serving you with pride

Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

June 3, 2005

Janice W. Brown, Division Administrator
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena, MT 59626

Subject: Beartooth HWY-Emergency Repair
ER 28-2(27)46
UPN: 5782000

This is a request for the FHWA's concurrence that this proposed project meets the criteria for classification as a Categorical Exclusion under the provisions of 23 CFR 771.117(c) Part 9. This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections **75-1-103** and **75-1-201, M.C.A.**). A project location map is attached.

This proposed project includes emergency repairs to the Beartooth Highway necessary to open the roadway to the traveling public. The damage is a result of several landslides and debris flows that destroyed sections of roadway, and have seriously compromised the safety of other sections in the area. Brian Schweitzer, Governor of the State of Montana, issued an "Executive Order Proclaiming An Emergency To Exist In Carbon County, Montana", on May 27, 2005, copy attached.

The location of the proposed project is on U.S. Route 212 from approximately reference post 46 to reference post 56, a total of approximately 10.1 miles. This section of roadway is located approximately 12 miles south of Red Lodge, and 1 mile north of the Montana/Wyoming State line. It is totally within Carbon County and is within the Custer National Forest Boundary. The project is located with in Township 9S Range 19E and un-surveyed sections 17, 18, 19, and 20.

The intent of this proposed project is to complete the emergency repairs necessary to safely open the road to the traveling public. The type of work may include but is not limited to: clearing debris, reestablishing the drainage for Quad Creek, and any other drainages which may have been cut off or created by the slide activities, rockfall mitigation, soil stabilization, retaining walls, rock fill, wall and culvert repair or replacement, scaling, minor roadway alignment shifts and structures. Minimal right-of-way may be necessary to construct or align the roadway to protect the safety of the workers and the traveling public. If it is determined that right-of-way is necessary additional determination of impacts will be completed.

This proposed project has been evaluated for, and does not have any adverse effect on the following environmental areas of concern:

X Stormwater Runoff
X Prime & Unique Farmlands
X Floodplains(E.O. 11988/FEMA)
X Hazardous Waste
X Historical/Cultural Resources
X Changes in Land Use
__ *USDOT - 4(f)/NL&WCF - 6(f) Acts*
X Noise
__ *Section 404 - Clean Water Act*
X Social/Economic
__ Stream Preserv./Water Quality
__Threatened/Endangered Species
X Wetlands(E.O. 11990)

The proposed project will have a minor effect on the following environmental area(s):

Threatened/Endangered Species - Through coordination with the US Fish & Wildlife Service (USFWS) (please find attached a USFWS e-mail dated June 2, 2005), the following Threatened/Endangered Species were identified as being in the vicinity of this proposed project:

> The threatened grizzly bear (*Ursus arctos horribilis*), threatened Canada lynx (*Lynx Canadensis*), and the nonessential experimental gray wolf (*Canis lupus*).

The conclusion of the coordination with the USFWS is with adherence to the attached environmental parameters provided to the USFWS, these federally listed species would be adequately protected.

USDOT - 4(f)/NL&WCF - 6(f) Acts

6(f) Lands - There are no NL&WCF – 6(f) lands within the project boundary, therefore no 6(f) evaluation is necessary.

4(f) Lands - The Beartooth Highway is of such an age that it may be eligible for recognition under section 4(f), however, congress clearly did not intend to restrict the rehabilitation, repair, or improvement of facilities such as this. The FHWA, therefore determined that Section 4(f) would apply only when an historic bridge or highway is demolished or if the historic quality for which the facility was determined to be eligible for the National Historic register is adversely affected by the proposed improvement. In this case, the proposed project is intended to simply repair the facility, and restore public access. SHPO has been contacted, and determined that No determination of National Register eligibility or Determination of Effect is required under 106. The Programmatic Agreement for Historic Roads and Bridges, effective October 22, 2001, is attached. Design will be coordinated with the MDT historian to ensure that the historic context of the highway is maintained to the degree practicable.

Right-of-Way/Utilites – Extent of Right-of-Way take is not known at this time. If additional right-of-way acquisition is deemed necessary, MDT and FHWA will coordinate with the U.S. Forest Service on the impacts for the right-of-way. If there are additional requirements necessary they will be met.

There is no anticipated utility involvement.

Permits Required - The following permits will be acquired prior to any relevant disturbance:

This proposed project will be in compliance with the provisions for both Water Quality under **75-5-401(2) M.C.A.** for *Section 3(a)* authorizations, and Stream Protection under **87-5-501** through **509 M.C.A.**, inclusive.

- An ***124SPA*** *Stream Protection* Permit will be required by the MDFW&P; and

This proposed project will require the following permits under the *Clean Water Act* (**33 U.S.C. 1251 - 1376**):

- A *Section 402*/Montana Pollutant Discharge Elimination System permit from the Montana Dept. of Environmental Quality's Permitting and Compliance Division.

- A *Section 404* permit from the U.S. Army - Corps of Engineers. The COE will be notified that this proposed project qualifies for a "Nationwide" 404 permit under the provisions of **33 CFR 330**.

All work will also be in accordance with the *Water Quality Act* of 1987 (**P.L. 100-4**), as amended.

- A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) will be - submitted to the Montana Department of Environmental Quality's Permitting and Compliance Division in compliance with their Montana Pollutant Discharge Elimination System Regulations (ARM 16.20.1314) for this proposed project. Best Management Practices will be included in the design of this Plan using guidelines as established in MDT's Erosion and Sediment Control Best Management Practices Manuals. The objective is to minimize erosion of disturbed areas during and following construction of this proposed project.

In accordance with **7-22-2152**, and **60-2-208 M.C.A.**, A set of revegetation guidelines will be developed by MDT that must be followed by the contractor. These specifications will include instructions on seeding methods, seeding dates, types and amounts of mulch and fertilizer, along with seed mix components. Seed mixes include a variety of

species to assure that areas disturbed by construction are immediately stabilized by vegetative cover. The Seeding Special Provisions developed for this proposed project will be forwarded to the responsible County Weed Board for approval.

Air Quality - This proposed project is located in an "unclassifiable"/ attainment area of Montana for air quality under 40 CFR 81.327, as amended. As such, this proposed project is not covered under the U.S. Environmental Protection Agency's Final Rule of November 24, 1993 on Air Quality conformity. Therefore, this proposed project complies with Section 176(c) of the Clean Air Act as amended (**42 U.S.C. 7521(a)**).

Cumulative Impacts
MDT currently has no other active and proposed projects in this part of the Billings District. FHWA – Central Federal Lands Highway Division has prepared a Final Environmental Impact Statement and Record of Decision to reconstruct the portion of the Beartooth Highway within Wyoming between Reference Post 24.5 and the Montana State line at Reference Post 43.1.

This proposed emergency repair project will have no significant cumulative environmental impacts. As the extent of work that may be necessary is not fully know at this time, the attached environmental parameters will be followed and updated as necessary in cooperation with the agencies listed to ensure that no cumulative impacts are developed during the life of this project.

News releases are ongoing for this project as necessary to keep the public informed.

This project will not induce significant land use changes or promote unplanned growth. There will be no significant affects on access to adjacent properties or present traffic pattern. This project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (**E.O. 12898**) and complies with Title VI of the *Civil Rights Act of 1964* (**42 U.S.C. 2000d**). In accordance with 23 CFR 771.117(a), this action will neither individually nor cumulatively, have any significant environmental impacts. Therefore, we are requesting FHWA's concurrence that this proposed project is properly classified as a Categorical Exclusion.

Jean A. Riley

Jean A Riley, P.E.
Bureau Chief
Environmental Services

Concur Michael A Culbach Date 6/3/05
Federal Highway Administration

"ALTERNATIVE ACCESSIBLE FORMATS OF THIS DOCUMENT WILL BE PROVIDED ON REQUEST."

JAR:S:\PROJECTS\BILLINGS\5782\5782encatexc.main.DOC
Attachments

cc: Bruce Barrett - Billings District Administrator
Paul Ferry, P.E. – Highways Engineer
Kent Barnes, P.E. - Bridge Engineer
John Horton - Right-of-Way Bureau Chief
David W. Jensen, Supervisor - Fiscal Programming Section
Suzy Althof, Supervisor - Contract Plans Section
Jean Riley, P.E., Environmental Services Bureau Chief
Cooperating Agencies
file

Agencies that will be coordinated with during design and construction:

U.S. Forest Service
U.S. Fish & Wildlife Service
U.S. Army Corps of Engineers
U.S. National Park Service
U.S. Environmental Protection Agency
FHWA – Central Federal Lands Highway Division
FHWA – Western Federal Lands Highway Division
Montana Department of Environmental Quality
Montana Department of Fish Wildlife and Parks

This cooridination will include submittals from MDT to the agencies for scope-of-work and design. This allows the agencies to comment and provide input as the project develops.

Parameters for entire project area

1. ENVIRONMENTAL MITIGATION AND COORDINATION MEASURES FOR GRIZZLY BEARS

A. Description. This project is located within grizzly bear habitat. Grizzly bears are known to use the project area. Transient grizzly bears may infrequently occur within the vicinity of the project throughout the construction season but particularly during the spring. To reduce the chance of bear-human conflicts and to minimize impacts to grizzly bears, adhere to the following requirements:

1) Keep all areas in a neat condition; promptly clean up any spills, litter, garbage, etc.

Keep all food and food related items inside a closed, hard-sided vehicle or special bear resistant container (see Note below) except when preparing or eating food or.

Store petroleum products, antifreeze, and personal items such as deodorants, toothpaste, soap and lotions in the same manner as food, as these products may attract bears.

Deposit garbage and waste items in grizzly bear-resistant containers. Remove the accumulated garbage and waste from the project site daily and dispose of in accordance with all Federal, State and local laws, regulations and ordinances.

No overnight camping within the project vicinity, except in designated campgrounds, by any crew member or other personnel associated with this project.

Note: A bear-resistant container is a securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than 6.35 mm (¼ inch), that would allow a bear to gain entry by biting or pulling with its claws.

2) Promptly notify the Project Manager of any road killed game animals found in the vicinity of the project. The Project Manager will arrange to have the animals picked-up and disposed of.

Promptly notify the Project Manager of any grizzly bears observed in the vicinity of the project, or contact Environmental Services District Biologist at 444-9438 or 444-7228.

B. Basis of Payment. Consider all costs associated with this provision incidental to performance of the work. Include the cost in the cost of other items.

2. LARGE CARNIVORES AND OTHER MAMMALS

A. Description. Large carnivores such as wolves, lynx and other cats, or bears may occupy some areas in the vicinity of this project.

1) If you suspect that any new aggregate borrow source, gravel, crushing, storage or staging areas, or processing plants may potentially be located within one mile of an actively occupied area, such as any creek along the project, submit the location of such site(s) to MDT-Environmental for review.

2) If you observe any of these species to be occupying habitat in the close proximity of the construction activity, notify the Environmental Services Bureau District Biologist at 444-9438 or 444-7228 immediately for further review.

B. Basis of Payment. Consider all costs associated with this provision incidental to performance of the work. Include the cost in the cost of other items.

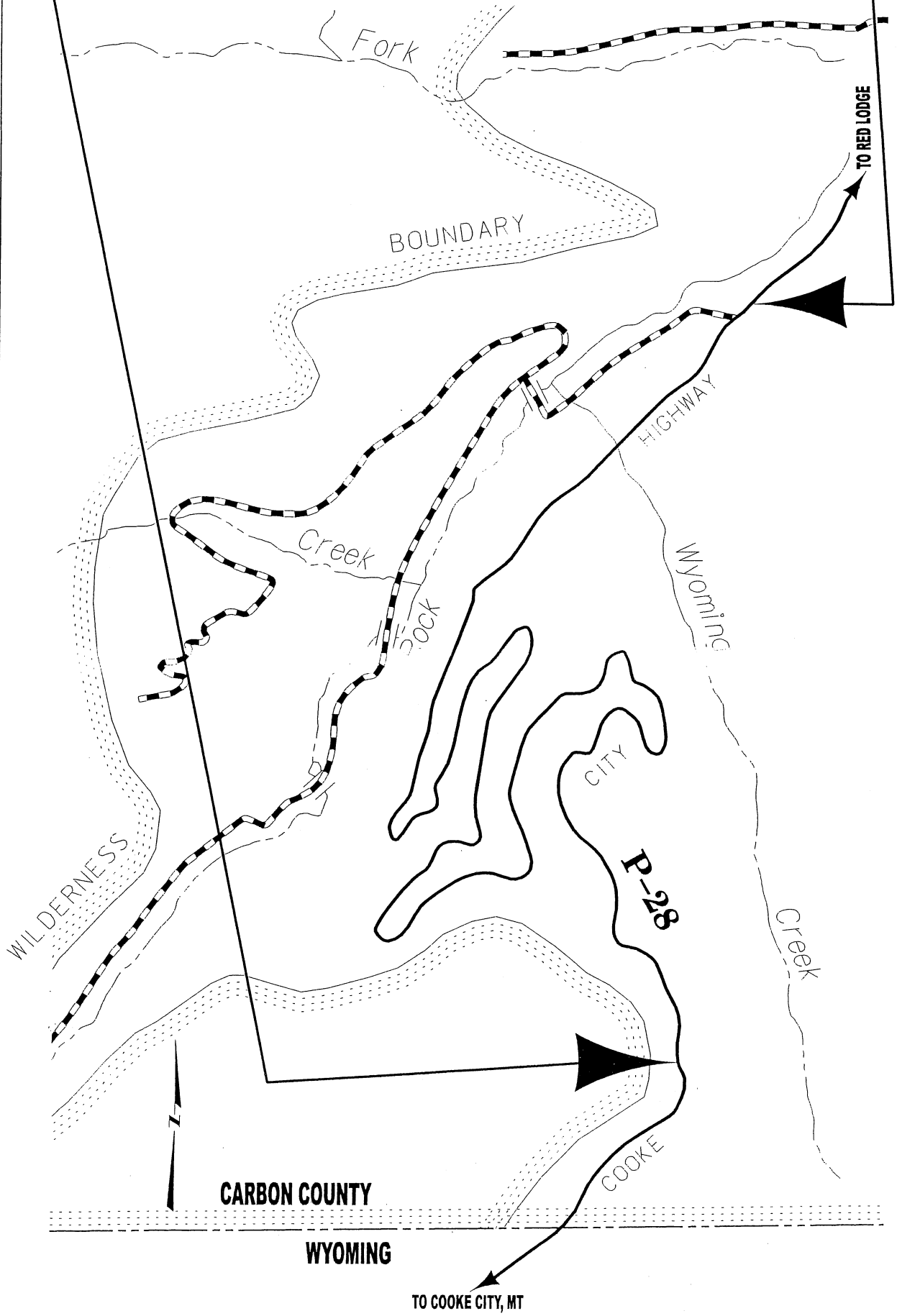
3. SPILL MANAGEMENT AND REPORTING POLICY

- A spill of 25 gallons or less of refined crude oil products, including gasoline, diesel fuel, asphalt, road oil, kerosene, fuel oil or derivatives of mineral, animal or vegetable oils does not need to be reported UNLESS it has entered surface water or a drainage that leads directly to surface water.
- In the event that a spill of 25 gallons or less has occurred, absorb the spill with cleanup media, such as kitty litter, and prevent migration of the spill with the use of sorbent pads and socks. Report the spill to MDT's Environmental Services Bureau (406) 444-7228.
- A spill of more than 25 gallons, or a spill that enters surface water or a drainage leading to surface water must be reported to the state's Disaster and Emergency Services (DES) 24-hour phone number (406)-431-0411. If no one can be reached at that number, the spill can be reported to the Montana Department of Environmental Quality (MDEQ) duty officer at (406) 431-0014. Also notify MDT's Environmental Services Bureau at 444-7228. Notification of the National Response Center (NRC) may be required. NRC can be reached at 800-424-8802.
- When documenting the spill incident be sure to have as much of the following information as possible:
  - An accurate description of the spill location, such as street address; highway and reference post; township/range/section/¼ ¼ section; site latitude and longitude in decimal degrees.
  - Include name of USGS 7.5 Minute Quadrangle map
  - Describe locations of nearest drainages, names of those drainages and whether they are carrying water.
  - Describe methods used for cleaning up spill and names of people involved.

4. BLASTING

A. 7 days prior to blasting the contractor must submit schedule and plan for review by MDT. MDT will coordinate the submittal to appropriate agencies.

BEARTOOTH HWY–EMERGENCY REPAIR
UP# 5782



Jan Brown - FHWA
Bruce Barrett - Billings

MASTER FILE COPY

Jim Walther

From Loren 5/1/03

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 08-05

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY TO EXIST IN CARBON COUNTY, MONTANA

WHEREAS, on Friday May 20, 2005, and late into the night and early Saturday morning, flooding and rapid runoff caused landslides at several locations on US Highway 212, the Beartooth Highway, in Carbon County; and

WHEREAS, the landslides caused by the rapid runoff have resulted in serious and extensive damage to both public and private property and, as a consequence, the State of Montana has sustained severe damage to US Highway 212, Beartooth Highway, a Federal-aid highway; and

WHEREAS, damage throughout Carbon County and to the Beartooth Highway has been of such an extent that immediate repairs have been necessary, and such conditions constitute an emergency as is contemplated by the terms of Sections 125 and 120(e) of Title 23, U.S.C.

NOW, THEREFORE, I, BRIAN SCHWEITZER, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, and Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that an emergency exists in Carbon County, State of Montana, as a result of flooding and rapid runoff and the consequent danger to life and damage to property including Federal-aid highways. The immediate repair and reconstruction of the damage to the Beartooth Highway is vital to the security , well-being, economy, and health of the citizens of Carbon County and the State of Montana; and the Federal Highway Administrator is hereby requested to concur in the declaration of this emergency.

This Executive is effective May 27, 2005

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 27th day of May, 2005.

BRIAN SCHWEITZER, Governor

ATTEST:

Mark A. Simonich

for BRAD JOHNSON, Secretary of State

RECEIVED

SEP 28 2001

ENVIRONMENTAL

PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE MONTANA STATE HISTORIC PRESERVATION OFFICE
AFFECTING HISTORIC ROADS AND BRIDGES
IN MONTANA

WHEREAS, the Federal Highway Division, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's on-going program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an affect upon a certain class of properties included in or eligible for inclusion on the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Office (SHPO) pursuant to Section 800.14 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the FHWA and the MDT have developed a Historic Preservation Plan (HPP) regarding roads and bridges and that document has been subject to review under 36 CFR 800.14 and has been agreed to by FHWA, SHPO and the Council; and

WHEREAS, this Programmatic Agreement supercedes the original Agreement (implemented July 17, 1997) and the amendment to that Agreement (implemented January 21, 1999); and

WHEREAS, the MDT participated in the consultation and has been invited to concur in this Programmatic Agreement; and

WHEREAS, all references within this Programmatic Agreement are to the Council's regulations that became effective on January 11, 2001;

NOW THEREFORE, the FHWA, the Council, and the Montana SHPO agree that the program addressed in this Programmatic Agreement shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual undertakings of the program.

Stipulations

The FHWA will ensure that the following measures are carried out:

1) The FHWA and MDT will comply with 36 CFR §§ 800.4 through 800.6 in regard to determining eligibility of historic-age bridges. The Historic Preservation Plan

will apply only to those bridges determined eligible for the National Register of Historic Places (NRHP).

2) The FHWA and MDT will implement the roads and bridges HPP in lieu of compliance with 36 CFR 800 in regards to trails, roads, and highways in Montana that were constructed after 1859.

3) The MDT, in consultation with SHPO, will develop NRHP Multiple Properties Documents regarding specific bridge types to assist the FHWA, SHPO, and MDT in assessing the NRHP eligibility of bridges. The documents will include reinforced concrete, steel stringer, steel girder, and all post-1936 steel truss bridges not included in the MDT's 1985 inventory.

4) For all NRHP-eligible bridges offered for adoption under the HPP for which new owners are not found, Historic American Engineering Record (HAER) – level recordation will be completed before the bridge is demolished.

5) FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.

6) The MDT will continue to record and assign Smithsonian trinomial site numbers to segments of historic-age trails, roads, and highway located within the Area of Potential Effect (APE) of the MDT's undertakings. Where particular trail, road and highway segments involve features of historic significance on a statewide or national level, the MDT will consult with SHPO to develop a plan to avoid or incorporate the property into the agency's undertaking as specified in Part VI, Section 4 of the existing Roads and Bridges Historic Preservation Plan (See Attachment One).

7) The MDT has acquired a 2± mile (10,560± linear feet) segment of the Mullan Military Road (24MN133) in Mineral County, Montana. The road has been preserved and will be developed as a historic recreational/interpretive trail. The MDT will provide funding toward the development and interpretation of the road and list the segment on the National Register of Historic Places. The interpretive plan for the road will be developed in cooperation with the Montana SHPO, the Lolo National Forest, and the Salish-Kootenai Tribal Preservation Office.

8) The MDT will provide funding for the installation of five roadside interpretive markers describing the history and significance of pre-1913 trails and roads that are adjacent to Montana's existing primary and secondary highway system. The marker locations will be determined by MDT and the Montana SHPO.

9) This Programmatic Agreement will remain in force for as long as the roads and bridges HPP is in force or unless Stipulation 13 of this Agreement is invoked.

10) The MDT will prepare a report biennially on its implementation of the HPP, and provide this report to the FHWA, Montana SHPO, and the Council for review, comment and consultation if needed.

11) The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested by a signatory to this Agreement or by a member of the public. FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities as stipulated in 36 CFR 800.13.

12) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties consult in accordance with 36 CFR 800.13 to consider such an amendment.

13) Any party to this Programmatic Agreement may terminate it by providing, in writing, forty-five (45) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek arrangement on amendments or other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

14) Should the Montana SHPO object within sixty (60) days to any action proposed pursuant to this Historic Preservation Plan, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:

    1. provide the FHWA and Montana SHPO with recommendations, which the FHWA and Montana SHPO will take into account in reaching a final decision regarding the dispute; or

    2. notify the FHWA and Montana SHPO that it will comment pursuant to 36 CFR § 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA and Montana SHPO in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA and MDT's responsibility to carry out all actions under this Historic Preservation Plan that are not the subjects of the dispute will remain unchanged.

15) At any time during implementation of the measures stipulated in this Agreement and/or Historic Preservation Plan, should any objection to any such measure or its manner of implementation be raised by a member of the public, the FHWA shall take the objection into account and consult as needed with the objecting party, the SHPO or the Council to resolve the objection.

16) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR §§ 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ **Date:** 10/22/01

(for) Executive Director

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: _____ **Date:** 10-2-2001

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: Mark F. Baumler **Date:** 9/26/2001

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By: _____ **Date:** 8/23/01

Sturm, Paul

From: Scott_Jackson@fws.gov
Sent: Thursday, June 02, 2005 9:27 AM
To: Sturm, Paul
Cc: Anne_Vandehey@fws.gov
Subject: Re: Beartooth Slide

BEARTOOTH ESA SPC.DOC

Hi Paul,

Thank you for coordinating with me regarding the emergency repairs that need to be conducted to U.S. Highway 212 (Beartooth Highway). As we've discussed, the threatened and endangered species that may be present in the vicinity of these emergency repairs include threatened grizzly bears, threatened Canada lynx, and nonessential experimental gray wolves. Because of the habitat conditions present in this highway corridor and the types of work that will likely be implemented, I believe the most likely project-related effects to these species would be adequately addressed by adherence to the special provisions for grizzly bears and other mammals that you referenced. For the work you describe in your message (below) where debris would be removed from the roadway to access problem areas farther up the road, if these special provisions are fully implemented, I believe federally-listed species would be adequately protected.

Please keep me informed about additional emergency repair measures for this highway as they become known. However, I think we will likely arrive at a similar decision, where adherence to these provisions would provide adequate protection for our listed species concerns relative to the activities that must be accomplished to repair this road and ensure the safety of the travelling public. Let me know if you have further questions or need additional information.

Scott Jackson, Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
100 North Park Avenue, Suite 320
Helena, Montana 59601
(406) 449-5225, ext. 201
(406) 449-5339 (fax)
scott_jackson@fws.gov

"Sturm, Paul" <psturm@mt.gov> 06/01/2005 04:55 PM

To: "Scott Jackson (E-mail)" <Scott_Jackson@fws.gov>
cc: "Steg, Bonnie" <bsteg@mt.gov>, "Riley, Jean" <jriley@mt.gov>
Subject: Beartooth Slide

Scott, MDT is planning on removing debris from the roadway on US 212 by Friday, June 3, 2005 at the northernmost slide location. The slide debris will be removed in order to access a site further up the road where the

slide in the Quad Creek drainage continues to damage the roadway. There will be no work at night, and the attached special provisions for grizzly bears and for other mammals will be followed during this work. Please send me an e-mail if you have any concerns that are not addressed in these special provisions. Thank you.

Paul Sturm
Billings/Great Falls District Biologist
Montana Department of Transportation
Environmental Services Bureau
(406) 444-9438

<<BEARTOOTH ESA SPC.DOC>> (See attached file: BEARTOOTH ESA SPC.DOC)

Sturm, Paul

From: Scott_Jackson@fws.gov
Sent: Thursday, June 02, 2005 4:44 PM
To: Sturm, Paul
Cc: Anne_Vandehey@fws.gov
Subject: Re: Beartooth Slide

Paul,

Because of their secretive habits, and because of the open nature of the habitat in proximity to the highway in this area, it is more likely that grizzlies, wolves, and lynx would be moving through the area at night as opposed to during daylight hours. So, prohibiting night time work would usually be a good idea in areas like this to minimize the chances of affecting these species. However, in this emergency situation, adherence by construction workers to the sanitation provisions, the storage of bear attractants in some sort of bear-resistant containers, the prompt removal of road-killed animals, and the other special provisions listed in your previous e-mail attachment should be adequate to minimize these species from being drawn into the construction sites where they might get into trouble. Thanks for letting me know of the change, though.

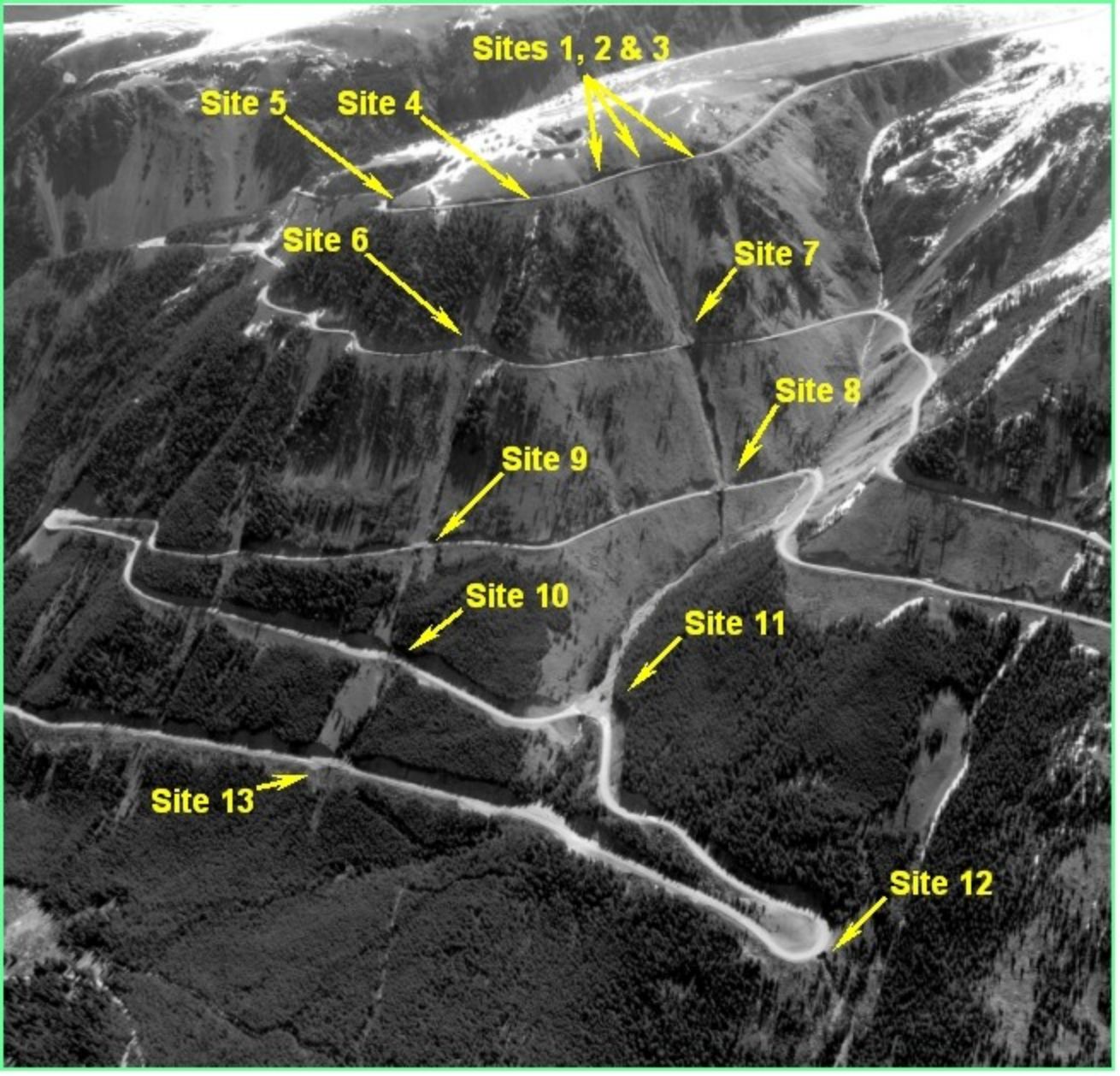
Scott Jackson, Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
100 North Park Avenue, Suite 320
Helena, Montana 59601
(406) 449-5225, ext. 201
(406) 449-5339 (fax)
scott_jackson@fws.gov

"Sturm, Paul"
<psturm@mt.gov>
06/02/2005 04:01 PM

To: "Scott Jackson (E-mail)" <Scott_Jackson@fws.gov>
cc:
Subject: Beartooth Slide

Scott, there is some reluctance by MDT to exclude work at night on this project because of the short construction season and the need to open the highway ASAP for the public. I kind of threw that in just to be safe in the protection of the listed species out there. What are your feelings about allowing work at night on this project? Give me a call or send me an e-mail. Thanks Scott.

Paul Sturm
Billings/Great Falls District Biologist
Montana Department of Transportation
Environmental Services Bureau
(406) 444-9438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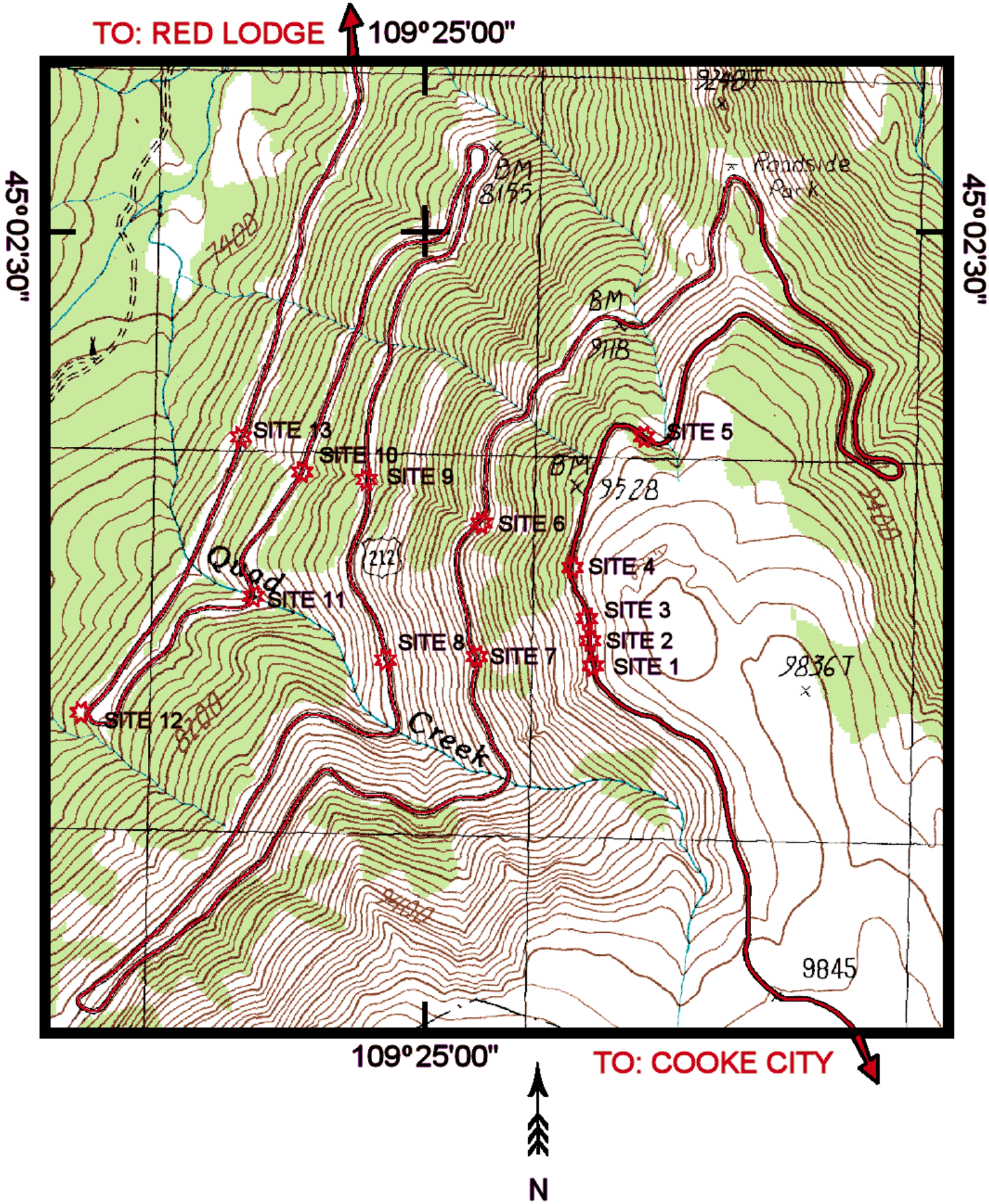
Site 12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45°02'30"
45°02'30"
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Roadside Park
BM 9118
BM 9528
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SITE 2
SITE 8
SITE 7
SITE 1
SITE 12
Quad
Creek
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109°25'00"
TO: COOKE CITY
N