

# CONNER NORTH & SOUTH

*Finding of  
No Significant  
Impact*

**F-NH 7-1 (41)16F  
UPN 1281**

prepared by  
**Carter - Burgess**

prepared for







# **Finding of No Significant Impact**

on the

## **Environmental Assessment**

for

**Conner N&S  
F-NH 7-1 (41) 16 F  
UPN 1281**

in

**Ravalli County**

Submitted Pursuant to  
42 USC 4332(2)(c) 49 U.S.C. 303  
and Sections 2-3-104, 75-1-201 M.C.A.

by the

Montana Department of Transportation

and

U.S. Department of Transportation  
Federal Highway Administration



**Federal Highway Administration**  
**Finding of No Significant Impact**

for

**Conner N&S**  
**F-NH 7-1 (41) 16 F**  
**UPN 1281**  
in  
**Ravalli County**

THE FEDERAL HIGHWAY ADMINISTRATION HAS DETERMINED THAT THIS PROPOSED PROJECT WILL HAVE NO SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT. THIS *FINDING OF NO SIGNIFICANT IMPACT* IS BASED ON THE ATTACHED ENVIRONMENTAL ASSESSMENT WHICH HAS BEEN INDEPENDENTLY EVALUATED BY THE FEDERAL HIGHWAY ADMINISTRATION AND DETERMINED TO ADEQUATELY AND ACCURATELY DISCUSS THE NEED, ENVIRONMENTAL ISSUES AND IMPACTS OF THE PROPOSED PROJECT AND APPROPRIATE MITIGATION MEASURES. IT PROVIDES SUFFICIENT EVIDENCE AND ANALYSIS FOR DETERMINING THAT AN ENVIRONMENTAL IMPACT STATEMENT IS NOT REQUIRED. THE FHWA TAKES FULL RESPONSIBIILITY FOR THE ACCURACY, SCOPE AND CONTENT OF THE ATTACHED ENVIRONMENTAL ASSESSMENT.



Dale Paulson  
Federal Highway Administration

Date

8-5-2004



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## **1.0 Coordination Process**

The proposed action has been coordinated with the appropriate federal, state and local agencies in order to comply with the National Environmental Policy Act and the Montana Environmental Policy Act. The Notice of Availability for the Conner North & South Environmental Assessment (EA) was published in two area newspapers on four dates as follows:

- ▶ The **Missoulian**, Missoula, MT: **Sunday, February 15, 2004**
- ▶ The **Missoulian**, Missoula, MT: **Tuesday, February 24, 2004**
- ▶ The **Ravalli Republic**, Hamilton, MT: **Monday, February 16, 2004**
- ▶ The **Ravalli Republic**, Hamilton, MT: **Tuesday, February 24, 2004**

A copy of the ad notice is contained in Appendix A. The public review period began on February 20 and ended on March 22, 2004. Copies of the Environmental Assessment were available for review beginning February 20, 2004, at the following locations:

- ▶ **Darby Public Library**, 102 South Main Street, Darby, MT
- ▶ **Darby City Offices**, 101 East Tanner, Darby, MT
- ▶ **Ravalli County Offices**, 215 South Fourth St., Suite A, Hamilton, MT 59840
- ▶ **Montana Dept. of Transportation**, 2100 W. Broadway, Missoula, MT 59807

Copies of the EA were available upon request from MDT and the EA could be viewed at the MDT website address of [www.mdt.state.mt.us/environmental/eis-ea/](http://www.mdt.state.mt.us/environmental/eis-ea/). State and Federal agencies, and local entities, were notified by letter that the EA was available for review. The distribution list is included in Appendix A. A complete version of the EA is included in Appendix B.

A public hearing/open house was held on March 10, 2004, at the Darby Community Clubhouse in Darby, Montana. The public hearing/open house was held from 4:30 to 7:30 p.m. and a presentation held at 6:00 p.m. The public hearing was attended by 35 persons and a copy of the sign in sheet and the transcript is contained in Appendix A.

This Finding of No Significant Impact (FONSI) can be viewed at the MDT website address of [www.mdt.state.mt.us/environmental/eis-ea/](http://www.mdt.state.mt.us/environmental/eis-ea/). State and Federal agencies, and local entities will be notified by letter that this FONSI has been signed.

## **2.0 Clarifications to the EA**

### **Aquatic Resources**

An additional species is added to Section 3.12.1 under Laird Creek stating:

- ▶ Laird Creek also supports brook trout (common resident).

#### Table 3-12 – Medicine Tree Creek

After additional coordination, the Montana Fish, Wildlife & Parks, and the Bitterroot National Forest staff have agreed that fish passage is desired in the replaced culvert. No temporary fish barrier is required.

### **Wetlands**

Section 3.10.1, page 3-25. The second sentence should read: “The wetlands in this valley are subject either to surface runoff from melting snow and precipitation on the surrounding landscape; are associated with high groundwater tables due to the geologic link to the Bitterroot River levels; or are located in the floodplain where they are subjected to flood flows or high water events from the Bitterroot River.”

Section 3.10.4, page 3-27 under *Avoidance and Minimization*. Add the following text after the second sentence: “All practical measures will be utilized during the final design process to avoid and minimize impacts to wetlands and other aquatic resources, including the river. Such measures to be evaluated include fill-side walls, steeper fill slopes, reduction in fill, and other design measures that meet all practicable design and cost benefits to meet the project scope.”

Section 3.10.4 under *Compensation*, statement 3) should be rewritten as follows: “MDT has several wetland mitigation reserves in Watershed #3 – Lower Clark Fork River Basin that could potentially be used to mitigate any remaining impacts that are not mitigated onsite with this project. Such sites include Tucker Crossing Ranch and the Lee Metcalf Wildlife Refuge. MDT is currently working with the Corps to develop a crediting scheme for the Camp Creek project and cannot withdraw credits until that plan is approved.

### **3.0 Response to Comments and Questions on the EA**

The public hearing for the Conner North & South EA was held on March 10, 2004. A full copy of the transcript from the public hearing is included in Appendix A. During the public comment period, a total of 19 written comments were received and are included in Appendix A. The comments are summarized below and responses provided. Comments 1 through 5 were received and responded to orally during the public hearing presentation.

Note: No oral comments were given using the tape recorder available to the public during the public hearing.

#### **Public Hearing Comments and Responses**

**Comment 1:** (Cathy Palmer) You say the funding is approximately 2009, but you are getting the right-of-way much earlier than that. Does that mean you will be paying for the right-of-way before that or are people negotiating the price and paying for it five years down the line?

**MDT Oral Response 1:** When MDT goes out to negotiate right-of-way, it is purchased. The funding that is 2009 is actual construction funding. Right now MDT has preliminary engineering authorized and can go ahead and develop design and then purchase right-of-way. Actual construction funding will not be available until 2009.

**Comment 2:** (Bill Grasser) I live in the prior project at Mile Point 9. I would like to comment that during the last project, by the way they did a tremendous job and it is really fantastic to drive that piece of road as most of you have probably done. However there is an awful lot of leftover material, especially south of Sula store, at the high bridges at Mile Point 15+, especially that great big hump there east of the high bridges. I would surely like to see that material used on this future project all you can – there is a tremendous amount there. It would certainly make our section look a whole lot better. But they did a tremendous job on the highway.

**MDT Oral Response 2:** As you pointed out, we wound up with a lot more material coming down off the mountain than what the designers had originally anticipated. That is one of the things we are doing with this job, at least I've given the instructions to do that. I want to get out there and get a lot better geotechnical data on what type of rock structure we are dealing with so that we can design a lot better around it. You should have seen our drill crews out a little bit this winter and you

should be seeing a little bit more of that going on. Getting a little bit more information about what we are dealing with helps quite a bit.

(Bill Grasser) There is plenty of material out there to work with so I would sure like to see it used.

**Comment 3:** (Laura Lindenlaub) There is a head gate that affects the ditch association with about thirty users just north of the very first fill-side wall location. Have you guys studied how that is going to affect the ditch? It has already been pretty severely affected by the flood last May. It is RP 23; fill-side wall location number 12.

**MDT Oral Response 3:** The current ditch capacity will be maintained.

**Comment 4:** (Chuck Wikoff) I've reviewed your Environmental Assessment, and correct me if I'm wrong, but I understand it to say that because the highway department does not have any clear-cut designation of the Lewis and Clark Trail that it will be treated as if there was not one and it is not a consideration. Is that correct? What do they intend to do about it?

**MDT Oral Response 4:** The location of the Lewis and Clark trail through this area was not specifically identified as to which side of the road it was on.

**Comment 5:** (Unidentified) Are you saying that Bull Trout "may be affected or are likely to be adversely affected" on an endangered species, by your own admission there?

**MDT Oral Response 5:** It is a legal definition as part of Section 7 of the Endangered Species Act, and because the project will be in the river with piers or the new bridge there is a potential we will increase the amount of sediment in the water column for a short time. This is disclosed that if there are Bull Trout in the vicinity, it could have a potential adverse affect. The Biological Assessment is submitted it to the US Fish and Wildlife Service and they issue the project a Biological Opinion that includes conservation coordination measures to adhere to during construction.

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## Written Comments Received

### Comment #6:

Mike Jakober  
Marilyn Wildey  
Bitterroot National Forest  
West Fork Ranger Station  
6735 West Fork Road  
Darby, MT 59829  
406-821-3269  
March 1, 2004

Jean Riley, PE  
Montana Department of Transportation  
Environmental Services  
P.O. Box 201001  
Helena, MT 59620-1001

Thank you for the opportunity to comment on the Conner North/South Final Environmental Assessment. The following comments are those of Marilyn Wildey and Mike Jakober. Marilyn is the hydrologist and Mike is the fisheries biologist on the south half (Sula and West Fork Ranger Districts) of the Bitterroot National Forest.

- 6a** 1. We would like to see as many historic cut-off meanders reactivated as possible. If choices are available, the longer meanders are preferred over the shorter meanders. Reactivating cut-off meanders is the best action this project could take to improve the health of the East Fork river channel and the fishery. This will be the last opportunity to reactivate meanders. After this project is completed, there will likely be no more opportunities in the future.
- 6b** 2. The new culvert on Robbins Gulch should be considerably larger than the present one. We couldn't find any mention of Robbins Gulch in the aquatics section of the EA, and we feel that it should be given some consideration. Robbins Gulch is not a fish-bearing stream, but it does contribute overland flow to the East Fork for at least half of the year, and it does provide habitat for other aquatic species such as amphibians and invertebrates. Robbins Gulch dries up in its lower end near the highway in late summer and autumn, but contains perennial flows leaving Bitterroot National Forest land about a mile upstream of the highway. During runoff events, the existing culvert appears to be undersized as we have observed water pooling behind the culvert and flowing down the ditch. We recommend that a larger culvert be installed to handle future flood flows, and if possible, be installed in a manner that allows amphibians and other small animals to cross under the highway.
- 6c** 3. On page 3-35 of the EA, Table 3-12 states that a temporary fish barrier will be designed for the new fish passage culvert on Medicine Tree. Marilyn and I have discussed the risks and benefits of designing a temporary barrier with Chris Clancy (Montana Fish, Wildlife, and Parks fisheries biologist), and we are in agreement that a

### Response #6:

**#6a:** MDT recognizes the value of reconnecting a meander. Within the project corridor, nine meanders were originally identified for potential consideration as the location for meander reconnection. Of those nine, six were eliminated after further evaluation because they were not physically possible, were too costly for the amount of stream length gained, or had landowner opposition. The three remaining sites have been evaluated in more detail and discussed with adjacent landowners. Two sites are currently being evaluated further and coordination with landowners is ongoing. However, as stated in Table 3-13, page 3-36 of the EA, "It has not yet been determined which of the potential oxbows will be reactivated, and there is potential that none will occur pending further discussions with landowners."

**#6b:** This culvert will be designed to provide for the consideration of capital costs and risks, and other economic, engineering, social, and environmental concerns. Current design includes the existing 18-inch culvert to be replaced with one 24-inch (minimum size) or larger.

**#6c:** After additional coordination, the Montana Fish, Wildlife and Parks and the Bitterroot National Forest staff have agreed that fish passage is desired in the replaced Medicine Tree Creek culvert. No temporary fish barrier is required. See correspondence in Appendix B from Montana Fish, Wildlife & Parks with the same request.

**Comment #6 (continued):**

barrier should not be installed at the new Medicine Tree Creek culvert. Year-round fish passage should be maintained at the new culvert.

The Forest has been closely monitoring the recovery of the westslope cutthroat trout population in Medicine Tree Creek since the fires of 2000. We have established a 1000' long-term fish population monitoring section that is located at the Forest boundary, about 1.5 miles upstream of the highway. Prior to the fires, Medicine Tree Creek supported a relatively healthy population of small westslope cutthroat trout, with the species commonly distributed throughout the first two miles of stream above the highway. The fires of 2000 severely burned the watershed and killed the majority of fish. To make matters worse, several small mudslides occurred in the watershed in July 2001 and filled much of the stream channel with sediment. In 2001, only one 4" cutthroat was found in our 1000' monitoring section. In 2002, two 4-6" cutthroat were found in the section. In 2003, eleven 4-8" cutthroat were found, along with several hundred young-of-the-year cutthroat fry. We expect the recovery trend to continue, and numbers to steadily increase in future years. Particularly encouraging was the large number of young-of-the-year cutthroat that made their first appearance in the population 2003. Since the fires, this was the first indication that a spawning year class was successful.

The original idea behind the barrier was to prevent rainbow trout in the East Fork from spawning in Medicine Tree Creek and hybridizing with the westslope cutthroat trout. The two species will readily hybridize, and hybrids are fairly common throughout the lower East Fork and the lower ends of the larger tributaries such as Laird, Warm Springs, and Maynard Creeks. The westslope cutthroat trout in Medicine Tree Creek have not been tested for genetic purity, but based on their morphological appearance, the absence of rainbow trout and hybrids during our surveys, and the isolation caused by the existing culvert under the highway, we suspect that the cutthroat population in Medicine Tree Creek is a pure genetic strain.

With non-native trout present in the East Fork (e.g. rainbow, brook, and brown trout), deciding whether to isolate or reconnect native fish populations comes down to balancing risk. Rainbow trout invading Medicine Tree Creek and hybridizing with the westslope cutthroat trout population is the primary risk of reconnecting the stream to the river. We feel that this risk is relatively low, primarily because Medicine Tree Creek is a very small stream and we have not observed cases elsewhere on the basin where rainbow trout have been very successful at invading very small streams and displacing westslope cutthroat trout. In the Bitterroot basin, westslope cutthroat trout appear to be much better suited to small streams such as Medicine Tree Creek than rainbow trout, and rainbow trout do better in the rivers such as the East Fork. Also, Medicine Tree Creek may be too small to provide suitable spawning habitat for the large rainbow trout coming out of the river. If Medicine Tree Creek is reconnected to the river, some hybrids could show up in the stream, but we believe they would be low in number and restricted in distribution to the lower end of the stream near the river. We also believe that the potential for brook and brown trout to invade Medicine Tree Creek and displace the westslope cutthroat trout population is low. Brown trout do not appear to be adept at invading very small streams like Medicine Tree Creek, and brook trout (the best invader of small streams in the basin)

**Comment #6 (continued):**

are rare in the lower East Fork in the vicinity of Medicine Tree Creek. In the Bitterroot basin, brook trout are incidental and rare in large rivers like the East Fork. If brook trout were common in the East Fork (they are not), then the risk of invasion would be high.

The benefits gained by not installing a barrier would be the potential to increase recruitment of juvenile cutthroat to the river, and restoring historic spawning habitat for adult cutthroat in the river. Had passage between Medicine Tree Creek and the river been possible following the fires of 2000, some adult cutthroat trout from the river may have entered the stream, spawned, and triggered a faster recovery. We observed fish re-entering Laird Creek from the river within a couple of weeks of the July 2001 mudslides, and the recovery of the fish populations in Laird Creek has occurred at a faster rate than the recovery in Medicine Tree Creek, due at least in some part to the connection between the stream and the river. The fisheries literature and research supports the idea that native fish populations are more viable when streams are connected and fish can move freely about to use all of the suitable habitat. Over time, isolated populations are much more vulnerable to extinction from events such as fires, floods, etc.

The bottom line is that deciding to install or not install a barrier comes down to balancing risk. In the short-term, the conservative choice is almost always to install the barrier, isolate the cutthroat population in Medicine Tree Creek, and protect it from potential invasion from rainbow trout. However, when you weigh the long-term benefits and risks, we feel that allowing year-round passage for fish is the best course of action. It has the best chance of contributing to the restoration of the westslope cutthroat trout population in the lower East Fork drainage.

- 6d 4. The new fish passage culverts on Laird Creek and Medicine Tree Creek should be installed in a stream simulation manner. This means that the new culverts are: (1) wide enough diameter to capture the bankfull channel; (2) buried deep enough in the stream bed to maintain a native material bottom throughout their barrels, and (3) match the grade of the natural channel (no perches on the inlets or outlets). Installing in this manner will ensure passage for all sizes and species of fish.
- 6e 5. On page 3-34, the EA states that the East Fork of the Bitterroot River is not on the State's 303(d) list of impaired waterbodies. There is some history behind the 303(d) list that should be mentioned. The East Fork was listed on the 1996 and 1998 303(d) lists, but was removed from later additions of the list. Even so, a court order directs the Forest Service to use the 1996 303(d) list when evaluating proposed projects on National Forest Land until the time that a TMDL has been developed. Because of this and the fact that the East Fork is part of the Bitterroot Headwaters TMDL Planning Area, Montana Department of Environmental Quality (DEQ) reviewed existing stream data on the main stem of the East Fork. Based upon the level of past activities and existing information, a sediment TMDL and restoration plan will be developed for the East Fork, and the draft TMDL document should be available for public review sometime in 2004.

Laird Creek, a tributary to the East Fork, and Gilbert Creek, a tributary to Laird Creek, are both listed on the 1996-2002 303(d) lists. Both of these streams contribute surface

**Response #6:**

**#6d:** These culverts will be designed to pass fish based on fisheries information provided by the Montana Fish, Wildlife, and Parks and MDT biologists. MDT will evaluate setting the pipe down, filling in the bottom, or other measures to provide fish passage. Culvert design for fish passage will comply with the recommendations set forth in the MFWP/MDT Fisheries Task Force Recommendations.

**#6e:** Comment noted.

**Comment #6:**

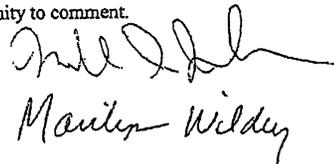
water and sediment to the East Fork and a sediment TMDL and restoration plan for sediment is being developed for those streams.

- 6f 6. Thermal alteration (warming of the river's water) is a concern in the East Fork. Because of that concern, the DEQ is developing a temperature TMDL for the East Fork. The TMDL identifies the loss of overstory shade as the primary cause of river warming, and highway encroachment is a major factor in that loss of shade. Regardless of the alternative selected, the existing shade on the river and its tributaries needs to be maintained and protected as much as possible. Where possible, opportunities to increase shade in the future should be incorporated into the revegetation plan (e.g. planting trees and shrubs on the disturbed areas, especially those near the river banks).
- 6g 7. The water quality limited status on the East Fork as well as several tributary streams highlights the importance of sediment (and thermal as discussed below) mitigations during construction, and revegetation efforts after highway construction. On the Sula North/South project, we feel that a better effort should have been made to revegetate the disturbed areas, particularly in the area of the new meander. For example, between the first and second new bridges upstream of the Spring Gulch campground, a considerable amount of rip-rap was placed off the edge of the pavement above the east bank of the river, adjacent to the very large paved turnout. No trees can return to that spot now because of all the rock, and a permanent loss of shade occurred. Areas like that will become knapweed infested and will likely never support desirable vegetation or stable soils. We would have preferred to see trees restored to that area. It was an opportunity lost. Also, the old road on the east side of the new meander could have been recontoured and planted with trees after it was used to dig the new channel. It wasn't, and now a section of the old road eroded away during the high flows of June 2003, and more erosion and slumping of the road bed into the river will occur during future high flows. We would like to see a better effort made to revegetate the disturbed areas in the Conner North/South project.
- 6h 8. Provisions need to be made to remove the silt fences once vegetation is established. They should not be left out there to eventually fall apart on their own.
- 6i 9. Minimize the use of rip-rap and the dumping of waste rock to the least amount possible, particularly near the river banks where trees and shrubs could be planted instead of fields of rock.

Again, thank you for the opportunity to comment.

Sincerely yours

Mike Jakober  
Marilyn Wildey



**Response #6:**

**#6f:** This comment has been forwarded to the MDT botanist who will prepare the revegetation plan.

**#6g:** Disturbed wetland and streamside areas will be revegetated with desirable vegetation as soon as practicable following disturbance. Development of a revegetation plan, erosion control plan, and stormwater pollution prevention plan will be coordinated with appropriate permitting and resource agencies. A weed management plan will be completed by the contractor outlining procedures, contingencies, and responsibilities in the event of a noxious weed outbreak and will be filed with the Ravalli County Weed District prior to the start of construction.

**#6h:** According to the MDT *Erosion and Sediment Control Best Management Practices Field Manual* (March 2003), Section 4: Erosion and Sediment Control Post-Construction Phase Process, it is the responsibility of MDT maintenance staff to remove silt fencing once vegetation is established and SWPPP is terminated. If justified, natural materials that degrade over time and do not require removal may be utilized.

**#6i:** MDT will pursue agreements with willing landowners to place waste material on their property. MDT will hold the contractor responsible for proper disposal of all rock and waste material and it will not be placed along the streams unless the plans and specifications require it.

Comment #7:

MONTANA DEPARTMENT OF TRANSPORTATION

Comment Form

Project: Conner-North & South Environmental Assessment

Project Number: F7-1(41)16 F

Control Number: CN1281

Date: Wednesday, March 10, 2004

Place: Darby Community Clubhouse, Darby, MT

You are invited to make your comments on this form and leave it with the meeting officials or take it with you and mail it to Jean Riley, Montana Department of Transportation, Environmental Services, PO Box 201001, Helena, MT 59620-1001, postmarked by March 22, 2004.

Please indicate your name, address and affiliation (if any) below. Thank you for your interest and comments on this project. Feel free to use the back and/or additional sheets of paper if necessary.

NAME AND ADDRESS: Chuck Wilkoff  
401 N 10<sup>th</sup>, Apt 210  
Hamilton, Mt. 59840

COMMENTS: Do not use Ehman Gravel Pit as a source for gravel on the Conner-North & South Project.

This pit is located at the spot where Lewis & Clark journey met the Salish Indians in 1805.

MDT should not contribute to the ~~see~~ visual degradation of this historic site by using gravel from this area.

Ehman Pit located at Sula, Mt. across from recent rockslide.

Response #7:

MDT does not normally designate where the contractor would obtain gravel for a construction project. This pit is located on private land a considerable distance off the highway and will not be disturbed by the roadway construction itself. Any privately owned materials source that a contractor chooses to use for this project would have to meet all applicable cultural resource and environmental laws prior to its use.

Comment #8:

MONTANA DEPARTMENT OF TRANSPORTATION

Comment Form

Project: Conner-North & South Environmental Assessment

Project Number: F7-1(41)16 F

Control Number: CN1281

Date: Wednesday, March 10, 2004

Place: Darby Community Clubhouse, Darby, MT

You are invited to make your comments on this form and leave it with the meeting officials or take it with you and mail it to Jean Riley, Montana Department of Transportation, Environmental Services, PO Box 201001, Helena, MT 59620-1001, postmarked by March 22, 2004.

Please indicate your name, address and affiliation (if any) below. Thank you for your interest and comments on this project. Feel free to use the back and/or additional sheets of paper if necessary.

NAME AND ADDRESS: PEG PLATT, 5488 Hwy 93 S., CONNER  
REFER TO SHEET 30, PROJECT No. F-NH 7-1(41)16 F  
T.2N, R.20W.

COMMENTS: THIS IS IN REFERENCE TO THE POND  
DIRECTLY ACROSS THE HIGHWAY FROM THE  
DICKSON CR. BRIDGE. YOUR DIAGRAM SHOWS  
THE R/W WILL BE EXTENDED .20 ACRES AND  
WILL CUT OFF THE EAST END OF THE POND  
OR SLOUGH. THIS POND IS FED BY MEDICINE  
TREE CREEK. BY REDUCING THE POND AREA  
THE WATER WILL BE FORCED "ELSEWHERE"  
THAT "ELSEWHERE" WILL FLOOD AN AREA  
WHICH INCLUDES MY WELL, GARDEN FENCE  
AND LOWER GARDEN AREA.

I WOULD LIKE TO KNOW HOW YOU WILL  
MITIGATE OR CORRECT THIS SITUATION.

AN ON-SITE VISIT IS NECESSARY TO REVIEW THIS.

THANK YOU - Peg Platt

Response #8:

The pond outlet structure on the west end of the pond and Medicine Tree Creek inflow control the elevation of the pond and therefore the size of the pond. The outlet structure will not be disturbed. Any filling of the pond will not change the pond elevation, but it would change the pond volume. No mitigation will be required.

MDT will review the site and contact the landowner to assure the proposed embankment does not raise the pond elevation and flood the landowner's property.

**Comment #9:**

**MONTANA DEPARTMENT OF TRANSPORTATION**

**Comment Form**

Project: Conner-North & South Environmental Assessment

Project Number: F7-1(41)16 F

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Place: Darby Community Clubhouse, Darby, MT

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Please indicate your name, address and affiliation (if any) below. Thank you for your interest and comments on this project. Feel free to use the back and/or additional sheets of paper if necessary.

NAME AND ADDRESS: MARY Lemous  
5431 Hwy 93S  
Conner, MT

COMMENTS: On our property there is an apple tree  
that has been entered into the Nat'l Historical  
Register. We have want to great lengths to save  
this tree + preserve it & now you are going to  
distroy it. I suggest you talk to the  
people of the society on this first then us -  
the land owners.

**Response #9:**

While the apple tree is not listed on the National Register of Historic Places (NRHP), it is recognized locally as historically important. MDT project designers are aware of the tree's location and will make every effort to avoid the tree. The MDT historian will continue coordination with the landowner. The apple tree is at Sta. 368+50± Left. The proposed centerline is shifted away from the tree. The tree is outside the construction limits and the clear zone and a "Do Not Disturb" note will be put on the construction plans to ensure its protection.

**Comment #10:**

**Response #10:**

**MONTANA DEPARTMENT OF TRANSPORTATION**

**Comment Form**

Project: Conner-North & South Environmental Assessment

Project Number: F7-1(41)16 F

Control Number: CN1281

Date: Wednesday, March 10, 2004

Place: Darby Community Clubhouse, Darby, MT

See Response #9.

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Please indicate your name, address and affiliation (if any) below. Thank you for your interest and comments on this project. Feel free to use the back and/or additional sheets of paper if necessary.

NAME AND ADDRESS: MARY Lemons  
5431 Hwy 93 S.  
Conner, MT 59827

COMMENTS: While attending the meeting this last week I  
indicated we had an apple tree in the trail blazed  
register. When the gentleman indicated it on your  
map, I believe he placed it on the east side  
of the existing highway. That is incorrect. The  
tree is on the west side of the existing highway  
right next to our driveway. Please make note  
of this.

Thank you,  
Mary Lemons

**Comment #11:**

**MONTANA DEPARTMENT OF TRANSPORTATION  
Comment Form**

Project: Conner-North & South Environmental Assessment  
Project Number: F7-1(41)16 F  
Control Number: CN1281  
Date: Wednesday, March 10, 2004  
Place: Darby Community Clubhouse, Darby, MT

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Please indicate your name, address and affiliation (if any) below. Thank you for your interest and comments on this project. Feel free to use the back and/or additional sheets of paper if necessary.

NAME AND ADDRESS: Back Fire 2000  
\_\_\_\_\_  
\_\_\_\_\_

COMMENTS: The group of families (approx 100) would like to officially request an area to display a memento in view of the Dickson Creek Drainage (the main area impacted by the fires of 2000).  
To discuss this Mary Lemons, 5431 Hwy 935, Conner, MT 59827 — 406-821-3362. She will put you in contact with the head members of the group.  
These families need to be recognized.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Response #11:**

MDT has approved the request to display a marker to commemorate the Dickson Creek 2000 fires. MDT project staff will coordinate with the Backfire 2000 group regarding location of the marker.

**Comment #12:**

**MONTANA DEPARTMENT OF TRANSPORTATION**

**Comment Form**

Project: Conner-North & South Environmental Assessment

Project Number: F7-1(41)16 F

Control Number: CN1281

Date: Wednesday, March 10, 2004

Place: Darby Community Clubhouse, Darby, MT

You are invited to make your comments on this form and leave it with the meeting officials or take it with you and mail it to Jean Riley, Montana Department of Transportation, Environmental Services, PO Box 201001, Helena, MT 59620-1001, postmarked by March 22, 2004.

Please indicate your name, address and affiliation (if any) below. Thank you for your interest and comments on this project. Feel free to use the back and/or additional sheets of paper if necessary.

NAME AND ADDRESS: Willis + Cathleen J. Palmer  
PO Box 1004 Darby, MT, 59829  
physical address • 5628 Hwy 93 S @ Hwy Marker #20.

COMMENTS: Get Busy + get this started!

We would like to see the river  
meander restored to its original course  
at RP#20 on our property. We feel that this  
is in compliance with nation restoration of  
wetlands + are willing to cooperate with the  
project to complete the accurate restoration.

**Response #12:**

The meander location you referenced at RP20 is meander Location 5. At the landowner meeting held on February 27, 2003 related to the meander reconnections, this location received considerable opposition from the adjacent landowners and has been dropped from further consideration at this time.

**Comment #13:**

**MONTANA DEPARTMENT OF TRANSPORTATION**

**Comment Form**

Project: Conner-North & South Environmental Assessment

Project Number: F7-1(41)16 F

Control Number: CN1281

Date: Wednesday, March 10, 2004

Place: Darby Community Clubhouse, Darby, MT

You are invited to make your comments on this form and leave it with the meeting officials or take it with you and mail it to Jean Riley, Montana Department of Transportation, Environmental Services, PO Box 201001, Helena, MT 59620-1001, postmarked by March 22, 2004.

Please indicate your name, address and affiliation (if any) below. Thank you for your interest and comments on this project. Feel free to use the back and/or additional sheets of paper if necessary.

NAME AND ADDRESS: GARY PALMER  
5679 HWY. 93 SOUTH, CONNER, MT, 59827

COMMENTS: WOULD LIKE TO DISCUSS APPROACHES FOR  
FIRE DEPT. AND MOVE # ON MILE MARKER #19-20

**Response #13:**

The approaches to the Fire Department (Station 303+21LT, MP 19.70) and the sawmill (Station 304+17 RT, MP 19.72) will be perpetuated. Revisions to the design/location of these approaches will be considered during the right-of-way appraisal/acquisition phase. There may be a benefit to the landowner and the traveling public if the two approaches are realigned to be opposite each other. Sight distance south of the approaches will increase due to the excavation of the hillside on the east side of the highway.

**Comment #14:**

**MONTANA DEPARTMENT OF TRANSPORTATION  
Comment Form**

Project: Conner-North & South Environmental Assessment  
Project Number: F7-1(41)16 F  
Control Number: CN1281  
Date: Wednesday, March 10, 2004  
Place: Darby Community Clubhouse, Darby, MT

You are invited to make your comments on this form and leave it with the meeting officials or take it with you and mail it to Jean Riley, Montana Department of Transportation, Environmental Services, PO Box 201001, Helena, MT 59620-1001, postmarked by March 22, 2004.

Please indicate your name, address and affiliation (if any) below. Thank you for your interest and comments on this project. Feel free to use the back and/or additional sheets of paper if necessary.

NAME AND ADDRESS: W.L. and Joyce Higginbotham  
5794 Hwy 93 S.  
Sola, MT. 59871

COMMENTS: We like the Preferred A1 for native, better  
than any of the others. The design of the  
Madisona Troe is the best of a bad  
situation. We would like to see the river  
referred to its original channel where  
it is possible. The worst part of  
this project is that it has been hanging  
over our heads for 10 years and is  
still years away. LET'S GET IT  
DONE AND STOP TALKING ABOUT  
IT!

**Response #14:**

Thank you for your comment.

**Comment #15:**



Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3099  
406-542-5500  
March 15, 2004

Pat Basting  
Missoula District Biologist  
Montana Department of Transportation  
2100 W. Broadway  
PO Box 7039  
Missoula, MT 59907-7039

RE: Conner North & South

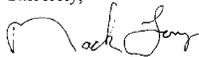
Dear Pat,

At the behest of FWP's Bitterroot area wildlife biologist, John Vore, I would like to offer a comment regarding the proposed sheep waterer at the Medicine Tree as part of the Conner North & South project. I know that you and John have discussed this several times and this letter will enter FWP's comment as part of the record.

I was pleased to see that the sheep waterer you and John discussed in the field over a year ago was included in the Environmental Assessment. However, upon further consideration and discussions with representatives of the Foundation for North American Wild Sheep, we think there is also a need for sheep-proof fencing (8' high) that would extend approximately 200-300 feet in either direction of the Medicine Tree. This would be far enough from the rocky outcrop that sheep favor so as to greatly diminish the likelihood of sheep on the road. I know you and John have discussed the fencing in connection with the waterer, but that those discussions came after the EA was drafted and consequently the fencing was not included.

Thank you.

Sincerely,



Mack Long  
Regional Supervisor

ML/sr

**Response #15:**

The request for additional sheep fencing was discussed with the Confederated Salish and Kootenai Tribes since the requested fencing would be located on their property. They were not in favor of this request. However, the watering location will still be pursued.

**Comment #16**



**U.S. ARMY CORPS OF ENGINEERS**  
HELENA REGULATORY OFFICE  
10 WEST 15TH STREET, SUITE 2200  
HELENA, MONTANA 59626

REPLY TO  
ATTENTION OF:

March 16, 2004

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

Subject: Corps File Number 2001-90-754  
Conner - North and South  
F-NH 7-1(41)16F, MDT Control Number 1281  
Comments on Environmental Assessment

Ms. Jean A. Riley, P.E., Engineering Section Supervisor  
Environmental Services Bureau  
Montana Department Of Transportation  
2701 Prospect Avenue  
PO Box 201001  
Helena, Montana 59620-1001

Dear Ms. Riley:

This letter provides comments on the Environmental Assessment (EA) for the subject project, which was received by this office on February 18, 2004. This highway reconstruction project is located on US Highway 93 near Conner in southern Ravalli County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material below the ordinary high water mark of our nation's rivers, streams, lakes or wetlands. Based on the information provided in the EA, there will be work associated with this project that requires a Department of Army authorization.

As specific design details are developed, the Montana Department of Transportation is reminded that all new work in Waters of the United States (WUS) must have no more than minimal effect on the hydraulic flow characteristics of the waterways. All new stream crossings must also allow for unimpeded migration of all aquatic life indigenous to the waterway, unless a documented, specific need is identified to preclude migration of certain species.

All impacts to WUS, including impacts to streams, rivers, and wetlands, must be avoided if practicable. Unavoidable impacts must be minimized, regardless of the functional classification of the affected resource. For example, it is required under the Federal Clean Water Act that all unavoidable wetland fills be minimized, not just fills proposed in MDT Category I or II wetlands.

**Response #16**

MDT has several wetland mitigation reserves in Watershed # 3 – Lower Clark Fork River Basin that could potentially be used to mitigate any remaining impacts that are not mitigated onsite with this project. Such sites include Tucker Crossing Ranch and the Lee Metcalf Wildlife Refuge. MDT is currently working with the Corps to develop a crediting scheme for the Camp Creek project and cannot withdraw credits until that plan is approved.

The coordination with landowners related to the oxbow meander reconnection is ongoing and will depend on landowner willingness.

**Comment #16 (continued)**

Page 2 of 3

Compensatory mitigation of all unavoidable impacts to WUS, including impacts to wetlands, streams, and rivers, should be completed before the project impacts occur. At a minimum, a specific mitigation plan is required prior to issuance of any Department of Army authorization. **If no specific compensatory mitigation project or plan is in place, the application is incomplete and no Department of Army permit can be issued.** Please adjust your project schedule accordingly if no mitigation plan or project is ready at the desired time of Application.

Wetland mitigation is briefly described on page 3-27 of the EA. The compensatory mitigation methods described in the EA provide a balanced approach to replacing lost functions and areas, but the use of the Camp Creek mitigation project will not be allowed at this time due to a lack of available credit at that site. Compensatory wetland mitigation will be in accordance with the Mitigation Ratios used by the Corps' Montana Regulatory Program (copy enclosed).

Additional compensatory mitigation plans must be developed and implemented to offset unavoidable impacts to streams and rivers, including plans to offset adverse effects of building vertical retaining walls in a floodplain adjacent to the river channel. It would be preferable to eliminate the need for vertical retaining walls at the edge of the channel, but it is recognized that while some areas of retaining wall have been eliminated already, this is not practicable along the entire corridor. Where retaining walls are proposed for use it is suggested that MDT avoid using gabions (rock-filled wire baskets) due to ice, debris, abrasion, and corrosion issues of this material along high gradient mountain streams. The use of retaining walls allows pavement to get closer to the river, which would result in snow, sanding material, and de-icing chemicals to be thrown into the East Fork Bitterroot River. Winter maintenance activities will be done regardless of the new roadway configuration; long-term mitigation measures must be developed and implemented during construction to offset and prevent expected adverse impacts. Thickly vegetated buffer strips between the retaining wall and the river would help filter and/or block material from entering the East Fork Bitterroot River. An aggressive planting schedule that includes dense plantings of indigenous woody species would help develop riparian thickets to help offset future adverse maintenance impacts while having an additional beneficial effect of providing structure, shade, stream bank stability and cover for fish and wildlife species using the river.

The Corps supports reconnection of as many "abandoned" meanders as possible. These meanders were cut off to facilitate construction of the existing road alignment. Reconnection of these meanders would help restore and enhance the aquatic resources in the corridor, and would serve as compensatory mitigation to offset adverse effects the project will have on the East Fork Bitterroot River. It would move the roadway away from the river for some distance, reducing long-term adverse effects from maintenance activities. It would eliminate the need for some retaining wall sections, but would likely require at least two new bridges. It is recognized that there will be financial and right-of-way concerns, but MDT and FHWA are encouraged to diligently pursue this mitigative measure.

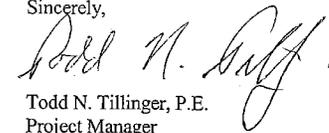
**Comment #16 (continued)**

Page 3 of 3

Several of the wetland impacts were identified as being larger than 0.5 acre in size. As a result the project will not qualify for a Nationwide Permit under the current regulations, and an Individual Department of Army Permit will be required. Please allow a minimum of 120 days for this office to process a complete application. If each impact to WUS can be reduced to less than 0.5 acre in size, the project could be processed using a Nationwide Permit, which would only take up to 60 days from the time a complete application is received.

Feel free to solicit additional comments from this office as the specific design details are developed or if new site information becomes available. Call me at (406) 441-1375 if you have any questions or would like to discuss these matters further, and reference Corps File Number 2001-90-754.

Sincerely,



Todd N. Tillinger, P.E.  
Project Manager

Enclosure

Copies Furnished, without enclosure:

Craig Genzlinger, US Federal Highway Administration - Helena  
Scott Jackson, US Fish and Wildlife Service - Helena  
Glenn Phillips, MT Fish, Wildlife and Parks Fisheries Division - Helena  
Chris Clancy, MT Fish, Wildlife and Parks Fisheries Division - Hamilton  
Steve Potts, US Environmental Protection Agency - Helena  
Jeff Ryan, MT Department of Environmental Quality - Helena  
Diana Bell, Carter-Burgess, 707 17<sup>th</sup> Street, Suite 2300, Denver, CO 80202-3404

**Comment #16 (continued)**

Mitigation Ratios, Montana Regulatory Program

A	Mitigation Type	B
1:1	Restoration (re-establishment) <sup>1</sup>	1.5:1
1.5:1 <sup>+</sup>	Restoration (rehabilitation) <sup>1</sup>	2:1 <sup>+</sup>
1:1	Creation	1.5:1
3:1 <sup>+</sup>	Enhancement <sup>2</sup>	4:1 <sup>+</sup>
5:1 <sup>+</sup>	Preservation <sup>3</sup>	5:1 <sup>+</sup>
4:1	Upland Buffer <sup>4</sup>	4:1

A: Wetland mitigation site established and viable prior to project impact. Mitigation is in-kind per the chart below.

B: Wetland mitigation site not established prior to project impact (including pre-credits from a bank/reserve), or the mitigation wetland is out-of-kind per the below matrix. The Corps may, on a case-by-case basis, determine that a proposed out-of-kind mitigation wetland has greater value in a given watershed than the impacted wetland, and apply more favorable ratios.

		Cowardin Class			
		Emergent	Shrub/scrub	Forested	Aquatic Bed
HGM Class	Riverine				
	Slope				
	Depressional				
	Lacustrine				
	Fringe				

See MT regional conditions for regulated impacts to fens.

Note: “+” on the ratio chart indicates the Corps will consider a range of ratios for this type of mitigation. Listed ratios are the highest available for a given mitigation type. See explanations below for criteria used to determine if highest ratio applies.

Explanation of Superscripts

1. *Re-establishment* refers to re-establishing a wetland where one formerly existed.

*Rehabilitation* refers to restoring functions to a degraded wetland that still meets '87 Manual criteria. To achieve the highest ratio the project must include restoration of hydrologic function. Projects that simply involve a change in management will

**Comment #16 (continued)**

receive no more than a 5:1 ratio (example: remove cattle). Management change must be permanent to qualify as mitigation.

2. Credit will be granted for enhancement if the proponent can demonstrate a functional lift using an approved functional assessment methodology. This requires establishment of a baseline assessment score and a performance standard consisting of a projected score.

Enhancement is only acceptable as mitigation if the Corps agrees (in consultation with the Interagency Wetland Group, any In-Lieu Fee Committee or Mitigation Banking Review Team, etc) the enhancement is ecologically valuable in a given watershed. Ratio determination will be based on Best Professional Judgment.

3. Preservation is acceptable when:

- a. It meets the criteria established in the 1995 Interagency Banking Guidance (Regionally important wetland under demonstrable threat); or
- b. It is a minor component of an overall mitigation strategy; or
- c. It is the only practicable method to mitigate impacts for a given project. Efforts to find acceptable mitigation sites must be documented.

The highest ratio will be assigned in case 3a. above.

4. Water quality buffer unless otherwise specified for a given site. Fifty (50) feet is the maximum width eligible for credit for sites with a modest slope (5% or less) with herbaceous cover. A buffer of up to 100' on sites with steeper slopes and natural shrub/tree cover may be allowed.

The Corps must determine a buffer in excess of 50' is necessary to protect a given aquatic site from known or likely impacts (ex: subdivision, road, farmed slope) before credit is provided for the additional width.

The buffer must be permanently protected via easement, etc to be eligible for credit.

**Comment #17:**



**Montana Fish,  
Wildlife & Parks**

3201 Spurgin Road  
Missoula, MT 59804  
Phone: (406) 542-5500  
Fax: (406) 542-5529  
March 17, 2004

Jean Riley, PE  
Montana Department of Transportation  
Environmental Services  
P O Box 201001  
Helena, MT 59620-1001

Dear Ms Riley:

Reference: Conner North and South Environmental Assessment

We have reviewed this Environmental Assessment and have the following comments.

- 17a** 1. Page 3-34 – Laird Creek also supports brook trout (common-resident).
- 17b** 2. Page 3-35 -- Medicine Tree Creek – We have discussed the need for fish passage with fisheries personnel of the Bitterroot National Forest. Fish passage should be incorporated into the design of the culvert and no temporary fish barrier is required.
- 17c** 3. Pages 3-69-71 – Table 3.24 Summary of Mitigation – The mitigation that is listed includes the proposal to reactivate an oxbow meander. We support this effort. Most of the other mitigation listed is better defined as measures taken to prevent negative impacts. Concerning the potential meander reactivation, if none of the proposed meanders can be reactivated, MDT should have other plans to deal with mitigation associated with the unavoidable impacts to the East Fork Bitterroot River. These plans could include alteration of stream channels that are presently straightened, moving channels away from the highway if feasible or reactivating smaller abandoned channels if there are any that do not require new bridges. At the present time, one meander reactivation appears to have more potential than others. If more than one potential reactivation develops, MDT should work with resource agencies to pursue additional funding to support the project.

**Response #17:**

**#17a:** This has been addressed in Section 2.0 of this document.

**#17b:** This has been addressed in Section 2.0 of this document.

**#17c:** Avoidance and minimization of impacts is considered mitigation under NEPA. An example from the project includes the use of retaining walls within the 100-year floodplain that are less impactful than fill slopes, but are more expensive. MDT has provided some measure of mitigation by incurring these costs to reduce impacts. MDT has worked with consultants and resource agencies to exhaustively research feasible options for channel meander reactivation potential. A report was published on such efforts. MDT has been evaluating which meander reconnection location would achieve the greatest benefit for the amount of money expended. If none of the reactivation channels work out, MDT will be required to find other ways to provide appropriate compensation for unavoidable impacts.

**Comment #17 (continued)**

- 17d** 4. While no new public fishing access sites are proposed, a few safe turnouts that would accommodate 1-3 cars for anglers to access the river should be considered.

We thank you for providing the opportunity for MFWP to comment. Please contact Sharon Rose at 542-5540 or [shrose@state.mt.us](mailto:shrose@state.mt.us) with any additional questions.

Sincerely,



Mack Long  
Regional Supervisor

ML/gs

**Response #17:**

**#17d:** MDT will look for areas to build pullouts between the river and highway. MDT does not propose to shift the alignment or buy more right-of-way for pullouts. There will likely be more areas on the opposite side from the river which are more feasible for pullouts, but less desirable from safety aspects.

Comment #18:

MONTANA DEPARTMENT OF TRANSPORTATION

Comment Form

Project: Conner-North & South Environmental Assessment

Project Number: F7-1(41)16 F

Control Number: CN1281

Date: Wednesday, March 10, 2004

Place: Darby Community Clubhouse, Darby, MT

You are invited to make your comments on this form and leave it with the meeting officials or take it with you and mail it to Jean Riley, Montana Department of Transportation, Environmental Services, PO Box 201001, Helena, MT 59620 1001, postmarked by March 22, 2004.

Please indicate your name, address and affiliation (if any) below. Thank you for your interest and comments on this project. Feel free to use the back and/or additional sheets of paper if necessary.

NAME AND ADDRESS: Chuck Wilkoff  
401 N 10<sup>th</sup>, Apt 210  
Hamilton, MT 59840

COMMENTS: Letter Attached! 3/17/04

Do not use Ehman Gravel Pit  
as a source for gravel on the  
Conner-North South road project.

This pit is ~~located~~ located at the spot  
where Lewis & Clark Journey met  
Salish Indians in 1805.

MDT should not again contribute to  
the visual degradation of this  
historic site by using gravel  
from this pit.

Response #18:

See response to Comment #7.

---

**Comment #18 (continued)**

March 17, 2004

Preconstruction Engineer  
PO Box 201001  
Helena, Mt. 59620-1001

CONNER NORTH & SOUTH  
**Re: DO NOT USE THE EHMAN GRAVEL PIT AT SULA AS  
A SOURCE FOR GRAVEL!!!!!!**

Preconstruction Engineer,

As a concerned resident of Ravalli County, I have contacted many entities in Washington DC including environmental and historical plus politicians and MDT persons expressing my concern and that of about 290 others within Ravalli County that are interested in the preservation of Montana history and in particular the Lewis and Clark Historical Journey.

Recently some road construction near Sula, Mt. was completed utilizing gravel from the historic site of Lewis and Clark meeting with the Salish Indians. Yes, the gravel pit and ownership of the historic site is privately held and I respect any property owners rights to utilize his property as he sees fit, but because the owner was motivated to seek financial gain from the sale of materials from his land does not justify how or why MDT chose to participate in the visual destruction of this historic site. (I believe others in Montana politics and others have a special interest in this historic site as a large painting depicting this site by Charles Russell is a main attraction in the State Capitol.)

Yes, the damage to this site has already been done, but my purpose in contacting you is make you aware of our concerns that MDT does not participate in further visual degradation of this site and we (concerned residents) hope that you take some interest in our concerns and hopefully cause MDT not to participate any further in the degradation of this site; therefore it is our hope that the Jerry Ehman gravel pit at Sula, Mt. would not be considered by MDT as a gravel source for the CONNER NORTH & SOUTH road upgrade as may be suggested by a contractor for hire. (The Ehman gravel pit is just across the road from the recent rock slide that occurred across the road from the Sula store south of Darby).

I had written Dave Galt about my concerns regarding MDT participating in the degradation of this historic property, his response was "As far as he was concerned the meeting place of Lewis & Clark and the Salish Indians was not a historical site because an exact location could not be determined and that no artifacts exist from the site" These remarks motivated me to speak to a former owner of the property and he told me he had plowed under the teepee rings and fire pits in the early 1930's at the exact location where the Ehman gravel pit is and I also saw artifacts from the site. I conveyed this information to Senator Baucus and Dave Galt. Senator Baucus wrote Galt, Galt replied to Senator Baucus and said that the gravel pit was very near the meeting site.

I do not understand why someone in the MDT history section could not or did not make any effort over the past 70+ years to become more informed of this history that could be documented by a living person who is now 90 years old so as to inform Dave Galt of the facts of the property especially when the decision to use materials from this site was made.

It is my hope that you could stop the MDT from using this particular gravel pit in the future. (I do not know the present owner of the gravel pit nor do I have any reason to cause him hardship but simply don't want MDT to participate in any further degradation of this historic site.)

I appreciate your time and would be happy to hear from you with any questions or responses you may have regarding our genuine concerns of the historical significance of Ravalli County and Montana in general.

Sincerely, Chuck Wikoff  
401 N 10<sup>th</sup>, Apt 210  
Hamilton, Mt. 59840  
363-6528  
e mail chuck@cybernet1.com

**Comment #19:**

March 14, 2004

Road Comments by Bill Grasser 821-3508



I'd like to say that the past project from Mile marker 9 through mile marker 16 has greatly improved safety, viewing and is a pleasure to drive. Great job, guys! It was a wonder it went as smoothly as it did. For those of us who understand construction and "big toys" (equipment) it was amazing to see daily progress considering the time lost for traffic.

- 19a** I would like to suggest that great amounts of leftover material (waste) could be used on this future job. The large rock hump east of the high bridge at mile point 15 would provide ample facing or riprap on the riverside of the proposed concrete retaining walls. This would create fish & bug habitat and make the project more visually acceptable to some. I believe the rock faces may slow the water action at the bases of these walls.
- 19b** The rock at mile point 15 between the two bridges is not in the best visuals and would improve that area greatly. Where possible, I would favor using fill over making more big cuts when feasible.
- 19c** I wish somehow the project could start sooner as it seems U.S. 93 just got narrower because of the contrast. Perhaps that portion north of Conner might be delayed, as it seems okay for the present since it was just redone in 1990.

Sincerely yours,

A handwritten signature in cursive script that reads "Bill".

Bill Grasser

**Response #19:**

**#19a:** The Conner North & South project will also have excess excavation, so there will be no opportunity to use waste from the Sula North & South project.

**#19b:** MDT will look for opportunities to reduce the excavation as the design proceeds. Geotechnical considerations will determine the extent of excavation required to produce stable slopes.

**#19c:** The development time and funding availability for the reconstruction section from MP 16.24 to MP 23.24 will control when the project gets let to contract. MDT thanks you for your suggestion. As funding is unknown at this time, construction timing will be considered later in time.

## 4.0 Summary of Impacts and Mitigation

### 4.1 Biological Opinion

The Biological Opinion for the project was signed on June 24, 2004. The following determinations have been made. A copy of the Biological Opinion is on file with MDT Environmental Services.

The Service concurs with the determination that the proposed project would not be likely to adversely affect threatened Canada lynx (*Lynx canadensis*), threatened bald eagles (*Haliaeetus leucocephalus*), nor the non-essential experimental population of gray wolves (*Canis lupus*) and, therefore, formal consultation is not required for these species. The Service bases its concurrence on information displayed in the Biological Assessment (BA), and in particular on the conservation measures that would be implemented as a part of this project to assure that these species are not adversely affected by road reconstruction and bridge replacement activities. The Service acknowledges that a determination was also made that this proposed project would have no effect on threatened grizzly bears (*Ursus arctos horribilis*).

After reviewing the current status of the Columbia Basin distinct population segments (DPS) of bull trout, the environmental baseline for the action area, the effects of the proposed reconstruction of US Highway 93 north and south of Conner, which includes the replacement of crossing structures over the East Fork Bitterroot River and several other tributary streams, and the cumulative effects, it is the Service's biological opinion that this project, as proposed, would not be likely to jeopardize the continued existence of the Columbia Basin DPS of bull trout, nor any subpopulations thereof.

The biological opinion also noted that after reviewing the current status of the Columbia Basin DPS of bull trout, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's conference opinion that the reconstruction of US Highway 93 north and south of Conner, Montana, as proposed, would not be likely to destroy or adversely modify proposed critical habitat for the Columbia Basin DPS of bull trout.

### 4.2 Summary of Impacts

**Table 1** summarizes the impacts of the No-Action and Preferred Alternatives for each of the categories discussed in the Environmental Assessment.

**Table 1 Summary of Impacts**

<b>Resource</b>	<b>No-Action Alternative</b>	<b>Preferred Alternative</b>
Land Use	<ul style="list-style-type: none"> <li>No conversion of land.</li> </ul>	<ul style="list-style-type: none"> <li>Direct conversion of undeveloped land to highway use will occur where right-of-way or easements are acquired. Induced growth is not anticipated due to no capacity improvements.</li> </ul>
Farmland	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>
Social/Environmental Justice	<ul style="list-style-type: none"> <li>No safety or travel improvements for traveling public.</li> <li>As traffic volumes increase, emergency service response times would continue to increase.</li> </ul>	<ul style="list-style-type: none"> <li>Provisions for safer, more efficient and convenient travel to schools, recreation areas, businesses and churches. No changes proposed affecting businesses or neighborhoods. Emergency response time improved. No effect on long-term population. No environmental justice impacts.</li> </ul>
Right-of-Way, Relocation & Utilities	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Estimate of approximately 63 acres of right-of-way and/or easements required. No residential or business relocations. Some utility relocation may be necessary.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>Existing and future safety problems not solved which could affect future business and tourist travel.</li> </ul>	<ul style="list-style-type: none"> <li>Short-term economic benefit from construction spending. Improved highway would provide safer travel for residents, interstate commuters, and tourists. No effect on long-term employment.</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>Minimal long-term effects due to increase in traffic volumes.</li> </ul>	<ul style="list-style-type: none"> <li>Short-term effects due to construction operations. Improved traffic operations could reduce long-term air quality emissions.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>Noise levels will continue to increase on adjacent properties as traffic levels increase.</li> </ul>	<ul style="list-style-type: none"> <li>Representative category B receptors will not receive noise levels in excess of FHWA or MDT criteria. Analysis documents a one to three decibel increase in future noise levels due to increase in future traffic.</li> <li>Medicine Tree cultural site would exceed FHWA criteria for Category A.</li> </ul>

continued

**Table 1 Summary of Impacts (continued)**

Resource	No-Action Alternative	Preferred Alternative
Water Resources & Quality	<ul style="list-style-type: none"> <li>Continuation of fine sediments and salts entering waterway from winter roadway sanding.</li> </ul>	<ul style="list-style-type: none"> <li>Impacts resulting from construction and maintenance activities adversely affect water quality.</li> <li>Avoidance and minimization measures incorporated to maintain or provide separation between US 93 and the East Fork Bitterroot River.</li> <li>The bridge located at RP 18.1 will be replaced.</li> <li>Potential for two new bridges if oxbow meander reconnection occurs.</li> <li>Fill-side walls are proposed.</li> <li>The bridge design effort will investigate different approaches to developing the final structure through a process that will address environmental concerns, recreational floater activity, cost and feasibility.</li> <li>The process will seek a <u>practicable</u> solution, defining the term in the language of Section 404 (b)(1) guidelines (23 CFR Part 777):  <i>"...available and capable of being done after taking into consideration cost, existing technology, and logistics, in light of overall project purposes."</i> </li> </ul>
Permits Required	<ul style="list-style-type: none"> <li>None required.</li> </ul>	<ul style="list-style-type: none"> <li>Permits required.</li> </ul>
Wetlands	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Approximately 6 acres estimated impacts. Avoidance and minimization measures incorporated.</li> </ul>
Terrestrial Biological Resources	<ul style="list-style-type: none"> <li>No impacts to vegetation, wildlife or species of special concern.</li> <li>Increases in traffic volumes can affect wildlife mortality.</li> </ul>	<ul style="list-style-type: none"> <li>Loss of vegetation.</li> <li>Exposed soils may be prone to invasion of noxious weeds.</li> <li>No impacts to sensitive species.</li> <li>Potential habitat fragmentation due to wider pavement area.</li> <li>Fill-side walls and cut-slope redirect wildlife movements around these difficult obstacles.</li> <li>Construction-related wildlife mortality.</li> </ul>

continued

**Table 1 Summary of Impacts (continued)**

Resource	No-Action Alternative	Preferred Alternative
Aquatic Resources	<ul style="list-style-type: none"> <li>No new impacts to fisheries or species of special concern.</li> <li>On-going road maintenance will continue to occur in close proximity to the river.</li> </ul>	<ul style="list-style-type: none"> <li>Avoidance and minimization measures incorporated. Impacts primarily from bridge demolition, new bridge construction, culvert replacement and fill-side wall construction.</li> <li>Temporary increase in erosion potential.</li> </ul>
Floodplain	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Some impacts to East Fork Bitterroot River floodplain.</li> <li>Minimal increase in 100-year flood surface elevation and will comply with Ravalli County Floodplain Regulations.</li> <li>Avoidance and minimization measures incorporated.</li> </ul>
Threatened/ Endangered Species	<ul style="list-style-type: none"> <li>No impacts other than increase in future traffic volumes can affect wildlife mortality.</li> </ul>	<ul style="list-style-type: none"> <li>Grizzly Bear-<b>no affect</b>.</li> <li>Bald eagle, Gray wolf, Canada lynx-<b>may affect, not likely to adversely affect</b>.</li> <li>Bull trout-<b>may affect, likely to adversely affect</b>.</li> <li>Bull trout critical habitat-<b>likely to adversely affect</b>.</li> <li>Avoidance and minimization measures incorporated.</li> </ul>
Cultural Resources	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li><b>No effect</b> to Whitesell Irrigation Ditch Flume.</li> <li><b>No effect</b> to Joe's Bitterroot Ranch.</li> <li><b>No effect</b> to the Medicine Tree site.</li> <li>Avoidance and minimization measures incorporated. No Section 4(f) impacts.</li> </ul>
Hazardous Waste Sites	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>
Visual Resources	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Visual impacts identified from cut slopes, loss of vegetation, fill-side walls, guardrail, and additional pavement.</li> </ul>
Parks & Recreation	<ul style="list-style-type: none"> <li>No impacts. Narrow shoulders will be perpetuated.</li> </ul>	<ul style="list-style-type: none"> <li>No impact to 4(f) or 6(f) or parks and recreational resources. Wider shoulders improve riding conditions for bicyclists and pedestrians.</li> </ul>

continued

**Table 1 Summary of Impacts (continued)**

Resource	No-Action Alternative	Preferred Alternative
Construction	<ul style="list-style-type: none"> <li>No impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Construction impacts to be compliant with construction management plans and regulations in place.</li> <li>Traffic will be maintained but some traffic delays are expected.</li> <li>Local access will be maintained. Stockpiles are expected.</li> <li>Stormwater NPDES management plan required.</li> </ul>

### 4.3 Summary of Mitigation

Table 2 discusses the mitigation for the Preferred Alternative.

**Table 2 Summary of Mitigation**

Resource	Preferred Alternative
Land Use	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Farmland	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Social	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Right-of-Way, Relocation & Utilities	<ul style="list-style-type: none"> <li>All right-of-way acquisition will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</li> <li>Minimize width of temporary construction permits in wetland and stream areas.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>None required.</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>BMPs implemented to control dust.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>No mitigation required.</li> <li>Privacy wall will be provided at the Medicine Tree site, which will provide privacy and some sound attenuation from highway generated noise.</li> </ul>
Water Resources & Quality	<ul style="list-style-type: none"> <li>Application of MDT's BMPs for contractors regarding water quality and stormwater runoff will provide for minimization of impacts to water resources.</li> <li>A Stormwater Pollution Plan (SWPPP) employing Best Management Practices for controlling erosion and sediment transport will be implemented throughout the project.</li> <li>Revegetation of disturbed slopes to minimize sedimentation and restore aquatic habitat.</li> </ul>

continued

**Table 2 Summary of Mitigation (continued)**

Resource	Preferred Alternative
Water Resources & Quality (continued)	<ul style="list-style-type: none"> <li>▪ BMPs implemented to control stormwater runoff.</li> <li>▪ Any restrictions on work near streams or in wetlands will be specified as terms of water-related permits obtained from the MDEQ, MFWP, and the Corps.</li> <li>▪ Proposal to reactivate an oxbow meander is being coordinated with landowners.</li> </ul>
Wetlands	<ul style="list-style-type: none"> <li>▪ On-site replacement opportunities: restoration or creation.</li> <li>▪ MDT will excavate selected slopes adjacent to the East Fork Bitterroot River beyond normal cut/fill slopes on the upland fringe to create floodplain benches and potential wetland buffers where the benefit to do so is cost effective.</li> <li>▪ Potential oxbow meander reconnection would allow wetland creation/restoration.</li> </ul>
Terrestrial Biological Resources	<ul style="list-style-type: none"> <li>▪ Revegetate disturbed areas as soon as practicable following disturbance.</li> <li>▪ Survey for sensitive species prior to construction.</li> <li>▪ With the exception of temporary clearing that may be required for culvert placement and relocation of utilities, clearing and grubbing will be confined to the construction limits (i.e., within the cut/fill limits). Clearing beyond defined construction limits will be kept to the minimum necessary for the completion of the project. Any temporary clearing necessary for culvert placement outside the construction limits or temporary facilities will be kept to the smallest area possible and reclaimed with desirable vegetation as soon as practicable.</li> <li>▪ Power wash equipment to avoid/minimize spreading weeds and whirling disease.</li> <li>▪ Completion of a weed management plan by the contractor outlining procedures, contingencies, and responsibilities in the event of a noxious weed outbreak and filing of this plan with the Ravalli County Weed District prior to the start of construction.</li> <li>▪ MDT will investigate the opportunity to incorporate benches underneath the bridge ends that would allow for terrestrial wildlife to pass underneath the structures throughout the year except perhaps during extremely high runoff events.</li> <li>▪ Where the highway bisects important wetland and other wildlife habitats, other methods to provide habitat connectivity, primarily for small mammals and herptiles, are available. Small mammals have been documented using dry culverts and dry benches within culverts that typically have standing water in them for a portion of the year. For small mammals, 24- to 60-inch-diameter culverts can be used in dry locations or installed in the upper third of the highway fill in wet locations. Where hydrologic connection is important, a solid bench within the culvert and</li> </ul>

continued

**Table 2 Summary of Mitigation (continued)**

Resource	Preferred Alternative
<p>Terrestrial Biological Resources (continued)</p>	<p>above the ordinary water line can provide a means of crossing for several species. The bench can be cast in-place in concrete box culverts or bolted to the top and sides of metal culverts. This approach would seem viable in the following locations: Stations 141+30 (RP 16), 146+50 (RP 16.8), 186+30 (RP 17.5), 197+20 (RP 17.7), 356+00 (RP 20.7), and 472+50 (RP 22.8).</p> <ul style="list-style-type: none"> <li>▪ To provide a source of water to keep animals from crossing the road Montana Fish, Wildlife and Parks suggests construction of an artificial watering hole north of the Medicine Tree on the east side of the highway to minimize animal movement across the highway. MDT will do a geotechnical/hydrological investigation to determine the feasibility of the watering hole and has initiated coordination for a cooperative maintenance arrangement with local interest groups.</li> </ul>
<p>Aquatic Resources</p>	<ul style="list-style-type: none"> <li>▪ A Stormwater Pollution Prevention Plan (SWPPP) employing Best Management Practices for controlling erosion and sediment transport will be implemented throughout the project.</li> <li>▪ Development of a revegetation plan, erosion control plan, and stormwater pollution prevention plans will be coordinated with appropriate permitting and resources agencies.</li> <li>▪ Any restrictions on work near streams or in wetlands will be specified as terms of water-related permits obtained from the MDEQ, MFWP, and the Corps.</li> </ul> <p>The MDT standard specifications require that the contractor must, unless specifically permitted to do otherwise:</p> <ul style="list-style-type: none"> <li>▪ Not spill or dump material from equipment into streams or associated wetlands.</li> <li>▪ Not permit wash water from cleaning concrete related equipment or wet concrete to enter streams, riparian areas, or wetlands.</li> <li>▪ Not place fill or embankment material into streams, streambeds, riparian areas, or wetlands.</li> <li>▪ Store and handle petroleum products, chemical, cement, and other deleterious materials in a manner that prevents their entry into streams and associated wetlands.</li> <li>▪ Provide sediment controls for drainage from topsoil stockpiles, staging areas, access roads, channel changes, and instream excavations.</li> <li>▪ Reclaim streambeds and streambanks as closely as possible to their pre-construction condition.</li> <li>▪ Any equipment that would ultimately come in contact with the water should be steam-cleaned prior to and after completion of the project to help prevent the spread of whirling disease to other potential waters.</li> </ul>

continued

**Table 2 Summary of Mitigation (continued)**

Resource	Preferred Alternative
Floodplain	<ul style="list-style-type: none"> <li>▪ Revegetate disturbed floodplain areas.</li> <li>▪ Coordinate with Ravalli County Floodplain Administrator.</li> </ul>
Threatened/Endangered Species	<p><b>Bald Eagle</b></p> <ul style="list-style-type: none"> <li>▪ Confirm bald eagle nest status prior to construction.</li> <li>▪ Survey construction-related activity areas for potential threatened and endangered and sensitive species habitat/occurrence.</li> <li>▪ Raptor-proof any relocated overhead utility lines.</li> </ul> <p><b>Bull Trout</b></p> <ul style="list-style-type: none"> <li>▪ With respect to the clear zone, no clearing of woody vegetation will occur within the riparian zone along study area streams beyond the area absolutely necessary for safety or construction of the new roadway.</li> <li>▪ Any restrictions on work near streams or in wetlands will be specified as terms of water-related permits obtained from the MDEQ, MFWP, USFWS, and the Corps.</li> <li>▪ Removed culverts, guardrail, and other items will not be stockpiled in or adjacent to wetland or stream areas.</li> <li>▪ To minimize sedimentation as well as construction hardship, it is recommended that, if possible, construction in and adjacent to wetlands and streams be timed for these sites to be as “dry” as possible during construction.</li> <li>▪ Construction equipment operating in wetlands will be limited to that which is needed to perform the necessary work.</li> <li>▪ Width of temporary construction easements will be minimized to the extent possible in wetland and stream areas.</li> <li>▪ Disturbed wetland and streamside areas will be revegetated with desirable material as soon as practicable.</li> </ul> <p><b>Gray Wolf and Canada Lynx</b></p> <ul style="list-style-type: none"> <li>▪ With the exception of temporary clearing that may be required for culvert placement and relocation of utilities, clearing and grubbing will be confined to the construction limits (i.e., within the cut/fill limits). Clearing beyond defined construction limits will be kept to the minimum necessary for the completion of the project. Any temporary clearing necessary for culvert placement outside the construction limits or temporary facilities will be kept to the smallest area possible and reclaimed with desirable vegetation as soon as practicable.</li> </ul>
Cultural Resources	<ul style="list-style-type: none"> <li>▪ If unrecorded cultural material is encountered during construction, the construction activity will cease and the MDT archaeologist will assess the find.</li> <li>▪ Terms and conditions of the draft MOA between MDT and the CSKT will be adhered to during construction.</li> </ul>

continued

**Table 2 Summary of Mitigation (continued)**

Resource	Preferred Alternative
Hazardous Waste Sites	<ul style="list-style-type: none"> <li>▪ Hazardous materials, including fuel and lubricating oils will not be stored and construction equipment will not be fueled within 50 feet from the highest anticipated water level (MDT Standard Specification 208.03.04) or as identified as part of permit conditions, whichever is more restrictive.</li> </ul>
Visual Resources	<ul style="list-style-type: none"> <li>▪ None required.</li> </ul>
Parks & Recreation	<ul style="list-style-type: none"> <li>▪ None required.</li> </ul>
Construction	<p>The following steps will be taken to prevent the violation of water quality standards in waterways crossed by and adjacent to the study area:</p> <p>Implement temporary and permanent Best Management Practices (BMPs) for erosion and sediment control and drainage way protection as required by local and state permitting requirements. Appropriate measures will be employed to prevent sediments from reaching the area surface waters or wetlands. These may include surface roughening, mulching, revegetation, and interim ground stabilization of roads and soil stockpiles, as well as implementation of planned drainages such as detention basins to capture sediment sand runoff, vehicle tracking, slope-length and runoff considerations, slope diversions and dikes, swales, sediment barriers, straw bales, and silt fences. For drainage way protection, these may include waterway crossing practices, temporary crossings, and diversions, stability practices, conveyance controls, and outlet and inlet protection measures.</p> <ul style="list-style-type: none"> <li>▪ The design for the proposed highway improvements project will be developed to avoid or minimize encroachment into wetlands and floodplain areas.</li> <li>▪ MDT will seek to mitigate unavoidable wetland impacts in the same watershed of this proposed project.</li> <li>▪ A Stormwater Pollution Plan (SWPPP) employing Best Management Practices for controlling erosion and sediment transport will be implemented throughout the project.</li> <li>▪ Control construction wastewater.</li> <li>▪ The contractor will be required to have a plan for implementing appropriate measures in the event of an accidental spill.</li> <li>▪ Suppress dust through watering or dust palliative.</li> <li>▪ Maintain access to local businesses and residences.</li> <li>▪ Coordinate with emergency service providers to minimize delays and ensure access to properties.</li> <li>▪ Use signage to announce and advertise timing of road closures.</li> <li>▪ Remove any unused detour pavement or signs.</li> </ul>

## **5.0 Selection of Preferred Alternative**

The preferred alternative as described in the attached EA is the proposed project.