) was reworded and recodified as Title 49 USC § 303, but still commonly referred to as DOT Section 4(f). Congress amended DOT Section 4(f) in 2005 when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

DOT Section 4(f): Prohibits the use of land of significance in publicly owned public parks, recreation areas, wildlife and waterfowl refuges, and land of a historic site for transportation projects unless the Administration determines that there are no feasible and prudent avoidance alternatives and that all possible planning to minimize harm has occurred.

De minimis impacts related to historic sites are defined as the determination of either “no adverse effect” or “no historic properties affected” in compliance with Section 106 of the National Historic Preservation Act. For publicly owned parks, recreation areas, and wildlife/waterfowl refuges, *de minimis* impacts are defined as those that do not “adversely affect the activities, features, and attributes” of the DOT Section 4(f) resource. *De minimis* impact determinations are based on the degree of impact after the inclusion of any measure(s) to minimize harm.

The Federal Aviation Administration (FAA) is considering actions (known as the Proposed Action and Alternative W1 and S1) requested by the Montana Department of Transportation (MDT) – Aeronautics Division to provide an updated and safe terminal building and associated improvements to meet existing and forecasted passenger and terminal user needs at the Yellowstone Airport (WYS or Airport). The Proposed Action and Alternatives W1 and S1 include the construction of a new terminal building and parking lot infrastructure; demolition of the existing terminal and generator building; expansion of a concrete commercial aircraft parking pad; reconstruction and extension of the airport access road; new water, sewer, and fiber optic infrastructure improvements; timber clearing to facilitate subsurface utilities; and replacement of the existing airport beacon with a new beacon and tower.

The Proposed Action provides new water, sewer, and fiber optic infrastructure improvements to be extended from services provided by the town of West Yellowstone. Extending water services and fiber optic from West Yellowstone will require crossing the Custer Gallatin National Forest. The extension of sewer services from West Yellowstone will remain on Airport property as the town sewer lagoons are located at the south end of Airport property. Alternative W1 provides an alternative to construct on-site water supply infrastructure. Alternative S1 provides an alternative to construct on-site sanitary sewer treatment system. Fiber optic will not be installed unless in conjunction with the water line installation from the town of West Yellowstone proposed under the Proposed Action. Alternatives are described in detail in **Section 3** of this evaluation.

This DOT Section 4(f) Evaluation (Evaluation) was prepared as an appendix (**Appendix G**) to the Environmental Assessment (EA). This Evaluation consists of the following sections:

1. Introduction – Provides the regulatory context for the Evaluation; provides a brief description of the Airport; and describes the Purpose and Need for the Proposed Action and Alternatives W1 and S1.
2. Identification of DOT Section 4(f) Resources – Examines the lands in the airport vicinity relative to DOT Section 4(f) and identifies those resources that the FAA determined to be potentially subject to DOT Section 4(f);

3. Alternative Analysis – Identifies possible alternatives to avoid or minimize impacts to Section 4(f) resources.
4. Coordination – Summarizes the efforts made to coordinate with agencies and parties owning DOT Section 4(f) lands on the potential effects of the proposed projects.
5. Finding – Provides the FAA DOT Section 4(f) Finding.

1.1 DOT Section 4(f) Feasible and Prudent Requirements

Programs or projects requiring the use of DOT Section 4(f) lands will not be approved by the FAA unless there is no prudent and feasible alternative to the use of such land, and such programs and projects include all possible planning to minimize harm resulting from the use. The term “feasible” refers to sound engineering principals (per FAA order 5050.4b Page 10-10), while the term “prudent” refers to rationale judgement. According to FAA Order 5050.4B, a project may be possible (feasible), but not prudent when one considers safety, policy, environmental, social, or economic consequences.

The following factors are to be used to decide if an alternative is prudent:

- Does it meet the project’s Purpose and Need?
- Does it cause extraordinary safety or operational problems?
- Are there unique problems or truly unusual factors present with the alternative?
- Does it cause unacceptable and severe adverse social, economic, or environmental impacts?
- Does it cause extraordinary community disruptions?
- Does it cause additional construction, maintenance, or operational costs of an extraordinary magnitude?
- Does it result in accumulation of factors that collectively, rather than individually, have adverse impacts that present unique problems or reach extraordinary magnitudes?

The FAA must clearly explain why any alternative is rejected as not being prudent and feasible if the project results in the use of DOT Section 4(f) protected lands.

1.2 Airport Description and Surrounding Land Uses

WYS is located two miles north of the town of West Yellowstone in southernmost Montana, just a few miles west of the Wyoming border and Yellowstone National Park’s western entry. US Highway 191 provides access to the Airport, and connects West Yellowstone to Interstate 90 in Bozeman, Montana, 115 miles to the north. Idaho Falls, Idaho, and Interstate 15 lie 110 miles to the south via US Highway 20. Salt Lake City, Utah is 320 road miles to the south of West Yellowstone.

The location of the Airport in its local and regional setting is depicted in **Figure 1-1**.

With the FAA Reauthorization Act of 2018, WYS falls into the new seasonal airport category and is considered a non-hub primary airport. This designation is based on having at least 8,000 passenger boardings of scheduled air carrier service over fewer than 6-month service season.

The Airport is utilized for corporate business activity, aerial surveying, military exercises, search and rescue, emergency medical services, and public charters among others. Commercial service is provided through SkyWest Airlines, and is nearly exclusively comprised of visitors to

Yellowstone National Park (YNP). Aerial wildland firefighting also has a large presence at the Airport, which is a critical service in wildland fire response.

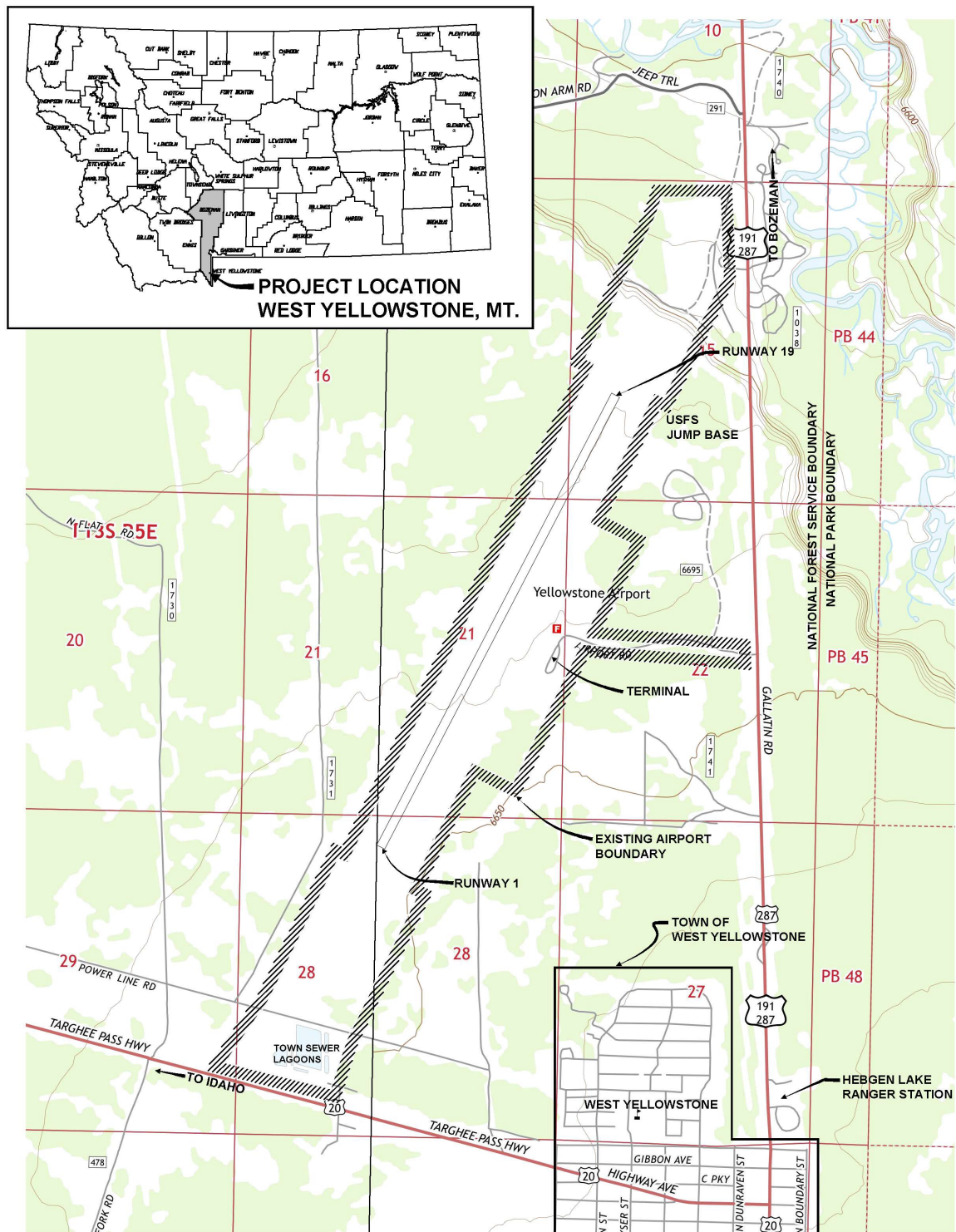


Figure 1-1: Location Map

Figure 1-2 reflects the major land uses that are at the Airport and in the vicinity. On Airport, the town of West Yellowstone maintains their sewage lagoons under a lease with the Airport at the south end of the property. Energy West leases a portion of the Airport property off the very north end, adjacent to Highway 191.

Land use immediately surrounding the Airport is completely Custer Gallatin National Forest. Neighboring land uses that are buffered by the Custer Gallatin National Forest include the National Park Service (Yellowstone National Park), as well as the town of West Yellowstone near the southern portion of Airport property.

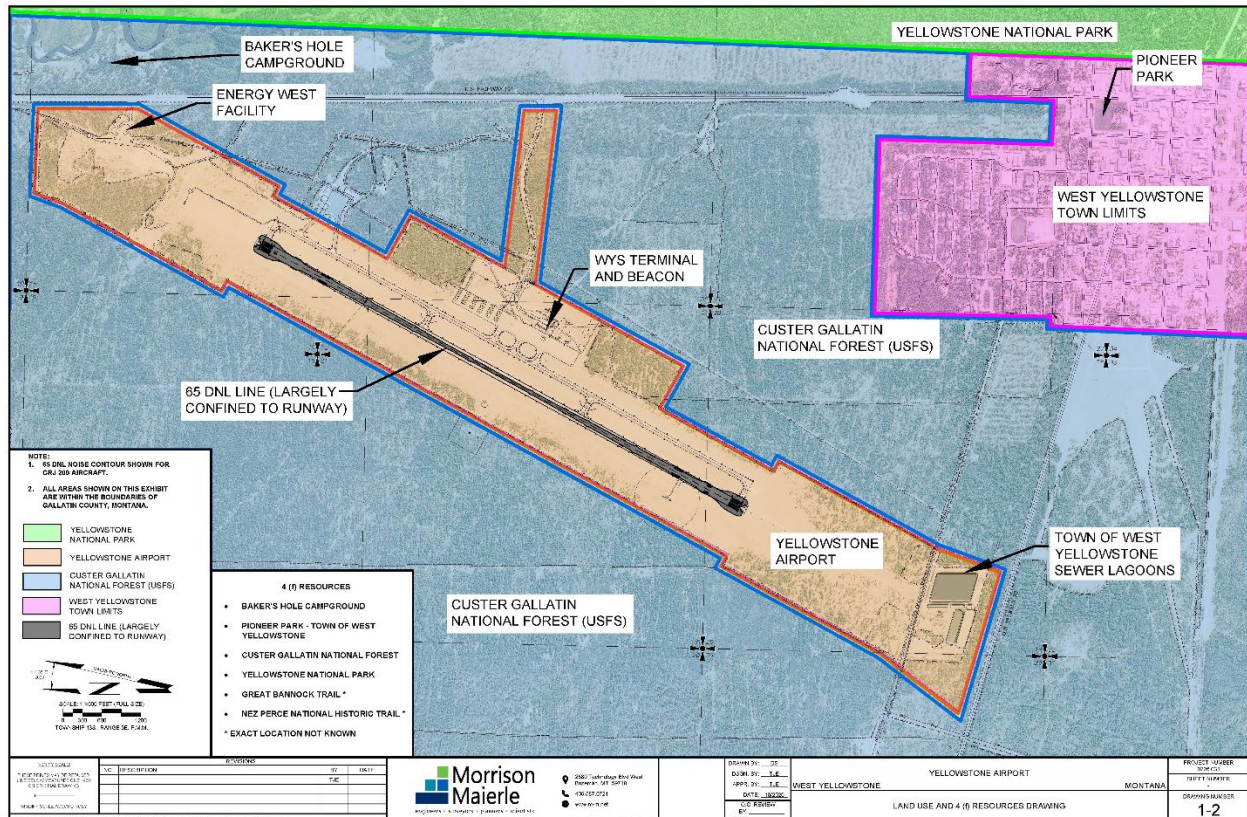


Figure 1-2: Existing Land Uses and DOT Section 4(f) Resources in Vicinity of Airport

1.3 Purpose and Need

The purpose of the proposed improvements is to provide an updated terminal facility that meets current and future passenger, Transportation Security Administration (TSA), and Airport Administrative needs. As a result of implementing new terminal improvements, an ancillary purpose is to improve the water, sewer, and fiber optic infrastructure to better serve the new terminal, as well as the potential extension to facilitate existing and future airport uses and the neighboring United States Forest Service (USFS) West Yellowstone Interagency Fire Center (Jump Base) if they chose to connect in the future. Such improvements and modifications must be made to comply with FAA design standards and recommended guidance as noted in the 2019 *Terminal Area Narrative Report* (2019 *TANR*).

The proposed improvements are needed because the 2019 *TANR* identified that the present terminal building and associated infrastructure is not configured or sized to adequately

accommodate present day and projected future needs of the traveling public. Additionally, the beacon does not meet current standards and replacement parts for the beacon are prohibitively expensive and difficult to find. The tower portion of the beacon requires staff to climb to the top to address maintenance or keep birds from nesting, which presents a safety concern to staff. The Proposed Action and Alternatives W1 and S1 would improve safety and efficiently accommodate the needs of existing and future passengers, TSA, Airport Administration, and other Airport users.

2. Identification of DOT Section 4(f) Resources

DOT Section 4(f) lands are defined as “any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance or land from an historic site of national, state, or local significance” (per 23 U.S.C. 138 *Preservation of Parklands*). To identify probable DOT Section 4(f) resources, local agencies were contacted, published recreation/refuge plans were reviewed, and a review of sites on or eligible for the National Register of Historic Place (NRHP) was conducted. **Figure 1-2** shows the locations of the DOT Section 4(f) resources.

2.1 Parks/Recreational/Refuge Resources

Publicly owned land is considered to be a park, recreation area, or wildlife and waterfowl refuge when the land has been officially designated as such by a federal, state or local agency and one of its major purposes is for a park, recreation area, or wildlife and waterfowl refuge.

The following resources were identified and were found to be outside of the study area under the National Environmental Protection Act (NEPA) (which corresponds to the Area of Potential Effect (APE) under Section 106 of the National Historic Preservation Act) and will not be affected by improvements on Airport Property or the utility improvements for water and fiber optic being extended from West Yellowstone. Though DOT Section 4(f) resources, there is no direct use of these resources. As the proposed improvements do not change operations of the airport, including noise impacts, and cannot be visually seen from the identified resources, no constructive use would occur as a result of the Proposed Action and Alternatives W1 and S1 as the Proposed Action will not adversely affect the activities, features, and attributes that qualify these resources for protection under DOT Section 4(f) (see **Section 3.1** for constructive use definition). As no uses would occur, no further discussion of these resources is required.

Baker’s Hole Campground – Located approximately 1.3 miles northeast of the Proposed Action (terminal) area and features a seasonal USFS campground open to tent and RV camping.

Pioneer Park (West Yellowstone Town Park) – Located approximately 1.75 miles southeast of the Proposed Action (terminal) area and features picnic shelters, restroom facilities, playground area, basketball court, softball diamond and area of scattered trees and open park for events.

Yellowstone National Park (YNP) – Located 0.8 miles west of the Proposed Action (terminal) area. This park is the first national park and contains significant wildlife, geologic, and native historical resources.

The following resource of publicly owned land was identified which is located inside the study area and thus requires further consideration:

Custer Gallatin National Forest (USFS) – Surrounds the entire Airport property. The area surrounding the airport is largely lodgepole pine forest that provides a mix of recreational opportunities.

2.2 Historic Sites

Sites and/or structures are defined as historically significant if they meet criteria for eligibility to the National Register of Historic Places (NRHP), maintained by the U.S. Department of Interior. Eligibility criteria are summarized as follows:

- Criterion A – Sites and/or structures associated with events that have made a significant contribution to broad patterns of our history.
- Criterion B – Sites and/or structures associated with the lives of persons significant in our past.
- Criterion C – Sites and/or structures that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- Criterion D - Have yielded, or be likely to yield, information important in prehistory or history.

The identification of DOT Section 4(f) resources that may be historic in nature was conducted in accordance with Section 106 of the National Historic Preservation Act. For the Proposed Action, the Area of Potential Affect (APE) under Section 106 of the National Historic Preservation Act (Section 106) corresponds to the study area under NEPA.

To identify potential historic sites, the *Cultural Resource Inventory of the Yellowstone Airport Terminal Area, Gallatin Co, MT* (CRI) was completed in April 2019 per Section 106 (located in **Appendix B** of the EA). The CRI was conducted during the 2019 *TANR* for WYS and focused on identifying historic and cultural properties in the terminal area and parking lot. Two historic sites were identified and no cultural properties were identified in the CRI. These historic sites include the Yellowstone Airport Terminal (24GA1958) and the Yellowstone Airport Beacon Tower (24GA1981), both of which were documented and recommended in the CRI as eligible to the NRHP and located on **Figure 2-1**.

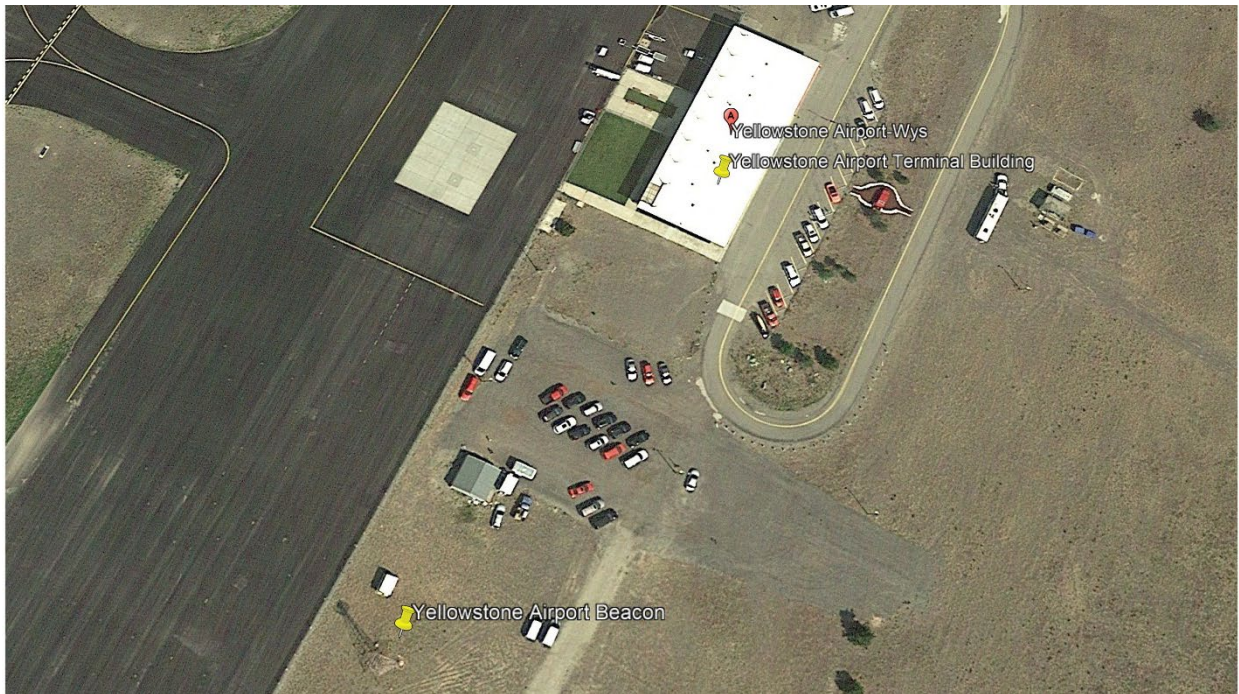


Figure 2-1: Terminal and Beacon DOT Section 4(f) Resources in Area of Potential Effect (APE)

The FAA contacted Tribes with historical ties to this area in letters dated August 29, 2019, in order to seek input on properties of cultural or religious significance that may be affected by the undertaking and to initiate Government-to-Government consultation. Eight Tribes were contacted, including the Blackfeet Nation, the Coeur d'Alene Tribe, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Kootenai Tribe of Idaho, the Nez Perce Tribe, and the Shoshone Bannock Tribes. As a result, the FAA was informed of the proximity of the Great Bannock Trail and the Nez Perce (Nee-Me-Poo) National Historic Trail (NPNHT) to the project area.

An *Addendum to the CRI* (Addendum) was conducted per Section 106 in order to examine the routes of the potential extension of water, sewer, and fiber optic lines from the town of West Yellowstone, Montana, to WYS (**Appendix B** of the EA). It was completed in March 2020. Specific consideration was given to any impact on the Great Bannock Trail and the NPNHT. The Addendum revealed that the exact routes of the trails are very elusive to determine; however, all research reviewed for the Addendum places both trails to the north of the project area. The field survey conducted for the Addendum uncovered no cultural or historic resources, nor any sign of the Great Bannock Trail or NPNHT.

A brief summary of these DOT Section 4(f) historic resources that were identified under Section 106 is provided in **Table 2-1** and additional detail can be found in the CRI and Addendum, located in **Appendix B** of the EA.

Table 2-1: Summary of DOT Section 4(f) Historic Resources

Yellowstone Airport Terminal Building (24GA1958)	Location: Within the APE	Status: Eligible to the NRHP
<p>Constructed between 1964 and 1965, the terminal building (photo provided below) illustrates the distinctive characteristics of the Mission 66 architectural style of western modernism (modern stylings combined with western rustic elements).</p>  <p>Yellowstone Airport Terminal</p> <p>The terminal building is a simple vernacular architectural expression of western modernism with prevalent use of un-coursed ashlar stone fabric, large numbers of tall-banded vertical windows and brown stained rustic board and batten wood siding with functional interior space and conventional airport seating. The terminal is an approximate 11,000 square foot structure with main floor, partial second story mezzanine office area(s), and a partial basement with the remainder of the structure constructed on a slab-on-grade foundation.</p> <p>The terminal is unique in its function among Mission 66 buildings at an airport and is an example that has not been significantly altered since its construction. While the interior has undergone significant remodeling at different times, most notably in response to the post 9-11 Traffic Security Administration (TSA) requirements, as well as to accommodate rental cars, helicopter tours, and Life Flight business within the building, and also in upstairs offices, the café, and modified bathroom facilities, much of the feel of the original Mission 66 style is evident in the lobby of the terminal. Outside of resurfacing the top of the roof, the exterior has undergone minimal alteration. The terminal building remains in its original use yet today. The terminal building is further referenced in Section 4.8 of the EA.</p>		
Yellowstone Airport Beacon Tower (24GA1981)	Location: Within the APE	Status: Eligible to the NRHP
<p>The beacon tower (photo provided below) was relocated to the airport grounds around the same time as the construction of the airport (circa late 1964 to 1965), and was possibly relocated from the old airport location immediately west of the Town of West Yellowstone. Historian information provided by the Montana Department of Transportation reflects that the tower is the same construction style as those constructed in the 1930s. While the beacon tower is likely of the original construction style as it was pre-relocation, the</p>		

rotating and lighted beacon equipment has gone through numerous changes as electrical equipment has expended its useful life.



Yellowstone Airport Beacon

The importance of beacons to rural navigation is illustrated by their numbers across Montana by mid-century. The improvement of radar and other navigational aids resulted in the decommissioning beacons nationwide beginning in 1951. In Montana, the assessment process began in the early 1960s. Many of these beacons were donated by the FAA to the Montana Aeronautics Commission, local governments, and other recipients for use. The eligibility of this beacon is based on its move to its present location within the period of significance, maintaining its value as a navigation tool for pilots across the state. The beacon is further referenced in **Section 4.8** of the EA.

The Great Bannock Trail	Location: North of the APE	Status: Does not have an Eligibility Determination
The Great Bannock Trail (portions of which were also likely used by the Nez Perce in 1877 on what is known as the Nez Perce (Nee-Me-Poo) National Historic Trail) is known to have existed in the general area of the Proposed Action, although the exact location of the Great Bannock Trail is not known.		
The Great Bannock Trail was an aboriginal travel corridor approximately 200 miles in length stretching from the Camas Meadows in Idaho, across Targhee Pass and into the		

Madison River Valley, over the Gallatin Range and into the Gardiner River drainage, up the Yellowstone River and the Lamar River, to the Absaroka Mountains, and finally to the Clark Fork of the Yellowstone River and Shoshone River in Wyoming. Although named after the Bannocks of the Snake River Plains, the trail was used by several other tribes including the Flathead, Fort Hall and Wyoming Shoshoni, the Lemhi, and the Nez Perce along with early-day white explorers and trappers.

Use of the Great Bannock Trail has been suggested to have occurred for at least forty years—from approximately 1838 to 1878. Nez Perce Chief Joseph, along with approximately 750 followers, traveled portions of this route in 1877 while being pursued by U.S. Army General Oliver O. Howard. Less than a year later hostile Bannocks used the trail in 1878 in an attempt to reach hunting grounds in Wyoming. There are also records that individuals around the town of West Yellowstone drove cattle on the trail during the late 1890s and early 1900s. The Great Bannock Trail is further referenced in **Section 4.8** of the EA.

The Nez Perce (Nee-Me-Poo) National Historic Trail

Location: North of the APE

Status: Designated by Congress as a National Historic Trail in 1986

The Nez Perce (Nee-Me-Poo) National Historic Trail (NPNHT) extends approximately 1,170 miles on a circuitous route from the vicinity of Wallowa Lake, Oregon, to the Bear's Paw Battlefield near Chinook, Montana. The location near the APE is identified in **Figure 2-2**.

It is named for the 1877 flight of the Nez Perce from their homelands while pursued by U.S. Army Generals Howard, Sturgis, and Miles (Nez Perce War of 1877). Chief Joseph, Chief Looking Glass, Chief White Bird, Chief Ollokot, Chief Lean Elk, and others led nearly 750 Nez Perce men, women, and children and twice that many horses over 1,170 miles through the mountains, on a trip that lasted from June to October of 1877. This route was used in its entirety only once; however, component trails and roads that made up the route bore generations of use prior to and after the 1877 flight of the nontreaty Nez Perce.

The Nez Perce passed through the Hebgen Basin (in which the Airport lies) in late August 1877. On August 9th, the military caught up with the Nez Perce at the Big Hole River in Montana. After a twenty-four-hour battle with heavy casualties on both sides, the Nez Perce moved rapidly from the Big Hole Battlefield through the upper Big Hole, south over Bannock Pass and re-entered Idaho. On August 20th, the Nez Perce and 260 men of the US Army clashed at Camas Meadows about thirty-six miles southwest of the current APE. The Nez Perce took the offensive and captured nearly all of the Army pack mules. This slowed the Army's advance and allowed the Nez Perce to escape over Targhee Pass into Yellowstone country. They likely used portions of the Great Bannock Trail along their route in the area near the APE. The Nez Perce crossed into Yellowstone Park just to the east of the current APE.

Congress passed the National Trails System Act in 1968, establishing a framework for a nationwide system of scenic, recreational, and historic trails. The Nez Perce (Nee-Me-Poo) National Historic Trail was added to this system by Congress as a National Historic Trail in 1986. Nee-Me-Poo is the traditionally accepted name of the Nez Perce Tribe which means "The People". The Nez Perce National Historic Trail is further referenced in **Section 4.8** of the EA.



Figure 2-2: Approximate Location of the Nez Perce (Nee-Me-Poo) National Historic Trail Near the APE as Designated by Dashed Line

For additional information on these historical resources please refer to **Appendix B**, and **Section 4.8** of the EA.

3. Alternatives Analysis

This section describes the methodology used for determining impacts to DOT Section 4(f) resources and provides details on the alternatives considered including potential impacts. Methods to minimize or mitigate impacts to the identified preferred alternative are also included.

3.1 Methodology

Each DOT Section 4(f) resource was evaluated for potential impacts associated with each of the alternatives considered. The potential impact criteria evaluated for each site included direct impacts and constructive use impacts.

3.1.1 Direct Impacts/Physical Use

Direct impacts, or physical “use”, refer to physical taking/acquisition of a DOT Section 4(f) resource for incorporation into a transportation project. In determining direct impacts, each proposed alternative was evaluated to determine if the alternative would impact one of the identified DOT Section 4(f) resources.

3.1.2 Indirect Impacts/Constructive Use

“Use” within the context of DOT Section 4(f) includes not only actual physical taking of such property, but also “constructive use.” Constructive use occurs when the impacts of a project on a DOT Section 4(f) property are so severe that the activities, features, or attributes that qualify the property for protection under DOT Section 4(f) are substantially impaired. The definition of constructive use adopted for this study is based on Section 5.3.2 of the desk reference for FAA Order 1050.1F:

Substantial impairment occurs only when the protected activities, features, or attributes of the DOT Section 4(f) property that contribute to its significance or enjoyment are substantially diminished. This means that the value of the DOT Section 4(f) property, in terms of its prior significance and enjoyment, is substantially reduced or lost. For example, noise would need to be at levels high enough to have negative consequences of a substantial nature that amount to a taking of a park or portion of a park for transportation purposes.

3.2 Alternatives

As noted in **Section 1.1.5** of the EA, the 2015 *Master Plan* and the 2019 *TANR* identified deficiencies in the existing terminal facilities at WYS and evaluated alternatives to address these deficiencies. The alternatives specific to the terminal included:

- Alternative 1: Rehabilitate terminal building in place
- Alternative 2: Construct new terminal building and repurpose the existing terminal
- Alternative 3: Construction of a new terminal building and demolition of the existing terminal

Each alternative to address the terminal building also includes associated improvements to the concrete commercial parking pad, airport access road, parking lot infrastructure, water, sewer, and fiber optic infrastructure, and replacement of the airfield beacon and tower. While most of these associated improvements did not have significant variations that were considered as individual alternatives, improvements to the water and sewer systems and the beacon and tower required further consideration, and the alternatives for these improvements are also included in this section.

The alternatives considered are discussed in **Chapter 3** of the EA. The discussion of the No Action Alternative begins on page 18 of this Evaluation. Alternatives 1, 2, 3A, 3B, and 3C specifically address options for the terminal, with Alternatives 3A, 3B, and 3C presenting alternatives for location of the new terminal and demolition of the existing terminal. Alternative 3B is the Proposed Action.

Alternative W1 provides an alternative to construct onsite water supply infrastructure. Alternative S1 provides an alternative to construct onsite sanitary sewer treatment. And, Alternatives B1 and B2 are alternatives considered for the Yellowstone Airport Beacon and Tower.

These preliminary action alternatives are summarized below.

3.2.1 Alternatives Eliminated

The alternatives discussed in this section were evaluated with respect to the purpose and need discussed in **Section 1.3** to provide an updated terminal facility as well as their ability to support overall needs of the Airport in the future. Alternatives that did not meet the purpose and need, were not feasible to implement, or would constrict the Airport's ability to meet future demands, were eliminated from further evaluation and were not carried forward for analysis in the EA and will not be further considered in this Evaluation.

3.2.1.1 Alternative 1: Rehabilitate Terminal Building In Place

This alternative would involve the rehabilitation of the existing structure through extensive remodeling.

Given the limitations of the existing footprint, adding on to the structure would be necessary in order to provide adequate space to accommodate non-sterile and sterile areas and respective restroom facilities, as well as TSA, airline, rental car, concessionaire, baggage claim, airport staff office(s), mechanical systems, etc. Remodeling the existing structure would require retrofitting new mechanical and electrical equipment to existing systems. Additionally, the facility would need to be brought up to current building codes to include providing American Disabilities Act (ADA) facilities and meeting current building, fire, and seismic codes.

Rehabilitation of the existing terminal would also require temporary facilities during construction to keep the terminal operational and to separate construction areas from the general public.

For this alternative, portions of the generator building would be rehabilitated (i.e. replacement of the degraded concrete fuel tank for the generator fuel supply).

Alternative 1 was ultimately not carried forward for further analysis due to the difficulty of continued maintenance of the existing terminal, difficulties in coupling old building materials and techniques with modern methods and retrofitting new mechanical and electrical equipment, required upgrades to meet ADA and building/fire codes, identified structural deficiencies in the existing terminal, and associated costs. Additionally, the limited footprint of the existing terminal would require extensive additions or remodels to accommodate current and future needs of the terminal building, and temporary facilities would be required while construction was taking place. Consequently, this alternative was found not to be prudent or feasible and was not considered further.

3.2.1.2 Alternative 2: Construct New Terminal Building, Repurpose Existing Building

This alternative reviewed the construction of a new terminal and repurposing of the existing structure.

Many of the same challenges in rehabilitating the existing terminal in Alternative 1 are also applicable in repurposing the structure for another use (storage/FBO/rental car/concessionaire/etc.). While temporary facilities may not be necessary to construct to complete improvements, the age of the existing structure and layout require numerous updates to address code issues, as well as structural and layout issues to make it reasonably useable for other endeavors.

For this alternative, the generator building would likely be demolished and new generator equipment supplied with the new terminal building that would support that upsized facility and other necessary structures on the airport (i.e. ARFF building). It is unknown at this time if rehabilitation of the existing equipment and building would be a possibility to meet the power needs of the new terminal building and other structure(s) that are served off from that generator (i.e. ARFF building).

As with Alternative 1, Alternative 2 was ultimately not carried forward for further analysis due to the difficulty of continued maintenance of the existing terminal, difficulties in coupling old building materials and techniques with modern methods and retrofitting new mechanical and electrical equipment, required upgrades to meet ADA and building/fire codes, identified structural deficiencies in the existing terminal, and associated costs. Unique to Alternative 2, other difficulties included the constrictions that would be encountered for future terminal site development due to leaving the existing terminal in place and constructing another terminal, and the structural modifications that would be required for the new terminal to be repurposed for storage of aircraft or heavy equipment due to the presence of a basement in the existing terminal. Consequently, this alternative was found not to be prudent or feasible and was not considered further.

3.2.1.3 Alternative 3: Construct New Terminal Building, Demolish Existing Building

This alternative reviewed the construction of a new terminal adjacent to the existing terminal. In lieu of making any improvements to the existing terminal building, both the terminal and generator buildings would be proposed to be demolished in entirety and the areas rehabilitated for parking infrastructure or otherwise in support of the new terminal. The existing terminal could be utilized until the new one was constructed, thereby eliminating the need for temporary facilities.

Within the 2019 *TANR*, there were three siting options identified for consideration of the alternative to construct a new terminal building. Each siting option was evaluated using the following criteria: aircraft parking and circulation, relationship to other airport facilities, and expansion potential.

The following options for siting the new terminal were examined and are explained below:

- Alternative 3A – New Terminal Sited Adjacent and North of Existing Terminal
- Alternative 3B – New Terminal Sited Adjacent and South of Existing Terminal (Proposed Action)
- Alternative 3C – New Terminal Sited at Far South End of Apron

A brief overview of Alternatives 3A and 3C (which were eliminated from further consideration) are provided in this Evaluation. A more detailed analysis is provided in **Chapter 3** of the EA.

3.2.1.3.1 Alternative 3A – Site Adjacent and North of Existing Terminal

Alternative 3A proposes a new terminal building adjacent to and north of the existing terminal building. The loop road is shifted to the north to provide parking directly fronting the terminal building with employee parking to the north and rental car parking to the south. Future general aviation (GA) development, which might include large, executive hangars, would be focused at the south end of the apron.

Alternative 3A was ultimately not carried forward for further analysis due to the disadvantages in the general flow and layout of commercial and general aviation traffic, and limited opportunities for expansion of the new terminal and operations and maintenance facilities. Consequently, this alternative was found not to be prudent and was not considered further.

3.2.1.3.2 Alternative 3C – Site at Far South End of Apron

Alternative 3C places the new terminal building at the far south end of the apron. The loop road is extended to the south and public parking is provided directly fronting the terminal building. Employee parking is to the north. Rental car parking would be incorporated into the public parking lot. Space for future general aviation development would be maintained north of the employee parking lot and south of the ARFF facility. This area could also be available for ARFF expansion if needed.

Although this alternative offers similar advantages as Alternative 3B (Proposed Action), Alternative 3C was ultimately not carried forward for further analysis due to the overall layout, flow, and potential for future terminal expansion being much more advantageous under Alternative 3B. Additionally, the concrete commercial parking pad would require replacement due to shifting of parking for commercial aircraft being moved significantly to the south. Consequently, this alternative was found not to be prudent and was not considered further.

3.2.1.4 Alternatives Considered for Yellowstone Airport Beacon and Tower

Careful consideration was given to alternatives regarding the beacon and tower due to their potential as historic resources. While replacement of the existing Airport beacon with a new beacon and tower is included in the Proposed Action, the following alternatives were also considered for the existing beacon and tower.

3.2.1.4.1 Alternative B1 – Continue Operational Use of the Beacon and Tower

Under this alternative, the beacon and tower would remain in use at their current location, or be located elsewhere if needed in order to accommodate siting of the new terminal and parking lots.

The existing beacon was documented during the Airport's 2019 FAA Part 139 Certification Inspection to have a flash rate (minimum rotations per minute) that is slower than required by FAA standards. The existing beacon is operating as designed, but no longer meets standards for an FAA Part 139 Airport such as WYS.

The beacon and tower were also noted as a platform for bird perching in the 2015 *Wildlife Hazard Assessment* and has a history of being used by ravens for perching and nesting. This presents a wildlife hazard for the Airport, as bird attractants on the

Airport could present opportunities for bird/aircraft collisions. The design of the current beacon and tower is such that airport staff have to climb the tower to clear the tower and keep birds from nesting, as well as perform any maintenance, which presents a safety issue for staff.

Maintenance of the historic-age beacon has also become very difficult. The WYS beacon was repaired in the spring of 2019 with replacement parts from a similar beacon salvaged from Columbus in 2018, as manufacturers are no longer making replacement parts.

Alternative B1 was ultimately not carried forward for further analysis because it does not meet the purpose and need. It does not provide a beacon with a flash rate that meets the requirement for a Part 139 Airport, it leaves a wildlife attractant on the Airport, and it remains a safety hazard for Airport staff who have to climb the tower to maintain the beacon or clear the tower of bird nests. Consequently, this alternative was found not to be prudent and was not considered further.

3.2.1.4.2 Alternative B2 – Discontinue Operation of the Existing Beacon and Tower, but Leave Intact on the Airport

Under this alternative, a new beacon and tower would be provided, and the existing historic-age beacon and tower would no longer be utilized as an operational Airport beacon. The existing beacon and tower would either remain in place, or be relocated on the Airport, so that much of the historic integrity of the resource would be retained.

Although this alternative would solve the issue of the beacon flash rate and difficulty of finding replacement parts, the other issues of the beacon and tower constituting a wildlife hazard and safety hazard for staff to maintain would remain. Airport staff would still have to clear the tower to keep birds from nesting, and maintain at least the appearance of the tower and beacon.

Alternative B2 was ultimately not carried forward for further analysis because it does not meet the purpose and need. It leaves a wildlife attractant on the Airport, and it remains a safety hazard for Airport staff who have to climb the tower to maintain the beacon or clear the tower of bird nests. Consequently, this alternative was found not to be prudent and was not considered further.

3.2.2 Alternatives Carried Forward for Analysis

3.2.2.1 No Action Alternative

This alternative involves the continued use of the existing facilities and infrastructure at WYS. No improvements would be made to the terminal or water/sewer/communications systems, and the airport beacon would not be replaced. The configuration and layout of WYS would remain unchanged from present conditions under this alternative, and no improvements or facilities would be added; only maintenance of existing facilities would be conducted to ensure continued operation of the Airport.

As configured, the terminal building does not conform to all current FAA design recommendations to support the current and anticipated volumes of the traveling public as discussed in **Section 2.2.1** of the EA. Integrating the current space to facilitate post-911 TSA security requirements has been challenging, and limits passenger amenities for

what is available between the nonsterile and sterile sides of security (i.e. restrooms). Beyond the basic configuration and lack of flexibility to expand, the general construction of the building does not meet current codes (structural, electrical, etc.) or State of Montana High Performance Building Standards.

In addition to the terminal structure itself, the existing concrete commercial parking pad is offset from the existing terminal access for passengers, thereby complicating getting passengers deplaning commercial aircraft between the aircraft and terminal. Airline procedures in deplaning passengers (walking around wingtips and behind the aircraft) have resulted in the airline parking their aircraft on asphalt to the north of the existing pad.

Failure to provide improvements to water and sewer services would result in the continued issues as described in **Sections 2.2.5** and **2.2.6** of the EA (ie: low water pressure and capacity issues for septic drain fields).

Failure to provide improvements to communications systems (fiber optic) would result in continued issues as described in **Section 2.2.7** of the EA (ie: marginal coverage, low internet speeds, limited capacity for users).

Additionally, failure to replace the Airport beacon will result in continued issues as described in **Section 2.2.9** of the EA. These issues include bird safety concerns, access safety issues for staff, and the continued deficiency identified during the Airport's 2019 FAA Part 139 Certification Inspection, when it was noted that the beacon was found to have a flash rate (i.e. minimum rotations per minute) slower than is required by FAA AC 150/5340-26C, *Maintenance of Airport Visual Aid Facilities*.

While the No Action Alternative does not meet the purpose and need, CEQ regulations require the FAA to consider a 'no action' alternative (40 CFR § 1502.14(d)). The No Action Alternative serves to describe the current and future state of the affected environment without considering the potential impacts of the Proposed Action or project. **Figure 1-3** of the EA shows the existing airport layout that represents the No Action Alternative.

3.2.2.2 Proposed Action

The Proposed Action evaluated within the EA includes a number of improvements at WYS as described below and as depicted on **Figures 1-4** and **1-5** of the EA that satisfy the Purpose and Need. The Proposed Action is described in detail in **Section 1.3** of the EA.

- New Terminal Building
 - Construct approximate 29,000 SF terminal
 - Demolition of Airport Buildings
 - Airport terminal building
 - Generator building
 - Modifications to the Animal Control Fence to accommodate the new footprint of the new structure and features of the terminal area
- Expand Concrete Commercial Parking Pad
- Reconstruct and Extend Airport Access Road
 - Reconstruct the existing access road from HWY 191 to the area fronting the existing terminal building

- Extend the airport access road to the front of the new terminal building to facilitate access to proposed airport parking and the terminal
- Construct New Parking Lot Infrastructure
 - Construct parking lot for passengers, rental cars, and administrative staff (airport/airline/TSA/concessions/etc.)
 - Relocate existing car wash pad facilities for two resident rental car providers
- New Water Infrastructure Improvements
 - Extend water main infrastructure from town of West Yellowstone, approximately 27,815 linear feet (LF) to serve the new terminal, terminal area structures, and USFS Jump Base adjoining the Airport, to allow for future connection by the USFS in the future. There will be a clearing width for the utility corridor of approximately 30 feet, where necessary.
 - The water main is proposed to be routed to facilitate connection in the immediate vicinity of the USFS Jump Base and sized to accommodate projected needs should the USFS or other airport or non-aeronautical development desire to connect in the future.
 - Construction and occasional maintenance of the new water infrastructure improvements on the Custer Gallatin National Forest will be carried out under a special use authorization from the USFS that will be issued to the State or Town (depending on final ownership of infrastructure) for the improvements and include maintenance of the corridor, weed management, and maintenance of barriers that will prevent public motorized use of the utility corridor in areas not currently authorized for motorized use by the public.
 - The existing well can be abandoned (well casing removed to below the ground level, plugged with bentonite, and capped). Any abandonment would be completed by a licensed well driller in accordance with State regulations.
- New Sewer Infrastructure Improvements
 - Extend sanitary sewer service from the terminal to the town of West Yellowstone sewer lagoons
 - The system is proposed to be routed to facilitate connection to the USFS Jump Base and sized to accept effluent from the USFS Jump Base, to allow for USFS connection in the future.
 - The existing septic tanks can be removed, and force main to the existing drain field and drain field abandoned in place.
- New Fiber Optic Infrastructure Improvements
 - Extend fiber optic infrastructure (buried in conduit) from the town of West Yellowstone to the new terminal, existing terminal area structures (ARFF and SRE buildings and FBO), and USFS Jump Base adjoining the airport, to allow for USFS connection in the future.
 - Fiber optic is proposed to be collocated in the same trench as the water line from the town of West Yellowstone.
 - In event that the designers determine it is best to offset the utilities, fiber optic can be trenched or plowed in adjacent to the water line alignment. There is no perceived need to disturb any areas outside of those already proposed to facilitate water main installation.

- If the connection to town water facilities is determined infeasible and Alternative W1 is employed to improve onsite water, new fiber optic infrastructure improvements will not be pursued.
- Construction and occasional maintenance of the new fiber optic infrastructure improvements on the Custer Gallatin National Forest would be carried out under a special use authorization from the USFS that will be issued to the utility company for the improvements and their operation and maintenance.
- Timber clearing to facilitate subsurface utilities (i.e. water, sewer, and fiber optic).
- Replacement of Existing Airport Beacon with New Beacon and Tower
 - The proposed location of a new rotating beacon is shown on **Figure 1-4** of the EA. The upper portion of the existing beacon tower to include the top platform and beacon apparatus and enough of the tower to convey the design and function of the beacon will be preserved as a display either within the new airport terminal; or outside the new terminal building and within the terminal area at WYS.

3.2.2.3 Alternative W1 – Construct On-Site Water Supply Infrastructure

If town infrastructure cannot be extended to WYS, an alternative would be to construct an on-site water storage and supply system to provide appropriate potable and fire suppression water supply. It is anticipated that this alternative would include at least one new well, a sizeable holding tank with fire pump to meet fire suppression needs, a separate domestic water storage tank, an arsenic removal system to reduce well water to acceptable levels for public consumption, and the distribution infrastructure to tie to existing facilities serving other terminal area structures (ARFF, SRE, FBO buildings). Such a facility could be sited to the south of the apron area in the approximate 20 acres of timbered area within the animal control fence as per **Figure 3-4** of the EA. All infrastructure would be proposed to remain on Airport property.

Extension of transmission infrastructure to the USFS Jump Base toward the north end of the airport along the east property boundary could occur if USFS requested to be joined to the onsite system.

Since fiber optic is proposed to be collocated in the same trench as the water line from the town of West Yellowstone, if the connection to town water facilities is determined infeasible and Alternative W1 is employed to improve onsite water, new fiber optic infrastructure improvements will not be pursued.

3.2.2.4 Alternative S1 – Construct On-Site Sanitary Sewer Treatment System

This alternative would replace the existing drain field treatment and provide additional gravity sewer infrastructure and possible lift station to an advanced treatment Level 2 septic system. The infrastructure for the existing force main and drain field would be abandoned in place as allowable per Montana Department of Environmental Quality (DEQ) and Gallatin County Health Department (GCCHD). The new proposed system would include an upsized septic tank, dose tank with pump, gravelless chambers, distribution valves/piping and electrical system(s). The proposed location for such a system would be near the proposed lift station and USFS Jump Base as reflected in **Figure 3-5** of the EA. The system would be proposed to the north of the existing access

road and hangar area. As a Level 2 drain field footprint is much larger than a typical septic system, siting such a system may limit future hangar area and apron development options. Such a system would take advantage of the existing gravity flow system to the greatest extent possible. With the siting location to the north of the existing terminal developed area, it puts the system in close proximity to the USFS Jump Base, from which the USFS can extend their own force main system to the Level 2 drain field if they chose to connect.

A challenge with this type of system is providing a continual effluent supply to the drain field to maintain a microbial presence for treatment. With the terminal and USFS facilities being seasonal, connection of the Life Flight hangar (presently on a drain field) that maintains staff year-round would be critical to maintaining a functional Level 2 treatment system. Any Level 2 treatment system would be conditional on GCCHD and DEQ approval. Should a more advanced level of treatment be required, a lagoon or mechanical type system of treatment are potential solutions. Challenges that come with these options are that they cost more and would require additional environmental analysis before implementation.

3.3 Description of DOT Section 4(f) Resources Impacts and Measures to Minimize Harm

3.3.1 No Action Alternative

As the non-development alternative, the No Action Alternative will have no effect on Department of Transportation, Section 4(f) resources. However, the No Action Alternative is not a reasonable course of action because it would not meet the Purpose and Need.

3.3.2 Alternatives W1 and S1

Alternatives W1 and S1 will have no direct or constructive use under DOT Section 4(f) of the Custer Gallatin National Forest, the Great Bannock Trail, or the NPNHT as both alternatives will be installed on Airport property and will not cross the Custer Gallatin National Forest.

Alternatives W1 and S1 will also have no direct or constructive use of the terminal building or the beacon and tower as these are related to alternatives concerning water and sewer infrastructure that are directly related to terminal improvements; but are not related to the alternatives specifically regarding the fate of the existing terminal or beacon and tower.

3.3.3 Proposed Action

3.3.3.1 Custer Gallatin National Forest (USFS)

The extension of water and fiber optic utilities lines from the town of West Yellowstone to the Airport property will cross the Custer Gallatin National Forest. The utilities installation will require the clearing of timber to facilitate installation of the utilities. While much of the infrastructure will remain below the surface, there will be the need for fire hydrants, blow offs, valve boxes, utility junction boxes, and other ancillary structures that will be exposed at or above the ground surface. Construction of the utilities will result in short duration occupation and disturbance of property administered by the USFS.

Construction and occasional maintenance of the infrastructure improvements on the Custer Gallatin National Forest will be carried out under a special use authorization from

the USFS that will be issued to the State or Town (depending on final ownership of infrastructure) for the improvements and include maintenance of the corridor, weed management, and maintenance of barriers that will prevent public motorized use of the utility corridor in areas not currently authorized for motorized use by the public.

Direct Impacts:

As the utilities will remain physically present on the Custer Gallatin National Forest, the Proposed Action will result in “direct use” of the DOT Section 4(f) resource. However, the physical use has been determined to be *de minimus* considering that the installation of the utility infrastructure crossing the Custer Gallatin National Forest utilizes existing travel corridors, does not affect the overall physical characteristics of the Custer Gallatin National Forest, and will not adversely affect the activities, features, and attributes that qualify the Custer Gallatin National Forest for protection under DOT Section 4(f).

Indirect/Constructive Use:

No project-related constructive use effects are anticipated to occur under the Proposed Action, as neither the timber removal nor presence of underground utilities for water and fiber optic will impair the property after installation.

Proposed Mitigation:

None Proposed. The location of the utility corridor was specifically planned to minimize impact to the Custer Gallatin National Forest by utilizing an open motorized route, access roads for the Airport and USFS Jump Base, and an existing overhead power line corridor. The installation of underground infrastructure for water and fiber optic, and the clearing of timber along existing travel corridors and access roads does not affect the overall physical characteristics of the Custer Gallatin National Forest, and will not adversely affect the activities, features, and attributes that qualify the Custer Gallatin National Forest for protection under DOT Section 4(f).

3.3.3.2 Yellowstone Airport Terminal Building (24GA1958)

Direct Impacts:

The terminal building will be demolished as part of the Proposed Action. As discussed in **Section 3**, it was determined that the rehabilitation or repurposing of the terminal was not reasonably feasible and did not meet the Purpose and Need as described in **Section 1.3**. The Proposed Action will have an “adverse effect” through the removal of the terminal under Section 106; therefore, the Proposed Action will result in “direct use” of the terminal under DOT Section 4(f).

Indirect/Constructive Use:

No project-related constructive use effects are anticipated to occur under the Proposed Action.

Proposed Mitigation:

Based on the DOT Section 4(f) Evaluation and coordination with FAA, MDT, and SHPO, a finalized Memorandum of Agreement (MOA) has been signed and is included as **Attachment 3** of this document and **Appendix I** of the EA. The MOA includes required mitigation elements which include:

- Conduct a Historic American Engineering Record (HAER) level II documentation of the Yellowstone Airport Terminal.
- During construction of the improvements:

- Preserve rock materials from the façade of the original terminal to be repurposed into the new terminal, outside landscaping, and/or platform for the beacon tower display as described below.
 - Design, manufacture, and install an interpretive display in the new terminal to provide pictures of the original terminal building and explain efforts to repurpose materials or features of the original terminal into terminal area improvements.
 - SHPO will be provided the opportunity to review and provide comment on the details of repurposing the rock materials before plans are finalized, and review and comment on the interpretive sign. While no minimum amount of rock materials to be repurposed is specified in the MOA, SHPO will provide review and comment to ensure that the intent of this stipulation is met.

3.3.3.3 Yellowstone Airport Beacon Tower (24GA1981)

Direct Impacts:

The beacon and tower will be replaced as part of the Proposed Action. As discussed in **Section 3**, it was determined that the alternatives to replacing the beacon and tower were not feasible and did not meet the Purpose and Need as described in **Section 1.3**. The existing tower, tower foundation, and beacon will be removed from its existing location. The Proposed Action will have an “adverse effect” through the removal of the beacon and tower under Section 106; therefore, the Proposed Action will result in “direct use” of the airport beacon tower under DOT Section 4(f).

Indirect/Constructive Use:

No project-related constructive use effects are anticipated to occur under the Proposed Action.

Proposed Mitigation:

Based on the DOT Section 4(f) Evaluation and coordination with FAA, MDT, and SHPO, a finalized Memorandum of Agreement (MOA) has been signed and is included as **Attachment 3** of this document and **Appendix I** of the EA. The MOA includes required mitigation elements which include:

- Conduct a Historic American Engineering Record (HAER) level II documentation of Yellowstone Airport Beacon Tower.
- During construction of the improvements:
 - Preserve the upper portion of the beacon tower to include the top platform and beacon apparatus and enough of the tower to convey the design and function of the beacon in order to display at WYS. The display will be located either within the new airport terminal or outside the new terminal building and within the terminal area.
 - Design, manufacture, and install an interpretive sign for the beacon tower display to explain the importance of Montana’s Historic Airway Beacon System.
 - SHPO will be provided the opportunity to review and comment upon the design and location of the beacon tower display and the text and design of the interpretive sign. SHPO will be provided a copy of the final designs.

3.3.3.4 The Great Bannock Trail

The exact location of the Great Bannock Trail is unknown, although all research reviewed for the Addendum places the Great Bannock Trail to the north of WYS, and field surveys conducted for the Addendum uncovered no sign of the Great Bannock Trail. Government-to-government consultation was conducted with the Shoshone Bannock Tribes, and they posed no objections to the Proposed Action. There are no known direct or indirect effects anticipated to the Great Bannock Trail due to the Proposed Action, and no direct or constructive use under DOT Section 4(f).

3.3.3.5 The Nez Perce (Nee-Me-Poo) National Historic Trail (NPNHT)

Investigation into the location of the NPNHT in the Addendum placed the official designated route of the NPNHT to the north of the Airport and uncovered no physical remnants of the NPNHT in any of the surveys. The FAA conducted Government-to-government consultation with the Nez Perce Tribe, and the Nez Perce Tribal Historic Preservation Officer (NP THPO) raised concerns that any potential effect due to the Proposed Action on the NPNHT or to the Nez Perce Tribe could not be adequately evaluated without an ethnographic study to gather oral history regarding the Nez Perce experience during the Nez Perce War of 1877 while pursued by the United States Army (US Army).

The Proposed Action will largely be constructed on Airport property in areas of developed or heavily disturbed land, except for the utility corridor for water and fiber optic improvements which will be extended from the town of West Yellowstone to WYS and will cross The Custer Gallatin National Forest. The FAA, USFS, and MDT have agreed that an ethnographic study is the appropriate means to examine potential effects on the NPNHT and current Nez Perce Tribe due to the utility corridor crossing the Custer Gallatin National Forest, because of the gravity and significance of the Nez Perce War of 1877 upon the Nez Perce Tribe, the ambiguous nature of the true path they followed, and the proximity of the utility corridor crossing the Custer Gallatin National Forest to the designated location for the NPNHT. While there are no known direct or indirect impacts under DOT Section 4(f) at this time, mitigation measures described below due to the potential for adverse impacts that could be uncovered during the ethnographic study.

Direct Impacts:

Unknown, but none currently identified.

Indirect/Constructive Use:

Unknown, but none currently identified.

Proposed Mitigation:

The Proposed Action has an unknown effect under Section 106 on the archaeological and cultural aspects of the NPNHT and Nez Perce Tribe; and therefore, also have the potential for a use under DOT Section 4(f). A Programmatic Agreement (PA) under Section 106 has been developed to determine if any adverse effects will be identified through an ethnographic study. The signed PA is included as **Attachment 4** of this document and **Appendix I** of the EA.

If no adverse effects under Section 106 are identified through the ethnographic study conducted under the terms of the PA, then there is no use of the DOT Section 4(f)

resource, and no further action is required. If adverse effects are identified through the ethnographic study, the Signatories of the PA will execute a Memorandum of Agreement (MOA) to document the mitigation requirements for the adverse effects consistent with 36 CFR § 800.5-6, will notify the Advisory Council of Historic Preservation of the adverse effect finding, and invite them to participate in consultation consistent with 36 CFR § 800.6(a)(1). Additionally, a DOT Section 4(f) Evaluation will be conducted to determine if there is any use of the DOT Section 4(f) resource.

4. COORDINATION

Coordination among the FAA, SHPO, MDT – Aeronautics Division (Sponsor), Custer Gallatin National Forest (USFS), Native American Tribes, and the public was conducted early in the EA process and is summarized below.

4.1 Coordination with the State Historic Preservation Office and the Advisory Council on Historic Preservation

Initial coordination was completed with the FAA and SHPO concerning the terminal and beacon historic resources. That coordination included all practical planning measures to avoid impacts to those resources. Where impacts could not be avoided, measures to minimize harm were included in the alternatives development. Coordination included:

- Several meetings and conference calls with the various members of the project team to confirm the area of potential impact, project alternatives, and initial options to consider for mitigation.
- Site visits and meetings by multiple members of the project team, which included the Airport Manager, the project Environmental Specialist/Airport District Office (ADO) representative, and the archaeological representative for the architectural historian to discuss eligibility of the resources, location of the alternatives in relation to the resources, avoidance alternatives, and effects determinations outlined in the Section 106 Cultural Resources Inventory.
- In a letter dated September 14th, 2020, SHPO concurred (**Attachment 1** of this document and **Appendix B** of the EA) with the FAA determination of eligibility to the NRHP of the terminal and beacon and that their removal will constitute an adverse effect to these historic properties.
- SHPO was a signatory on the MOA and the PA (**Attachments 3 and 4** of this document and **Appendix I** of the EA).
- FAA notified the Advisory Council on Historic Preservation (ACHP) on August 5th, 2020 to provide information and an invitation to participate in the Section 106 consultation. A response was received from ACHP on August 20th, 2020, declining the invitation to participate unless circumstances change and their participation is needed (**Attachment 2** of this document and **Appendix I** of the EA).

4.2 Coordination with Tribes

The FAA sent an invitation for Government-to-Government tribal consultation on the Proposed Action to the following Tribes in letters dated August 29, 2019 (**Appendix K** of the EA): the Blackfeet Nation, the Coeur d'Alene Tribe, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Kootenai Tribe of Idaho, Nez Perce Tribe, and the Shoshone Bannock Tribes. A summary of the responses provided are as follows:

- Confederated Salish and Kootenai Tribes of the Flathead Reservation posed no objections to the undertaking.
- Shoshone Bannock Tribes: Emailed the FAA on August 30, 2019 to request a consultation via staff to staff meeting where the Airport improvements could be presented.
 - Staff from FAA, MDT Aeronautics Division, and Morrison-Maierle (the consultant for the Airport) met with the Shoshone Bannock Tribes on October 15, 2019, to present the projects included within the Proposed Action. During this meeting, the Tribes brought up concerns about the Great Bannock Trail. The Tribes requested that the Cultural Resource Inventory(s) (CRI) be provided once completed for further review and comment.
- Nez Perce Tribe: Called attention to the Nez Perce (Nee-Me-Poo) National Historic Trail (NPNHT), which commemorates the US Army's pursuit of the Nez Perce during the summer of 1877 during the Nez Perce War of 1877. The communication stated that both the events and the trail are hugely significant to the Nez Perce Tribe.

The NPNHT and the Great Bannock Trail were given specific consideration during the research and fieldwork for the Addendum. No evidence (based on surface observation) was found for either resource within the project area, and information obtained through literature searches placed the location of both Trails to the north of the APE for the Proposed Action and Alternatives W1 and S1.

In letters dated March 20, 2020, the CRI and the Addendum were sent to the Tribes that were previously contacted in August of 2019 to again extend the invitation for Government-to-Government tribal consultation and seek input on properties of cultural or religious significance that may be affected by the Proposed Action or Alternatives W1 and S1. A summary of the responses provided are as follows:

- Shoshone Bannock Tribes: The Tribes wanted to ensure that their ancestral presence within the area was noted and had a question about LIDAR surveys; both issues were addressed either within the Addendum or through follow up e-mail contact. While the Tribes noted they would provide a response upon acknowledging receipt of the CRI, no response was received and no further concerns were raised.
- Nez Perce Tribe: While the Tribe acknowledged that surface observation did not reveal the presence of archaeological resources, they voiced concern that the analysis did not analyze the trail as ethnographic or a traditional cultural property.
 - Staff from FAA, USFS, MDT Aeronautics Division, and Morrison-Maierle (the consultant for the Airport) attended teleconferences (May 4th, 2020 and June 22, 2020) with the Nez Perce Tribal Archaeologist / Tribal Historic Preservation Officer (THPO) to further discuss the Tribe's concerns and work to find an acceptable solution regarding the NPNHT. These discussions and further consultation and review of draft versions of the PA resulted in the approval of the PA (**Attachment 4** of this document and **Appendix I** of the EA).

4.3 Coordination with Owners of DOT Section 4(f) Resources

As the undertaking would include improvements on the Custer Gallatin National Forest and require a special use authorization from the USFS, the USFS was a cooperating agency in the preparation of the EA. The USFS also intends to financially contribute to the utility improvements included in the Proposed Action for water, fiber optic, and sewer infrastructure to provide for layout and sizing to allow for eventual connection to the USFS West Yellowstone Interagency Fire

Center (USFS Jump Base). The USFS were actively involved in planning the proposed utility improvements both on and off Airport property to minimize impacts to the Custer Gallatin National Forest, and ensure the potential for improved utility service to the Jump Base. The USFS reviewed documents involved in preparation of the EA, and in the preparation of the EA itself, and will be involved in the NEPA determination to ensure all requirements are met for the document to comply with USFS Forest Service Manual (FSM) 1950 *Environmental Policy and Procedures*, the Forest Service Handbook (FSH) 1909.15 *National Environmental Policy Act Handbook*, and other legal requirements.

The Yellowstone Airport Terminal and the Yellowstone Airport Beacon Tower is owned by MDT – Aeronautics Division (Airport Sponsor), and is the proponent of the proposed improvements. MDT has been actively involved throughout the planning and NEPA process.

4.4 Coordination with the Public

A public meeting to provide a project overview of proposed improvements and to receive any comments to consider in completion of the EA was held on September 16, 2019 in West Yellowstone, Montana. Residents, airport users, and agencies were provided an opportunity to voice their comments and ask questions on the improvements being considered. Notice was provided via the Bozeman Daily Chronicle, MDT and Airport websites, and posting at select locations in the Town of West Yellowstone. Two written comments from the general public were received, which are included in **Appendix L** of the EA. Verbal comments received during the meeting are provided in the transcribed meeting notes also provided in **Appendix L**.

5. Finding

After careful and thorough consideration, the FAA determined that there are no feasible and prudent alternatives to the use of DOT Section 4(f) resources.

As demonstrated in Section 3 of this Evaluation, the Proposed Action includes efforts to minimize impacts to the Custer Gallatin National Forest, a DOT Section 4(f) resource, by utilizing an existing travel corridor (unimproved jeep trail), access roads for the Airport and USFS Jump Base, and an existing overhead power line corridor for the installation of the utility infrastructure crossing the Custer Gallatin National Forest.

As demonstrated in Section 3 of this Evaluation, alternatives to avoid removal of the existing Yellowstone Airport Terminal and Yellowstone Airport Beacon Tower did not meet the purpose and need of the project. The Proposed Alternative is the only alternative that meets the purpose and need; however, it requires the removal of these resources. The Proposed Action includes mitigation for these resources under Section 106 as outlined in the MOA (**Attachment 3** of this document and **Appendix I** of the EA).

No impacts have been identified regarding the NPNHT; however, the FAA has agreed that an ethnographic study is appropriate to identify unknown impacts to the NPNHT and Nez Perce Tribe. The Proposed Action includes compliance with the approved PA (**Attachment 4** of this document and **Appendix I** of the EA) in order to conduct an ethnographic study with the Nez Perce Tribe regarding the NPNHT in the Hebgen Basin of Montana pursuant to 36 CFR § 800.14(b)(ii) and 36 CFR § 800.14(b)(v) when effects on historic properties cannot be fully determined prior to approval of an undertaking and other circumstances warrant a departure from the normal Section 106 process. If no adverse effects under Section 106 are identified through the ethnographic study conducted under the terms of the PA, then there is no use of the DOT

Section 4(f) resource, and no further action is required. If adverse effects are identified through the ethnographic study, the Signatories of the PA will execute a Memorandum of Agreement (MOA) to document the mitigation requirements for the adverse effects consistent with 36 CFR § 800.5-6, will notify the Advisory Council of Historic Preservation of the adverse effect finding, and invite them to participate in consultation consistent with 36 CFR § 800.6(a)(1). Additionally, a DOT Section 4(f) Evaluation 4(f) will be conducted to determine if there is any use of the DOT Section 4(f) resource.

ATTACHMENT 1

State Historic Preservation Office (SHPO) Letter Dated September 14, 2020

September 14, 2020

Ms. Dian Stilson, P.E.
FAA Helena Airport District Office
2725 Skyway Drive, Suite 2
Helena, MT 59602-1213

Ref: Determinations of Eligibility and Effect on Historic Properties due to Proposed Construction of New Airport Terminal and Associated Improvements at Yellowstone Airport near West Yellowstone, Montana

Dear Ms. Stilson,

Thank you for consulting with the Montana State Historic Preservation Office regarding the project listed above. SHPO concurs with your determination of eligibility that both the Yellowstone Airport Terminal (24GA1958) and the Yellowstone Airport Beacon Tower (24GA1981) are eligible for the National Register of Historic Places under Criteria A and C. In addition, SHPO concurs with your finding that the removal of these two features under the proposed actions as stated in your consultation package will constitute an adverse effect to these historic properties.

While SHPO is aware that there were informal discussions regarding possible mitigation measures to offset this adverse effect, SHPO would like to invite FAA to draft some possible mitigation efforts to begin the collaborative process of drafting a MOA.

Please do not hesitate to contact me regarding this letter or its contents. I can be reached at 406.444.7717 or at eric.newcombe@mt.gov.

Sincerely,



Eric Newcombe, M.A.
Historic Architecture Specialist
State Historic Preservation Office
Montana Historical Society
P.O. Box 201202/1301 E. Lockey Avenue
Eric.Newcombe@mt.gov
(406) 444-7717
www.montanahistoricalsociety.org

ATTACHMENT 2

Advisory Council on Historic Preservation (ACHP) Letter Dated August 20, 2020



August 20, 2020

Ms. Diane Stilson, P.E.
Civil Engineer
Environmental Protection Specialist
FAA, Helena Airports District Office
2725 Skyway Drive, Suite 2
Helena, MT 59602

Ref: *Construction of a New Airport Terminal and Associated Improvements at Yellowstone Airport
West Yellowstone, Gallatin County, Montana
ACHP Project Number: 15782*

Dear Ms. Stilson:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Montana State Historic Preservation Officer (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Anthony Guy Lopez at (202) 517-0220 or by email at alopez@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ATTACHMENT 3

Memorandum of Agreement (MOA) 2021

MEMORANDUM OF AGREEMENT

**AMONG THE
FEDERAL AVIATION ADMINISTRATION,
THE MONTANA DEPARTMENT OF TRANSPORTATION – AERONAUTICS DIVISION,
AND THE MONTANA STATE HISTORIC PRESERVATION OFFICE,
REGARDING**

**THE PROPOSED CONSTRUCTION OF NEW AIRPORT TERMINAL AND ASSOCIATED IMPROVEMENTS AT
YELLOWSTONE AIRPORT (WYS) NEAR WEST YELLOWSTONE, MONTANA**

WHEREAS the Federal Aviation Administration (FAA) is considering funding for the construction of a new terminal and associated improvements (undertaking) at the Yellowstone Airport (WYS) near West Yellowstone, Montana, pursuant to 49 USC § 47107(a)(16), FAA Order 5100.38D, Airport Improvement Program Handbook, and Coronavirus Aid, Relief, and Economic Security (CARES) Act Airport Grant Program; and

WHEREAS the undertaking consists of the construction of a new terminal building and parking lot infrastructure; demolition of the existing terminal and generator building; expansion of a concrete commercial aircraft parking pad; reconstruction and extension of the airport access road; new water, sewer, and fiber optic infrastructure improvements; timber clearing to facilitate subsurface utilities; and replacement of the existing airport beacon with a new beacon and tower (layouts included in Appendix A); and

WHEREAS, the FAA has determined that this undertaking is subject to the National Environmental Policy Act (NEPA) as well as the National Historic Preservation Act (NHPA) and its implementing regulations under Section 106 36 CFR part 800 (as amended); and

WHEREAS, the FAA is the lead agency for complying with NEPA; Section 106 of the NHPA as amended (16 USC 470f), and the regulations implementing Section 106 of the NHPA (36 CFR Part 800); and Government to Government consultation under Executive Order 13175; and

WHEREAS, the State of Montana - Department of Transportation Aeronautics Division (MDT), Airport Sponsor for the Yellowstone Airport (WYS), is the entity proposing the construction of a new terminal and associated improvements at WYS near West Yellowstone, Montana; and

WHEREAS, the FAA has defined the undertaking's area of potential effect (APE), as defined at 36 CFR part 800.16(d), to correspond to the terminal area and areas of disturbance for utility improvements as shown in Appendix A; and

WHEREAS the FAA has determined that the undertaking may have an adverse effect on the Yellowstone Airport Terminal (24GA1958) and the Yellowstone Airport Beacon Tower (24GA1981), which are eligible to the National Register of Historic Places (NRHP) under Criteria A and C and are proposed for removal under the proposed undertaking. The FAA has consulted with the Montana State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the NHPA (54 USC § 306108); and

WHEREAS, the FAA contacted the Blackfeet Nation, the Coeur d'Alene Tribe, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Kootenai Tribe of Idaho, the Nez Perce Tribe, and the Shoshone Bannock Tribes in accordance with Section 106 of the NHPA and implementing regulations 36 CFR Part 800 regarding the effects of the undertaking on historic properties and Executive Order 13175 to initiate government to government consultation; and

WHEREAS, the FAA received responses from the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Shoshone Bannock Tribes, and the Nez Perce Tribe; and

WHEREAS the Confederated Salish and Kootenai Tribes of the Flathead Reservation posed no objections to the proposed undertaking; and

WHEREAS the FAA has consulted with the Shoshone Bannock Tribes regarding the effects of the undertaking on historic properties, to include the Great Bannock Trail, and the Shoshone Bannock Tribes posed no objections to the proposed undertaking; and

WHEREAS, the FAA has consulted with the Nez Perce Tribe regarding the effects of the undertaking on historic properties and the Nez Perce Tribal Historic Preservation Officer (NP THPO) raised concerns that any potential effect to the Nez Perce (Nee-Me-Poo) National Historic Trail (NPNHT) or to the Nez Perce Tribe could not be adequately evaluated without ethnographic studies on the NPNHT to gather oral history regarding the Nez Perce experience during the Nez Perce War of 1877 while pursued by the United States Army (US Army); and

WHEREAS the FAA has agreed to pursue a Programmatic Agreement (PA) to conduct ethnographic studies with the Nez Perce Tribe regarding the NPNHT in the Hebgen Basin of Montana pursuant to 36 CFR § 800.14(b)(ii) and 36 CFR § 800.14(b)(v) when effects on historic properties cannot be fully determined prior to approval of an undertaking and other circumstances warrant a departure from the normal Section 106 process; and the terms of the PA will be carried out prior to any construction, disturbance, or timber removal related to utility improvements that will cross the Custer Gallatin National Forest between the town of West Yellowstone and WYS; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the FAA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation regarding the Yellowstone Airport Terminal (24GA1958) and the Yellowstone Airport Beacon Tower (24GA1981) as well as the potential adverse effect determination as a result of the evaluation of the ethnographic studies conducted under a PA and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the FAA, MDT, and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The FAA, in coordination with MDT and SHPO shall ensure that the following measures are carried out:

I. MITIGATION PLAN

- A. Conduct a Historic American Engineering Record (HAER) level II documentation of Yellowstone Airport Terminal and the Yellowstone Airport Beacon Tower at the Yellowstone Airport.
- B. During construction of the improvements:
 - 1. Preserve the upper portion of the beacon tower to include the top platform and beacon apparatus and enough of the tower to convey the design and function of the beacon in order to display at WYS. The display will be located either within the new airport terminal or outside the new terminal building and within the terminal area.
 - a) Design, manufacture, and install an interpretive sign for the beacon tower display to explain the importance of Montana's Historic Airway Beacon System.
 - b) SHPO will be provided the opportunity to review and comment upon the design and location of the beacon tower display and the text and design of the interpretive sign. SHPO will be provided a copy of the final designs.
 - 2. Preserve rock materials from the façade of the original terminal to be repurposed into the new terminal, outside landscaping, and/or platform for the beacon tower display described in (1) above.
 - a) Design, manufacture, and install an interpretive display in the new terminal to provide pictures of the original terminal building and explain efforts to repurpose materials or features of the original terminal into terminal area improvements.
 - b) SHPO will be provided the opportunity to review and provide comment on the details of repurposing the rock materials before plans are finalized, and review and comment on the interpretive sign. While no minimum amount of rock materials to be repurposed is specified in this MOA, SHPO will provide review and comment to ensure that the intent of this stipulation is met.

II. PROFESSIONAL QUALIFICATIONS

- A. Professional Qualifications and Cultural Resources Permitting
 - 1. All actions prescribed by this MOA that involve the identification, evaluation, analysis, recording, treatment, monitoring, and disposition of historic properties, and involve the reporting and documentation of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons meeting at a minimum, the *Secretary of the Interior's Professional Qualifications Standards* (PQS) for archaeology, history, or architectural history, as appropriate (48 FR 44739).
- B. Documentation Standards
 - 1. The report and documentation of the actions cited in Stipulation I shall conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and

Historic Preservation (48 FR. 44716-44740), as well as with all applicable standards, guidelines, and forms for historic preservation established by the SHPO.

III. MONITORING AND REPORTING

Each quarter following the execution of this MOA until it expires or is terminated, MDT shall provide the FAA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in MDT's efforts to carry out the terms of this MOA. This report can be included with the Quarterly Performance Report that is required in accordance with 49 CFR 18.40 for projects funded under the Airport Improvement Program (AIP), which is due within 30 days after the end of each quarter (due by January 30, April 30, July 30, October 30). Any Final Reports required for FAA grants accepted by the Airport Sponsor (AIP or CARES Act) for design or construction of the undertaking shall include a description of the steps taken and progress of meeting the terms of this MOA, and/or how the terms of this MOA have been met. Upon receipt, the FAA will distribute the summary to the SHPO.

IV. POST-REVIEW DISCOVERIES

If the proposed project activities encounter a previously unknown cultural resource, or if project activities directly or indirectly affect a known resource in an unanticipated manner, the FAA shall implement the Plan for Discovery of Unanticipated Cultural Resources included in Appendix B of this MOA.

V. DISCOVERY OF HUMAN REMAINS

If construction or other project personnel identify what they believe to be human remains, they will immediately halt construction at that location and notify the county coroner per the provisions of Montana's Human Skeletal Remains and Burial Site Protection Act (22-3-801 et seq. MCA) and the Native American Graves Protection and Repatriation Act (NAGPRA) (if the discovery is on Federal land). The coroner has two (2) working days to determine if the remains represent a crime scene or if the remains must be removed in order to determine if they are a crime scene. No one else has the authority to make this determination or remove any evidence or remains. The coroner should make every reasonable effort to accomplish the determination without disturbing the remains. If the coroner determines that the remains are not a crime scene:

- A. If the human remains are found on private or state property, then the coroner must then notify the SHPO of the findings within 24 hours. The SHPO will notify the State Burial Board, the landowner (if this has not already occurred), and Tribes (as appropriate). The Board or its duly appointed representative will determine, in concert with the landowner, an appropriate disposition of the remains. Once the Board has made that determination, the Board will authorize commencement of work or outline other arrangements.
- B. If the human remains are found on federal property, the federal agency will follow NAGPRA guidelines and notify the appropriate Tribes.

VI. DURATION

This MOA will expire if its terms are not carried out within (5) years from the date of its execution or at the completion of all associated construction required to construct a new terminal and replace the Airport beacon and tower and submission of the associated Final Reports under AIP and the CARES Act; whichever comes later. Prior to such time, the FAA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

VII. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FAA shall consult with such party to resolve the objection. If the FAA determines that such objection cannot be resolved, the FAA will:

- A. Forward all documentation relevant to the dispute, including the FAA's proposed resolution, to the ACHP. The ACHP shall provide the FAA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FAA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them with a copy of this written response. The FAA will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the FAA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FAA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the MOA, and provide them and the ACHP with a copy of such written response.
- C. The FAA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VIII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

IX. TERMINATION

- A. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.
- B. Once the MOA is terminated, and prior to work continuing on the undertaking, the FAA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) execute a PA pursuant to 36 CFR § 800.14 or (c) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. The FAA shall notify the signatories as to the course of action it will pursue.
- C. Execution of this MOA and implementation of its terms evidence that the FAA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.


SIGNATORIES:

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION


STEVEN L ENGBRECHT Digitally signed by STEVEN L
ENGBRECHT
Date: 2021.03.05 08:01:13 -07'00' Date: March 5, 2021

Steve Engbrecht, Acting Manager
Helena Airports District Office

MONTANA STATE HISTORIC PRESERVATION OFFICE

 Date: April 5, 2021
Pete Brown
State Historic Preservation Officer

STATE OF MONTANA – DEPARTMENT OF TRANSPORTATION

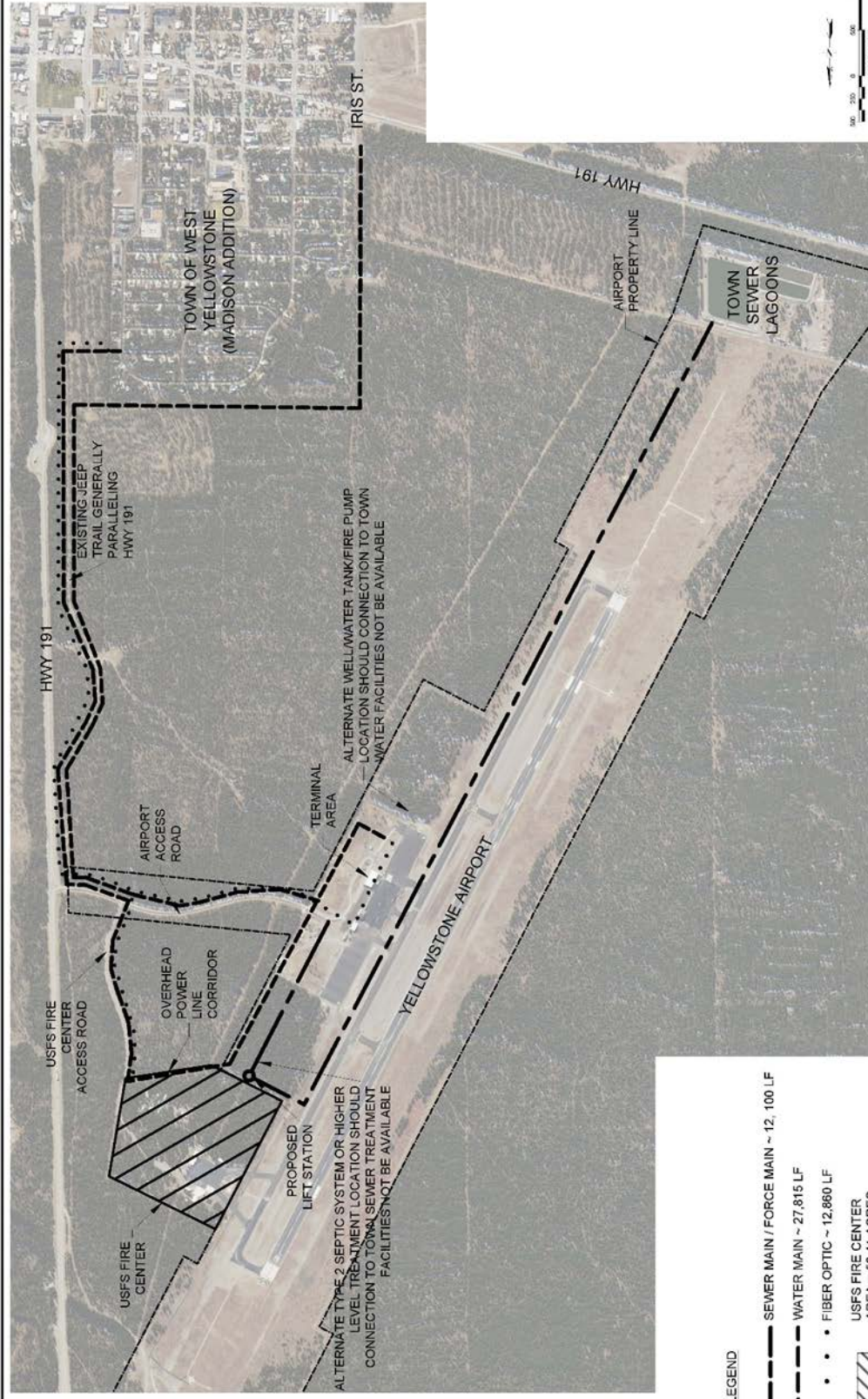
 Date: MARCH 19, 2021
Tim Conway
Administrator, Aeronautics Division

APPROVED FOR LEGAL CONTENT	
Date	<u>3/22/2021</u>
By	<u></u>
	Signature

APPENDIX A

**TO THE MEMORANDUM OF AGREEMENT REGARDING THE PROPOSED
CONSTRUCTION OF A NEW AIRPORT TERMINAL AND ASSOCIATED
IMPROVEMENTS AT
YELLOWSTONE AIRPORT (WYS)
NEAR
WEST YELLOWSTONE, MONTANA**

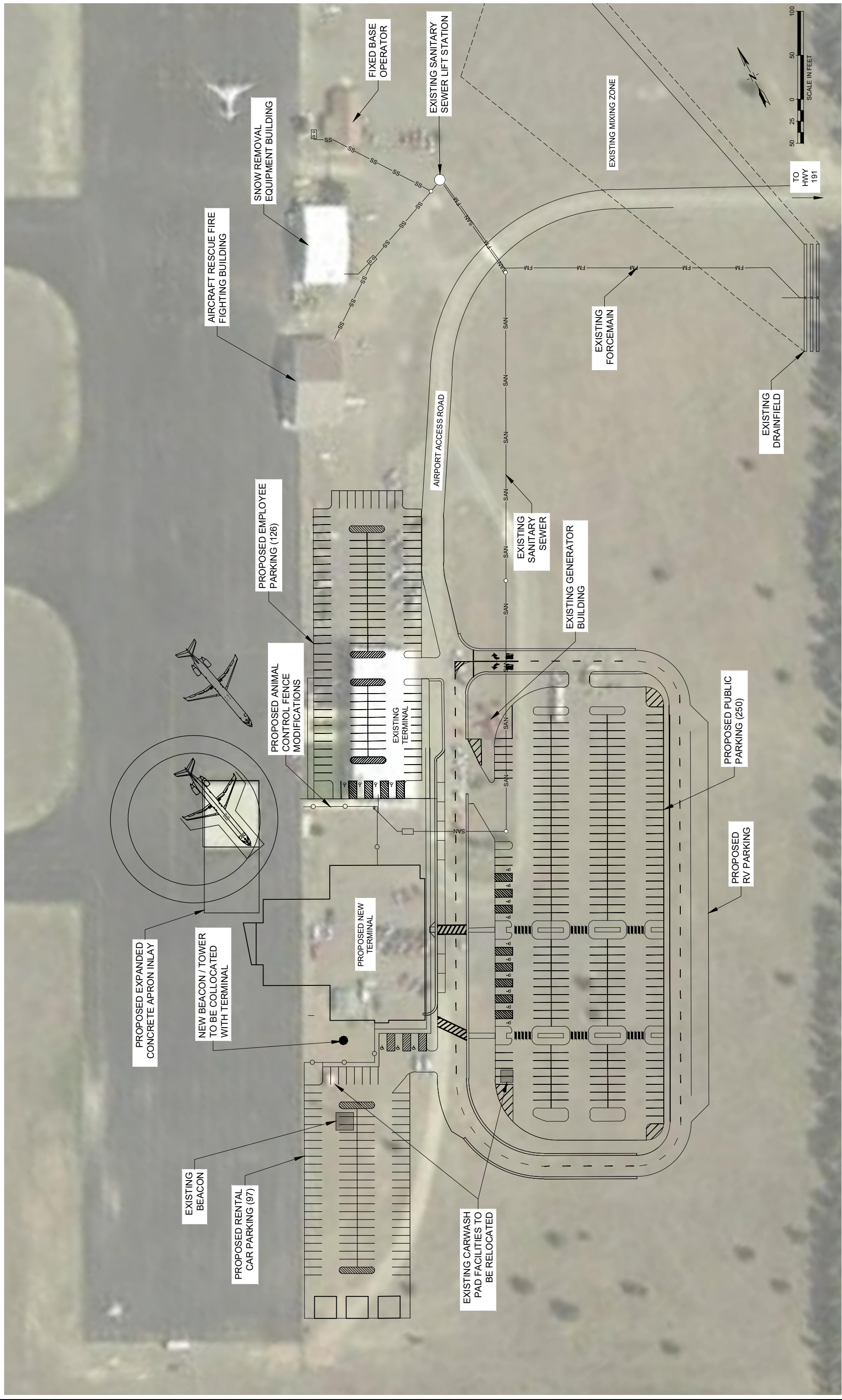
Project Layouts and Area of Potential Effect (APE)



LEGEND

- SEWER MAIN / FORCE MAIN ~ 12, 100 LF
- WATER MAIN ~ 27,815 LF
- FIBER OPTIC ~ 12,860 LF
- USFS FIRE CENTER AREA = 50.41 ACRES

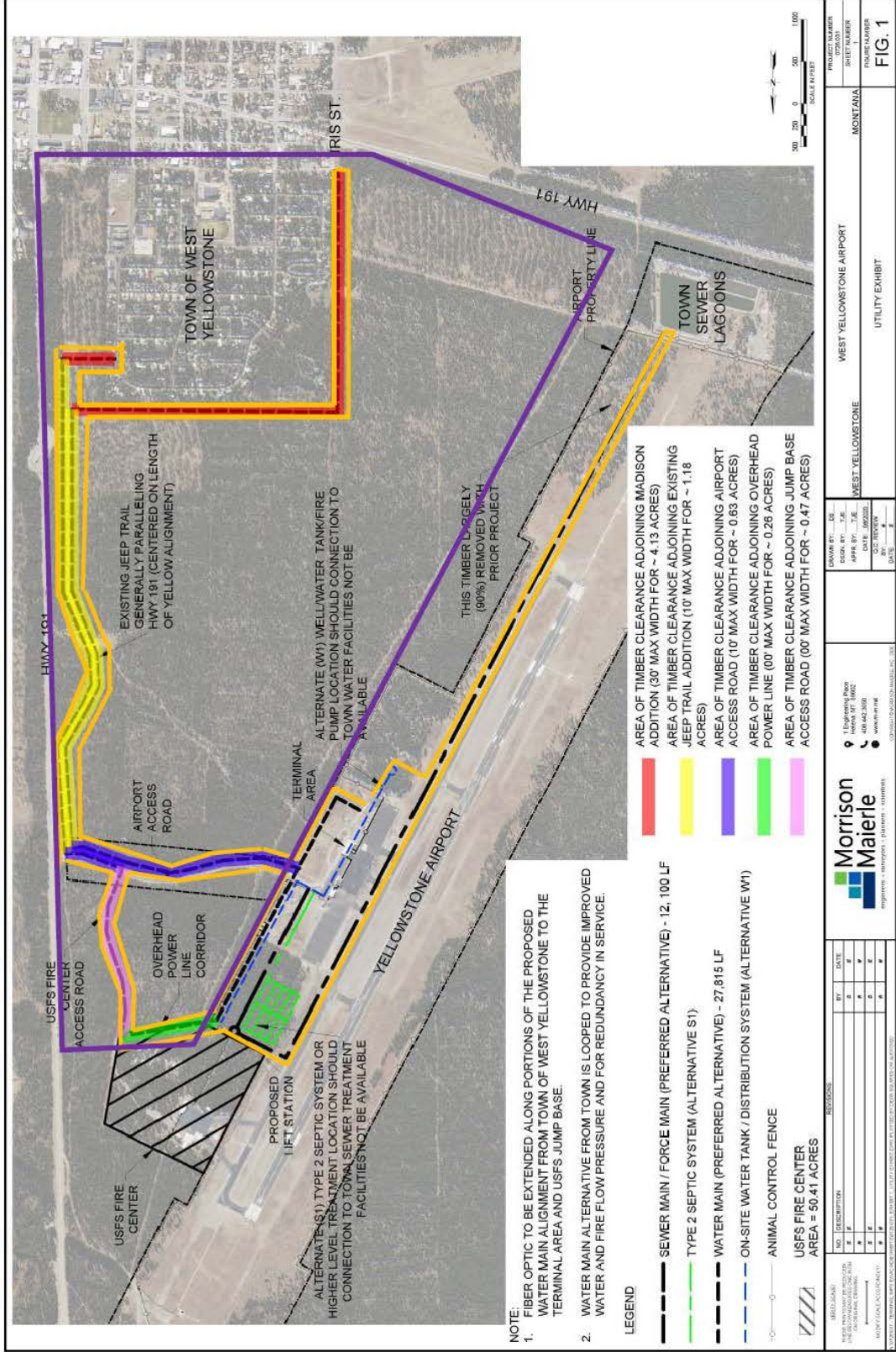
<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W. 10th Ave., Suite 100 Billings, MT 59102 406.442.2200 www.m-m.com</div>		<div>1 Engineering Office 1400 W</div>	
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--



<div>VERIFY SCALE! THESE PRINTS MAY BE REDUCED. LINE BELOW MEASURES ONE INCH ON ORIGINAL DRAWING.</div> <div>MODIFY SCALE ACCORDINGLY!</div>	REVISIONS			1 Engineering Place Helena, MT 59602 406.442.3050 www.m-m.net		DRAWN BY: DS DSGN BY: TJE APPR. BY: TJE DATE: 03/2021 Q.C. REVIEW BY: DATE:		WEST YELLOWSTONE WEST YELLOWSTONE AIRPORT MONTANA		PROJECT NUMBER 0726.031
	NO. DESCRIPTION			BY		DATE		CONCEPTUAL TERMINAL FACILITIES		SHEET NUMBER 1
	N:\0726031 - TERMINAL IMPR EAA\CADEX\HBT\S0726-031-PROPOSED TERMINAL LAYOUT.DWG PLOTTED BY DEAN SQUIRES ON MAR25/2021							FIGURE NUMBER 1-4		FIGURE NUMBER 1

Covers areas of terminal area and areas of disturbance for utility improvements





APPENDIX B

**TO THE MEMORANDUM OF AGREEMENT REGARDING THE PROPOSED
CONSTRUCTION OF A NEW AIRPORT TERMINAL AND ASSOCIATED
IMPROVEMENTS AT
YELLOWSTONE AIRPORT (WYS)
NEAR
WEST YELLOWSTONE, MONTANA**

Plan for Discovery of Unanticipated Cultural Resources

Cultural resources can be found during any ground-disturbing activity. If a monitor is onsite per Stipulation VII, he/she may determine if the discovery should trigger the procedures described in this document. If no monitor is onsite, all excavation and work in the area must stop, and the procedures as described below must be followed. If in doubt, follow the procedures outlined in this document. Unanticipated discoveries can vary and include evidence or remnants of historic-era and precontact activities by humans. Cultural resources can include, but are not limited to:

- Stone flakes, arrowheads, stone tools, bone or wooden tools, baskets, beads.
- Historic building materials such as nails, glass, metal such as cans, barrel rings, farm implements, ceramics, bottles, marbles, beads.
- Layers of discolored earth resulting from hearth fire
- Structural remains such as foundations
- Shell Middens
- Human skeletal remains and/or bone fragments which may be whole or fragmented.

In the event that previously unknown cultural resources are discovered within the Area of Potential Effects from construction activities of the undertaking, or should those activities directly or indirectly impact known historic properties in an unanticipated manner, the following actions, at a minimum, will be initiated by the FAA, or a representative duly authorized to perform these tasks:

1. All activities will halt in the immediate vicinity of the discovery and all actions that might adversely affect the property will be redirected to an area at least 200 feet from the point of discovery.
2. The FAA and Montana Department of Transportation – Aeronautics Division (MDT) will be notified immediately (within 24 hours), and the FAA will notify SHPO and any Indian tribe that might attach religious and cultural significance to the affected property.
 - a. If not already onsite, a professional archaeologist who meets the Secretary of the Interior's qualifications (36 CFR Part 61) will be called in within 48 hours to assess the discovery.
3. Upon arriving at the site of the discovery, the professional archaeologist shall assess the resource. The assessment shall include:

- a. The nature of the resource (e.g., number and kinds of artifacts, presence/absence of features). This may require screening of already disturbed deposits, photographs of the discovery, Global Positioning System (GPS) data, and other necessary documentation. The archeologist will have basic archaeological excavation tools on hand.
 - b. The spatial extent of the resource. This may require additional subsurface examination, mapping or inspection, as is appropriate to the resource
 - c. The nature of deposition/exposure. This may require interviews with construction personnel and with other persons having knowledge about the resource or the expansion of existing disturbance to establish the characteristics of the deposits.
4. The professional archaeologist will complete a brief summary of the assessment and submit the report to the FAA, USFS, MDT, the Nez Perce Tribe (due to the proximity of the NPNHT), and the SHPO within 10 days of fieldwork for further instruction. The FAA will also notify any Indian Tribe that might attach religious and cultural significance to the affected property.
5. The FAA will consult with the USFS, SHPO, MDT, and any Indian tribe that might attach religious and cultural significance to the affected property to determine if and when construction activities in the location of the discovery may resume.
6. After consultation, the FAA will issue appropriate determinations of eligibility of any resources discovered and a determination of effect before construction in the location of the discovery may resume. Consistent with 36 CFR § 800.13(b)(3) (Post-review discoveries) Tribes and SHPO will have 72 hours to respond to the determinations.
7. If unanticipated discoveries are made on the undertaking, a technical report will be written at the end of the project by the on-site professional archaeologist and will be submitted within four months to the SHPO by the FAA. Reports dealing with sensitive information regarding sacred areas or other similar resources of historical or cultural importance to Native Americans will be reviewed only by those who have responsibility for National Register eligibility determinations or management concerns of such properties.
8. Report and documentation efforts shall conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR. 44716-44740), as well as with all applicable standards, guidelines, and forms for historic preservation, including Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS) guidance, and guidance established by the SHPO.
9. If the unanticipated discoveries may be related to the Nez Perce (Nee-Me-Poo) National Historic Trail, the Nez Perce Tribal Historic Preservation Officer will be notified and the Programmatic Agreement relating to ethnographic study will be reviewed for applicability. The FAA will also notify any other Indian Tribe that might attach religious and cultural significance to the affected property.

10. Points of Contact:

FAA: Diane Stilson, HLN ADO - (406) 441-5411

MDT: Jeff Kadlec, Yellowstone Airport Manager - (406) 459-9825

SHPO: Jessica Bush, State Archaeologist – (406) 444-0388

Nez Perce Tribe: Patrick Baird, Tribal Historic Preservation Officer - (208) 791-8610

ATTACHMENT 4

Programmatic Agreement (PA) 2021

PROGRAMMATIC AGREEMENT

**AMONG THE
FEDERAL AVIATION ADMINISTRATION,
THE UNITED STATES FOREST SERVICE,
THE MONTANA DEPARTMENT OF TRANSPORTATION – AERONAUTICS DIVISION,
THE MONTANA STATE HISTORIC PRESERVATION OFFICE,
AND THE NEZ PERCE TRIBE
REGARDING**

**THE PROPOSED CONSTRUCTION OF NEW AIRPORT TERMINAL AND ASSOCIATED IMPROVEMENTS AT
YELLOWSTONE AIRPORT (WYS) NEAR WEST YELLOWSTONE, MONTANA**

WHEREAS the Federal Aviation Administration (FAA) is considering funding for the construction of a new terminal and associated improvements (undertaking) at the Yellowstone Airport (WYS) near West Yellowstone, Montana, pursuant to 49 USC § 47107(a)(16), FAA Order 5100.38D, Airport Improvement Program Handbook, and Coronavirus Aid, Relief, and Economic Security (CARES) Act Airport Grant Program; and

WHEREAS the undertaking consists of the construction of a new terminal building and parking lot infrastructure; demolition of the existing terminal and generator building; expansion of a concrete commercial aircraft parking pad; reconstruction and extension of the airport access road; new water, sewer, and fiber optic infrastructure improvements; timber clearing to facilitate subsurface utilities; and replacement of the existing airport beacon with a new beacon and tower (layouts included in Appendix A); and

WHEREAS, the FAA has determined that this undertaking is subject to the National Environmental Policy Act (NEPA) as well as the National Historic Preservation Act (NHPA) and its implementing regulations under Section 106 36 CFR part 800 (as amended); and

WHEREAS, the FAA is the lead agency for complying with NEPA; Section 106 of the NHPA as amended (16 USC 470f), and the regulations implementing Section 106 of the NHPA (36 CFR Part 800); and Government to Government consultation under Executive Order 13175; and

WHEREAS, the United States Forest Service (USFS) is considering issuance of a special use authorization for the installation of water and fiber optic infrastructure on the Custer Gallatin National Forest and financial contribution to infrastructure improvements to facilitate potential connection for the USFS West Yellowstone Interagency Fire Center adjacent to WYS and is a cooperating agency for NEPA compliance; and

WHEREAS, the State of Montana - Department of Transportation Aeronautics Division (MDT), Airport Sponsor for the Yellowstone Airport (WYS), is the entity proposing the construction of a new terminal and associated improvements at WYS near West Yellowstone, Montana; and

WHEREAS, the FAA has defined the undertaking's area of potential effect (APE), as defined at 36 CFR § 800.16(d), to correspond to the terminal area and areas of disturbance for utility improvements as shown in Appendix A; and

WHEREAS, the FAA has undertaken efforts to identify historic properties eligible for listing on the National Register of Historic Places (NRHP) and has consulted with the Montana State Historic Preservation Office (MT SHPO) to prepare a Memorandum of Agreement (MOA) regarding adverse effects on the Yellowstone Airport Terminal (24GA1958) and the Yellowstone Airport Beacon Tower (24GA1981), which are eligible to the NRHP under Criteria A and C and are proposed for removal under the proposed undertaking; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the FAA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation regarding the Yellowstone Airport Terminal (24GA1958) and the Yellowstone Airport Beacon Tower (24GA1981) and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the FAA contacted the Blackfeet Nation, the Coeur d'Alene Tribe, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Kootenai Tribe of Idaho, the Nez Perce Tribe, and the Shoshone Bannock Tribes in accordance with Section 106 of the NHPA and implementing regulations 36 CFR Part 800 regarding the effects of the undertaking on historic properties and Executive Order 13175 to initiate government to government consultation; and

WHEREAS, the FAA received responses from the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Shoshone Bannock Tribes, and the Nez Perce Tribe; and

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation posed no objections to the undertaking; and

WHEREAS, the FAA has consulted with the Shoshone Bannock Tribes regarding the effects of the undertaking on historic properties, to include the Great Bannock Trail, and the Shoshone Bannock Tribes posed no objections to the undertaking; and

WHEREAS, the FAA has consulted with the Nez Perce Tribe regarding the effects of the undertaking on historic properties and the Nez Perce Tribal Historic Preservation Office (NP THPO) raised concerns that any potential effect to the Nez Perce (Nee-Me-Poo) National Historic Trail (NPNHT) or to the Nez Perce Tribe could not be adequately evaluated without an ethnographic study on the NPNHT to gather oral history regarding the Nez Perce experience during the Nez Perce War of 1877 while pursued by the United States Army (US Army); and

WHEREAS, investigation into the location of the NPNHT placed the official designated route of the NPNHT to the north of the APE and uncovered no physical remnants of the NPNHT in the APE; and

WHEREAS the undertaking will largely be constructed on airport property in areas of developed or heavily disturbed land, except for the utility corridor for water and fiber optic improvements which will be extended from the town of West Yellowstone to WYS and cross the Custer Gallatin National Forest; however, the FAA, MDT, and USFS have agreed that approximately 800 members of the Nez Perce Tribe passed through the general area of the designated route of the NPNHT, and likely did not stay within the boundaries of the NPNHT as it is delineated today; and have further agreed that the events surrounding the Nez Perce War of 1877 on the NPNHT were a traumatic and significant event upon the Nez Perce of the time, and potentially has lasting impacts upon current members of the Nez Perce Tribe; and

WHEREAS, the FAA, MDT, and USFS have agreed with the NP THPO that due to the gravity and significance of the Nez Perce War of 1877 upon the Nez Perce Tribe, the ambiguous nature of the true path they followed, and the proximity of the utility corridor crossing the Custer Gallatin National Forest for water and fiber optic improvements to the designated location for the NPNHT; that an ethnographic study is the appropriate means to examine potential effects on the NPNHT and current Nez Perce Tribe due to the utility corridor crossing the Custer Gallatin National Forest; and

WHEREAS, it will take significant time for the Nez Perce Tribe to conduct an ethnographic study to assess the oral history of the Nez Perce experience in the Hebgen Basin during the Nez Perce War of 1877, which is complicated by the COVID 19 pandemic; and the likelihood of encountering significant physical remnants of the passage of the Nez Perce in 1877 that will be adversely affected by the undertaking is remote and likely to be lesser value than assessment of the oral histories; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the FAA has notified the ACHP of the potential adverse effect determination as a result of the evaluation of the ethnographic study conducted under a PA and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the FAA, MDT, USFS, MT SHPO, and the Nez Perce Tribe agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking, specifically the utility corridor for water and fiber optic improvements, on the NPNHT and Nez Perce Tribe:

STIPULATIONS

The FAA and USFS, in coordination with the MT SHPO, MDT, and NP THPO, shall ensure that the following measures are carried out:

I. INTENT

- A. This Programmatic Agreement (PA) has been developed in order for the Nez Perce Tribe to conduct an ethnographic study regarding the Nez Perce (Nee-Me-Poo) National Historic Trail (NPNHT) in the Hebgen Basin of Montana pursuant to 36 CFR § 800.14(b)(ii) and 36 CFR § 800.14(b)(v) when effects on historic properties cannot be fully determined prior to approval of an undertaking and other circumstances warrant a departure from the normal Section 106 process.
- B. Provisions of this PA will be incorporated in the Environmental Assessment (EA) being prepared for the undertaking for compliance with the National Environmental Protection Act (NEPA) and any resulting decision documents to ensure that effects due to the undertaking are assessed through the ethnographic study and that any adverse effects of the undertaking, specifically due to installation of a utility corridor for water and fiber optic improvements crossing the Custer Gallatin National Forest, upon the NPNHT and Nez Perce Tribe are adequately mitigated if adverse effects are identified in accordance with 36 CFR § 800.5.
- C. Tiered Agreements: If adverse effects are identified, the signatories of this PA will execute a Memorandum of Agreement (MOA) to document the mitigation requirements

for the adverse effects consistent with 36 CFR § 800.5-6, will notify the Advisory Council of Historic Preservation of the adverse effect finding, and invite them to participate in consultation consistent with 36 CFR § 800.6(a)(1).

- D. The terms of this PA will be carried out prior to any ground disturbing activities, construction, or timber removal related to utility improvements that will cross the Custer Gallatin National Forest between the town of West Yellowstone and WYS.
- E. The EA includes an alternative for onsite improvements for water infrastructure at WYS. This alternative would be utilized in the case that extending water infrastructure from West Yellowstone is found to be impractical, which could include the failure to meet the terms of this PA.
 - 1. If improvements for water infrastructure are not extended from West Yellowstone, the fiber optic line will not be constructed, as the utility corridor for a fiber optic line will be co-located with the new water line extending services from West Yellowstone.
 - 2. If extending water services from West Yellowstone is found to be impractical and the utility corridor from West Yellowstone to WYS is not needed, then there will be no adverse effects to the NPNHT and Nez Perce Tribe from the Proposed Action as identified in the EA. In the event of this situation, the Signatories of this PA will resume consultation to determine if termination of the ethnographic study is practical, or if completing the ethnographic study per Stipulation III is the best course of action.

II. ROLES AND RESPONSIBILITIES

- A. The FAA and the USFS shall incorporate the terms of this PA into any environmental determination resulting from the EA being prepared for the undertaking for NEPA compliance. Stipulations contained within this PA will be adhered to in order for the undertaking to comply with NEPA, Section 106 of the NHPA, and Government to Government consultation with the Nez Perce Tribe in accordance with Executive Order 13175.
- B. The FAA, USFS, and MDT will complete a reasonable and good faith effort to pursue completion of the ethnographic study and assess effects due to the undertaking in accordance with 36 CFR § 800.5. If adverse effects are identified, they will be resolved in consultation with Signatories to this PA consistent with Stipulation I(C).
- C. The Nez Perce Tribe will conduct the ethnographic study with Tribal elders, archive searches, and other sources to gather oral histories and information regarding the Nez Perce experience during the Nez Perce War of 1877 in the Hebgen Basin while being pursued by the US Army. The ethnographic study will be conducted to gather information on these important histories in the Hebgen Basin, and in a timely manner; taking into consideration adequate precautions due to COVID 19 and to assess any effects that need to be considered prior to physical construction of the utility corridor as described in Stipulation I(D).

- D. The FAA, USFS, and MDT shall ensure that no ground disturbing activities, construction, or timber removal outside of the terminal area and airport property for the utility corridor for water and fiber optic on the Custer Gallatin National Forest as identified in Stipulation I(D) will take place until the evaluation of the ethnographic study has occurred, effects due to the undertaking have been assessed, and mitigation of any potential adverse effects have been documented in an MOA consistent with Stipulation I(C).
- E. Funding for the ethnographic study will be provided through applicable sources from the FAA, USFS, and MDT as part of project development or design costs, pending successful completion of the NEPA process and issuance of a decision document for the undertaking under NEPA. While the USFS also has an undertaking requiring Section 106 compliance and thus potential obligations for funding mitigation costs, the USFS policy is to require payment of those fees by its permit applicants. Thus, any fees attributable to the USFS will be accomplished via agreement with MDT in consideration of design and construction costs for utility improvements to facilitate potential connection for the USFS West Yellowstone Interagency Fire Center.
- F. The ethnographic study will be performed by the Nez Perce Tribe in accordance with 2 CFR § 200.320(f), *Procurement by Noncompetitive Proposals*, when an item is available only from a single source. The Nez Perce Tribe will prepare a cost analysis for noncompetitive procurement proposals in accordance with 2 CFR § 200.323, *Contract cost and price*.
- G. The Nez Perce Tribe will retain the results of the ethnographic study along with all research notes and interview transcripts. Any specific findings from the ethnographic research will not be shared outside of the Nez Perce Tribe without a need to access the information and only with the express permission of the Nez Perce Tribe.
- H. An executive report containing information from the ethnographic study will be prepared for the FAA, USFS, MDT, and MT SHPO that will be used by the FAA in consultation with the other Signatories to assess effects of the undertaking on the NPNHT and Nez Perce Tribe. The executive report will omit any sensitive cultural information that is not appropriate for public release, as agreed by the FAA, USFS, MT SHPO, and the Nez Perce. The executive report may also be used to develop interpretive displays and educational material. Any educational, interpretive, or other materials developed from the ethnographic study will be accomplished in collaboration with, and approval of, the Nez Perce Tribe. The development of such materials is outside the scope of this PA unless stipulated as mitigation in accordance with Stipulation I(C).
- I. If the Nez Perce Tribe recommends a finding of adverse effect due to the undertaking upon the NPNHT and/or the Nez Perce Tribe based on the ethnographic study, adequate information must be released to the FAA as determined by the FAA and MT SHPO to evaluate the recommendation and make a finding if the executive report is not adequate to support an adverse effect finding.
- J. Unless otherwise agreed to by the Signatories (FAA, USFS, MDT, MT SHPO, or Nez Perce Tribe) or stated in this PA, Signatories shall have 30 calendar days to respond to a

request to review any activities associated with the accomplishment of this PA (such as the review of documents), from receipt of a formal request for review. The FAA shall make reasonable attempts to contact the Signatories to confirm that the party has elected not to comment or agrees with the course of action proposed by the FAA. "Reasonable attempts" include contacting office staff, management, or the Tribal Chairperson by email with a follow-up phone call. Where the time period for review or comment (30 days) has passed that included such reasonable attempts, the FAA may assume that the Consulting Party has elected not to comment and may proceed with the course of action proposed.

- K. As lead agency for NEPA, Section 106 compliance, and Government to Government consultation, the FAA will make the final determination of effects after the ethnographic study is completed and after consultation with the Nez Perce, USFS, MDT, and MT SHPO in accordance with 36 CFR § 800.5-7.

III. ETHNOGRAPHIC STUDY

- A. Scope: an ethnographic study will be conducted with the elders of the Nez Perce Tribe, archive searches, and other sources in order to gather oral history and information regarding the Nez Perce War of 1877 on what is now known as the NPNHT in the Hebgen Basin as the Tribe entered the area of what is now known as Yellowstone National Park as they were pursued by the US Army.
 - 1. Consideration will be given to any aspect of the study which may have bearing on physical remains that could be encountered in or near the APE for the utility improvements that will cross the Custer Gallatin National Forest between the town of West Yellowstone and WYS – i.e: camp sites, prayer sites, sites of conflicts or skirmishes with the US Army, etc.
 - 2. Consideration will also be given to any impact that the utility improvements on the Custer Gallatin National Forest may have that would be unique to the NPNHT or the Nez Perce Tribe– i.e: visual impact, cultural impact, etc.
 - 3. The ethnographic study is expected to be completed within one year after a contract for completion of the study has been signed.
- B. An executive report in accordance with Stipulation II(H) will be produced from the ethnographic study, which will include a summary of techniques employed for the ethnographic study, summary of the study itself (omitting any sensitive cultural information that is not appropriate for public release), and recommendation of effect due to the undertaking's actions on the NPNHT and Nez Perce Tribe.
- C. The individual, or individuals overseeing information gathered from the ethnographic study will meet the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61 Appendix A).

IV. ASSESSMENT OF EFFECTS

- A. Once the ethnographic study has been completed, the individual, or individuals responsible for overseeing the ethnographic study, will submit an executive report in accordance with Stipulation II(H) to the FAA, USFS, MDT, and MT SHPO. These Signatories will be allowed a thirty (30) day review period in which the FAA will lead consultation in accordance with 36 CFR § 800.5-7 prior to making a final determination of effects. The assessment of effects will be based upon:

1. Compliance with Section 106 of the NHPA in accordance with 36 CFR § 800.5, which state that an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a 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. Impacts to the NPNHT could include, but are not limited to:
 - a) Physical destruction or damage, alteration, change of character, or change of the use or physical features of the NPNHT; or
 - b) Introduction of visual, atmospheric, or audible elements that diminish the integrity of the significant historic features of the NPNHT; or
 - c) Introduction of physical, visual, atmospheric, or audible elements that impact the qualities of the NPNHT that are significant to the Nez Perce Tribe, which recognizes the NPNHT as a memorial to Nez Perce Tribal members lost during the Nez Perce War of 1877.
 2. Compliance with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, which directs Federal agencies to consult with tribal governments regarding issues which significantly or uniquely affect their communities.
 - a) The undertaking will be assessed to determine any effects upon the Nez Perce Tribe or individual members of the Nez Perce due to the traumatic and significant events of 1877 that may have lasting effects upon Tribal members.
 - b) Impacts from such effects will be limited to the scope intended to be addressed within this PA as explained in Stipulation III(A).
- B. If, after consultation, the FAA determines that there will be no effect to the NPNHT or the Nez Perce Tribe (i.e: no historic properties affected), the FAA will document this finding, proceed with construction of the utility installation for water and fiber optic from the town of West Yellowstone as proposed, and provide documentation to the MT SHPO according to 36 CFR §800.4.

V. MITIGATION OF ADVERSE EFFECTS

- A. If the NPNHT, Nez Perce Tribe, or Tribal members will be adversely affected per the evaluation described in Stipulation IV, the FAA and USFS shall consult with the Nez Perce Tribe in accordance with 36 CFR § 800.6(a) to identify appropriate measures to avoid, minimize or mitigate adverse effects following notification of an "adverse effect" determination.
 1. If an adverse effect is identified according to the criteria under 36 CFR § 800.5(a), a finding of no adverse effect may still be determined if the undertaking can be modified or conditions imposed in accordance with 36 CFR § 800.5(b) to avoid adverse effects.
- B. As stated in Stipulation I(C), if adverse effects are identified that cannot be mitigated, minimized, or avoided for a finding of no adverse effect, the Signatories of this PA will execute an MOA to document the exact requirements of any mitigation of adverse effects.

VI. MONITORING AND REPORTING

Each quarter following the execution of this PA until it expires or is terminated, the Nez Perce Tribe shall provide the FAA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Nez Perce Tribe's efforts to carry out the terms of this PA. This report will be due within 30 days after the end of each quarter (due by January 30, April 30, July 30, October 30). Upon receipt, the FAA will distribute the summary to the USFS, MDT, and MT SHPO.

VII. MONITORING DURING CONSTRUCTION

A cultural resource monitor meeting professional qualification standards for Archaeology defined in the Secretary of the Interior's Professional Qualification Standards (PQS) for archaeology (48 FR 44739) will be provided the opportunity to be onsite during ground disturbing activities for utility installation and timber removal for the water and fiber optic lines from West Yellowstone to WYS.

- A. Funding for the monitor will be provided through applicable sources from the FAA, USFS, and MDT as part of construction costs of the utility installation and timber removal for the water and fiber optic lines from West Yellowstone to WYS, pending successful completion of the NEPA process and issuance of a decision document for the undertaking under NEPA.
- B. The Nez Perce Tribe will be provided an opportunity to fill this position. If accepted, the Nez Perce Tribe will be notified at least two months before construction is scheduled to commence and provided a construction schedule of ground disturbing activities at least one week in advance of such activities.

VIII. POST-REVIEW DISCOVERIES

If the proposed project activities encounter a previously unknown cultural resource, or if project activities directly or indirectly affect a known resource in an unanticipated manner, the FAA shall implement the Plan for Discovery of Unanticipated Cultural Resources included in Appendix B of this PA.

IX. DISCOVERY OF HUMAN REMAINS

If construction or other project personnel identify what they believe to be human remains, they will immediately halt construction at that location and notify the county coroner per the provisions of Montana's Human Skeletal Remains and Burial Site Protection Act (22-3-801 et seq. MCA) and the Native American Graves Protection and Repatriation Act (NAGPRA) (if the discovery is on Federal land). The coroner has two (2) working days to determine if the remains represent a crime scene or if the remains must be removed in order to determine if they are a crime scene. No one else has the authority to make this determination or remove any evidence or remains. The coroner should make every reasonable effort to accomplish the determination without disturbing the remains. If the coroner determines that the remains are not a crime scene:

- A. If the human remains are found on private or state property, then the coroner must then notify the MT SHPO of the findings within 24 hours. The MT SHPO will notify the State Burial Board, the landowner (if this has not already occurred), and Tribes (as appropriate). The Board or its duly appointed representative will determine, in concert

with the landowner, an appropriate disposition of the remains. Once the Board has made that determination, the Board will authorize commencement of work or outline other arrangements.

- B. If the human remains are found on federal property, the federal agency will follow NAGPRA guidelines and notify the appropriate Tribes.

X. DURATION

This PA will expire if its terms are not carried out within (5) years from the date of its execution. Prior to such time, the FAA may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XII below.

XI. DISPUTE RESOLUTION

Should any signatory to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the FAA shall consult with such party to resolve the objection. If the FAA determines that such objection cannot be resolved, the FAA will:

- A. Forward all documentation relevant to the dispute, including the FAA's proposed resolution, to the ACHP. The ACHP shall provide the FAA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FAA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them with a copy of this written response. The FAA will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the FAA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FAA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the PA, and provide them and the ACHP with a copy of such written response.
- C. The FAA's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

XII. AMENDMENTS

This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XIII. TERMINATION

- A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation XII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.
- B. Once the PA is terminated, and prior to work continuing on the undertaking, the FAA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) execute a PA pursuant to 36 CFR § 800.14 or (c) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. The FAA shall notify the signatories as to the course of action it will pursue.

- C. Execution of this PA and implementation of its terms evidence that the FAA and USFS have taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

STEVEN L
ENGBRECHT

Digitally signed by STEVEN L
ENGBRECHT

Date: 2021.03.05 08:14:57 -07'00'

March 5, 2021

Date: _____

Steve Engbrecht, Acting Manager
Helena Airports District Office

UNITED STATES OF AMERICA
FOREST SERVICE

KATHLEEN
MINOR

Digitally signed by
KATHLEEN MINOR
Date: 2021.04.06
09:11:16 -06'00'

Date: _____

Kathleen Minor, Acting Forest Supervisor
Custer Gallatin National Forest

MONTANA STATE HISTORIC PRESERVATION OFFICE



Date: _____

4/21/2021

Pete Brown

State Historic Preservation Officer

NEZ PERCE TRIBE

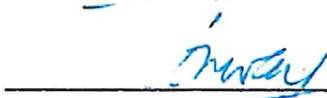


Date: _____

4-20-21

Shannon F. Wheeler, Chairman
Nez Perce Tribe

STATE OF MONTANA - DEPARTMENT OF TRANSPORTATION



Date: _____

MARCH 24, 2021

Tim Conway

Administrator, Aeronautics Division

APPROVED FOR LEGAL CONTENT

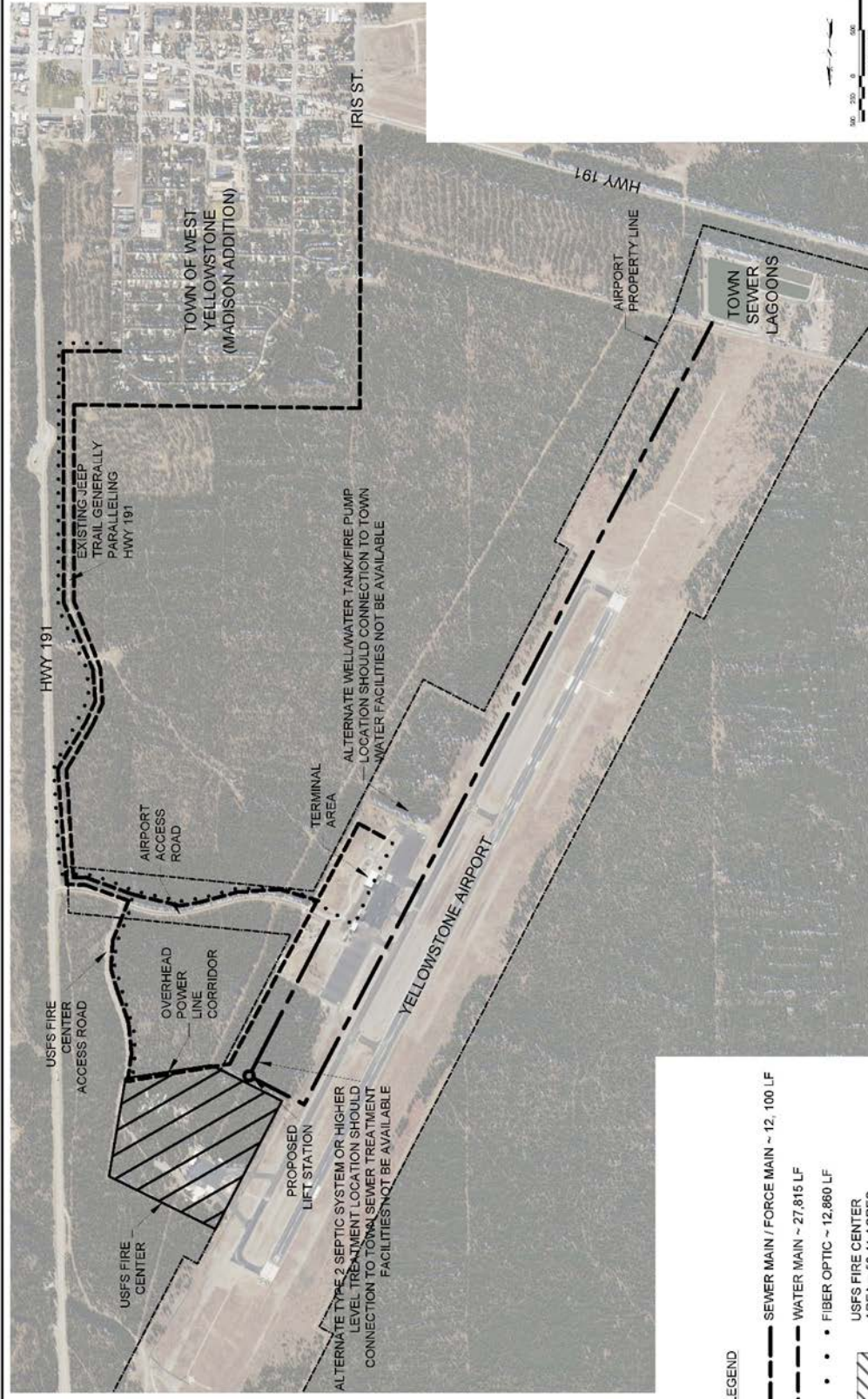
Carol Grell Morris

3/30/21

APPENDIX A

**TO THE PROGRAMMATIC AGREEMENT REGARDING THE PROPOSED
CONSTRUCTION OF A NEW AIRPORT TERMINAL AND ASSOCIATED
IMPROVEMENTS AT
YELLOWSTONE AIRPORT (WYS)
NEAR
WEST YELLOWSTONE, MONTANA**

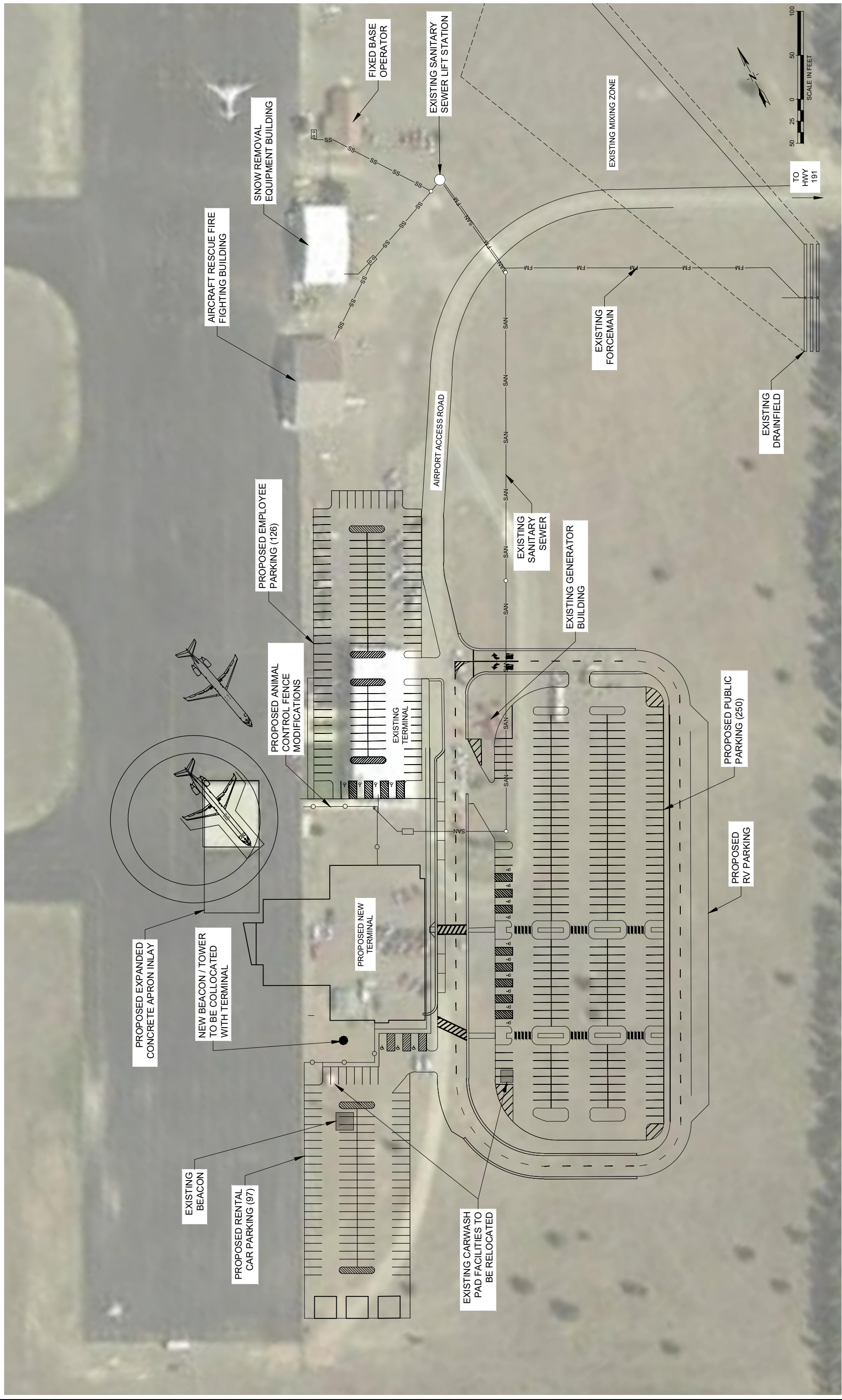
Project Layouts and Area of Potential Effect (APE)



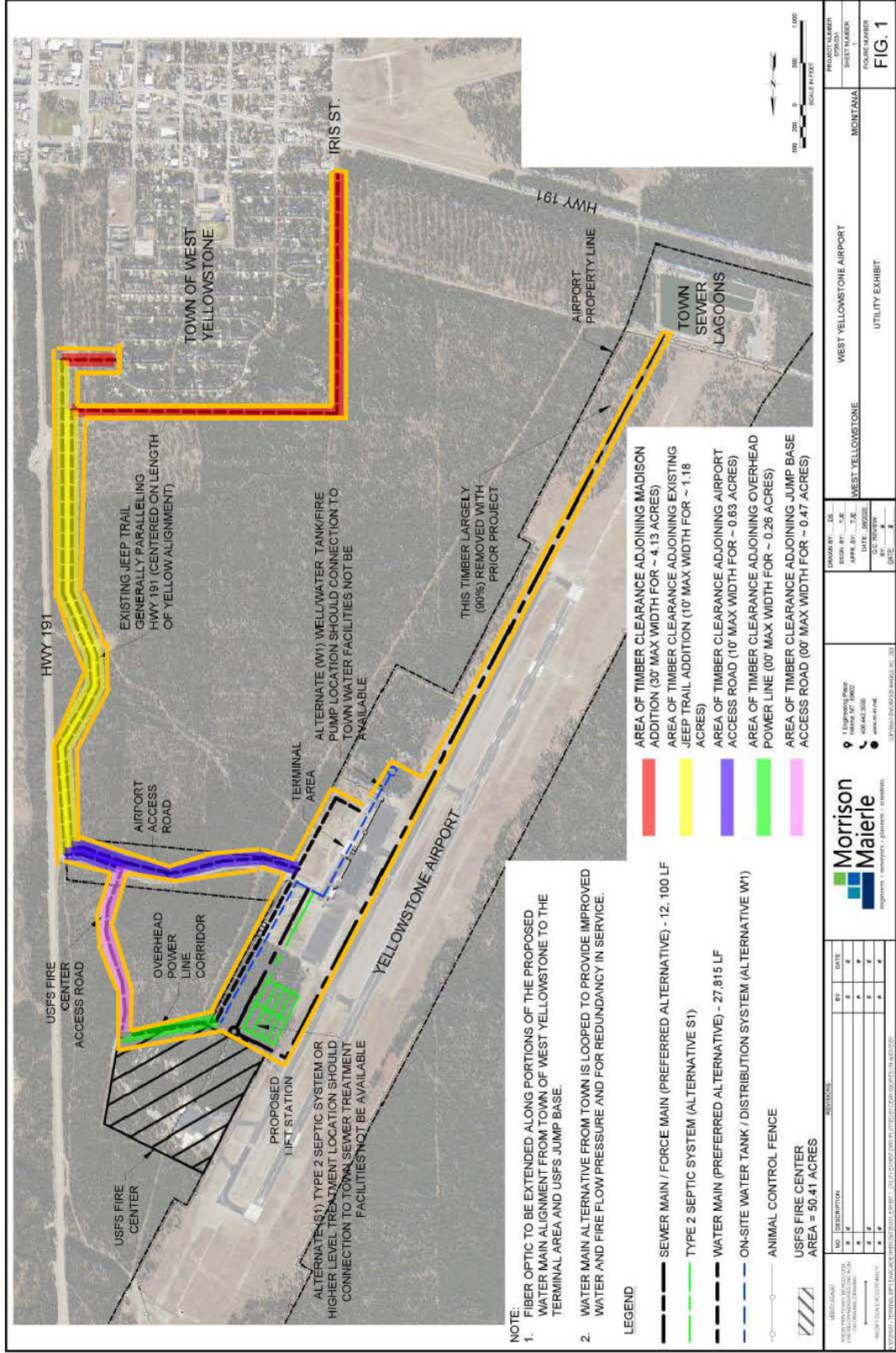
LEGEND

- SEWER MAIN / FORCE MAIN ~ 12, 100 LF
- WATER MAIN ~ 27,815 LF
- • • FIBER OPTIC ~ 12,860 LF
- USFS FIRE CENTER AREA = 50.41 ACRES

PROJECT NUMBER SHEET NUMBER PROJECT NAME		PROJECT NUMBER SHEET NUMBER PROJECT NAME	
1500 1000 500 0 SCALE IN FEET		1500 1000 500 0 SCALE IN FEET	
DRAWN BY: [] CHECKED BY: [] DATE: 08/20/20		DRAWN BY: [] CHECKED BY: [] DATE: 08/20/20	
PROJECT LOCATION 400 W. 2ND ST. YELLOWSTONE, MT 83401 406.402.2000 WWW.MORRISONMAIERLE.COM		PROJECT LOCATION 400 W. 2ND ST. YELLOWSTONE, MT 83401 406.402.2000 WWW.MORRISONMAIERLE.COM	
MORRISON MAIERLE ENGINEERS, ARCHITECTS, PLANNERS, & DESIGNERS		MORRISON MAIERLE ENGINEERS, ARCHITECTS, PLANNERS, & DESIGNERS	
SHEET NO. 1-5 SHEET DESCRIPTION WATER / SANITARY SEWER / FIBER OPTIC UTILITY EXHIBIT		SHEET NO. 1-5 SHEET DESCRIPTION WATER / SANITARY SEWER / FIBER OPTIC UTILITY EXHIBIT	



<div><div><div><div><div></div><div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div><div>engineers • surveyors • planners • scientists</div></div> <div><div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div> <div><div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div> <div>1 Engineering Place Helena, MT 59602 406.442.3050 www.m-m.net</div> <div><div><div></div><div></div></div><div><div></div><div></div></div></div> <div><div><div></div><div></div></div><div><div></div><div></div></div></div> <div>COPYRIGHT © MORRISON-MAIERLE INC. 2021</div> <tr><td colspan="2">VERIFY SCALE! THESE PRINTS MAY BE REDUCED. LINE BELOW MEASURES ONE INCH ON ORIGINAL DRAWING.</td><td colspan="2">MODIFY SCALE ACCORDINGLY! <div><div></div><div></div></div></td></tr> <tr><td colspan="2">REVISIONS</td><td colspan="2">NO.</td><td colspan="2">DESCRIPTION</td><td colspan="2">BY</td><td colspan="2">DATE</td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr> <tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr>		VERIFY SCALE! THESE PRINTS MAY BE REDUCED. LINE BELOW MEASURES ONE INCH ON ORIGINAL DRAWING.		MODIFY SCALE ACCORDINGLY! <div><div></div><div></div></div>		REVISIONS		NO.		DESCRIPTION		BY		DATE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
		VERIFY SCALE! THESE PRINTS MAY BE REDUCED. LINE BELOW MEASURES ONE INCH ON ORIGINAL DRAWING.		MODIFY SCALE ACCORDINGLY! <div><div></div><div></div></div>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
REVISIONS		NO.		DESCRIPTION		BY		DATE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									



Area of
Potential Effect
(APE) shown by
Orange line

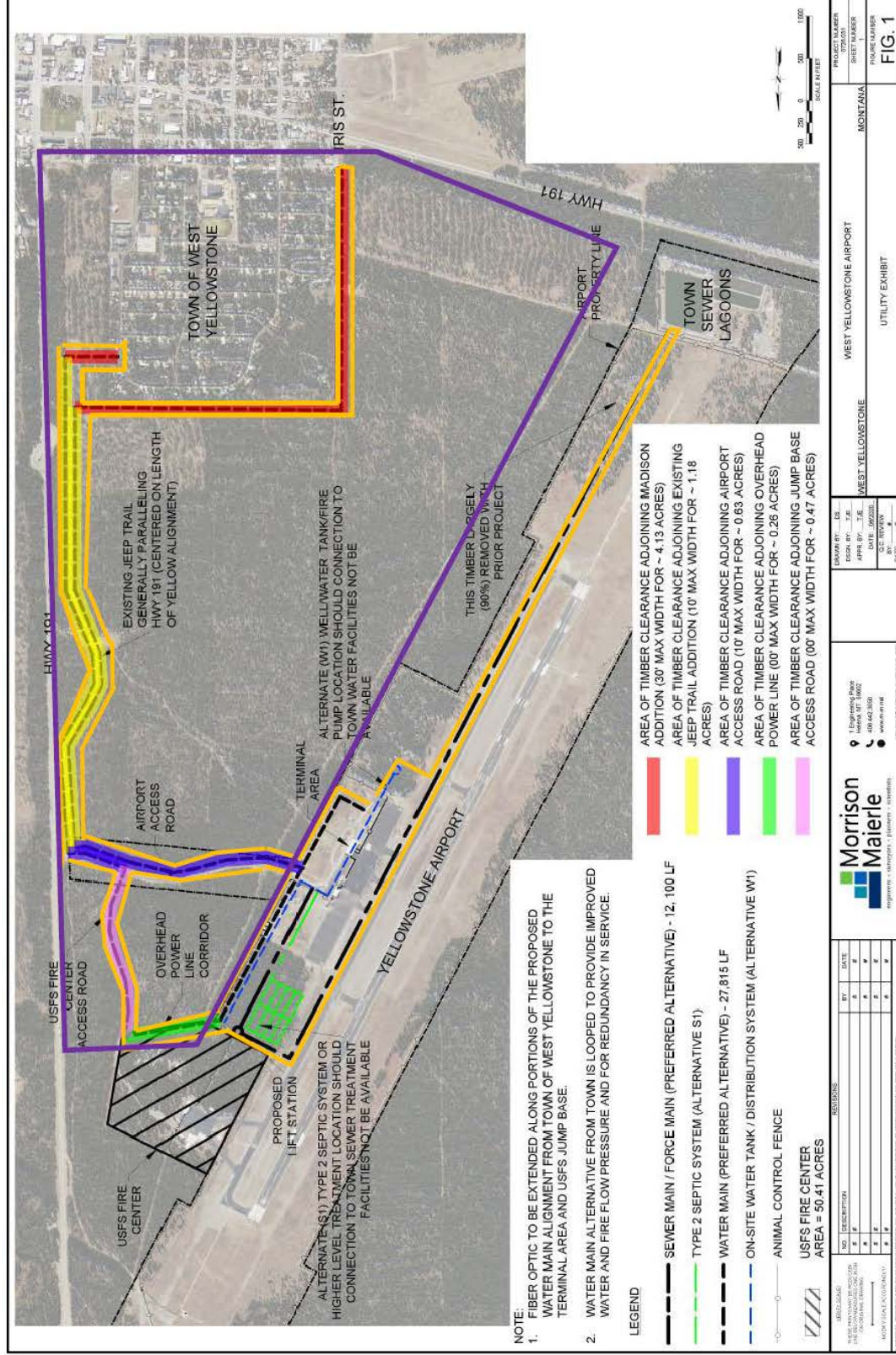
Covers areas of
terminal area
and areas of
disturbance for
utility
improvements

FIG. 1

Covers areas of terminal area and areas of disturbance for utility improvements

The area surrounded by the purple line

outlines the area associated with water and fiber optic improvements on National Forest land



APPENDIX B

TO THE PROGRAMMATIC AGREEMENT REGARDING THE PROPOSED CONSTRUCTION OF A NEW AIRPORT TERMINAL AND ASSOCIATED IMPROVEMENTS AT YELLOWSTONE AIRPORT (WYS) NEAR WEST YELLOWSTONE, MONTANA

Plan for Discovery of Unanticipated Cultural Resources

Cultural resources can be found during any ground-disturbing activity. If a monitor is onsite per Stipulation VII, he/she may determine if the discovery should trigger the procedures described in this document. If no monitor is onsite, all excavation and work in the area must stop, and the procedures as described below must be followed. If in doubt, follow the procedures outlined in this document. Unanticipated discoveries can vary and include evidence or remnants of historic-era and precontact activities by humans. Cultural resources can include, but are not limited to:

- Stone flakes, arrowheads, stone tools, bone or wooden tools, baskets, beads.
- Historic building materials such as nails, glass, metal such as cans, barrel rings, farm implements, ceramics, bottles, marbles, beads.
- Layers of discolored earth resulting from hearth fire
- Structural remains such as foundations
- Shell Middens
- Human skeletal remains and/or bone fragments which may be whole or fragmented.

In the event that previously unknown cultural resources are discovered within the Area of Potential Effects from construction activities of the undertaking, or should those activities directly or indirectly impact known historic properties in an unanticipated manner, the following actions, at a minimum, will be initiated by the FAA, or a representative duly authorized to perform these tasks:

1. All activities will halt in the immediate vicinity of the discovery and all actions that might adversely affect the property will be redirected to an area at least 200 feet from the point of discovery.
2. The FAA and Montana Department of Transportation – Aeronautics Division (MDT) will be notified immediately (within 24 hours), and the FAA will notify MT SHPO and any Indian tribe that might attach religious and cultural significance to the affected property.
 - a. If not already onsite, a professional archaeologist who meets the Secretary of the Interior's qualifications (36 CFR Part 61) will be called in within 48 hours to assess the discovery.

3. Upon arriving at the site of the discovery, the professional archaeologist shall assess the resource. The assessment shall include:
 - a. The nature of the resource (e.g., number and kinds of artifacts, presence/absence of features). This may require screening of already disturbed deposits, photographs of the discovery, Global Positioning System (GPS) data, and other necessary documentation. The archeologist will have basic archaeological excavation tools on hand.
 - b. The spatial extent of the resource. This may require additional subsurface examination, mapping or inspection, as is appropriate to the resource
 - c. The nature of deposition/exposure. This may require interviews with construction personnel and with other persons having knowledge about the resource or the expansion of existing disturbance to establish the characteristics of the deposits.
4. The professional archaeologist will complete a brief summary of the assessment and submit the report to the FAA, USFS, MDT, the Nez Perce Tribe (due to the proximity of the NPNHT), and the MT SHPO within 10 days of fieldwork for further instruction. The FAA will also notify any Indian Tribe that might attach religious and cultural significance to the affected property.
5. The FAA will consult with the USFS, MT SHPO, MDT, and any Indian tribe that might attach religious and cultural significance to the affected property to determine if and when construction activities in the location of the discovery may resume.
6. After consultation, the FAA will issue appropriate determinations of eligibility of any resources discovered and a determination of effect before construction in the location of the discovery may resume. Consistent with 36 CFR § 800.13(b)(3) (Post-review discoveries) Tribes and MT SHPO will have 72 hours to respond to the determinations.
7. If unanticipated discoveries are made on the undertaking, a technical report will be written at the end of the project by the on-site professional archaeologist and will be submitted within four months to the MT SHPO by the FAA. Reports dealing with sensitive information regarding sacred areas or other similar resources of historical or cultural importance to Native Americans will be reviewed only by those who have responsibility for National Register eligibility determinations or management concerns of such properties.
8. Report and documentation efforts shall conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR. 44716-44740), as well as with all applicable standards, guidelines, and forms for historic preservation, including Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS) guidance, and guidance established by the MT SHPO.
9. If the unanticipated discoveries may be related to the Nez Perce (Nee-Me-Poo) National Historic Trail, the Nez Perce Tribal Historic Preservation Officer will be notified and the Programmatic Agreement relating to ethnographic study will be reviewed for applicability. The FAA will also notify any other Indian Tribe that might attach religious and cultural significance to the affected property.

10. Points of Contact:

FAA: Diane Stilson, HLN ADO - (406) 441-5411

MDT: Jeff Kadlec, Yellowstone Airport Manager - (406) 459-9825

MT SHPO: Jessica Bush, State Archaeologist – (406) 444-0388

Nez Perce Tribe: Patrick Baird, Tribal Historic Preservation Officer - (208) 791-8610