



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

October 12, 2006

ENVIRONMENTAL QUALITY COUNCIL
Legislative Environmental Policy Office
P.O. Box 201704
Helena, MT 59620-1704

RECEIVED

OCT 13 2006

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Subject: **STPP 14-6(9)259**
FORSYTH - NORTHWEST
(PPMS-OPX2 Control #4059)

Attached is one (1) copy of the Re-Evaluation of this proposed project's categorical exclusion (RCE) as sent to the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration (FHWA) on May 18, 2006. Attached with that R-E are copies of the for (4) "Nationwide" Programmatic *Section 4(f)* Evaluation forms [P4(f)'s, each] as approved by the FHWA on May 23, 2006. Those P4(f)'s document this proposed project's "use" of historic sites, and comply with the provisions of 23 CFR 771.135 for the *U.S. DEPARTMENT OF TRANSPORTATION Act (49 U.S.C. 303)*.

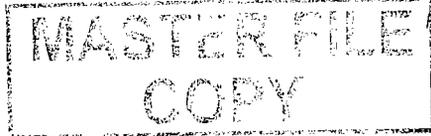
The attached R-E and documentation with same is to further *Montana Environmental Protection Act*, Title 75 compliance as applicable to the DEPARTMENT OF TRANSPORTATION (MDT).

Thomas L. Hansen, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

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Attachment

copy: project main/"white label" file



May 18, 2006

U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration (FHWA)
585 Shephard Way
Helena, MT 59601-9785

Attention: Carl D. James,
Program Development Engineer

Subject: **STPP 14-6(9)259**
FORSYTH - NORTHWEST
(PPMS-OPX2 Control #4059)

MDT's Environmental Services Bureau has reviewed this proposed project's environmental impacts, and has determined that it still qualifies as a Categorical Exclusion (CE) under the provisions of 23 CFR 771.129(c). Its original Categorical Exclusion request (copy attached) was approved-by the FHWA on June 7, 2001. This proposed action also continues to qualify as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections **75-1-103** and **75-1-201, M.C.A.**). This determination is based-on the following:

The Scope-of-Work (approved on December 12, 2000 copy also attached) for this proposed project has been reviewed, and several items in the CE require updating or changes. These proposed changes involve wetlands impact areas, and mitigation sites for-same (map for-same also attached). One-of those latter requires additional Right-of-Way, and therefore a cultural resources survey was made of that site. Revisions for the (attached) CE's items are as-follows:

Hazardous Waste (fourth in Left column's list on CE Page 2)

The Wetland Mitigation sites for a recently-completed project (see following) are adjoining an abandoned railroad bed. Although no remnants were observed on those sites, there is a possibility that treated timbers may be unearthed during construction. A Special Provision will be added to this project's contract requiring the proper disposal of any treated timbers that may be encountered.

Threatened/Endangered Species (CE Pages 2 & 3)

The existing Biological Resources Report (BRR) of June 15, 2000 includes the above-mentioned Wetland Mitigation site. The Environmental Services Bureau Resources Section biologist for MDT's Glendive District (No 4) reviewed all wetland mitigation sites (referenced in following sub-paragraphs under that "heading"), and determined that the current BRR fully covers the area of each with its data remaining as valid.

Prime Farmlands (CE Page 4) - Three types of Prime Farmland if Irrigated, and nine varieties in Farmland of Statewide Importance have been identified along most-of this project's present route. These designations are based-on the U.S. DEPARTMENT OF AGRICULTURE - Natural Resources Conservation Service's (NRCS') "Prime and other Important Farmlands" Tabular Data version of October 15, 2004.

(concludes-on next page)

(Important Farmlands - concluded:)

Therefore, a Farmland Conversion Impact Rating (FCIR) for Corridor Type Projects form #NRCS-CPA-106 has been completed. That form's "TOTAL POINTS" is 145, and therefore under the provisions of 7 CFR 658.4(c), part (2) "(s)ites receiving a total score of less than 160" (will) "be given a minimal level of consideration for protection and no additional sites" (need) "be evaluated." A copy of that form is (also) attached following the original #AD-1006 FCIR form.

Floodplains (CE Page 4) - A Floodplain Development Permit was issued on June 12, 2002 for this project by ROSEBUD COUNTY's Permit Official (printed on reverse side of latter's attached December 17, 1999 letter copy).

Section 4(f) of the U.S. DEPARTMENT OF TRANSPORTATION Act, and Section 6(f) of the National Land & Water Conservation Fund Act (CE Page 5)

A copy of the October 24, 2005 letter from MONTANA FISH, WILDLIFE & PARKS concurring-that there will not be any use of, nor impact to their West Rosebud Fishing Access Site is (also) attached on reverse side of their July 10, 2000 Co-Operating Agency response letter.

Four (4) "Nationwide" Programmatic Section 4(f) Evaluation forms are included for the sites on this project that are under various Programmatic Agreements for Historic features.

Wetlands (CE Page 5)

This project will impact approximately 0.95 hectares (ha, 2.34 acres) of MDT type III wetlands. Wetland impacts were reduced by both steepening fill slopes, and adding guardrail in one area.

Wetland Mitigation (CE Page 5) - One site is for mitigating this project's wetlands impacts, and requires an area of approximately 1.42 ha (3.55 acres). This site will be adjacent-to the re-constructed alignment's NorthEasterly side, between P-14 "Reference"(Mile) Posts 261.8 & 262.45 (project stations 61+20 to 71+10 Left).

The other sites are to mitigate the **F-NH 23-1(15)33F VOLBORG-N & S** (PPMS-OPX2 C#1514) project's wetlands impacts, which need an approximate area of 3.21 ha (7.93 acres). These are both located by the SouthWesterly side of the overlay & widen portion of this project from "R"(M)P's 259.85 to 260.2 (stations 30+00 to 32+00 & 32+15 to 36+00 Right).

Approximately 16.15 ha (39.91 acres) of total new Right-of-Way and (permanent) easements will be needed for this project, including each of the wetland mitigation sites. No relocations of agricultural support structures (other-than fencing or irrigation related features), businesses, or dwellings is necessary for this project.

Historical/Cultural Resources (CE Page 5)

An addendum to this project's 1999 Cultural Resource Inventory was completed in August, 2005 to investigate both the "VOLBORG N & S" project's wetland mitigation site. No cultural features were identified within either of those sites.

This project's wetland mitigation site from stations 61+20 to 71+10 Left is within the (original) 1999 Cultural Resources Survey's investigation corridor.

On December 1, 2005 the State Historic Preservation Office concurred with the Determination of No Effect findings for this project, including the additional areas for the "VOLBORG N & S" project's wetland mitigation site.

(concluded-on next page)

Carl D. James
Page 3
May 18, 2006

STPP 14-6(9)259
FORSYTH – NORTHWEST
(PPMS-OPX2 C#4059)

The preceding changes result-in only minor impacts, and those under regulatory re-quirements will be handled through the permitting processes with the appropriate agencies for-same.

A News Release was issued-to the “Forsyth *Independent Press*” paper in January, 2006 for updating the public on this project’s development.

The U.S. DEPARTMENT OF THE INTERIOR – Bureau of Land Management’s Miles City Field Office responded-to a Cooperating Agency request. Several parcels where new easement amounts are required, as well as others with no additional easements or temporary-use construction permits will be needed were identified. That Office’s response also stated that although those parcels are being “managed for multiple use” they do not “fit under the provisions for *Section 4(f)* of the *U.S. DEPARTMENT OF TRANSPORTATION Act.*” A copy of that Office’s March 29, 2006 Cooperating Agency response letter is attached as-well.

In accordance with the FHWA’s “Re-Evaluated Categorical Exclusions” concurrence of April 15, 1999 (copy of this office’s March 31, 1999 letter requesting-same also attached), this notification documents that this proposed action is still properly classified as a Categorical Exclusion under the provisions of 23 CFR 771.117(d).



Thomas L. Hansen, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

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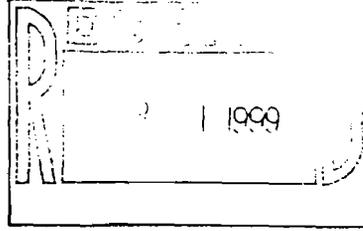
Attachments

copies: Ray E. Mengel, Administrator – MDT Glendive District (No 4)
Kent M. Barnes, P.E. – MDT Bridge Engineer
Thomas S. Martin, P.E. – MDT Consultant Design Engineer
John H. Horton, Jr. – MDT Right-of-Way Bureau Chief
D. Suzy Althof, Supervisor – MDT Contract Plans Section
David W. Jensen, Supervisor – MDT Fiscal Programming Section
Jean A. Riley, P.E. – MDT Environmental Services Bureau Chief



March 31, 1999

Janice W. Brown, Division Administrator
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena, MT 59602



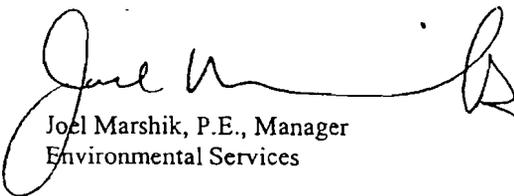
Subject: Re-Evaluated Categorical Exclusions

MDT, Environmental Services, is requesting a change to the policy regarding the process for re-evaluating categorical exclusions (CE). We propose to simplify the present process based on the fact CE's are not NEPA documents. They are the exceptions to NEPA documents; projects that have been determined to not require formal NEPA documentation based on 23 CFR 771.117.

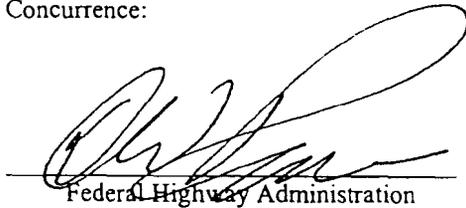
Our request is to do a "yes or no" analysis on CE's that are more than three years old. The only question we intend to ask is whether the project still meets the criteria for a CE. If it does, our answer will be yes and no further documentation will be conducted. We will put a simple form letter together stating this fact and that will be the end of the re-evaluation. If the answer is no, that will mean some level of NEPA will be required, and a re-evaluated CE is inappropriate.

Old CE's could be a concern, but we do not intend to ignore that fact. We will look at the quality of the field inventory and reconnaissance and update the data before the yes/no decision. Some features we will look at are threatened and endangered species, wetlands, cultural updates, demographic changes and new laws, rules or regulations. Our experience indicates that normally there just isn't any new data needs. Should there be any however, we do not intend to formally incorporate this data into a new CE document. The new data will become part of the project file and public record

Our intentions are to only eliminate the lengthy re-evaluation write up. Our experience indicates that normally nothing has changed from when the project was first determined to be a CE. But over time a cumbersome policy/process has developed and these re-evaluations are taking five to ten working days to produce depending on the nature of the project.


Joel Marshik, P.E., Manager
Environmental Services

Concurrence:


Federal Highway Administration

Date: 4-15-99

Cc: Karl Helvik
Lyle Manley



Current Date

Dale Paulson, Program Development Engineer
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena, MT 59602

Subject: (Project #)
(Project Name)
Control No.

Environmental Services has reviewed the above proposed project's impacts and has determined that this proposed project still qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.129(c). The original Categorical Exclusion was signed ^Cdate and is attached. This proposed action also continues to qualify as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.). This determination is based on the following:

The Scope-of-Work for the proposed project has been reviewed and ^C^has/has not changed. ^C^The changes involve ^Cdescribe. As a result of these changes, we have updated the ^C^biological/cultural/hazardous waste etc reports and found that in accordance with 23 CFR 771.117(a), this action will neither individually or cumulatively, have any significant environmental impacts. ^C^the minor alignment modifications and/or adjustments in the typical section result in only minor impacts that will be handled through our permitting process with the regulatory agencies.

In accordance with the Federal Highway Administration's (FHWA) concurrence letter of ^Cdate, this notification documents that this proposed action is still properly classified as a Categorical Exclusion under the provisions of 23 CFR 771.117(d).

Karl M. Helvik, P.E.
Engineering Bureau Chief
Environmental Services

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

JMM:KMH: ^C

- cc: ^C, P.E. - ^C District Administrator
 - Carl S. Peil, P.E. - Preconstruction Engineer
 - ^C Joseph P. Kolman, P.E. - Bridge Engineer
 - Thomas E. Martin, P.E., Right-of-Way Bureau Chief
 - David W. Jensen, Supervisor - Fiscal Programming Section
 - Mark A. Wissinger, P.E., Supervisor - Contract Plans Section
 - Joel M. Marshik, P.E., Manager - Environmental Services
- file



May 22, 2001

Janice W. Brown, Division Administrator
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena, MT 59602

Subject: STPP 14-6(10) 259
FORSYTH - NORTHWEST
Control No. 4059

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(d). 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 is an overlay & widening project with limited areas of selective reconstruction. The project also includes the addition of a pedestrian walkway onto the existing bridge over the Yellowstone River at Forsyth. Upgraded guardrail along with the pedestrian walkway will be the only work done on the bridge.

The location of this proposed project is on U.S. Highway 12 in Rosebud County. It begins approximately 19 kilometers northwest of Forsyth (MP 258.7) and proceeds 19 km southeasterly to the SE end of the bridge over the Yellowstone River at Forsyth (MP 270.5). The reconstruction area is approximately 4 kilometers in length with the remaining 15 kilometers of the project receiving the widen and overlay treatment. The project proceeds through Sections 19, 20, 29, 28, 33, 34 in T7N, R39E; through Sections 1, 2, 12 in T6N, R39E; and through Sections 7, 8, 17, 16, 15, 23 in T6N, R40E.

The intent of this proposed project is to widen the existing roadway to a 9.2 m width to meet the criteria of the Surface Transportation Program Route Segment Plan, improve safety features which do not meet the current criteria, replace deteriorating and inadequate hydraulic structures, and to provide a safe pedestrian passageway across the Yellowstone River Bridge.

The existing roadway was constructed under 3 separate contracts. Beginning at the northwest end of the project and proceeding southeasterly, the first two contracts were constructed in 1954 and received a plant mix overlay in 1992. These contracts extend from RP 258.7 to 265.1. The surfacing consists of 381 mm of base gravel and 96 mm of bituminous surfacing placed to a 7.3 m finished top width.

The existing pavement is in fair condition with minor rutting and distortion. The pavement also exhibits typical thermal cracking.

The third contract, extending from RP 265.1 to 270.5, was constructed in 1957 and received a plant mix overlay in 1975. The surfacing consists of 381 mm of base gravel and 76 mm of plant mix placed to a 9.75 m finished top width. This segment of the project exhibits substantially more cracking than the first 10.3 km of the project. Rutting and distortion are minor.

The existing cut and fill slopes do not meet the current criteria for minor arterials.

The existing horizontal alignment meets the criteria for a 100 km/h design speed having a minimum radius of horizontal curvature of 698.6 m. none of the horizontal curves have transition spirals.

The vertical alignment provides the desirable stopping sight distance (SSD) for a 90 km/h design throughout the project with the exception of 1 crest vertical curve that provides the minimum SSD for a 90 km/h design speed. The maximum grade on the project is 4.2%.

There are 7 timber bridges on the project which were constructed in 1937 and provide a 7.1 m roadway width. The length of the bridges varies from 3.7 m to 29.3 m. The timber bridges will be replaced with culverts.

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

- | | |
|---|---|
| <input type="checkbox"/> Stormwater Runoff | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Prime & Unique Farmlands | <input checked="" type="checkbox"/> Section 404 - Clean Water Act |
| <input type="checkbox"/> Floodplains(E.O. 11988/FEMA) | <input checked="" type="checkbox"/> Social/Economic |
| <input checked="" type="checkbox"/> Hazardous Waste | <input checked="" type="checkbox"/> Stream Preserv./Water Quality |
| <input type="checkbox"/> Historical/Cultural Resources | <input checked="" type="checkbox"/> Threatened/Endangered Species |
| <input checked="" type="checkbox"/> Changes in Land Use | <input type="checkbox"/> Wetlands(E.O. 11990) |
| <input checked="" type="checkbox"/> USDOT - 4(f)/NL&WCF - 6(f) Acts | |

The proposed project will have a minor or no effect on the following environmental area(s):

Threatened/Endangered Species -The following Threatened/Endangered Species were identified in the MDT's **Biological Resources Report** of January 3, 2000 in accordance with the USF&WS's letter of November 19, 1996 (and January 23, 1997 supplement) as "may be in the vicinity of this proposed project:

The Bald Eagle (Haliaeetus leucocephalus) is a threatened raptor species. The MDFWP identified two eagle nests along the Yellowstone river which are located one mile and two miles respectively from the project. Due to the proximity of the nests, it is recommended that no gravel sources, crushing operations, batch plants or staging areas be located within a 2.5 mile radius of each nest. MDFWP also recommends that no blasting or pile driving take place prior to May 15 at areas including MP 266 to 267.5. If any bald eagles are encountered during any phase of the project, the Bureau Chief of the MDT Resources Bureau should be

contacted. USFWS concurs with a finding of “not likely to adversely effect” for the bald eagle.

The Black-Footed Ferret (Mustela nigripes) is an endangered mammal species in Montana. The only known population of black-footed ferrets in Montana is in Philips County. If any black-footed ferrets are observed during any phase of the project, the Bureau Chief of the MDT Resources Bureau should be contacted. Due to the nature of the project and the lack of prairie dogs present along the project corridor, it is determined that the proposed project are a “no effect” for the black-footed ferret and its critical habitat.

The Pallid Sturgeon (Scaphirhynchus Albus) is an endangered fish species on the Yellowstone River. There will be no work done within the Yellowstone River. The existing bridge will receive an overlay. If any pallid sturgeon are observed during any phase of the project, the MDT Resources Bureau Chief should be contacted. Due to the scope of the proposed work and the location, it is determined that the proposed action is a “no effect” for the pallid sturgeon and its critical habitat.

The Mountain Plover (Charadrius montanus) is listed as a proposed threatened bird species in Montana. This species has the potential of occupying short-grass prairie habitat and especially in the area of prairie dog towns. No mountain plovers were observed in the project area. If any mountain plovers are observed during construction activities, the MDT Bureau Chief of the Resources Bureau should be contacted. Due to the scope of the proposed work, it is determined that the proposed action is a “no effect” for the mountain plover and its critical habitat.

The Least Tern (Sterna antillarum) is federally listed as an endangered species throughout the United States. The least tern is associated with the sandbars and beaches of the Yellowstone River. No least terns were observed in the project area and Dennis Flath (MDFWP Biologist) stated that there are no least terns in the project area. If any least terns are observed in the project area, the MDT Bureau Chief of the Resources Bureau should be contacted. Due to the scope of the proposed work and the location, it is determined that the proposed action is a “no effect” for the least tern and its critical habitat.

The conclusion of the Biological Resources Report is that this project will have **no effect** on any threatened or endangered species, proposed or listed.

Permits Required - The following permits will be acquired prior to any relevant disturbance: (see also the FEMA Floodplain Development Permit, following):

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.

This proposed project will require the following permit 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.

An Erosion Control Plan 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 Highway Construction Standard Erosion Control Workplan. 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.**, MDT will re-establish a permanent desirable vegetation community along all areas disturbed by the proposed construction. 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.

Prime Farmlands - A Farmland Conversion Impact Rating form (#AD-1006) was completed for this proposed project in accordance with the Farmland Protection Policy Act (FPPA - **7 U.S.C. 4201**, et seq.). The site does not contain prime, unique, statewide or local important farmland. Therefore, under 7 CFR 658.4 (c) no additional consideration for protection is necessary. A copy of this form is also attached.

Floodplains - A floodplain delineated under Federal Emergency Management Administration (FEMA) criteria along McGraw Coulee, Greasewood Creek and Porcupine Creek is encroached by this proposed project. Rosebud County administers this floodplain for FEMA, and a Floodplain Development Permit will not be required for this encroachment as per the Rosebud Co. floodplain Administrator (Dec. 17, 1999 letter, Carole Raymond to Delta Engineering).

The floodplain encroachments from this proposed project occur longitudinally from MP 259.2 to MP 259.9 and MP 261.4 to MP 262.6 and limited transverse encroachments at MP 260.8, MP 262.8 and MP 264.8. This proposed project will not promote or encourage development within this delineated

floodplain, nor increase flood liability hazards from its construction. This proposed project is therefore considered to be in compliance with E.O. #11988.

National Land and Water Conservation Fund Act (4(f) and 6 (f))

The West Rosebud fishing access site is adjacent to the project and has been identified as a 6(f)/4(f) applicable site. The project will not affect the fishing access site. The project will not affect the access approach road into the site and all work will be contained within the existing right-of-way in the area adjacent to the fishing access site.

Wetlands

This project will adversely affect approximately 3.01 acres (1.22 HA) of category 3 Wetlands. These wetlands will be filled as part of the road widening process.

Wetland impacts were minimized during the design process by steepening fill slopes in areas to avoid high quality wetlands and the Porcupine Creek streambed. Roadway alignment shifts to avoid the wetlands are not feasible due to the presence of large hillside cuts opposite and adjacent to the wetland areas.

Wetland Mitigation – a suitable wetland mitigation site will be required to replace the 3.01 acres (1.22 HA) of wetlands impacted by this project. A site west of and adjacent to the highway at MP 259.0 was identified during the field survey as an excellent site for wetland mitigation. The biological resources report for the project contains photo's and a description of the potential mitigation site. MDT will pursue potential mitigation at this location.

Historical/Cultural Resources

There is an existing Irrigation Canal (Hammond Irrigation Canal) adjacent to the existing roadway for approximately 3 miles of the project. The canal at times meanders into the existing MDT right-of-way and crosses the road in two locations. The canal is a previously recorded historic canal constructed in 1909. The canal is covered under a Programmatic Agreement (PA) between FHWA, SHPO, ACHP and the MDT. The project will not relocate the Canal in any area.

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)**).

Approximately 23.4 hectares of new Right-of-way will be needed for this proposed project. There will be utility involvement.

Cumulative Impacts

Glendive District 4 has the following project in the program on the same route as the subject project:

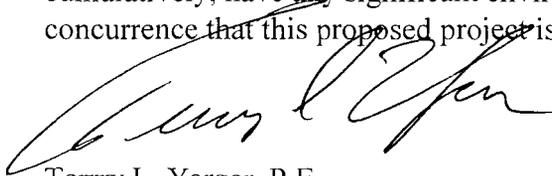
STPP 14-6 (8) 207
Rosebud County Line-East
Control No. 4060
Ready Date: December 1, 2003

This project is a total reconstruction project located approximately 50 miles west of the subject project on U.S. 12. The ready date for the Rosebud County Line-East project is 21 months later than the ready date for the Forsyth-Northwest project. The cumulative impacts will be minimal if the projects remain on schedule since construction overlap would be little to none. If the project schedules change and construction is concurrent, the travelling public on U.S. 12 would be impacted with two 10-12 mile construction projects in the Roundup to Forsyth travel area.

A news release was submitted to the Forsyth Independent – Enterprise on October 11, 1999. A public informational meeting was held in Forsyth on August 24, 2000.

The following were requested to be Cooperating Agencies on this proposed project under the provisions of 23 CFR 771.111(d): Montana Department of Fish, Wildlife & Parks, Montana Department of Natural Resources and Conservation, Montana Department of Environmental Quality. See attachments, for letters from cooperating agencies.

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.



Terry L. Yarger, P.E.
Engineering Bureau Chief
Environmental Services

Concur Darin Sunfell Date 6/7/01
Federal Highway Administration

Janice W. Brown
May 22, 2001
Page 7

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

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Attachments

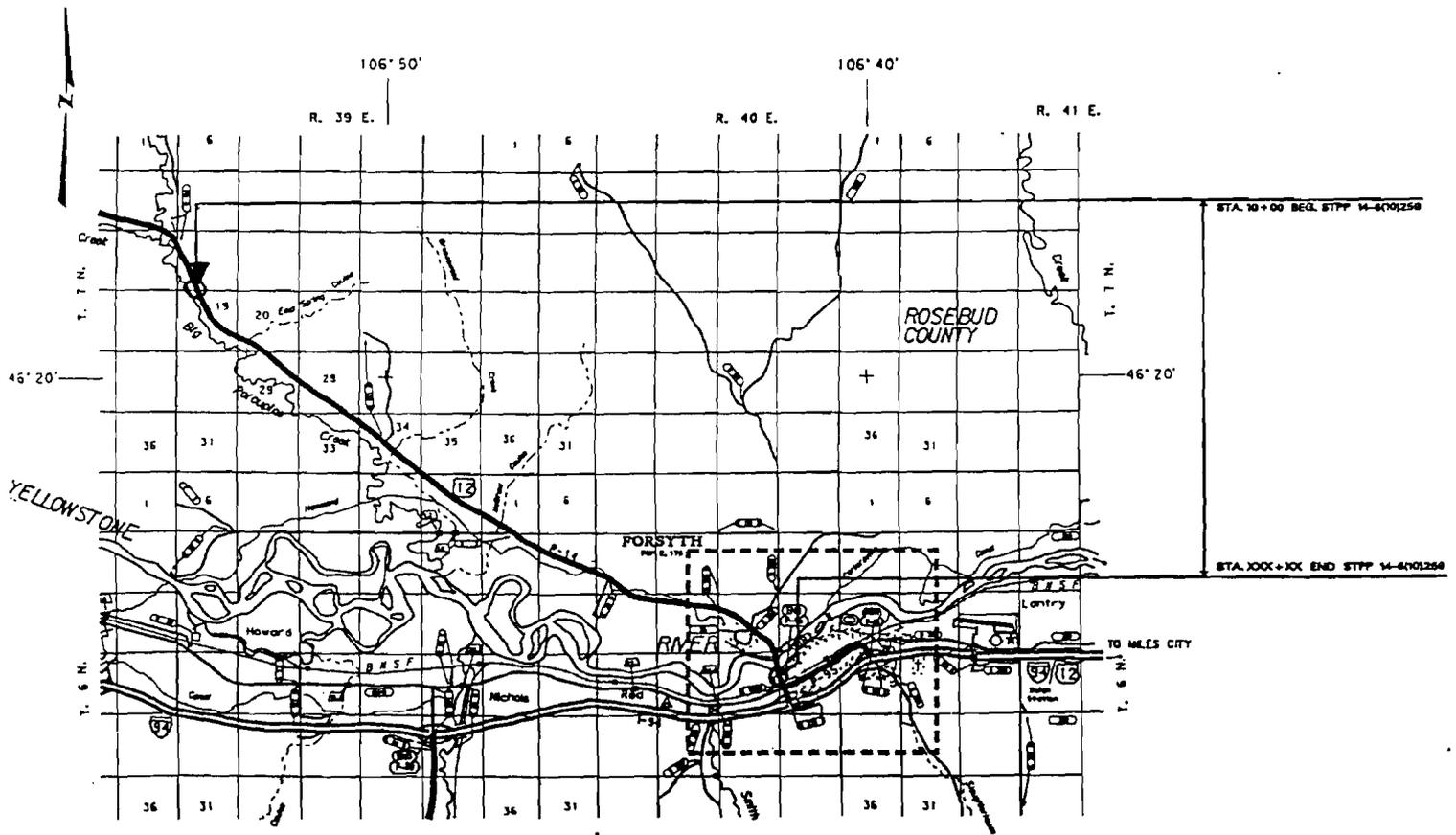
Cc: William L. McChesney – Glendive District Administrator
Carl S. Peil, P.E. – Preconstruction Engineer
Joseph P. Kolman, P.E. – Bridge Engineer
John Horton – Right-of-Way Bureau Chief
David W. Jensen, Supervisor – Fiscal Programming Section
Mark A. Wissinger, P.E., Supervisor – Contract Plans
Joel M. Marshik, P.E., Manager – Environmental Services
File

FEDERAL AID PROJECT NO. STPP 14-6(10)259

PMS OVERLAY, LEVELING

FORSYTH - NORTHWEST

ROSEBUD COUNTY



STPP 14-6(9)259

Project Wetland Mitigation Sites Map

(PPMS-OPX2 C#4059)

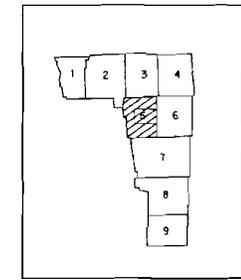
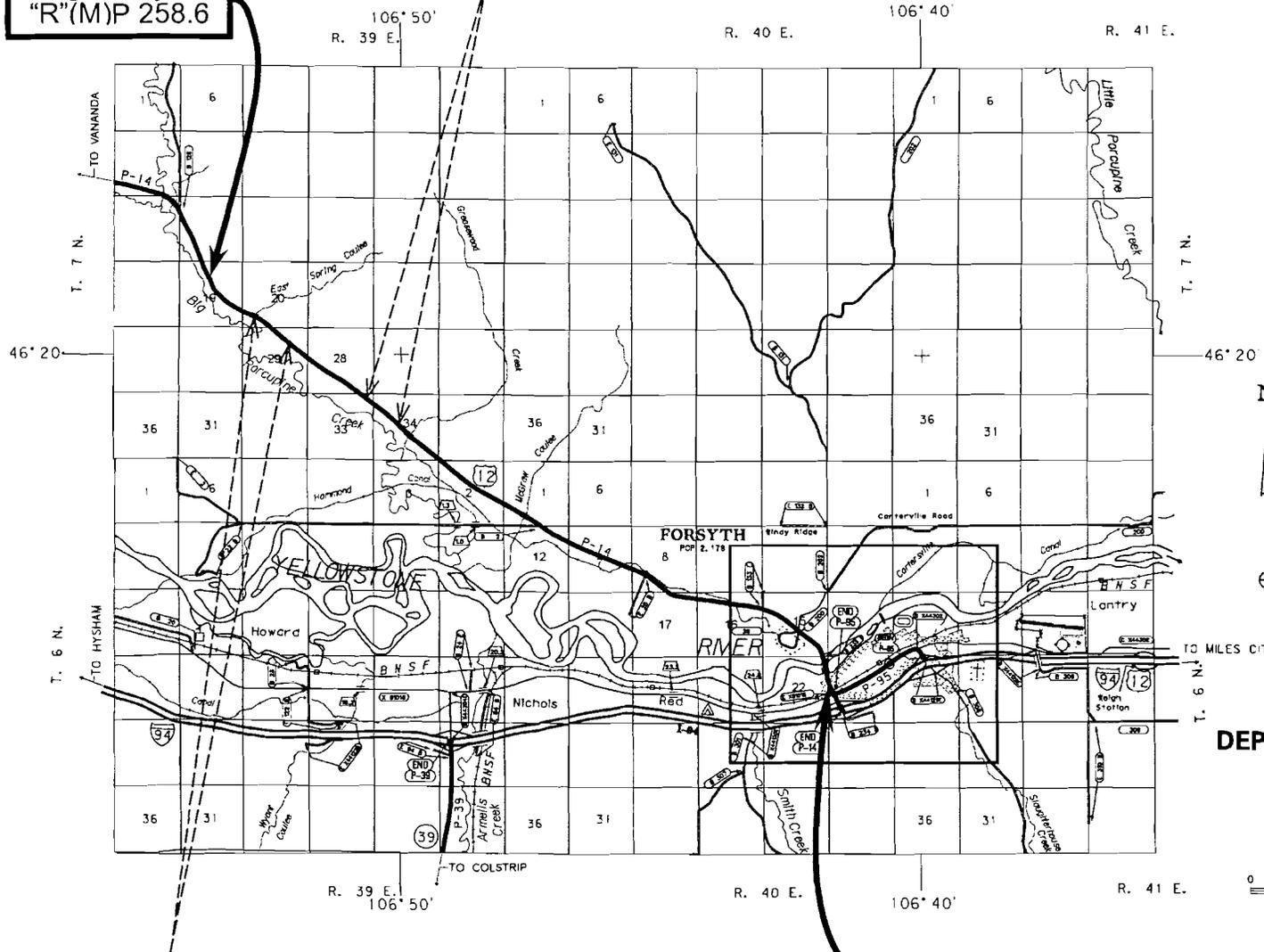
FORSYTH - NORTHWEST

ROSEBUD COUNTY

Minor Rehabilitation

Wetland Mitigation Site: P-14
"R"(M)P's 261.8 to 262.45

Begin Project:
"R"(M)P 258.6



Key to Sheets

MONTANA
ROSEBUD COUNTY

PREPARED BY THE
STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



Wetland Mitigation Site for
Volborg-N&S project: P-14
"R"(M)P's 258.85 to 260.2

End Project:
"R"(M)P 270.5

ROSEBUD COUNTY

December 17, 1999

Mr. John Juras, P.E.
Delta Engineering P.C.
2701-16th St. N.E.
P.O. Box 1481
Great Falls, MT 59403

Dear Mr. Juras,

This letter is to confirm our telephone call on Dec. 16th. The commissioners and I met to discuss your proposal for the improvement of US highway 12 north of Forsyth. We agreed that this would be of benefit for both the county and the highway.

We will need no other permits from you on this plan. Please let me know if there are any other requests that you might have in regards to this project.

Sincerely,



Carole Raymond
Floodplain Administrator

*12-20-99
Telecon w/ Carole Raymond
She is not aware of any photos, studies, or
other info pertinent to the project.
They do not need a flood study
for the proposed work.
JPP*

FLOODPLAIN DEVELOPMENT PERMIT

Name of Applicant Montana Department of Transportation Date 6-3-02
Address P.O. Box 201001, Helena, MT 59620 Phone 444-7655
Location of Proposed Development U.S. 12, Approx. 7 miles NW of Forsyth.

Description of Development

RECEIVED

- Residential Construction
- Non-Residential
- Mobile Home
- New Construction
- New Construction
- On Single Lot
- Addition or Improvements
- Addition or Improvements
- In Mobile Home Park
- Subdivision
- Fill
- Watercourse Alteration
- Other Highway Reconstruction

JAN 13 2006

ENVIRONMENTAL

Attach to the application the following information where applicable. Plans in duplicate, drawn to scale showing the nature, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required: (1) Mean Sea Level (MSL) elevation of the lowest floor (including basement) of all structures; (2) MSL elevation to which any structure is floodproofed; (3) certification by a registered professional engineer or architect that the floodproofing methods meet the community floodproofing criteria; (4) a description of the extent to which any watercourse will be altered or relocated, and (5) base (100-year) flood elevation data for a development or subdivision greater than 50 lots or 5 acres.

The following is to be completed by the Community Permit Official:

The proposed development is located in the Floodway Floodfringe
The Base Flood Elevation or depth number at the development site is: varies, see attached
Flood Plain Profile

Source Documents: Rosebud County Flood Hazard Boundary Map

Plan Review

MSL Elevation or depth number to which the structure is to be elevated: N/A feet.

MSL Elevation or depth number to which the structure is to be floodproofed: N/A feet.

All necessary information and certificates are attached.

Action

The proposed development is not in conformance with applicable Floodplain Management Standards (explanation attached). Permit is denied.

The proposal is not in conformance with applicable Floodplain Management Standards (explanation attached) and the application is referred to the Board of Adjustment for variance action.

I have reviewed the plans and materials submitted in support of the proposed development and find them in compliance with applicable Floodplain Management Standards. Permit is approved.

6-12-02
Date

Carol Raymond
Signature

Building Construction Documentation

The certified as-built MSL elevation of the lowest floor of the structure is _____ feet

The certified as-built MSL floodproofed elevation of the structure is _____ feet

Certificates of a registered professional engineer or land surveyor documenting these elevations are attached.

Certificate of Occupancy or Compliance Issued: _____

Date

Signature

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request MAY 22, 2000	
Name Of Project FORSTH - NORTHWEST SIPPY 4-L(1) 259		Federal Agency Involved FHWA - MDT	
Proposed Land Use HIGHWAY IMPROVEMENTS		County And State ROSEBUD, MONTANA	
PART II (To be completed by NRCS)		Date Request Received By NRCS MAY 22, 2000	

Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form).		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %			Amount Of Farmland As Defined In FPPA Acres: %	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System			Date Land Evaluation Returned By NRCS	

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	0.0	0.0	0.0	0.0

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

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

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

PART VII (To be completed by Federal Agency)	Maximum Points	Site A	Site B	Site C	Site D
Relative Value Of Farmland (From Part V)	100	0	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	0	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Reason For Selection:		

REMARKS NRCS: Prime farmland exist on soils (where irrigated) along route. If project does not affect currently irrigated land then no prime farmland in project site.

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Soil Conservation Service (SCS) local field office and retain copy D for their files. (Note: SCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the SCS State Conservationist in each state).

Step 3 – SCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step 4 – In cases where farmland covered by the FPPA will be converted by the proposed project, SCS field offices will complete Parts II, IV and V of the form.

Step 5 – SCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for SCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

Part I: In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

Part III: In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in §658.5(b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points", where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points; and alternative Site "A" is rated 180 points:

Total points assigned Site A = $\frac{180}{200} \times 160 = 144$ points for Site "A."

Maximum points possible 200



United States
Department of
Agriculture

May 25, 2000

Natural
Resources
Conservation
Service

Forsyth Field Office
270 South Prospect
P. O. Box 1200
Forsyth, MT
59327-1200

To: Delta Engineering
c/o Rick Wess
P.O. Box 1481
Great Falls, MT 59403

Subject: Prime Farmland Determination

Dear Rich,

Attached is the information we discussed on the telephone today. I highlighted the areas of potential prime farmland that would be affected if irrigated land were in the construction zone.

I filled out the Farmland Conversion Impact Rating by checking no in part II based on what you said about no currently irrigated land being affected by the highway project.

If you have any questions feel free to stop in the office anytime or call at 406-356-7333 ext. 107.

Sincerely,

A handwritten signature in black ink, appearing to read "Rocky Schwagler". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rocky Schwagler
District Conservationist

Enclosure

FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS

MASTER FILE
NRCs-CPA-106
COPY (Rev. 1-91)

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request	4. Sheet 1 of <u>1</u>
1. Name of Project FORSYTH - NORTHWEST		5. Federal Agency Involved Dept. of Transportation-Federal Highway Administration	
2. Type of Project Overlay + Widen w/partial ReConstruction		6. County and State Rosebud, Montana	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS	2. Person Completing Form
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated Average Farm Size	
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: %	7. Amount of Farmland As Defined in FPPA Acres: %	
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	40			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0			
C. Total Acres In Corridor	305	0	0	0

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

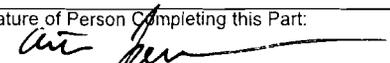
PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points				
1. Area in Nonurban Use	15	14			
2. Perimeter in Nonurban Use	10	9			
3. Percent Of Corridor Being Farmed	20	17			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	0			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	1			
8. On-Farm Investments	20	2			
9. Effects Of Conversion On Farm Support Services	25	2			
10. Compatibility With Existing Agricultural Use	10	0			
TOTAL CORRIDOR ASSESSMENT POINTS	160	45	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	100			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	45	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	145	0	0	0

1. Corridor Selected: A	2. Total Acres of Farmlands to be Converted by Project: 40	3. Date Of Selection: 09-May-06	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
-----------------------------------	--	---	---

5. Reason For Selection:
Under the provisions of 7 CFR 658.4(c), part (2) "(s)ites receiving a total score of less than 160" (will) "be given a minimal level of consideration for protection and no additional sites" (need) "be evaluated."

Signature of Person Completing this Part:  DATE **09-May-06**

NOTE: Complete a form for each segment with more than one Alternate Corridor

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected - 20 points
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?

(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)
As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points



DELTA ENGINEERING P.C.
CONSULTING ENGINEERS
2701-16th ST. N.E.
P.O. BOX 1481
GREAT FALLS, MT 59403
(406) 727-3687

May 25, 2000

Jeff Ryan, Water Quality/Wetland Specialist
Permitting & Compliance Division
Department of Environmental Quality
Lee Metcalf Building
1520 East Sixth Avenue, P.O. Box 200901
Helena, MT 59620-0901

Subject: STPP 14-6 (NP) 259
Forsyth – Northwest
Control No. 4059

Information is requested from the DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) for the environmental documentation on this proposed highway project. Attached is a copy of the Preliminary Field Review Report describing this proposed project, and one copy of its Project Location Map.

Please indicate if the DEQ has any waterbodies (i.e., streams or lakes) listed on the 305(b) report published for the State of Montana that may be affected by this proposed project. Also, indicate whether such streams or lakes are called “water quality limited” and are in need of Total Maximum Daily Load (TMDL) development. We would also like you to identify in your response what parameters are present that may be limiting water quality in the waterbody that is affected by this proposed project.

If there is any additional pertinent information available at this time from DEQ that would be useful for MDT in the development of this proposed project’s design and preparation of the environmental documentation, please include it. This information may include stream classifications in this proposed project’s vicinity, wetlands, unique “problems” or items of concern, management goals, etc. statements on these matters will result, if necessary, in further inter-agency coordination to avoid or minimize potential project impacts. If no written response is received within forty-five (45) calendar days, we will assume DEQ has no concerns about this proposed project.

If there are any questions, please contact Delta Engineering at (406) 727-3687.

Richard West, P.E.
Project Engineer

No RESPONSE RECEIVED

RW/js Fyth4059-3

Encl.

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
MILES CITY



MARC RACICOT, GOVERNOR

TELEFAX: (406) 232-3807
321 MAIN STREET

STATE OF MONTANA

EASTERN LAND OFFICE
PO BOX 1794
MILES CITY, MT 59301-1794
(406) 232-2034 OR 2045

CONSERVATION & RESOURCE DEVELOPMENT DIVISION
PO BOX 276
MILES CITY, MT 59301-0276
(406) 232-6359 OR 6460

June 15, 2000

Richard West, P.E.
Project Engineer
Delta Engineering P. C.
PO Box 1481
Great Falls, MT 59403

Subject: STPP 14-6(NP)259
Forsyth - Northwest; Control No. 4059

Dear Mr. West:

Thank you for sending me a better map of the project, it did however highlight the Federal lands instead of the State lands involved. I was able to use it though to determine that the only State land involved would be those lands lying within the low water marks of the Yellowstone River. It appears the only impact would be replacing some railing and doing a new seal and cover on the existing bridge.

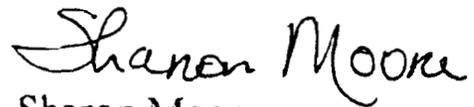
In reviewing our records we were unable to locate an easement for the bridge crossing the Yellowstone River. If MDT has one on record we would appreciate receiving a copy of it. If an easement can not be located then MDT would need to secure one.

The following responses are to your specific questions:

- There are no known cultural sites or concerns for this proposed project.
- There are no active mineral leases or mining activities in the project vicinity.
- No specific leases or lands are present that should be adversely impacted.
- No merchantable timber is present.
- We are not aware of any lands that have present or planned usage under *Section 4(f)* of the 1966 *Department of Transportation Act* (49 U.S.C. 330). This site also is not eligible for inclusion, or in the National Register of Historic Places (under *Section 106* of the *National Historic Preservation Act*, 16 U.S.C. 470).
- We have no record of any land in the project vicinity having been purchased or administered for recreational purposes under *Section 6(f)* of the *National Land & Water Conservation Act* (16 U.S.C. 460).
- We have no additional plans for projects at this time.

Thank you for contacting us to be a cooperating agency. If you need any additional information please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Moore".

Sharon Moore
Land Use Specialist

CC: Lisa Axline, Right-of-Way Specialist, Helena



Montana Fish, Wildlife & Parks

1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620-0701
July 10, 2000

Richard West P.E.
Delta Engineering P.C.
P.O. Box 1481
Great Falls, MT 59403

RE: STPP 14-6 (NP)
Forsyth – Northwest
Control No. 4059

Dear Mr. West:

We have reviewed your above-mentioned proposed project area and would like to bring to your attention the existence of West Rosebud Fishing Access Site in the vicinity of the project you are planning in the Forsyth area. Attached for your information is a map of West Rosebud FAS.

This site was developed with the assistance of federal money through the Land and Water Conservation Fund therefore section 6(f) of the National Land and Water Conservation Fund Act would apply. Additionally section (4) f would also apply to this site. If any part of the site will be affected by your project, we will have to work to mitigate any impacts. I would ask that you keep FWP Regional Supervisor Don Hyypa informed as this project progresses. Mr. Hyypa can be contacted at (406) 232-0900 or FWP Region 7 PO Box 1630, Miles City MT. 59301.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Soderberg". The signature is written in a cursive, flowing style.

Ken Soderberg
LWCF Program Officer
Parks Division

Attachment

C: Joel Marshik- MDOT
Don Hyypa FWP Region 7

J. Marshik

Montana Department of Transportation
Helena, Montana 59620-1001

MASTER FILE
COPY

Memorandum

To: Gary A. Gilmore, P.E., Administrator
Highways and Engineering Division

From: *for* Carl S. Peil, P.E.
Preconstruction Engineer *Peil*

Date: December 12, 2000

Subject: STPP 14-6(9)259
Forsyth – Northwest
C. N. 4059

RECEIVED

DEC 13 2000

ENVIRONMENTAL

The Scope of Work Report for the subject project is attached with concurrence from Bob Fischer, Kent Barnes, Joe Kolman, John Blacker, Joel Marshik, Bill McChesney, and Bob Tholt. Pat Saindon does not concur.

Kent Barnes questions the use of PG 70-28 as a binder for the RAP mix material. His recommendation is to use a softer binder (PG 58-28). Glendive District concurs with this recommendation. PG 58-28 will be specified.

Joe Kolman recommends that the Yellowstone River bridge deck seal and cover be deleted, as the inspection files suggest that the existing wearing surface is in good Condition. The Glendive District has inspected the bridge deck surface and recommends that the seal and cover be left in. The existing seal and cover placed by maintenance some time ago is beginning to come off and is in need of repair. The District believes that a new seal and cover treatment is the best remedy for the deteriorated surface. Joe Kolman agrees with the District's recommendation, so the bridge deck seal and cover will be included in the Project.

Pat Saindon does not concur and states "the estimate and scope are significantly higher for no apparent reason. The Pavement Management System states that the Project was a "do nothing" or "thin-life overlay" scope. Now it appears we are doing a major rehab. The Project needs to match originally nominated scope."

Following discussions with Jeff Ebert, Planning now concurs with the proposed scope. The project was originally nominated as a widen and overlay project with bridge/culvert replacement. The original estimate for this project was \$2.8 million, whereas the current estimate is now at \$7.4 million. The original estimate was likely too low and did not adequately reflect all of the required bridge/culvert replacements and drainage/irrigation work. In addition, at the Preliminary Field Review, the decision was made to raise the grade for a section of the roadway about 1 meter to prevent frequent overtopping. As a result of comments from the public, a pedestrian structure for the Yellowstone River Bridge was added to the scope of work subsequent to the Preliminary Field Review. The above-mentioned items add significantly to the cost and account for most of the difference between the two estimates. The currently proposed scope does only what is considered necessary to bring this section of roadway up to current standards and

Gary A. Gilmore
Page 2
December 12, 2000

correct the numerous deficiencies. The \$7.4 million estimate was updated by Delta Engineering on December 1, 2000, and is now \$6.85 million. A copy of this most recent estimate is attached.

Joel Marshik asks that on page 6 of the report under the hydraulics section that "Great Porcupine Creek" be corrected to read "Big Porcupine Creek."

Joel also asks that on page 8 under Environmental Considerations that the words "very small" in the third sentence be deleted.

Bill McChesney recommends that the existing bituminous curb be removed at the south end of the Yellowstone River Bridge and new curb installed to match the replaced guardrail.

Regarding the proposed pavement design, Bill makes the following recommendations:

The hot recycle ratio should be 25/75 rather than 40/60.

The asphalt binder for the recycle material should be PG 58-28 rather than 70-28.

The plant mix overlay material should be Grade D.

The milled material should be used for the shoulder widening gravel.

The Materials Section is in agreement with these recommendations.

Under Safety Enhancements on page 7 of the Report, Bill recommends that a walkway behind the replaced guardrail at the Yellowstone River Bridge needs to be included in the project to provide access to the proposed pedestrian walkway on the bridge.

Under Miscellaneous Features on page 7 of the Report, Bill notes that there are a few approaches that will need to be relocated to provide improved access to U.S. 12.

Under the Utilities/Railroad Section of the report on pages 8 and 9, Bill notes that there are utilities attached to the Yellowstone River bridge that may need to be adjusted to accommodate the proposed pedestrian walkway.

Bill states that he has concerns regarding the significant increase of the project cost. He believes that some unit prices on the current estimate may not reflect current similar costs in the Glendive District. The cost estimate has been revised and is attached.

Bob Tholt asks why we need plant mix leveling quantities if we are milling off the surface. The Glendive District has requested that a quantity for leveling be included to repair localized areas of the roadway where settlement has occurred, over culverts where settlement has occurred, etc.

Bob asks if the proposed recycled asphalt pavement section is the most cost efficient alternative. He suggests pulverizing the full depth of the existing pavement, spreading the pulverized material over the widened sections, and then placing new plant mix. This alternative was one of the alternatives investigated by the Consultant and was

Gary A. Gilmore
Page 3
December 12, 2000

determined to be slightly higher in cost than the recommended alternative.

Bob asks if the 30mm of existing plant mix left after the milling operation will break up during construction activities. The Glendive District believes that 30mm is the minimum thickness that can be left and still maintain traffic and construction equipment over it. Care will need to be exercised during construction, and any areas damaged as a result of traffic or construction activities would need to be repaired prior to new plant mix being placed.

Bob asks why we are providing seal and cover on the Yellowstone River bridge deck. See the response to the same comment made by Joe Kolman.

Bob asks if the existing irrigation/drainage culverts have been inspected for condition. All culverts have been inspected. Those not meeting pipe life requirements will be replaced.

With your approval, we will proceed with the design in accordance with the attached Report and the recommendations described in this memo.

Approved  Date 12/12/00
Gary A. Gilmore, P.E., Administrator
Highways and Engineering Division

1200.sgc

Attachment

Cc: J. A. Walther
W. L. McChesney, w/attach
C. S. Peil
R. D. Morgan
R. E. Fischer
K. Barnes
J. P. Kolman
D. J. Blacker
P. Saindon
J. M. Marshik
R. D. Tholt
D. P. Dusek
D. R. McIntyre
FHWA
D. W. Jensen
S. A. Naseem, w/attach
Precon File, "
Delta Engineering

Montana Department of Transportation
 Helena, Montana 59620-1001

MASTER FILE
 COPY

Memorandum

To: Distribution
 From: *Jan* Carl S. Peil, P.E.
 Preconstruction Engineer *eburg*
 Date: October 27, 2000
 Subject: STPP 14-6(10)259
 Forsyth - Northwest
 C. N. 4059
 Work Type 160 - Minor Widening

RECEIVED
 NOV 01 2000
 ENVIRONMENTAL

The Scope of Work Report for the subject project is attached. We request that those on the distribution review this Report and submit their concurrence by 11/14/00.

Your comments and recommendations are also requested if you do not concur or concur subject to certain conditions.

When all the personnel on the distribution list have submitted their concurrence, this Report will be submitted to the Administrator, Highways and Engineering Division, for final approval.

1000.sgc

Distribution:

- R. E. Fischer, w/attach
- K. Barnes, "
- J. P. Kolman, "
- D. J. Blacker, "
- P. Saindon, "
- ✓* J. M. Marshik, "
- W. L. McChesney, "
- R.D. Tholt, "

I Recommend Approval

Julie M. ...
 Date November 14, 2000

- Cc: G. A. Gilmore,
 C. S. Peil,
 R. D. Morgan,
 D. P. Dusek,
 D. R. McIntyre,
 S. A. Naseem,
 D. W. Jensen,
 FHWA,
 Precon File,
 Delta Engineering
Walt Scott,

Walt Scott

Return To T.A. When "Initials Column" Completed By ASAP

Comments?	Y	N	Initials/Date
Biological	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>JSP 11/14</i>
Cultural	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>JSP 11/14</i>
Haz Mat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>JSP 11/14</i>
Erosion Control	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>JSP 11/14</i>

Pg. 6, 899

*

FORSYTH – NORTHWEST
STPP 14-6(10) 259 CN 4059

SCOPE OF WORK REPORT

1. PROPOSED SCOPE OF WORK

The proposed scope of work for this project is to widen and overlay the existing roadway to a new 9.2 m width. The project also involves reconstruction of a localized area, slope flattening, replacement of existing timber bridges with culverts and addition of a pedestrian walkway to the bridge over the Yellowstone River at Forsyth. The reconstruction area is approximately 4 km in length with the remaining 15 km of the project receiving the widen and overlay treatment.

The existing alignment will be used which will result in less adverse impacts to the environment than any alternate alignment. The reconstruction area was selected for a 1.0 meter grade raise to help mitigate periodic flooding problems.

2. PROJECT LOCATION AND LIMITS

The location of the proposed project is on U.S. Highway 12 in Rosebud County. U.S. Highway 12 is classified as a minor arterial. It begins approximately 19 kilometers northwest of Forsyth (MP 258.7) and proceeds 19 kilometers southeasterly to the SE end of the bridge over the Yellowstone River at Forsyth (MP 270.5). The project roadway was originally constructed under 3 separate as-built projects: F-328(18), F-328 (c), and F-384(2). Adjacent as-built projects include F-328 (16) and F1-135.

3. PHYSICAL CHARACTERISTICS

The project proceeds through rolling terrain used primarily for grazing, dryland and irrigated farming.

The existing roadway was constructed under 3 separate contracts. Beginning at the northwest end of the project and proceeding southeasterly, the first two contracts were constructed in 1954 and received a plant mix overlay in 1992. These contracts extend from RP 258.7 to 265.1. The surfacing consists of 381 mm of base gravel and 96 mm of bituminous surfacing placed to a 7.3m finished top width.

The existing pavement is in fair condition with minor rutting and distortion. The pavement also exhibits typical thermal cracking.

The third contract, extending from RP 265.1 to 270.5, was constructed in 1957 and received a plant mix overlay in 1975. The surfacing consists of 381 mm of base gravel and 76 mm of plant mix placed to a 9.75 m finished top width. This segment of the project exhibits substantially more cracking than the first 10.3 km of the project. Rutting and distortion are minor.

The existing cut and fill slopes do not meet the current criteria for minor arterials.

The existing horizontal alignment meets the criteria for a 100 km/h design speed having a minimum radius of horizontal curvature of 698.6 m. None of the horizontal curves have transition spirals.

The vertical alignment provides the desirable stopping sight distance (SSD) for a 90 km/h design throughout the project with the exception of 1 crest vertical curve that provides the minimum SSD for a 90 km/h design speed. The maximum grade on the project is 4.2%.

There are 8 timber bridges on the project which were constructed in 1937 and provide a 7.1 m roadway width. The length of the bridges varies from 3.7 m to 29.3 m.

4. TRAFFIC DATA

1999 ADT	=	350	All Trucks	=	43.6%
2019 ADT	=	420	8165 kg ESAL's	=	23.13
DHV	=	60	growth	=	1.0%
D.	=	55-45%			
T.	=	11.1%			
V.	=	90 km/h			

5. ACCIDENT HISTORY

The accident analysis for the project provided by MDT covers the period October 1, 1988 through September 30, 1998. The accident history is as follows:

A. There were a total of 34 investigated accidents during the study period.

B. The types of accidents were listed as follows:

Domestic animal accidents	-	8/34
Wild animal accidents	-	4/34
Single vehicle overturn	-	8/34
Rear-end	-	3/34
Sideswipe OD	-	2/34
Sideswipe SD	-	1/34

C. There are no existing accident clusters on the project.

D. All vehicles accident rate = 2.49
 All vehicles severity rate = 5.63
 All vehicles severity Index = 2.26

E. Truck accident rate = 1.51
 Truck severity rate = not listed

F. Statewide averages for Rural Primary System
 Statewide all vehicles severity index = 2.55
 Statewide all vehicles severity rate = 3.38

G. There were 6/34 (17.7%) truck/tractor accidents on the project versus a statewide average of 10.6% for State Primary Highways where truck traffic ADT is 12.3%.

There were 8/34 (23.53%) domestic animal accidents which is much higher than normal even though no statewide averages are listed.

H. Fencing as required by State law should help reduce domestic animal accidents.

The project includes shoulder widening, slope flattening, delineation and striping, which should improve traffic safety.

6. MAJOR DESIGN FEATURES

A. Design Speed

The Design Speed is 90 km/h for the entire project length. The posted speed limit is 70 miles/hr. (112 km/h).

B. Horizontal Alignment

The existing horizontal alignment will be used throughout the project length. Transition spirals will be incorporated into all appropriate curves. All curves will meet the criteria for the 90 km/h design speed after the addition of spiral transitions. The one curve in the reconstruction area (STA. 66+82) will match the existing curve with a curve radius rounded to the nearest 5 m.

All other curves will have calculated radii rounded to three decimal places as per sec. 9.6.3.2 of the RDM. The project stationing begins at 10+00 with the bridge beginning at STA. 197+00 and the project ending south of the bridge at approximately STA. 202+00.

C. Vertical Alignment

The existing vertical grades are generally very flat with some gentle rolling grades that range from - 2.7 % to 4.2%.

The existing vertical grades are generally maintained throughout the project length. The road elevation is raised 95 mm throughout the overlay area due to the new thickness of surfacing overlay. The grade is raised 1.0 m in the reconstruction area to help prevent overtopping during flood events.

There are two grades on the project which slightly exceed the 4% design standard grade:

STA. 14+87 - STA. 18+52 - + 4.120% grade
STA. 176+03 - STA. 186+40 - + 4.196% grade

To reduce either of these two grades to 4% would require reconstruction of large areas of the roadway. Both areas also have significant cut slopes at the top of the grade which would have to be expanded in order to accommodate the grade reduction.

A design exception will be requested for the two grades greater than 4%.

D. Typical Sections

The new typical section for the overlay and reconstruction areas consists of 1.0 m shoulders and two (2) 3.6 m driving lanes which provides a total top width of 9.2 m. The roadway south of the Yellowstone River will receive an overlay treatment only with no shoulder widening. The Yellowstone River bridge deck will receive a seal and cover only.

Station 10+00 (B.O.F.)-	197+00	-	Construct 9.2 m top width
Station 197+00	-	199+50	- Bridge Deck (seal and cover)
Station 199+50	-	202+00 (E.O.P.)	- overlay only - no widening.

The project length south of the Yellowstone River bridge has guardrail on both sides of the roadway which will be replaced as part of this project.

All surfacing will have a 6:1 inslope.

E. Surface Design

1. Soils Report

The subsurface soils along the route can be divided into two basic subgrade types. From STA. 10+00 to STA. 118+00, the subgrade soils consist of predominantly A-6 and A-7-6 soils. From STA. 118+00 to the Yellowstone River bridge, the subgrade soils are predominantly A-4 and A-2-4 materials. The A-6 and A-7-6 soils were assigned a default R-value of 5 according to MDT procedures and the A-4 and A-2-4 soils yielded test R-values ranging from 12 to 58.

Groundwater was detected in only one of the 32 test borings for the project although many of the borings encountered very moist conditions, approaching saturation, at depths below 1.5 – 2 meters. The borings were completed in the months of October – November which means irrigation ditches were empty at the time. Shallow groundwater would probably be encountered over much of the project in some months as most of the project has adjoining irrigated croplands.

Tests of the existing bituminous surfacing indicated that the existing surface would be suitable for either overlay or milling and recycling.

Tests of the existing base course indicated that approximately half of the borings contained gravel within the current gradation limits for Type A, grade 2 gravel. None of the gravel is crushed and yielded R-values ranging from 58 to 66.

2. Proposed Pavement Design

Surfacing for the project will be as follows:

a. Surfacing for Overlay Areas (STA. 10+00 – 32+00, STA. 72+00 – 197+00)

- Mill 60 mm of existing plant mix, leaving an average of 30 mm of plant mix.

- Cut existing crushed base course from existing shoulder down to subgrade at a 3:1.
 - Blend millings with virgin aggregate (Grade D) in 40/60 ratio and add 4.5% Asphalt Binder (PG. 70-28)
 - Surface roadway with 90 mm of the RAP mix with a 65 mm overlay of virgin plant mix.
 - Surfacing inslopes will be 6:1 throughout the project. Shoulder gravel will be required to complete the widening.
 - A quantity of plant mix will be added to the “add. surfacing” frame for “adjust super”.
 - A quantity of 170 metric tons/km of plant mix will be added to the Add. Surfacing Frame to provide a leveling course.
- b. Surfacing for Reconstruction Area (STA. 32+00 – 72+00)
- Scarify existing roadway, fill to subgrade elevation with $R_{\geq 5}$ material.
 - Surfacing will consist of 545 mm crushed base course and 90 mm plant mix.
 - Surfacing inslope will be 6:1.
- c. Surfacing for Bridge Deck (STA. 197+00 – 199+50)
- The bridge deck will receive a seal and cover treatment only.
- d. Surfacing for Roadway South of Bridge to E.O.P. (STA. 199+50 – 202+00)
- Place 100 mm overlay over the existing roadway surface with no widening provided. The project will end at the new guardrail warrant at the departure end of the bridge.

F. Grading

The project will be predominately a borrow job with approximately 95,000 m³ of off-site borrow required. Slope flattening and widening throughout the overlay area along with the 1 meter grade raise in the reconstruction area create the demand for borrow soil. There are minor areas of cut that will be required to lay back snow slopes or to construct standard ditch sections and backslopes. Borrow soil is readily available in the area and the adjacent abandoned railroad embankment is a potential borrow site.

G. Slope Design

The majority of the project length will be designed using standard cut and fill slopes. There are several areas that will contain non-standard slopes as described below:

STA. 10+00 – 13+60 Left

The standard back-slopes throughout the area call for 2:1 or 3:1 slopes using the current criteria. A 1½:1 Back-slope will be utilized in this area to avoid disturbing a large rock outcropping and potentially destabilizing the slope.

STA. 123+00 – 126+60 Left

This area has an existing cut slope 40-45 meters in height at a 1½:1 slope. The existing cut consists of a rocky, partially revegetated slope with bedrock exposures evident in many areas. The slope as it exists has managed to produce a respectable vegetative cover in the 50 years since it was originally cut and is relatively stable. The district occasionally cleans debris out of the ditch. The consensus of the Alignment and Grade Review attendees was that it would be preferable to utilize a truncated ditch section which would eliminate disturbance of the slope. The narrow ditch that would be constructed would require regular maintenance but it was felt that it would be preferable to installing a standard ditch and destroying the fairly stable established vegetation on the slope.

H. Geotechnical Consideration

Based on the fact that no significant modifications are planned to the vertical alignment, except for the 1 meter grade raise in the reconstruction area, we do not expect slope instability will occur for new fills placed using normal ranges of side slopes. Locations where high, steep cut faces occur within the right-of-way correspond to rock outcrops. Some of these will probably require rock ripping or blasting to flatten the slope.

I. Hydraulics

Significant hydraulic improvements are planned for this project. The highway profile will be raised approximately one meter for 1.9 km where Great Porcupine Creek periodically overtops the highway. All existing timber bridges will be replaced with concrete box culverts sized to match or increase the capacity of the existing bridge openings. Replacement box culverts will pass a 50 year design flood without overtopping the highway at all locations except McGraw Coulee, STA. 109+98. Preventing overtopping at this location would require extensive off right-of-way improvements which are not appropriate for this project. Existing irrigation and drainage culverts will be abandoned, extended, upsized and/or relocated.

There are several existing irrigation culverts which have ends located well within the existing right-of-way. Extending the culverts to a location outside of the right-of-way was analyzed and rejected as an option due to the excessive culvert lengths required, the conflicting ditch alignments and the fact that the existing ends will remain outside of the new clear zone.

The Hammond Irrigation Canal is located within the existing right-of-way in various locations along the project length for a total encroachment length of approximately 1,000 meters. The Irrigation Ditch does not encroach into the clear zone in any area nor does it create a situation requiring guardrail therefore the decision was made to not relocate the Canal outside of the right-of-way. Relocating the ditch would be very difficult due to the topography of the encroachment areas.

An October 21, 2000 Memorandum from the Glendive District (McChesney to Naseem) concurs with the above recommendations to not remove the irrigation culvert ends and Hammond Ditch outside of the right-of-way.

J. Bridges

There are seven bridges and one timber stockpass on the project along with the steel bridge over the Yellowstone River at Forsyth. All of the timber bridges span small ephemeral drainages. Each of the timber bridges will be replaced with culvert pipes. The timber stockpass will be replaced with a new concrete stockpass.

The bridge over the Yellowstone River will have a pedestrian walkway added on to the downstream side of the bridge. Bridge rail and the guardrail on the bridge approaches will be upgraded to current standards. The bridge deck will receive a seal and cover treatment only.

K. Safety Enhancements

The major safety improvement on the project will be accomplished by providing at least a 4:1 (recoverable) slope, 6:1 where practical and in accordance with current criteria. Other safety improvements are as follows:

- Removal of 8 narrow timber bridges that do not have crashworthy rail with culverts.
- Replacement of the Yellowstone River bridge rail and approach guardrail with crashworthy rail.
- Removal of existing wooden and cable guardrail on the hill at STA.'s 17+00 – 20+00 RT. This area does not attain the guardrail warrant value.
- Installation of a pedestrian walkway onto the Yellowstone River bridge.

L. Traffic

There are no major intersections, traffic signals, lighting or special marking on the project. All signs on the project will be replaced.

M. Miscellaneous Features

- Existing "undeveloped" turn-out areas on the project length will be eliminated.
- There are no mailboxes on the project.
- There is an existing timber stockpass on the project which will be removed. The landowner wishes to perpetuate the stockpass, therefore a stockpass study will be completed..

7. DESIGN EXCEPTIONS

The design exceptions which will be requested for this project are as listed below. These exceptions have not been formally approved at this time.

A. Maximum Grade – Vertical Alignment

There are two grades on the project which are slightly greater than the 4% design standard:

STA. 14+87 - STA. 18+52 - + 4.120% grade
STA. 176+03 - STA. 186+40 - + 4.196% grade

B. Earth Cut Section

- STA. 123+00 to 126+60 left – a ditch width reduction will be requested to avoid a rock outcropping and disturbance of a stabilized slope.
- STA. 10+00 to 13+60 left – a non-standard backslope of 1½:1 slope will be used in areas that call for 2:1 or 3:1 slopes to avoid cutting into a massive rock outcrop.

C. Earth Fill Slopes

Earth fill slopes steeper than the standard will be utilized in several areas to avoid Porcupine Creek, High Quality Wetlands, and the Hammond Irrigation Ditch. The steepened slopes will be outside the clear zone in all cases.

8. RIGHT-OF-WAY

The project will not have limited access control.

Existing Right-of-Way widths vary widely throughout the project with the majority of the widths within the 15.2 – 21.3 meter range.

Additional right-of-way will only be required in limited areas on the project. Total new right-of-way required will be approximately 1.9 ha. Wherever new right-of-way is required, a minimum width of 25 meters will be acquired. Existing right-of-way will be remonumented wherever new right-of-way ties in or wherever irrigation facilities are being relocated outside of the right-of-way.

9. UTILITIES/RAILROADS

There is no railroad involvement on the project.

Utilities on the project include underground and overhead power, telephone, and cable TV. Some of the underground power and TV cables are in conflict with the design and will have to be relocated. All of the overhead poles are located outside of the clear zone.

S.U.E. Excavations have not been completed on the project and the consultant does not feel they are justified on this project as underground utilities will be relocated in most areas.

10. ENVIRONMENTAL CONSIDERATIONS

The only major environmental concern on this project is related to the proximity of Porcupine Creek and its floodway to the project. The design of the project will avoid disturbance of the channel at the one location where the creek is directly adjacent to the roadway by utilizing steepened fill slopes. Several ~~very small high quality~~ wetland areas will ~~also~~ be avoided by using non-standard fill slopes.

Delete

Del.

Delete

There are various ~~other low quality~~ wetlands which will be affected by the project as documented by the Biological/Wetlands Report completed for this project. A preliminary categorical exclusion has been prepared and submitted for the project.

11. TRAFFIC CONTROL

Traffic control during construction will consist of maintaining 1 lane of traffic open at all times. Temporary detours will be constructed at each timber bridge location. No other detours will be necessary.

12. PUBLIC INVOLVEMENT

A public informational meeting was held August 24, 2000 in Forsyth, invitational letters were sent to each landowner and public notices posted in the newspapers. A summary of each comment received at the meeting was prepared by the consultant and submitted to MDT.

Public response to the project was very positive overall.

Some concerns were expressed about semi-truck traffic accessing the highway from inadequate farm/field approaches. There were also several questions concerning the effect of the project on the irrigation facilities adjacent to and within the MDT right-of-way.

13. COST ESTIMATE

The most recent construction cost estimate is attached.



Montana Department of Transportation

2005 191603

Jim Lynch, Director
Brian Schweitzer, Governor

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

MAS FILE COPY RECEIVED
OCT - 7 2005

September 15, 2005

ENVIRONMENTAL

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

EX-SHPO

- Josef
- MDT
- Forsyth — Northwest (Addendum)

Subject: STPP 14-6(9)259
Forsyth – Northwest (addendum)
Control No. 4059

Dear Mark:

Enclosed is an addendum to the 1999 cultural resource report and CRABS for the above project in Rosebud County. Ethnoscience discovered no historic properties within the designated survey area. We agree with its findings and request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

**CONCUR
MONTANA SHPO**

DATE 6 Oct 05 SIGNED *Josef J. Warbank*

Enclosures

cc: Ray Mengel, P.E., Glendive District Administrator
Tom Martin, P.E., Consultant Design
Bonnie Steg, Resources Section



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

SHPO Jim Lynch, Director
Brian Schweitzer, Governor

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November 9, 2005

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DEC 05 2005

ENVIRONMENTAL

Josef
MDT
Forsyth-NW

Mark Baumler
State Historic Preservation Office
1410 East 8th Avenue
P.O. Box 201202
Helena, MT 59620

CONCUR MONTANA SHPO

DATE 1 Dec 05 SIGNED

**Subject: Forsyth - Northwest
NH 14-6(9) 259
Control Number 4059**

Dear Mark,

This letter and its attachments constitute the determination of effect (DOE) for the above federal aid Montana Department of Transportation (MDT) project.

I have attached an MDT plan sheet and the site form for 24RB1618, an historic homestead determined eligible for the National Register of Historic Places. The property lies north of Highway 12 between Stations 173 and 174. As you can see by the plan sheet the new alignment is staying right on top of the existing road in this location.

The Forsyth Northwest project will have no effect to 24RB1618.

If you have questions about this matter please contact me at 406-444-0455 or splatt@state.mt.us.

Steve Platt, Archaeologist
Environmental Services

Cc: Bonnie Steg, Supervisor, Resources & Permitting



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
<http://www.mt.blm.gov/mcfo>

IN REPLY TO
MTM94542
MTM-020721
MTBIL-036979
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MAR 31 2006

ENVIRONMENTAL

**MASTER FILE
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March 29, 2006

Carl James, Transportation Specialist
Federal Highway Administration
2880 Skyway Drive
Helena, Montana 59602-1230

Dear Mr. James:

Our office is willing to be a Cooperating Agency on your proposed project for reconstruction of U.S. Highway 12 north of Forsyth, Montana, as far as reviewing documents. The Federal lands involved were originally issued under Rights-of-way MTM-020721 and MTBIL-040452, which were issued to the Montana Highway Commission.

On April 21, 2005, the Bureau of Land Management (BLM) approved the reconstruction of U.S. Highway 12, Federal Aid Project STPP 14-6(13)259 Forsyth - Northwest Segment for an additional permanent right-of-way authorized under MTM-94542. This right-of-way consisted of 3.13 acres, more or less, and was located across the following Federal lands in Rosebud County:

T. 7 N., R. 39 E., Section 20: SE $\frac{1}{4}$ SW $\frac{1}{4}$ and
T. 6 N., R. 39 E., Section 2: Lot 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,

BLM has not authorized additional permanent right-of-way in the following locations in Rosebud County:

T. 6 N., R. 39 E., Section 12: NE $\frac{1}{4}$ NE $\frac{1}{4}$ and
T. 6 N., R. 40 E., Section 22: Lot 13,

If Federal lands in these two sections will be needed for reconstruction of the highway and the construction will be outside of the existing rights-of-way, Federal Highway Administration should submit a request with a map for appropriation of those lands.

The affected Federal land is being managed for multiple use but does not fit under the provisions of "Section 4(f)" of the 1966 U. S. Department of Transportation Act (49 U.S.C. 303) as you listed as parts a. through d. in your letter.

File
APP. D. 11
ANT
TO me 4

TAKE PRIDE
IN AMERICA

If you have any questions, please contact Dalice Landers, Realty Specialist, at the above address or call at 406-233-2836.

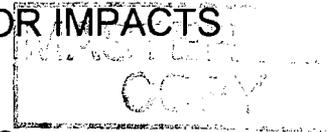
Sincerely,

Pam Wall
Acting Supervisory Land Use Specialist

cc: Montana Department of Transportation
Environmental Services
2701 Prospect Avenue
P. O. Box 201001
Helena, Montana 59620-1001

Delta Engineering P.C.
P. O. Box 1481
Great Falls, Montana 59403

MONTANA DIVISION
 "NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS
 ON
 HISTORIC SITES
 EXCLUDING HISTORIC BRIDGE REPLACEMENTS



Project Number: **STPP 14-6(9)259** (PPMS-OPX2 C#4059)
 Project Name: FORSYTH – NORTHWEST Location: W-central ROSEBUD COUNTY
 Description: Abandoned Railroad grade (site #24RB1035) with bridges (site #'s 24RB-1892, 24RB1894, 24RB1895 & 24RB1897)

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to and/or crossed by the existing highway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects? (both alteration and removal) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Does the proposed project disturb or remove archaeological resources that are important to preserve in-place rather than to recover? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)? (covered by Programmatic Agreement) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Has the State Historic Preservation Office (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action in an Environmental Impact Statement (E.I.S.)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. The Scope-of-Work for the proposed project is one of the following: | | <input type="checkbox"/> |
| a) Improved traffic operation; | — | |
| b) Safety improvements; | — | |
| c) Resurfacing, Restoration, Rehabilitation, or Reconstruction ("4R"); | <input checked="" type="checkbox"/> | |
| d) Bridge replacement on essentially the same alignment; or | — | |
| e) Addition of lanes. | — | |

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| Alternatives Considered | | |
| 1. The "do-nothing" Alternative has been evaluated, and is not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. An Alternative has been evaluated which improves the highway without any 4(f) impacts, and is also not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. An Alternative on a new location avoiding the 4(f) site has (also) been evaluated and is not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Project Number: **STPP 14-6(9)259** (PPMS-OPX2 C#4059)
 Project Name: **FORSYTH – NORTHWEST** Location: **W-central ROSEBUD COUNTY**
 Description: **Abandoned RR grade (site #24RB1035) with bridges (site #'s 24RB1892, 24RB1894, 24RB1895 & 24RB1897)**

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

(Alternatives Considered - conclusion:)

Yes No

Descriptions of Alternatives 2. and 3. are as-follows:

An "overlay only" type of proposed Alternative (2.) would have avoided "use" of these sites' features, but was not considered prudent account the existing route's narrow width and poor condition in part-of its subgrade.

"An Alternative on a new location" (3.) was not regarded-as feasible since it would have resulted-in extraordinary impacts to Important Farmlands, wetlands, and/or "use" of other 4(f) sites. Also, construction costs of such an Alternative avoiding these sites' features would have been substantially greater-than those for this proposed project.

Minimization of Harm

Yes No

1. The proposed project includes all possible planning to minimize harm.

2. Measures to minimize harm include the following:

Sites recorded on forms in (original) Cultural Resources Report as required by the Programmatic Agreement for Historic Abandoned RR Grades. Proposed project's work/ construction limits were minimized in areas of potential impacts to 4(f) sites.

Coordination

Yes No

1. The proposed project has been Coordinated with the following:

a) SHPO (Programmatic Agreement applicability request 16-Oct-2000)

b) Advisory Council on Historic Preservation (ACHP, in late June, 1990)

c) Property owners (on: 18-Aug-1999 for Cultural Resources Survey)

d) Local/Federal agencies

List: ROSEBUD COUNTY Floodplain Administrator (for FEMA, on 16-Dec-1999)

U.S. DEPARTMENT OF AGRICULTURE – Natural Resources Conservation Service (NRCS formerly the SCS, on: 25-May-2000)

U.S. DEPARTMENT OF THE INTERIOR – Bureau of Land Management (BLM, on: 20-Jan-2006)

2. Four of the preceding had the following comment(s) regarding this proposed project's "use" of, and/or the Measures to Minimize Harm to these sites:

For item #1.a), SHPO concurred (on 10-Nov-2000, copy of letter also attached) with the Programmatic Agreement's relevance to these sites.

(concludes-on next page)

Project Number: **STPP 14-6(9)259** (PPMS-OPX2 C#4059)
Project Name: **FORSYTH – NORTHWEST** Location: **W-central ROSEBUD COUNTY**
Description: **Abandoned RR grade (site #24RB1035) with bridges (site #'s 24RB1892, 24RB1894, 24RB1895 & 24RB1897)**

(Coordination item 2. - conclusion:)

For item #1.b), The ACHP concurred with the Programmatic Agreement for the Abandoned Railroad Grade on 26-Jul-1990 (see attached copy).

For item #1.d), ROSEBUD COUNTY's Floodplain Administrator responded (on 17-Dec-1999), and a FEMA Floodplain Development permit was authorized.

The NRCS' Forsyth Field office (25-May-2000) reply was about both Prime if Irrigated Farmlands, and completing the #AD-1006 Farmland Conversion Impact Rating form for this project.

The BLM response (of 29-Mar-2006) concerned their four parcels on this proposed project's route, three of-which include site #24RB1035.

Further Coordination is pending with both the COUNTY, and both-of those Federal agencies listed-under preceding item #1.d). This proposed project is also documented as a Categorical Exclusion under *National Environmental Policy Act (42 U.S.C. 4321, et seq.)* requirements.

Summary

The required Alternatives have been evaluated and the proposed project meets all the criteria in the "Nationwide Programmatic" *Section 4(f)* evaluation approved on December 23, 1986. This Programmatic Evaluation includes all possible planning to minimize harm that will be incorporated in this proposed project.

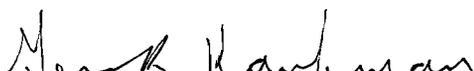
Approval

This document is both submitted pursuant-to **49 U.S.C. 303**, and in accordance with the provisions of **16 U.S.C. 470f**.



Date: 5/10/06

Thomas L. Hansen, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

Approved:  Date: 5/23/06
Federal Highway Administration

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JAR:TLH:asj:W[S:\PROJECTS\GLENDDIVE\4059\P4(F)\S\ABAND_RR+BRS.DOC]

Attachments

PROGRAMMATIC AGREEMENT

AMONG

THE FEDERAL HIGHWAY ADMINISTRATION

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

AND THE MONTANA STATE HISTORIC PRESERVATION OFFICE

REGARDING IMPLEMENTATION OF ALL HIGHWAY PROJECTS

AFFECTING THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC

RAILROAD RESOURCES FROM 1990 THROUGH 2010

WHEREAS, the Federal Highway Administration, Montana Division (FHWA), proposed to make Federal funding available to the Montana Department of Highways (MDOH) for its ongoing program to construct and rehabilitate highways; and

WHEREAS, the FHWA has determined that the highway construction and rehabilitation may have an effect upon the abandoned grade of the Chicago, Milwaukee, St. Paul and Pacific Railroad (CMSTP&PR), a property eligible for inclusion in the National Register of Historic Places, and the Great Northern Railway line from Havre to Great Falls (GN), and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Officer (MSHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act; (16 U.S.C. 470 f); and

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

WHEREAS, the definition given in Appendix A attached hereto is applicable throughout this Programmatic Agreement;

NOW, THEREFORE, the FHWA, the Council, and the MSHPO agree, and the MDOH concurs, that the highway construction and rehabilitation shall be administered in accordance with the following stipulations to satisfy FHWA's Section 106 responsibility for all of the projects effecting the CMSTP&PR and the Havre - Great Falls GN.

Stipulations

FHWA will ensure that the following measures are carried out:

- 1) FHWA/MDOH will maintain a list of all Federally assisted Montana highway projects in which portions or segments of the historic CMSTP&PR and Havre - Great Falls GN may be impacted by construction activities. A draft of projects programmed to date is attached as Appendix B. The list will be updated as appropriate to include all projects programmed, designed and constructed through the year 2010.
- 2) FHWA/MDOH will conduct no cultural resource inventory or evaluation (as per 36 CFR 800.4) of CMSTP&PR or GN segments

in projects identified in Stipulation #1, nor reach any specific finding of effect (as per 36 CFR 800.5). For other resources regular procedures shall apply.

- 3) FHWA/MDOH will, by January 1, 1991, provide at least \$30,000 funding to one or more of the following entities to assist with their preservation and public interpretation of the CMSTP&PR resources:
 - a) The Bureau of Land Management, Butte District, for the stabilization of the CMSTP&PR substation at Ravenna;
 - b) The U.S. Forest Service, Deer Lodge National Forest, for stabilization and interpretive and directional signing for portions of the CMSTP&PR corridor near Butte, for use as a hiking and biking trail;
 - c) The Department of Commerce and the Town of Geraldine, for stabilization and preservation of the CMSTP&PR depot at Geraldine, for use as a community center; and
 - d) The City of Great Falls for stabilization and interpretive and directional signing for portions of the CMSTP&PR and the GN between the depot and Heritage Park, for use as a hiking and biking trail.

photographs. The MDOH agreement with the Montana Historic Society will require the Society to market the booklet for local sales by bookstores and local historical societies throughout the Milwaukee Road route.

The Council and the MSHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested. The FHWA will cooperate with the Council and the MSHPO in carrying out their monitoring and review responsibilities.

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

Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice, in writing, to the other parties; provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA will comply with 36 CFR 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

In the event the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 34 CFR 800.4

FHWA/MDOH will develop an agreement with the agency receiving preservation funds for the use of those funds, and will provide the MSHPO with 15 days in which to review and approve the proposed use of those funds.

Any agency receiving the funds described in this agreement will, when specific plans, specifications, construction drawings, sign design, architects plans are developed for the project for which the funds were received, provide the MSHPO 15 days in which to review and concur that the project plans will meet the Secretary of Interior's Standards for Preservation Projects. The agency will consult with the MSHPO until the SHPO determines that the project meets the Standards.

- 4) FHWA/MDOH will, by July 6, 1990, provide \$15,000 to the Montana Historical Society for research, writing, and preparation for production of an interpretive booklet on the impact of the Milwaukee Railroad on the economic, geographic, and social development of Montana, including maps and keys for Montana travelers, directing them to segments and resources of the Milwaukee Road visible from state and federal highways. The booklet will be of comparable length and design quality as the National Park Service Publication "A Clash of Cultures, Fort Bowie and the Chiricahua Apaches (GPO 1976-240 955/6, Stock Number 024-005-0061 3), but use both color and black and white

through 800.6 with regard to individual undertakings covered by the Programmatic Agreement.

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Robert D. Bush Date 7/26/90

FEDERAL HIGHWAY ADMINISTRATION

By: Logan K. Scott Date 6-20-90

MONTANA STATE HISTORIC PRESERVATION OFFICE

By: Mauell Desj Date 6-20-90
Concur: VJ

MONTANA DEPARTMENT OF HIGHWAYS

By: David D. Johnson Date June 20, 1990

Abandoned Rail Road Grade & Bridges Map

STPP 14-6(9)259

(Site #'s 24RB1035, 24RB1892, 24RB1894, 24RB1895 + 24RB1897)

(PPMS-OPX2 C#4059)

FORSYTH - NORTHWEST

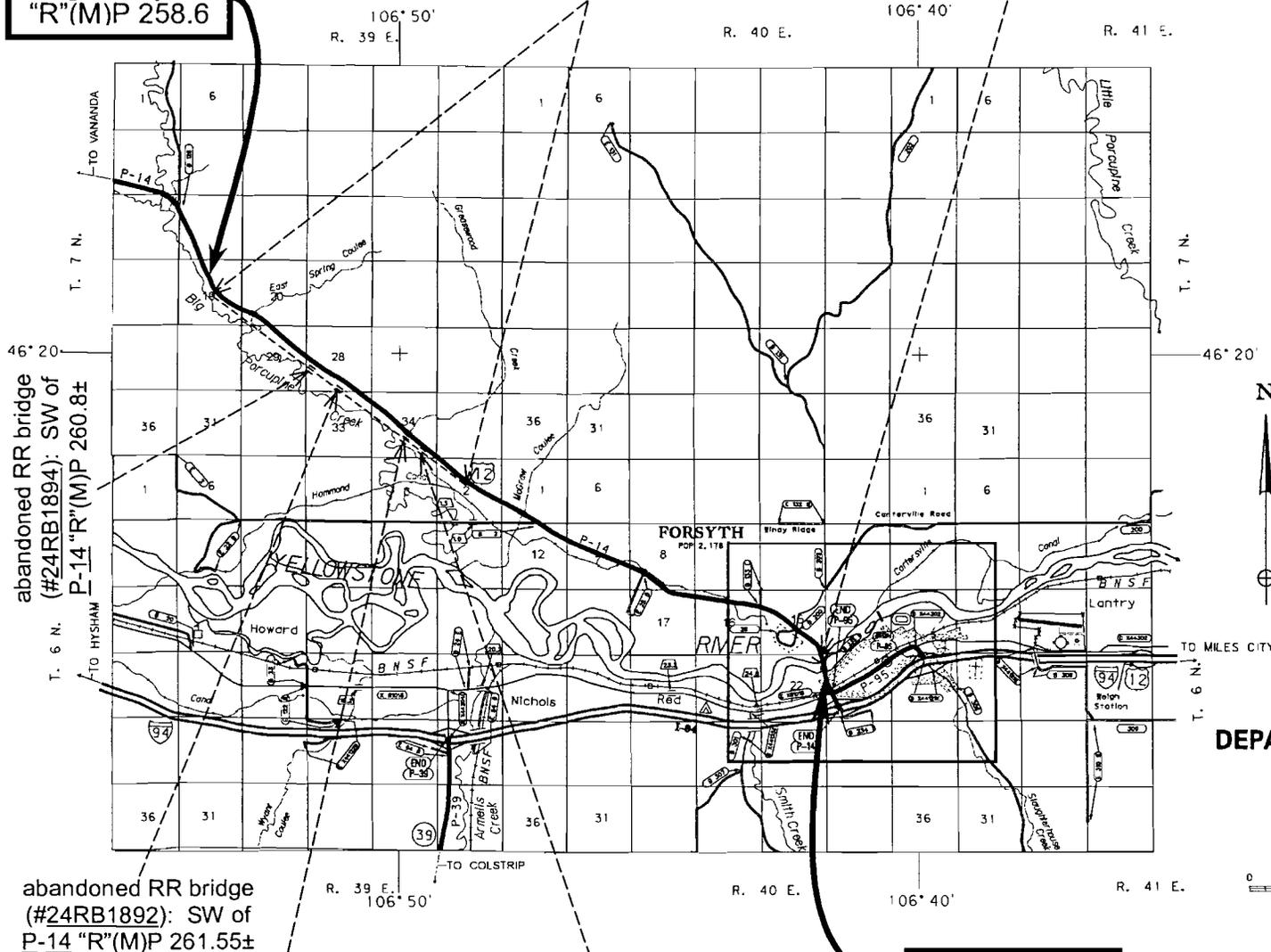
ROSEBUD COUNTY

Altered Settings & Removals

Begin Project:
"R"(M)P 258.6

abandoned RR grade
(#24RB1035): SW of P-14
"R"(M)P's 258.95± - 264.0±

abandoned RR grade
(#24RB1035): under
P-14 "R"(M)P 270.3±

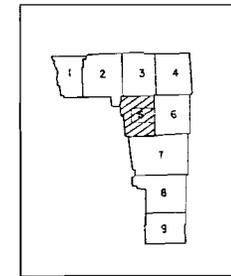


abandoned RR bridge
(#24RB1892): SW of
P-14 "R"(M)P 261.55±

abandoned RR bridge
(#24RB1895): SW of
P-14 "R"(M)P 262.5±

abandoned RR bridge
(#24RB1897): SW of
P-14 "R"(M)P 262.9±

End Project:
"R"(M)P 270.5



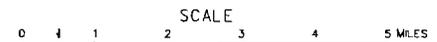
Key to Sheets

MONTANA
ROSEBUD COUNTY

PREPARED BY THE

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



MONTANA DIVISION



"NATIONWIDE" SECTION 4(f) EVALUATION FOR HISTORIC BRIDGES

Project № STPP 14-6(9)259 (PPMS-OPX2 C#4059)
 Project Name: FORSYTH - NORTHWEST

Description: Guardrails & Sidewalk
 Location: Yellowstone R. (24RB1906)

This proposed project requires use of a historic bridge structure that is on, or eligible-for listing on the NATIONAL REGISTER OF HISTORIC PLACES. A description (approved Scope-of-Work copy) with a location map of this proposed bridge rehabilitation are attached.

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 1. Is the bridge a NATIONAL HISTORIC LANDMARK? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Have agreements been reached through procedures in accordance with Section 106 of the National Historic Preservation Act with the following: | | |
| a) STATE HISTORIC PRESERVATION OFFICE (SHPO)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Advisory Council on Historic Preservation (ACHP)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Any other agency or agencies with jurisdiction at this location? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) If "Yes" will additional approvals for this Section 4(f) application be required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) List of agencies with jurisdiction at this location: | | |
| USA - Corps of Engineers (Sections 10 & 404 permits) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| USDA - Forest Service | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| USDA - Natural Resources Conservation Service (former SCS, FPPA) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| FEMA Regulatory Floodway (permit issued by Rosebud County) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| MFW&P - Parks Division (adjoins W. Rosebud Fishing Access Site) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| MFW&P - Wildlife Division (Management Areas: WMA's) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| MFW&P - Fisheries Division (124SPA permit) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| MDNR&C - ELO (navigable river under state law) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| MDNR&C (irrigation systems) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| MDEQ - Permitting & Compliance Division (MPDES authorization) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| MDEQ - Planning, Prevention & Assistance Division (TMDL's) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other - U.S. DEPARTMENT OF THE INTERIOR's Bureau of Land Management (BLM, easement at bridge's Northerly end) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Alternatives

Each of the Alternatives (on the following page) for this proposed project have been evaluated under Section 106 of the National Historic Preservation Act (NHPA, 16 U.S.C. 470f) to avoid the use of the historic bridge. (continues on next page)

(Alternatives - continued:)

1. "Do Nothing."
2. Rehabilitate the existing bridge without affecting the historic integrity of the structure in accordance with the provisions of *Section 106* in the *NHPA*.
3. Construct the proposed bridge at a location where the existing historic structure's integrity will not be affected as determined by the provisions of the *NHPA*.

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

The preceding Alternatives have been applied in accordance with the "Nationwide" Programmatic *Section 4(f)* Evaluation, and are supported by each of the following Findings:

- | | Yes | No |
|--|----------|--------------------------|
| 1. The "Do-Nothing" Alternative has been evaluated, and has been found to ignore the basic transportation need at this location. | <u>X</u> | <input type="checkbox"/> |

This Alternative is neither feasible nor prudent for the following reasons:

- | | | |
|---|----------|-------------------------------------|
| a) Maintenance — this Alternative does not correct structurally deficient conditions and/or poor geometrics (clearances, approaches, visibility restrictions) found at the existing bridge. Any of these factors can lead to a sudden catastrophic collapse, and/or a potential injury including loss of life. Normal maintenance will not change this situation. Proposed work is for replacing guardrails. | | <input checked="" type="checkbox"/> |
| b) Safety — this Alternative also does not correct the situation(s) that cause(s) the existing bridge to be considered deficient. Due to these deficiencies, the existing bridge presents serious and unacceptable safety hazards to the travelling public and/or places intolerable restrictions (gross vehicle weight, height, and/or width) on transport. | <u>X</u> | <input type="checkbox"/> |

A copy of the MDT Bridge Bureau's Assessment Form for Structure is attached.

- | | | |
|---|--|-------------------------------------|
| 2. The rehabilitation Alternative has been evaluated through one or more of the following Findings: | | <u>X</u> |
| a) The existing bridge's structural deficiency is such that it cannot be rehabilitated to meet minimum acceptable load and traffic requirements without adversely affecting the structure's historic integrity. | | <input checked="" type="checkbox"/> |
| b) The existing bridge's geometrics (height, width) cannot be changed without (also) adversely affecting the structure's historic integrity. | | <input checked="" type="checkbox"/> |
| c) This Alternative does not correct the serious restrictions on visibility (approach geometrics, structural requirements) that also contributes to an unsafe condition at this location. | | <input checked="" type="checkbox"/> |

Is this rehabilitation Alternative therefore considered to be feasible and/or prudent based on the previous page's results? **(See following Measures to Minimize Harm item #1.)**

(concludes on next page)

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

(Alternatives - conclusion:)

	Yes	No
3. The relocation Alternative, in which the new bridge would be moved-to a site that presents no adverse effect upon the existing structure has also been considered under the following Findings:	<u>X</u>	<input type="checkbox"/>
a) Terrain and/or local geology. The present structure is located at the only feasible and/or prudent site for a bridge on the existing route. Relocating to a new site — either up, or downstream of the preferred location — will result in extraordinary bridge/approach engineering and associated construction costs.	<u>X</u>	<input type="checkbox"/>
Local geologic conditions are such-that any other place in the general vicinity of the preferred site is not prudent.	___	<u>X</u>
Any other location would cause extraordinary disruption to existing traffic patterns.	<u>X</u>	___
b) Significant social, economic and/or environmental impacts. Locating the proposed bridge in other-than the preferred site would result in significant social/economic impacts such as the displacement of families, businesses, or severing of Important Farmlands.	<u>X</u>	___
Significant environmental impacts such as the extraordinary involvement in wetlands, regulated floodplains, or habitat of Federally-listed Threatened/Endangered species are likely to occur in any location outside the preferred site.	___	<u>X</u>
c) Engineering and economics. Where difficulty/ies associated-with a new location are less-extreme than those listed above, the site may still not be feasible and prudent where costs and/or engineering difficulties reach extraordinary magnitudes. Would the Alternate location result in significantly increased engineering or construction costs (e.g.: longer span/approaches, etc.)?	<u>X</u>	___
d) Preservation of existing historic bridge may (also) not be possible due to either or both of the following:		
the existing structure's deteriorated beyond all reasonable possibility of rehabilitation for a transportation or alternate use; and/or	___	<u>X</u>
no responsible party can be located to maintain and preserve the historic structure.	___	<u>X</u>
Therefore, in accordance with the preceding Findings it is neither feasible nor prudent to locate the proposed bridge at a site other-than the Alternative's.	<u>X</u>	<input type="checkbox"/>

Measures to Minimize Harm

This "Nationwide" Programmatic Section 4(f) Evaluation applies only when the following Measures to Minimize Harm have been assured; an "X" in a "box" may void this form, and a "full" Section 4(f) Evaluation will then be required:

	Yes	No
1. Is the bridge proposed to be rehabilitated?	<u>X</u>	___

(continues on next page)

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

- (Measures to Minimize Harm item #1. - conclusion:)
- | | Yes | No |
|--|----------|-------------------------------------|
| If "Yes" will the historic integrity of the structure be preserved to the greatest extent possible; consistent with unavoidable transportation needs, safety, and load requirements? | <u>X</u> | <input type="checkbox"/> |
| 2. The bridge will be replaced, or rehabilitated to the point where historic integrity is affected. Is adequate documentation being (or will it be) made of the existing structure under Historic American Engineering Record standards, and/or other suitable means developed through consultation with SHPO & the ACHP? (listed-on site form in Cultural Resources Report) | <u>X</u> | <input type="checkbox"/> |
| 3. If the bridge will be replaced, is the existing structure being made available for alternative use with a responsible party to maintain and preserve same? (Replacement limited to guardrails on existing bridge.) | ___ | <input checked="" type="checkbox"/> |
| 4. If the bridge will be adversely affected, has agreement been reached through the <i>NHPA-Section 106</i> process on these Measures to Minimize Harm (to become part-of this proposed project) with the following: | | <input type="checkbox"/> |
| SHPO? (concurrence for Programmatic Agreement use: 14-Nov-2000) | <u>X</u> | <input type="checkbox"/> |
| ACHP? (Programmatic Agreement Amendment: 22-Oct-2001) | <u>X</u> | <input type="checkbox"/> |
| FHWA? (Programmatic Agreement Amendment: 02-Oct-2001) | <u>X</u> | <input type="checkbox"/> |
| Copies of SHPO's concurrence letter, the Programmatic Agreement and its Amendments signed and/or approved by these agencies are attached. | <u>X</u> | <input type="checkbox"/> |

Coordination

There has been additional Coordination with the following agencies regarding this proposed project:

- | | Yes | No |
|--|----------|----------|
| 1. Adjacent property owners: BLM (on 20-Jan-06); MDNR&C (in late May, 2000); and private party (by September, 1999) | <u>X</u> | ___ |
| 2. County government: ROSEBUD COUNTY's Floodplain Administrator (on 16-Dec-1999) | <u>X</u> | ___ |
| 3. Local historical society | ___ | <u>X</u> |
| 4. Others: Blackfeet, and Crow Tribal Councils & Cultural authorities (on 09-Aug-1999), and Northern Cheyenne Tribal Council & Cultural specialists (on 18-Aug-1999) | <u>X</u> | ___ |

Further Coordination is pending with both those preceding, and other agencies previously listed-under item #1.d). Copies of letters from these agencies regarding this proposed project are also attached (with the following item). This proposed project is also documented as a Re-Evaluated Categorical Exclusion under the National Environmental Policy Act (42 U.S.C. 4321, et seq.) requirements.

(concludes-on next page)

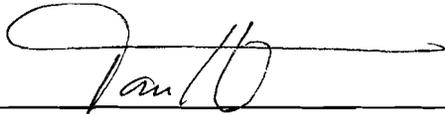
Project No STPP 14-6(9)209, (PPMS-OPX2 C#4059)
Project Name: FORSYTH - NORTHWEST

Description: Guardrails & Sidewalk
Location: Yellowstone R.(24RB1906)

Summary & Approval

The proposed action meets all criteria regarding the required Alternatives, Findings, and Measures To Minimize Harm that will be incorporated into this proposed project. This proposed project therefore complies with the July 5, 1983 Programmatic Section 4(f) Evaluation by the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration..

This document is both submitted pursuant-to **49 U.S.C. 303**, and in accordance with the provisions of **16 U.S.C. 470f**.



Date: 5/19/06

Thomas L. Hansen, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

Approved: 
Federal Highway Administration

Date: 5/23/06

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JAR:TLH:asj:W[S:\PROJECTS\GLENDDIVE\4059\P4(F)\SYSTONE_R_BR.DOC]

Attachments

copies: R. E. Mengel
C. C. Blackwell
K. M. Barnes
T. S. Martin
J. H. Horton
D. S. Althof
D. W. Jensen
J. A. Riley

The 1989 Historic Roads and Bridges Programmatic Agreement.

PROGRAMMATIC AGREEMENT

Among the Federal Highway Administration (FHWA), the Montana State Historic Preservation Office (MSHPO), and the Advisory Council on Historic Preservation (ACHP), to develop a historic preservation plan to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of the FHWA's mission to provide safe, durable and economical transportation.

WHEREAS, Congress has mandated that highway bridges be evaluated, and where found substandard, be rehabilitated or replaced and has provided funding for these purposes, to insure the safety of the traveling public (through the Highway Bridge Replacement and Rehabilitation Program); and

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has standards regulating the construction and the rehabilitation of highways and bridges that must be met by the FHWA to insure the safety of the traveling public; and

WHEREAS, Congress declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture; and

WHEREAS, the FHWA proposes to make Federal funding available to the Montana Department of Highways (MDOH) for its ongoing program to construct and rehabilitate roads and bridges, and MDOH concurs in and accepts responsibilities for compliance with this Agreement; and

WHEREAS, the FHWA has determined that the construction and improvement of highways may have an effect on historic roads and bridges that are listed in the National Register of Historic Places, or may be determined eligible for listing, and have consulted with the ACHP and the MSHPO pursuant to Section 800.13 of the regulations (36CFR800) implementing Section 106 of the National Historic Preservation Act (16U.S.C. 470f); and

WHEREAS, the parties understand that not all historic roads and bridges fall under the jurisdiction of sphere of influence of the FHWA, and that to encourage other parties to participate in preservation efforts, an education to foster a preservation ethic is needed; and

NOW THEREFORE, FHWA, MSHPO, and ACHP agree, and MDOH concurs, that the following program to enhance the preservation potential of historic roads and bridges, and to promote management and public understanding of and appreciation for these cultural resources will be enacted in lieu of regular Section 106 procedures as applied to historic roads and bridges only.

Stipulations

The Federal Highway Administration will ensure that the following program is carried out:

The Federal Highway Administration, in cooperation with the Montana Department of Highways, will develop a preservation plan to ensure the preservation and rehabilitation of the states [sic] significant historic roads and bridges, and will develop and on-going educational program to interpret significant historic roads and bridges that illustrate the engineering, economic, and political development of roads in Montana. Specifically:

A. For Public Education

1. MDOH will prepare technical documentation of the history of roads and road construction, and of the history of bridge building in the state, according to a format developed by MDOH in consultation with the MSHPO and in compliance with the Secretary of the Interior's Standards for Preservation Planning. From this documentation, MDOH will prepare narrative histories suitable for publication for the general public. Draft copies of the documentation and the narrative histories will be submitted to the FHWA, MSHPO and a list of qualified reviewers to be determined by FHWA, MDOH and MSHP() by December 1, 1990, and 45 days will be allowed for reviewers to comment. MDOH will prepare final documentation and histories by May 1, 1991. Final copies will be distributed to the district, area, and field offices of the MDOH, to the County Commissioners, county road and bridge departments, and county historical societies, to the owners of significant roads and bridges identified in the documentation, to the Montana Historical Society Library and the Montana State Library, and to the general public as requested.
2. MDOH will develop and make available to newspapers and publishers of historical and of engineering journals articles suitable for public information on historic roads and bridges and on their construction and significance.
3. MDOH will augment its historic sign program by developing interpretation for the traveling public at existing rest areas or pull-overs to explain Montana's road construction and bridge engineering. It will develop on-site interpretation for significant resources that can be viewed and appreciated by the public.
4. By April 15, 1990 MDOH will develop and circulate a traveling exhibit that portrays the history of the development of transportation in Montana.
5. By December 1, 1991 MDOH will develop and circulate a public program (slide/tape or video) of approximately 20 minutes, suitable for use at public or organization gatherings, classrooms, etc.

B. For Historic Road and Bridge Preservation

1. The FHWA, in co-operation with the MDOH, will prepare a plan for the preservation of significant and representative road segments and bridge types around the state as identified in the research in Part A. of this Agreement. The Historic Preservation Plan (HPP) will be presented to the FHWA, MSHPO, the ACHP and [a] list of qualified reviewers by September 1, 1991, and 45 days comment period will be allowed for discussion and adoption. FHWA will work to resolve disagreement on the proposed HPP. If agreement cannot be reached by December 1, 1991, all FHWA undertakings affecting historic roads and bridges will again become subject to 36 CFR 800 procedures.

The HPP for historic roads and bridges shall be prepared in accordance with the following guidelines:

- a. The essential purpose of the HPP will be to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA and the MDOH in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of FHWA's mission, to provide safe, durable and economical transportation;
 - b. In order to facilitate such integration, the HPP, including all maps and graphics, will be made consistent with the Federal Aid road and bridge numbering systems;
 - c. The HPP will be prepared in consultation with the owners, managers, caretakers, or administrators of historic roads and bridges, including county governments, city governments, federal agencies, and private individuals or corporations, and with interested parties or organizations, including the American Society of Civil Engineers - Montana Section, and the Montana Society of Engineers;
 - d. The HPP will be prepared with reference to the Secretary of Interior's Standards and Guidelines for Preservation Planning (48 FR 44716-20); and
 - e. The HPP will be prepared by or under the supervision of an individual who meets, or individuals who meet, at a minimum, the "professional qualifications standards" for historian and archaeologist in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).
2. The contents of the HPP will be developed in conjunction with the MSHPO, and will include, but not be limited to, a schedule for the anticipated implementation of the various elements, plus the formulation and presentation of programs to:

- a. Preserve historic bridges that do not meeting safety rating standards by rehabilitation in a manner that would preserve important historic features while meeting as many AASHTO standards as can be reasonable met;
 - b. When a historic bridge must be replaced, give full consideration and demolition savings to reuse of the historic bridge in place by another party.
 - c. When a historic bridge must be replaced and in place preservation is not feasible, give full consideration and financial assistance to relocating and rehabilitating the historic bridge as a part of the replacement project;
 - d. Develop and implement a program to encourage relocation and reuse of bridges of historic age that cannot be preserved in place or used on another location by the state or county;
 - e. Provide a financial incentive by offering demolition savings on all relocation and reuse of bridges of historic age;
 - f. Develop a list of historic roads and bridges that can be preserved. The list should include the variety available to reflect Montana highway construction history, while considering current condition and use. The list should be presented to and discussed with managing units to solicit their cooperation and/or participation in the preparation of the HPP; and
 - g. Devise a program to pursue the preservation of the state's representative and outstanding examples of road and bridge technology. A list of historic roads and bridges shall be preserved will be developed to implement this program, given currently known commitments to do so by property managers and subject to change by obtaining future commitments for other properties covered by this Agreement.
3. The HPP will not include information developed in Part A. above, narrative histories, but will be guided by and used in conjunction with Part A. above, and will be distributed to the same parties.
 4. MDOH will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, the SHPO, and the ACHP for review, comment, and consultation as needed.
- C. Other Legal and Administrative Concerns
1. FHWA will continue to inventory, evaluate and seek determinations of eligibility, and fully comply with 36 CFR 800 for all undertakings with the potential to affect historic properties besides roads and bridges which are hereby excluded from such consideration.

2. The MSHPO, and the ACHP may monitor FHWA and MDOH activities to carry out this PA, by notifying FHWA in writing of their concerns and requesting such information as necessary to permit either or both MSHPO and ACHP to monitor the compliance with the terms of this Agreement. FHWA will cooperate with the SHPO, and the ACHP in carrying out their monitoring and review responsibilities.
3. FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.
4. If a dispute arises regarding implementation of this PA, FHWA will consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA will request further comments of the ACHP.
5. During any resolution of disagreements on the PA, and/or in the event MDOH does not carry out the terms of the PA, FHWA will carry out the procedures outlined in 36 CFR 800 for all undertakings otherwise covered by this agreement.

Execution of this PA evidences that FHWA has afforded the ACHP a reasonable opportunity to comment on FHWA's program to construct and improve Montana highways when those undertakings affect historic roads and bridges, and that FHWA has taken into account the effects of these undertakings on significant historic roads and bridges.

BY: FEDERAL HIGHWAY ADMINISTRATION

[Roger K. Scott]	[May 11, 1989]
Roger K. Scott	Date
Division Administrator	

BY: MONTANA STATE HISTORIC PRESERVATION OFFICER

[Marcella Sherfy]	[May 11, 1989]
Marcella Sherfy, MSHPO	Date

BY: ADVISORY COUNCIL ON HISTORIC PRESERVATION

[Robert D. Bush]	[June 1, 1989]
Executive Director	Date

CONCUR

BY: MONTANA DEPARTMENT OF HIGHWAYS

[Stephen C. Kologi]	[May 11, 1989]
Stephen C. Kologi, P.E., Chief	Date
Preconstruction Bureau	

**Amendment To The Programmatic Agreement Regarding
Historic Roads and Bridges In Montana**

We are hereby amending the following stipulations in the Programmatic Agreement.

A. For Public Education

1. In the third sentence December 1, 1990 becomes December 1, 1992.
In the fourth sentence, May 1, 1991 becomes May 1, 1993.
5. December 1, 1991 becomes December 1, 1993.

B. For Historic Road and Bridge Preservation

1. September 1, 1991 becomes September 1, 1993 and December 1, 1991 becomes December 1, 1993.

By: Federal Highway Administration

[D. C. Lewis for]
Hank Honeywell
Division Administrator

Date [February 27, 1992]

By: Montana State Historic Preservation Officer

[Marcella Sherfy]
Marcella Sherfy, MSHPO

Date [February 27, 1992]

By: Advisory Council on Historic Preservation

[Robert D. Bush]
Robert D. Bush, Executive Director

Date [March 16, 1992]

Concur

By: Montana Department of Transportation

[Edrie Vinson]
Edrie Vinson
Environmental & Hazardous Waste Bureau

Date [February 25, 1992]

**Programmatic Agreement Implementing the Roads and Bridges
Preservation Plan**

**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 Administration, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's ongoing program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an effect 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 800.13 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 regarding roads and bridges and that document has been subject to review under 36 CFR 800.13 and has been agreed to by FHWA, SHPO and the Council; and

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

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 implement the Roads and Bridges HPP in lieu of compliance with 36 CFR §§ 800.4 through 800.6.
- 2) This Programmatic Agreement will remain in force for as long as the roads and bridges HPP is in force or unless Stipulation 9 of this Agreement is invoked.
- 3) FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.

- 4) The MDT will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, Montana SHPO and the Council for review, comment and consultation as needed.
- 5) 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
- 6) 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.
- 7) 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.
- 8) Should the Montana SHPO object within sixty (60) days to any stipulation 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 remained unchanged.
- 9) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 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: Alan M. Swick

Date: 7/17/97

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: [Signature]

Date: 7-9-97

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: [Signature]

Date: 7-8-97

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By: Julie M. [Signature]

Date: 7/8/97

**AMENDMENT
TO
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 Administration, 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 effect 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 800.13 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 developed a Historic Preservation Plan regarding roads and bridges and that document was reviewed and accepted by FHWA, SHPO and the Council, and

WHEREAS, that document did not include historic roads constructed before the creation of the Montana State Highway Commission in 1913, requiring the necessity of including those properties under a Programmatic Agreement as specified in Part VI, Section A(5)(1)(a) of the MDT's Roads and Bridges Historic Preservation Plan (See Attachment 2), and

WHEREAS, that the existing Programmatic Agreement/Historic Preservation Plan is supplemented by this amendment and its underlying provisions remain in effect to the extent that they have not been completed, and

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

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 implement this amendment to the Historic Roads and Bridges Programmatic Agreement in lieu of compliance with 36 CFR §§ 800.4 through 800.6.
- 2) The MDT will acquire a 2± mile (10,560± linear foot) segment of the Mullan Road (24MN133) in Mineral County, Montana. The trail will be preserved and developed as a historic recreational/interpretive trail. The MDT will provide funding toward the development and interpretation of the trail and obtain a conservation easement on the property to assure its future preservation. The interpretive plan for the trail will be developed in cooperation with the Montana SHPO, the Montana Department of Fish, Wildlife & Parks and the Salish-Kootenai Tribal Preservation Office. The Mullan Road segment will be acquired by the MDT by June 30, 1999.
- 3) The MDT will provide \$13,000 to the Montana Historical Society for partial funding of a conference regarding the historically significant Bozeman Trail. The conference will encourage research into the development and use of pre-1913 roads and trails, their preservation and development and interpretation for the public benefit. Other funding for the conference will be secured from the Montana Committee for the Humanities, Wyoming Humanities Council, Bozeman Trail Association, Frontier Heritage Alliance and other private organizations. The conference will be held July 28 – 31, 1999 (See Stipulation 2 above).
- 4) The MDT's financial contribution to the conference will function, along with other stipulations of the existing Plan, as mitigation for individual undertakings where segments of historic pre-1913 roads and trails may be affected by MDT road and bridge reconstruction projects.
- 5) A list of MDT projects that have the potential to affect segments of historic pre-1913 roads and trails is attached (See Attachment 1).
- 6) The MDT will provide funding for the installation of ten historic markers on pre-1913 historic roads and trails that are adjacent to Montana's primary and secondary highway system. The marker locations will be determined by MDT and SHPO.
- 7) The MDT will continue to record and assign Smithsonian trinomial site numbers to segments of historic 19th century roads and trails located within the MDT's five administrative districts. Where particular roads and trails segments involve features or historic significance on a statewide or national level, the MDT will consult with SHPO to develop a plan to avoid and/or incorporate the property into the MDT's undertaking as specified in Part VI, Section 4 of the existing Roads and Bridges Historic Preservation

- 8) 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
- 9) 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.
- 10) Should the Montana SHPO object within sixty (60) days to any stipulation pursuant to this Programmatic Agreement, 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 with recommendations which it will take into account in reaching a final decision regarding the dispute; or
 2. Notify the FHWA 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 in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this Programmatic Agreement that are not subjects of the dispute will remain unchanged.
- 11) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 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: Alan M. Jorale

Date: 1/29/85

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: [Signature]

Date: 1-21-89

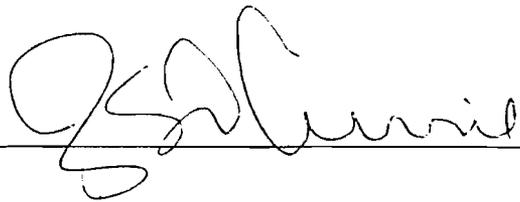
MONTANA STATE HISTORIC PRESERVATION OFFICER

By:  _____

Date: 1-14-99

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By:  _____

Date: 1/14/99

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).

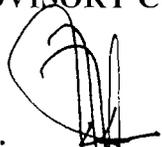
- 2) The FHWA and MDT will implement the roads and bridges HPP in lieu of compliance with 36 CFR 800 in regards to trails, roads, and highways in Montana that were constructed after 1859.
- 3) The MDT, in consultation with SHPO, will develop NRHP Multiple Properties Documents regarding specific bridge 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.

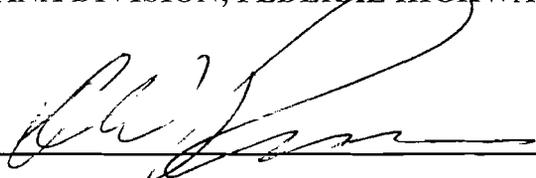
- 16) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR §§ 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

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

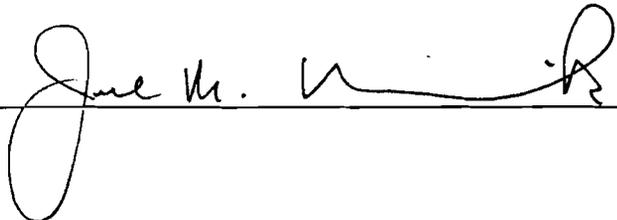
By:  _____ Date: 10-2-2001

MONTANA STATE HISTORIC PRESERVATION OFFICER

By:  _____ Date: 9/26/2001

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By:  _____ Date: 8/23/01

RECEIVED

DEC 09 2003

ENVIRONMENTAL

**FIRST AMENDMENT TO
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, in 2001, the Federal Highway Administration (FHWA), Advisory Council on Historic Preservation (Council), Montana State Historic Preservation Office (SHPO) signed, and the Montana Department of Transportation (MDT) concurred in, a Programmatic Agreement implementing a Historic Preservation Plan (HPP) regarding the treatment of historic roads and bridges in Montana; and

WHEREAS, the MDT has determined that the adoption of reinforced concrete, timber stringer, and monumental steel truss, stringer and girder bridges pursuant to Section B.4. of the HPP (Adopt-A-Bridge Program) is not practical when these bridges cannot be preserved in place and have to be relocated; and

WHEREAS, the MDT recognizes that a published book on historic bridges in Montana will encourage appreciation and awareness of the significance of Montana's historic bridges and will promote the preservation of these structures;

NOW THEREFORE, the FHWA, Council, SHPO, and MDT agree that the existing PA and HPP shall be amended to include the following stipulations:

1. For reinforced concrete, timber stringer, and monumental steel truss, stringer and girder bridges, the MDT will seek alternatives that allow for them to be preserved and adopted in place. If because of new bridge design constraints these kinds of bridges cannot be relocated intact, or preserved and adopted in place, they will be advertised for adoption under Section B.4 of the HPP for an abbreviated 30-days before the scheduled ready date for the project.
2. The MDT will author and provide \$15,000 to the Montana Historical Society Press for the publication of a book on the history of bridge construction in Montana. The book will be edited and published by the Montana Historical Society Press by December 31, 2006.

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: Carl James

Date: 12/15/03

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: Mark F. Zumber

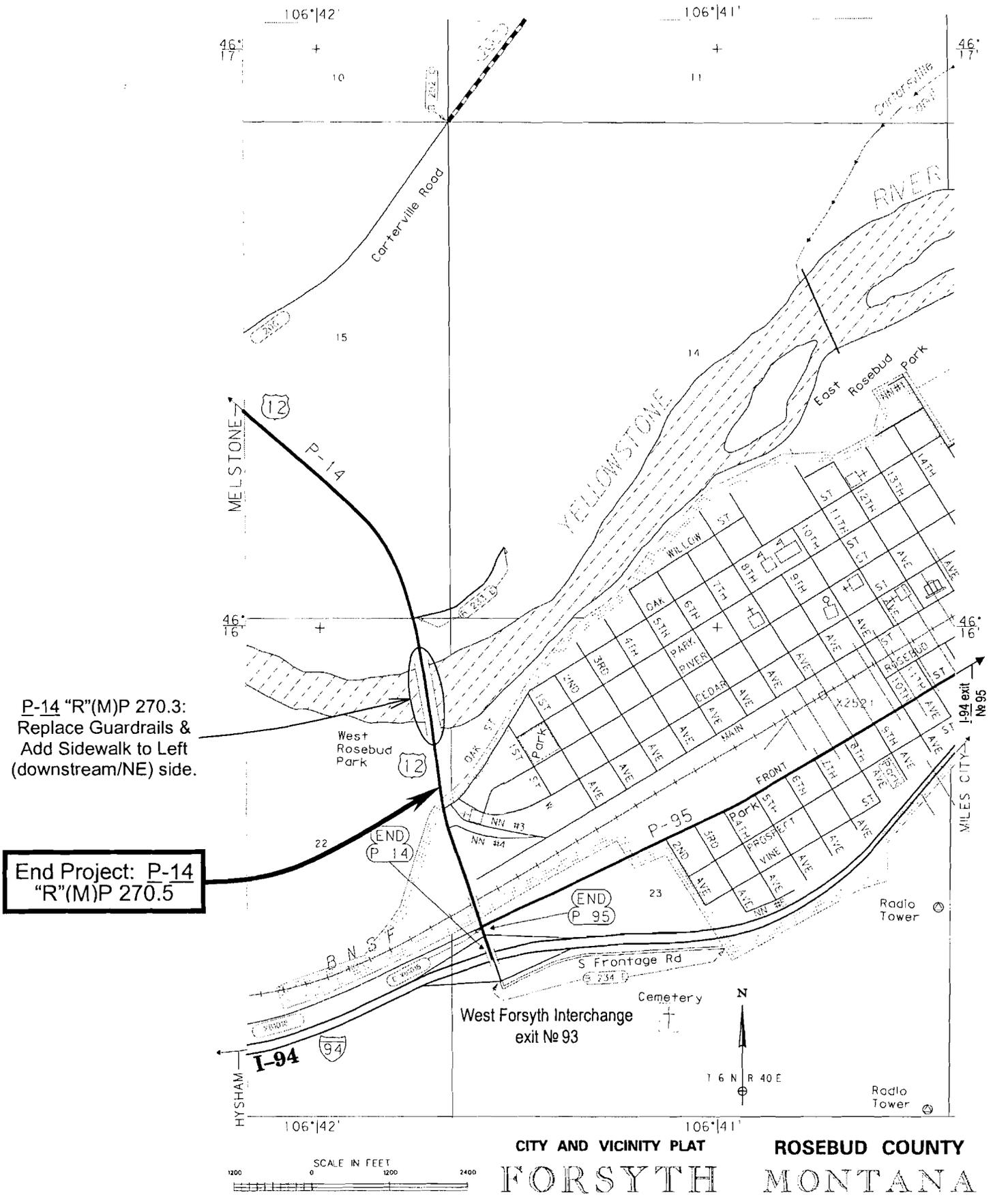
Date: 12/8/2003

CONCUR:

MONTANA DEPARTMENT OF TRANSPORTATION

By: Don Hill

Date: 11/28/03



P-14 "R"(M)P 270.3:
 Replace Guardrails &
 Add Sidewalk to Left
 (downstream/NE) side.

End Project: P-14
 "R"(M)P 270.5

CITY AND VICINITY PLAT
FORSYTH MONTANA
 ROSEBUD COUNTY



P00014270+03311

Location : FORSYTH Structure Name: none

General Location Data

District Code, Number, Location : **04** Dist 4 **GLENDDIVE** Division Code, Location : **43** **MILES CITY**
 County Code, Location : **087** **ROSEBUD** City Code, Location : **00000** **RURAL AREA**
 Kind to Hwy Code, Description : **2** **2 U.S. Numbered Hwy** Signed Route Number : **00012**
 Str Owner Code, Description : **1** **State Highway Agency** Maintained by Code, Description : **1** **State Highway Agency**
 Intersecting Feature : **YELLOWSTONE RIVER** Kilometer Post, Mile Post : **435.05 km** **269.73**

Structure on the State Highway System : Latitude : **46°15'48"**
 Structure on the National Highway System : Longitude : **106°41'54"**
 Str Meet or Exceed NBIS Bridge Length :

Construction Data

Construction Project Number : **FG 384 3**
 Construction Station Number : **273+01.00**
 Construction Drawing Number : **3808**
 Construction Year : **1958**
 Reconstruction Year :

Traffic Data

Current ADT : **540** ADT Count Year : **2004** Percent Trucks : **2 %**

Structure Loading, Rating and Posting Data

Loading Data :

Design Loading :		5 MS 18 (HS 20)
Inventory Load, Design :	32.6 mton	2 AS Allowable Stress
Operating Load, Design :	32.6 mton	2 AS Allowable Stress
Posting :		5 At/Above Legal Loads

Rating Data :

	Operating	Inventory	Posting
Truck 1 Type 3 :	42		
Truck 2 Type 3-S3 :	58		
Truck 3 Type 3-3 :	64		

Structure, Roadway and Clearance Data

Structure Deck, Roadway and Span Data :

Structure Length : **251.46 m**
 Deck Area : **2,427.00 m sq**
 Deck Roadway Width : **8.53 m**
 Approach Roadway Width : **9.75 m**
 Median Code, Description : **0 No median**

Structure Vertical and Horizontal Clearance Data :

Vertical Clearance Over the Structure : **99.99 m**
 Reference Feature for Vertical Clearance : **N Feature not hwy or RR**
 Vertical Clearance Under the Structure : **0.00 m**
 Reference Feature for Lateral Underclearance : **N Feature not hwy or RR**
 Minimum Lateral Under Clearance Right : **0.00 m**
 Minimum Lateral Under Clearance Left : **0.00 m**

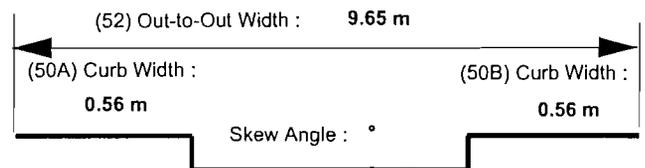
Span Data

Main Span

Number Spans : **4**
 Material Type Code, Description : **4 Steel continuous**
 Span Design Code, Description : **3 Girder and Floorbeam System Deck**
 Deck Structure Type : **1 Concrete Cast-in-Place**
 Deck Surfacing Type : **6 Bituminous**
 Deck Protection Type : **0 None**
 Deck Membrain Type : **0 None**

Approach Span

Number of Spans : **4**
 Material Type Code, Description : **4 Steel continuous**
 Span Design Code, Description : **2 Stringer/Multi-beam or Girder**



Structure Vertical and Horizontal Clearance Data Inventory Route :

Over / Under Direction Name	Inventory Route	South, East or Bi-directional Travel			North or West Travel		
		Direction	Vertical	Horizontal	Direction	Vertical	Horizontal
Route On Structure	P00014	Both	99.99 m	9.65 m	N/A		



P00014270+03311

Continue

Element Inspection Data

***** Span : Main-0 - Spans 4 - 7 *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 13 - Urp Conc Deck/AC Ovl										
	1	1	1841	sq.m.	X	100	0	0	0	0
						%	%	%	%	%

Previous Inspection Notes :

11/10/2004 - None

11/09/2004 - Same as previously reported.

02/18/2003 - Light scaling in concrete at underside of deck over pier 6. Rebar exposed at rt overhang over pier 4.

03/05/2001 - None

02/03/1999 - None

01/22/1997 - None

03/01/1995 - None

10/01/1992 - None

Inspection Notes:

Element 107 - Paint Stl Opn Girder										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
	1	1	401	m.		95	5	0	0	0
						%	%	%	%	%

Previous Inspection Notes :

11/10/2004 - None

11/09/2004 - Same as previously reported.

02/18/2003 - Moderate rusting between splice plates and girders near pier 7 span 6.

03/05/2001 - Same as last insp

02/03/1999 - Paint peeling in areas

01/22/1997 - None

03/01/1995 - None

10/01/1992 - None

Inspection Notes:

Element 113 - Paint Stl Stringer										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
	1	1	600	m.		95	5	0	0	0
						%	%	%	%	%

Previous Inspection Notes :

11/10/2004 - None

11/09/2004 - Same as previously reported.

02/18/2003 - Paint peeling lt stringer span 4 near pier 4.

03/05/2001 - None

02/03/1999 -

Inspection Notes:

P00014270+03311

Continue

***** Span : Main-0 - Spans 4 - 7 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 152 - Paint Stl Floor Beam										
	1	1	168	m.		90	5	5	0	0
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - Same as previously reported.										
02/18/2003 - Same as last insp.										
03/05/2001 - Comments are the same as last insp.										
02/03/1999 - Rust on cross frame and gusset plate over pier 6. Scaling paint on cross frame over pier 5.										
Inspection Notes:										
Element 205 - R/Conc Column										
	1	2	2	ea.		100	0	0	0	0
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - Same as previously reported.										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 - These are the main girder support columns at Pier 4 and Bent 8.										
Inspection Notes:										
Element 210 - R/Conc Pier Wall										
	1	3	45	m.		90	10	0	0	0
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - Same as previously reported.										
02/18/2003 - None										
03/05/2001 - Piers 6 and 7 has debris hung up on them.										
LW - Piers 4,5,6&7 Underwater Inspection 10/15/98 (Guthrie Diving Co) - Piers are in good condition with some light scaling. No significant deterioration or distress. Pier 4 was dry at time of inspection. Pier 7 had moderate debris at upstream nose.										
02/03/1999 - Pier 6 has scaling concrete at waterline. pier 7 has debris hung up on it.										
01/22/1997 - None										
03/01/1995 - None										
10/01/1992 - None										
Inspection Notes:										



***** Span : Main-0 - Spans 4 - 7 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 234 - R/Conc Cap										
	1	1	38	m.		95	5	0	0	
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - Cap at upstream and down stream at pier 7 has light cracking.										
03/05/2001 - Cap in same condition as last insp.										
02/03/1999 - Cap at pier 7 has light cracking on upstream side.										
01/22/1997 - None										
03/01/1995 - None										
10/01/1992 - None										
Inspection Notes:										
Element 304 - Open Expansion Joint										
	1	1	29	m.		100	0	0		
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - Same as previously reported.										
02/18/2003 - Water staining at bottom side of deck over pier 4.										
03/05/2001 - None										
02/03/1999 - None										
01/22/1997 - None										
03/01/1995 - None										
10/01/1992 - None										
Inspection Notes:										
Element 305 - Assm Jt w/o Seal										
	1	1	19	m.		100	0	0		
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 -										
Inspection Notes:										

P00014270+03311
Continue

***** Span : Main-0 - Spans 4 - 7 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 311 - Moveable Bearing										
	1	1	8	ea.		25	75	0		
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - same as previously reported.										
02/18/2003 - Same as last insp.										
03/05/2001 - Loose nut on rocker pin rt inside pier 5 and lt outside pier 5.										
02/03/1999 - Loose nut on rocker pin - rt outside pier 7. Scaling paint on bearings at pier 5. Bent 4 bearings tipped beyond expansion. Loose anchor bolt at pier 8. Numerous loose nuts at girder and rocker locations.										
01/22/1997 - None										
03/01/1995 - None										
10/01/1992 - None										
Inspection Notes:										
Element 313 - Fixed Bearing										
	1	1	2	ea.		100	0	0		
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 - None										
01/22/1997 - None										
03/01/1995 - None										
10/01/1992 - None										
Inspection Notes:										
Element 334 - Metal Rail Coated										
	1	1	400	m.		0	100	0	0	0
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - Same as previously reported.										
02/18/2003 - Same as last insp.										
03/05/2001 - Light impact damage to railing.										
02/03/1999 - Frekled rust through-out railing.										
01/22/1997 - None										
03/01/1995 - None										
10/01/1992 - None										
Inspection Notes:										

***** Span : Appr-1 - Spans 1 - 3 *****

Element Description										
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P00014270+03311
Continue

***** Span : Appr-1 - Spans 1 - 3 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 13 - Unp Conc Deck/AC Ovl										
	1	1	418	sq.m.	X	100	0	0	0	0
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 - _										
Inspection Notes:										
Element 107 - Paint Stl Opn Girder										
	1	1	173	m.		85	10	5	0	0
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - Same as previously reported.										
02/18/2003 - Same as last insp.										
03/05/2001 - Same comments as last insp. Also freckled rust on span 3 lower flange.										
02/03/1999 - RT outside girder at bent 3 is rusting at top flange.										
diaphragms for these spans do not need to be coded as element 181. bgn										
Inspection Notes:										
Element 181 - Pnt Vrt X-Frame										
	1	1	165	m.		95	0	5	0	0
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - same as previously reported.										
02/18/2003 - None										
03/05/2001 - Top flanges are badly rusted over bents 3 and 4.										
Inspection Notes:										



INITIAL ASSESSMENT FORM FOR STRUCTURE :

P00014270+03311

Continue

***** Span : Appr-1 - Spans 1 - 3 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 205 - R/Conc Column										
	1	2	4	ea.		100	0	0	0	
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 -										
Inspection Notes:										
Element 215 - R/Conc Abutment										
	1	2	13	m.		100	0	0	0	
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 -										
Inspection Notes:										
Element 234 - R/Conc Cap										
	1	1	16	m.		100	0	0	0	
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - Same as previously reported										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 -										
Inspection Notes:										



INITIAL ASSESSMENT FORM FOR STRUCTURE :

P00014270+03311

Continue

***** Span : Appr-1 - Spans 1 - 3 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 304 - Open Expansion Joint										
	1	1	18	m.		100	0	0		
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 - _										
Inspection Notes:										
Element 305 - Assm Jt w/o Seal										
	1	1	10	m.		100	0	0		
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 - _										
Inspection Notes:										
Element 311 - Moveable Bearing										
	1	1	10	ea.		0	100	0		
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - same as previously reported.										
02/18/2003 - Same as last insp.										
03/05/2001 - Same comments also all bearings has freckled rust.										
02/03/1999 - LT outside bearing covered in dirt at abut. 1. 2 movables at bent 4 are tipped beyond expansion.										
Inspection Notes:										

P00014270+03311

Continue

***** Span : Appr-1 - Spans 1 - 3 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 313 - Fixed Bearing										
	1	1	4	ea.		100	0	0		
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 - _										
Inspection Notes:										
Element 334 - Metal Rail Coated										
	1	1	42	m.		0	100	0	0	0
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - Same as previously reported.										
02/18/2003 - Same as last insp.										
03/05/2001 - Same as last insp.										
02/03/1999 - Railing has frekled rust through-out.										
Inspection Notes:										

***** Span : Appr-2 - Span 8 *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 110 - R/Conc Open Girder										
	1	1	30	m		100	0	0	0	
						%	%	%	%	%
Previous Inspection Notes :										
11/10/2004 - None										
11/09/2004 - None										
02/18/2003 - None										
03/05/2001 - None										
02/03/1999 - _										
01/22/1997 - None										
03/01/1995 - None										
10/01/1992 - None										
Inspection Notes:										



INITIAL ASSESSMENT FORM FOR STRUCTURE :

P00014270+03311

Continue

***** Span : Appr-2 - Span 8 (cont.) *****

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 215 - R/Conc Abutment										
	1	2	11	m.		100	0	0	0	
						%	%	%	%	%

Previous Inspection Notes :

11/10/2004 - None
 11/09/2004 - None
 02/18/2003 - None
 03/05/2001 - None
 02/03/1999 - None
 01/22/1997 - None
 03/01/1995 - None
 10/01/1992 - None

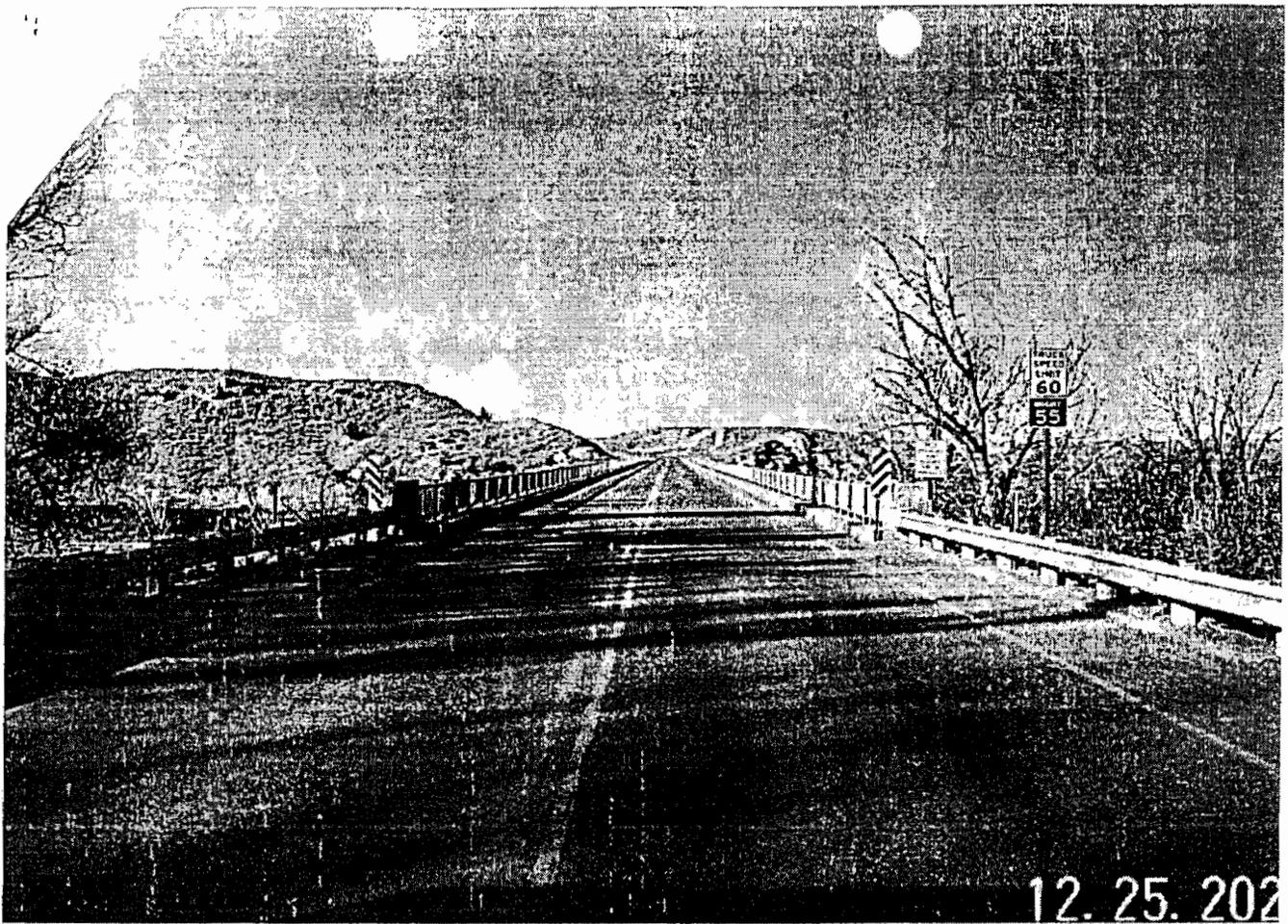
Inspection Notes:

Element 334 - Metal Rail Coated										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
	1	1	12	m.		0	100	0	0	0
						%	%	%	%	%

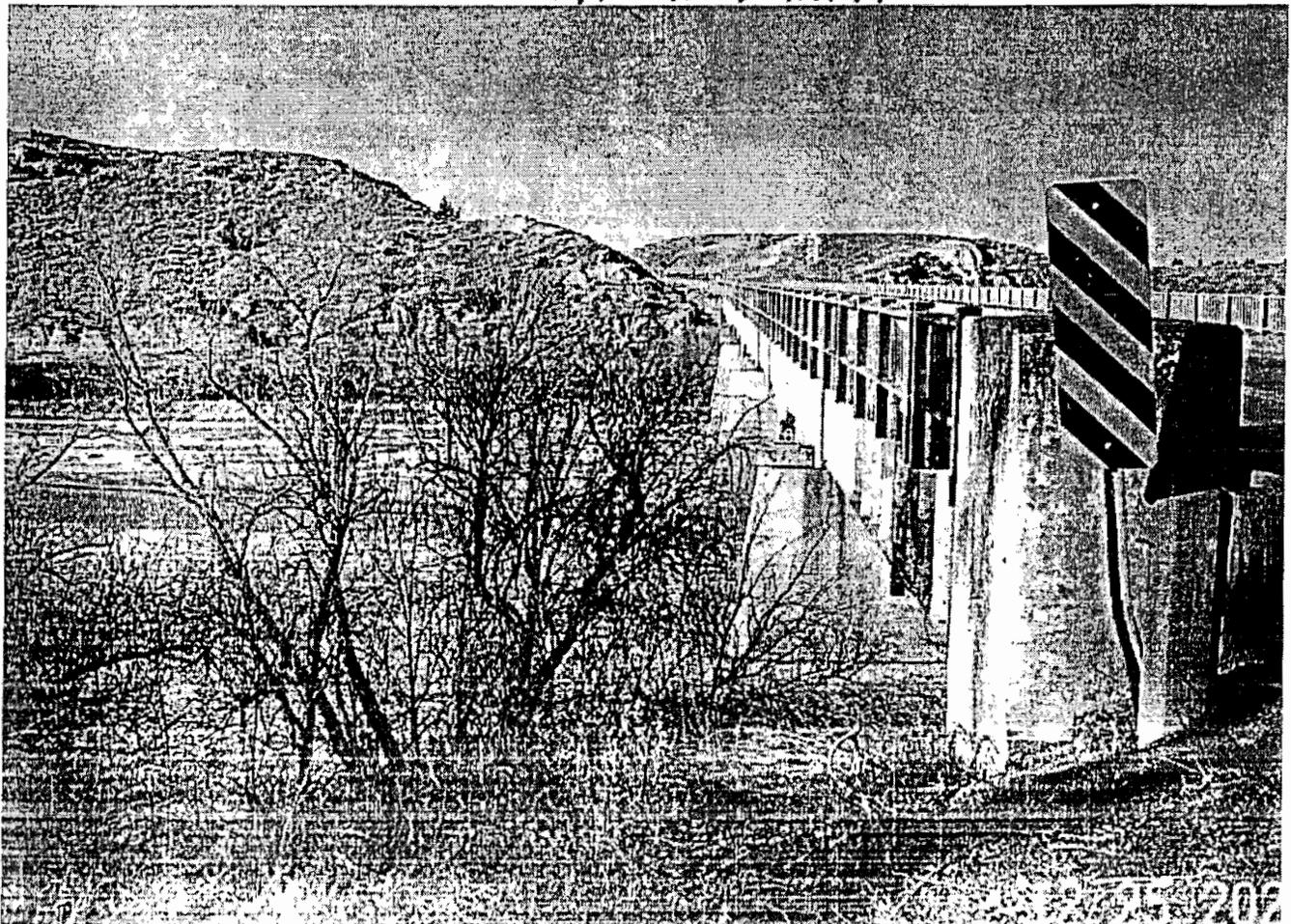
Previous Inspection Notes :

11/10/2004 - None
 11/09/2004 - same as previously reported.
 02/18/2003 - Same as last insp.
 03/05/2001 - Same as last insp.
 02/03/1999 - Railing has freckled rust occurring.

Inspection Notes:



APP. LOOK. NORTH



P00014270+0.3311 YELLOWSTONE RIVER

MONTANA DIVISION
 "NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS
 ON
 HISTORIC SITES
EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project Number: **STPP 14-6(9)259** (PPMS-OPX2 C#4059)
 Project Name: FORSYTH – NORTHWEST Location: W-central ROSEBUD COUNTY
 Description: Historic Irrigation Ditches (site № 24RB1668, see attached map)

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to and/or crossed by the existing highway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects? (alteration of crossings) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Does the proposed project disturb or remove archaeological resources that are important to preserve in-place rather than to recover? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)? (covered by Programmatic Agreement & Amendment) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Has the State Historic Preservation Office (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action in an Environmental Impact Statement (E.I.S.)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. The Scope-of-Work for the proposed project is one of the following: | | <input type="checkbox"/> |
| a) Improved traffic operation; | — | |
| b) Safety improvements; | — | |
| c) Resurfacing, Restoration, Rehabilitation, or Reconstruction ("4R"); | <input checked="" type="checkbox"/> | |
| d) Bridge replacement on essentially the same alignment; or | — | |
| e) Addition of lanes. | — | |

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| Alternatives Considered | | |
| 1. The "do-nothing" Alternative has been evaluated, and is not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. An Alternative has been evaluated which improves the highway without any 4(f) impacts, and is also not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. An Alternative on a new location avoiding the 4(f) site has (also) been evaluated and is not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

(concludes on next page)

Project Number: **STPP 14-6(9)259**

(PPMS-OPX2 C#4059)

Project Name: **FORSYTH – NORTHWEST**

Location: **W-central ROSEBUD COUNTY**

Description: **Historic Irrigation Ditches (site № 24RB1668, see attached map)**

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

(Alternatives Considered - conclusion:)

Yes No

Descriptions of Alternatives 2. and 3. are as-follows:

An "overlay only" type of proposed Alternative (2.) would have avoided "use" of the site's features, but was not considered prudent account the existing route's narrow width and poor condition in part-of its subgrade.

"An Alternative on a new location" (3.) was not regarded-as feasible since it would have resulted-in extraordinary impacts to Important Farmlands, wetlands, and/or "use" of other 4(f) sites. Also, the construction costs of such an Alternative to avoid the site's features would have been substantially greater-than those for this proposed project.

Minimization of Harm

Yes No

1. The proposed project includes all possible planning to minimize harm.

2. Measures to minimize harm include the following:

Site is recorded on form in (original) Cultural Resources Report as required-by the Programmatic Agreement for Historic Irrigation Ditches and its Amendment. Construction limits were minimized in areas of potential impact to 4(f) sites.

Coordination

Yes No

1. The proposed project has been Coordinated with the following:

a) SHPO (Programmatic Agreement applicability request 16-Oct-2000)

b) Advisory Council on Historic Preservation (ACHP in February, 1991)

c) Property owners (on: 18-Aug-1999 for Cultural Resources Survey)

d) Local/State/Federal agencies

List: U.S. ARMY – Corps of Engineers (CoE, on: 07-Jun-2002)

U.S. DEPARTMENT OF AGRICULTURE – Natural Resources Conservation Service (NRCS formerly the SCS, on: 25-May-2000)

U.S. DEPARTMENT OF THE INTERIOR – Bureau of Land Management (BLM, on: 20-Jan-2006)

2. Five of the preceding had the following comment(s) regarding this proposed project's "use" of, and/or the Measures to Minimize Harm to these sites:

For item #1.a), SHPO concurred (on 10-Nov-2000, copy of letter also attached) with the (amended) Programmatic Agreement's relevance to these sites.

For item #1.b), the ACHP concurred with the (original) Programmatic Agreement on Historic Irrigation features on 18-Mar-1991 and the Amended version of-same on 16-Aug-1993 (see attached copies of each)

(concludes-on next page)

Project Number: **STPP 14-6(9)259**

(PPMS-OPX2 C#4059)

Project Name: **FORSYTH – NORTHWEST**

Location: **W-central ROSEBUD COUNTY**

Description: **Historic Irrigation Ditches (site № 24RB1668, see attached map)**

(Coordination item 2. - conclusion:)

For item #1.d), CoE's Helena Regulatory office response (of 10-Jul-02) concerned the (initial) "Wetland Mitigation Site" proposed-for both this and a project constructed separately.

NRCS' Forsyth Field office (25-May-2000) reply was about both Prime if Irrigated Farmlands, and completing the #AD-1006 Farmland Conversion Impact Rating form for this project.

The BLM responded (on 29-Mar-2006) that easements had been granted in several parcels for this project. However, only one of this site's features is located-in a BLM parcel, and no additional easement or temporary-use construction permit(s) will be necessary there. BLM's only specific comment about 4(f) was that their "multiple use" lands do not "fit" within the defined recreation parameters for-same.

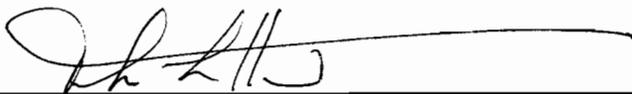
Further Coordination is pending with the Federal agencies listed-under preceding item #1.d). This proposed project is also documented as a Categorical Exclusion under the *National Environmental Policy Act (42 U.S.C. 4321, et seq.)* requirements.

Summary

The required Alternatives have been evaluated and the proposed project meets all the criteria in the "Nationwide Programmatic" *Section 4(f)* evaluation approved on December 23, 1986. This Programmatic Evaluation includes all possible planning to minimize harm that will be incorporated in this proposed project.

Approval

This document is both submitted pursuant-to **49 U.S.C. 303**, and in accordance with the provisions of **16 U.S.C. 470f**.



Date: 5/19/06

Thomas L. Hansen, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

Approved: 
Federal Highway Administration

Date: 5/23/06

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PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE MONTANA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE TREATMENT OF HISTORIC IRRIGATION DITCHES
AFFECTED BY HIGHWAY CONSTRUCTION IN MONTANA

WHEREAS, the Federal Highway Administration, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Highways (MDOH) for that agency's ongoing program to construct or rehabilitate highways, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an effect upon a certain class of properties included in or eligible for inclusion in the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the Montana Department of Highways (MDOH) participated in the consultation and has been invited to concur in this Programmatic Agreement;

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:

General Notes:

- A) The term "Irrigation Ditches" applies to irrigation ditches and ancillary structures such as, but not limited to, concrete ditch linings, intake headgates, overflow structures, flumes and siphons.
- B) The procedures in this Programmatic Agreement will be following without regard to the ownership or length of the irrigation ditches addressed in this Agreement.
 - 1) MDOH will assist the FHWA in meeting the compliance requirements of 36 CFR Section 800.4 through 800.6, as applicable, for those highway construction projects affecting irrigation ditch-related structures that are 50 years or older. For the purpose of this Programmatic Agreement, structures associated with existing roads and built as part of the roadway, such as metal or concrete culverts, will be considered to be features of the roadway and not of an intersecting irrigation system.

- 2) MDOH will assist the FHWA in meeting the compliance requirements of 36 CFR Section 800.4 through 800.6, as applicable, when the affected irrigation ditch has been abandoned, i.e., is no longer operational and operated. In such circumstances, the requirements of Section 106, as implemented by 36 CFR Part 800, will be met whether or not ditch-related structures will be impacted.
- 3) MDOH will assist the FHWA in meeting the compliance requirements of Section 106 of the Act, as implemented by 36 CFR Part 800, for those projects affecting irrigation ditches and associated structures, if any, previously listed on or determined eligible for inclusion in the National Register of Historic Places.
- 4) When operational irrigation ditches without structures in the construction-impact area will be re-channeled during highway construction, MDOH will comply with the following procedures:
 - a) Simplified inventory forms employing a format approved by the SHPO will be used to describe the feature. The forms will provide an assigned Smithsonian site number, the ditch's name, legal description, a history and map of the ditch taken from the appropriate Montana Water Resources Survey publication or other readily available published source and MDOH's assigned project name and number.
 - b) Such ditches will not be evaluated against the criteria of the National Register of Historic Places.
 - c) It is understood that determinations of effect, alternative project designs to avoid impact or mitigation of effect (other than continued ditch operation) will not be done by MDOH or FHWA.
 - d) Irrigation ditches not identified by name in the appropriate Montana Water Resources Survey publication will not be considered under any circumstances.
- 5) 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.
- 6) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR Part 800.13 to consider such amendment.

- 7) 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 agreement 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.

- 8) If a dispute arises regarding implementation of this Programmatic Agreement, FHWA will consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA will request the further comments of the Council pursuant to 36 CFR Part 800.6(b). Any council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR §800.6(c)(2) with reference only to the subject of the dispute; the FHWA's and MDOH's responsibilities to carry out all actions under this Programmatic Agreement that are not the subjects of the dispute will remain unchanged.

- 9) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 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: *[Signature]* Date: 3-18-91

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: *David C. Miller* Date: 2-6-91

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: *[Signature]* Date: 2-4-91

CONCUR

MONTANA DEPARTMENT OF HIGHWAYS

By: *[Signature]* Date: Feb 1, 1991

JA:Q:ENV:77.cm

AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE MONTANA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE TREATMENT OF HISTORIC IRRIGATION DITCHES
AFFECTED BY HIGHWAY CONSTRUCTION IN MONTANA

WHEREAS, the Federal Highway Administration, Montana Division and Western Federal Lands Highway Division (FHWA), propose to make Federal Aid funding available to the Montana Department of Transportation (MDT) for that agency's ongoing program to construct or rehabilitate highways and to make Federal funding available for the Public Lands Highway Program in the state of Montana, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an effect upon a certain class of properties included in or eligible for inclusion in the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the Montana Department of Transportation (MDT) participated in the consultation and has been invited to concur in this Programmatic Agreement;

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:

General Notes:

- A) The term "Irrigation Ditches" applies to irrigation ditches and ancillary structures such as, but not limited to, concrete ditch linings, intake headgates, overflow structures, flumes and siphons.
- B) The procedures in this Programmatic Agreement will be followed without regard to the ownership or length of the irrigation ditches addressed in this Agreement.
 - 1) MDT will assist the FHWA in meeting the compliance requirements of 36 CFR Section 800.4 through 800.6, as applicable, for those highway construction projects affecting irrigation ditch-related structures that are 50 years or older. For the purpose of this Programmatic Agreement, structures associated with existing roads and built as part of the roadway, such as metal or concrete culverts, will be considered to be features of the roadway and not of an intersecting irrigation system.

- 2) MDT will assist the FHWA in meeting the compliance requirements of 36 CFR Section 800.4 through 800.6, as applicable, when the affected irrigation ditch has been abandoned, i.e., is no longer operational and operated. In such circumstances, the requirements of Section 106, as implemented by 36 CFR Part 800, will be met whether or not ditch-related structures will be impacted.
- 3) MDT will assist the FHWA in meeting the compliance requirements of Section 106 of the Act, as implemented by 36 CFR Part 800, for those projects affecting irrigation ditches and associated structures, if any, previously listed on or determined eligible for inclusion in the National Register of Historic Places.
- 4) When operational irrigation ditches without structures in the construction-impact area will be re-channeled during highway construction, MDT will comply with the following procedures:
 - a) Simplified inventory forms employing a format approved by the SHPO will be used to describe the feature. The forms will provide an assigned Smithsonian site number, the ditch's name, legal description, a history and map of the ditch taken from the appropriate Montana Water Resources Survey publication or other readily available published source and MDT's assigned project name and number.
 - b) Such ditches will not be evaluated against the criteria of the National Register of Historic Places.
 - c) It is understood that determinations of effect, alternative project designs to avoid impact or mitigation of effect (other than continued ditch operation) will not be done by MDT or FHWA.
 - d) Irrigation ditches not identified by name in the appropriate Montana Water Resources Survey publication will not be considered under any circumstances.
- 5) 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.
- 6) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR Part 800.13 to consider such amendment.

- 7) 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 agreement 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.
- 8) If a dispute arises regarding implementation of this Programmatic Agreement, FHWA will consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA will request the further comments of the Council pursuant to 36 CFR Part 800.6(b). Any council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR §800.6(c)(2) with reference only to the subject of the dispute; the FHWA's and MDT's responsibilities to carry out all actions under this Programmatic Agreement that are not the subjects of the dispute will remain unchanged.
- 9) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 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.

This amended Programmatic Agreement encompasses the entire agreement between the parties and replaces any agreements previously negotiated regarding this undertaking.

WESTERN FEDERAL LANDS HIGHWAY DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: *James N Hall* Date: 7/20/93

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: *DC Lewis* Date: 7-23-93

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: *Marcell Shep* Date: 7-29-93

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: *Roberto Bush* Date: 8/16/93

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By: *Eddie Vinton* Date: 7-29-93

FORSYTH - NORTHWEST

ROSEBUD COUNTY

Altered Crossings

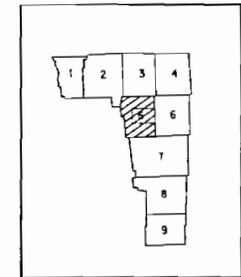
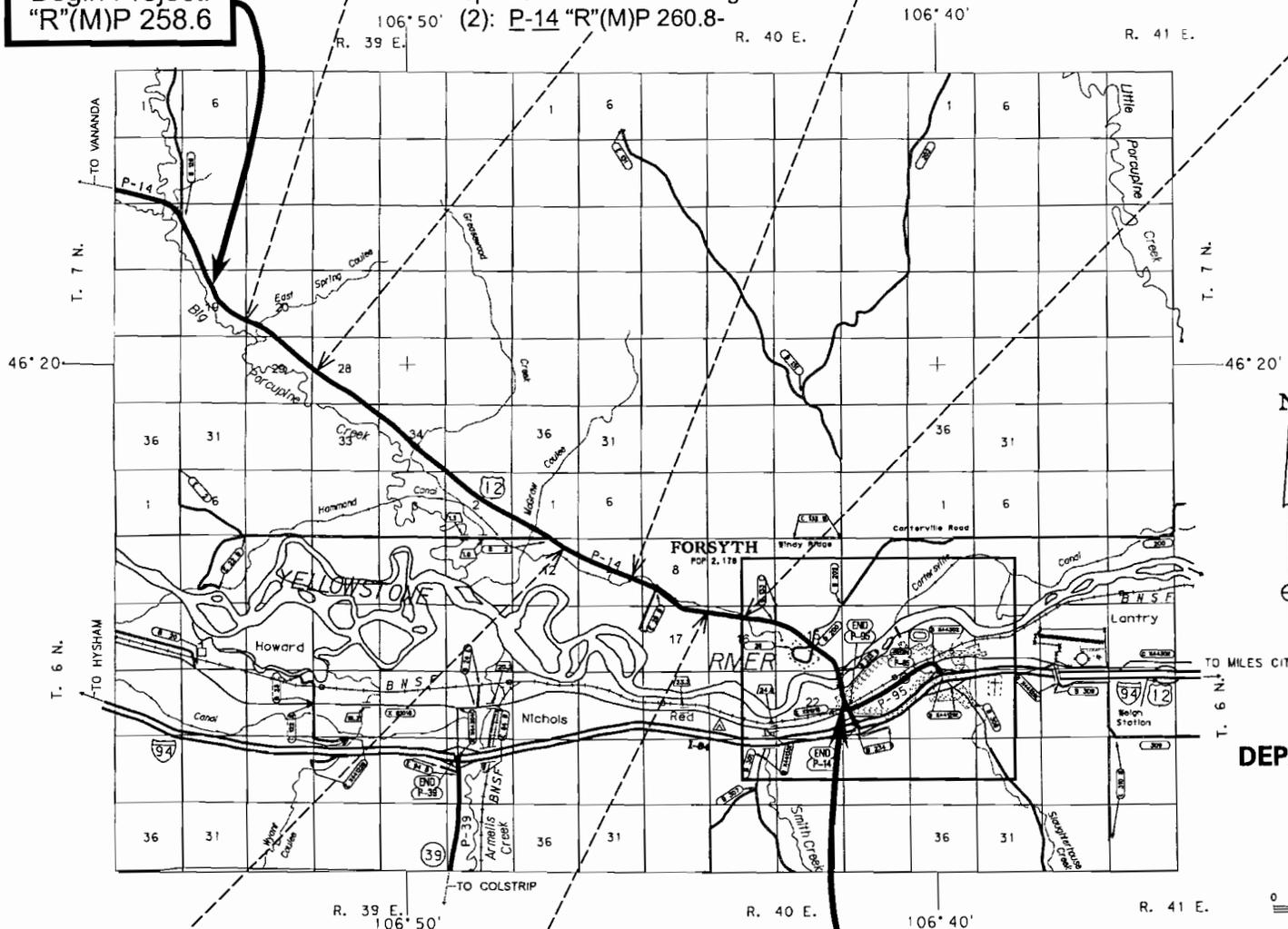
New culvert for crossing
(1): P-14 "R"(M)P 259.5+

Culvert @ Hammond Canal crossing
"USE AS-IS" (6): P-14 "R"(M)P 266.55+

Begin Project:
"R"(M)P 258.6

Replace culvert for crossing
(2): P-14 "R"(M)P 260.8-

Ends treatment for culvert at
Hammond Canal crossing
(8): P-14 "R"(M)P 268.45



MONTANA
ROSEBUD COUNTY
 PREPARED BY THE
STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

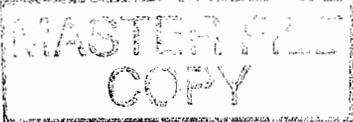
IN COOPERATION WITH THE
 U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION



Modify siphon for crossing
(3) & Remove siphon (4):
P-14 "R"(M)P 265.55-

Modify siphons for crossings (7):
P-14 "R"(M)P's 267.9+ & 267.95-

End Project:
"R"(M)P 270.5



MONTANA DIVISION
 "NATIONWIDE" SECTION 4(f) EVALUATION FOR MINOR IMPACTS
 ON
 HISTORIC SITES
EXCLUDING HISTORIC BRIDGE REPLACEMENTS

Project Number: **STPP 14-6(9)259** (PPMS-OPX2 C#4059)
 Project Name: **FORSYTH – NORTHWEST** Location: **W-central ROSEBUD COUNTY**
 Description: **Historic Road Sections (site No's 24RB1890, 24RB1898, 24RB1899 & 24RB1905, see attached map)**

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 1. Is the 4(f) site adjacent to and/or crossed by the existing highway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed project require the removal or alteration of historic structures, and/or objects? (altered intersections or settings) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Does the proposed project disturb or remove archaeological resources that are important to preserve in-place rather than to recover? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Is the impact on the 4(f) site considered minor (i.e.: no effect; or no adverse effect)? (covered-by Programmatic Agreement & Amendments) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Has the State Historic Preservation Office (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action in an Environmental Impact Statement (E.I.S.)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Is the proposed project on a new location? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. The Scope-of-Work for the proposed project is one of the following: | | <input type="checkbox"/> |
| a) Improved traffic operation; | — | |
| b) Safety improvements; | — | |
| c) Resurfacing, Restoration, Rehabilitation, or Reconstruction ("4R"); | <input checked="" type="checkbox"/> | |
| d) Bridge replacement on essentially the same alignment; or | — | |
| e) Addition of lanes. | — | |

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| Alternatives Considered | | |
| 1. The "do-nothing" Alternative has been evaluated, and is not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. An Alternative has been evaluated which improves the highway without any 4(f) impacts, and is also not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. An Alternative on a new location avoiding the 4(f) site has (also) been evaluated and is not considered to be feasible and prudent. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

(concludes-on next page)

Project Number: **STPP 14-6(9)259**

(PPMS-OPX2 C#4059)

Project Name: **FORSYTH – NORTHWEST**

Location: **W-central ROSEBUD COUNTY**

Description: **Historic Road Sections (site No's 24RB1890, 1898, 1899 & 1905)**

Note: A response in a box requires additional information, and may result in an individual evaluation or statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

(Alternatives Considered - conclusion:)

Yes No

Descriptions of Alternatives 2. and 3. are as-follows:

An "overlay only" type of proposed Alternative (2.) would have avoided "use" of these sites' features, but was not considered prudent account the existing route's narrow width and poor condition in part-of its subgrade.

"An Alternative on a new location" (3.) was not regarded-as feasible since it would have resulted-in extraordinary impacts to Important Farmlands, wetlands, and/or "use" of other 4(f) sites. Also, the construction costs of Alternative to avoid these sites' features would have been substantially greater-than those for this proposed project.

Minimization of Harm

Yes No

1. The proposed project includes all possible planning to minimize harm.

2. Measures to minimize harm include the following:

Sites are recorded on forms in (original) Cultural Resources Report as required-by the Programmatic Agreement for Historic Roads and Amendments to-same. Construction limits are minimized in areas of potential impacts to 4(f) sites.

Coordination

Yes No

1. The proposed project has been Coordinated with the following:

a) SHPO (Programmatic Agreement applicability request 16-Oct-2000)

b) Advisory Council on Historic Preservation (ACHP, in May, 1989)

c) Property owners (on: 18-Aug-1999 for Cultural Resources Survey)

d) Local/State/Federal agencies

List: ROSEBUD COUNTY's Floodplain Administrator responded (on 17-Dec-1999), and a FEMA Floodplain Development permit was authorized.

U.S. ARMY – Corps of Engineers (CoE, on: 07-Jun-2002)

U.S. DEPARTMENT OF AGRICULTURE – Natural Resources Conservation Service (NRCS formerly the SCS, on: 25-May-2000)

U.S. DEPARTMENT OF THE INTERIOR – Bureau of Land Management (BLM, on: 20-Jan-2006)

2. Five of the preceding had the following comment(s) regarding this proposed project's "use" of, and/or the Measures to Minimize Harm to these sites:

For item #1.a), SHPO concurred (on 10-Nov-2000, copy of letter also attached) with the (amended) Programmatic Agreement's relevance to these sites.

For item #1.b), the ACHP concurred with the (original) Programmatic Agreement for Historic Roads on 01-Jun-1989, and its latest Amendment on 22-Oct-2001 (see attached copies of each).

(concludes-on next page)

Project Number: **STPP 14-6(9)259**

(PPMS-OPX2 C#4059)

Project Name: **FORSYTH – NORTHWEST**

Location: **W-central ROSEBUD COUNTY**

Description: **Historic Road Sections (site №'s 24RB1890, 1898, 1899 & 1905)**

(Coordination item 2. - conclusion:)

For item #1.d), ROSEBUD COUNTY's Floodplain Administrator responded (on 17-Dec-1999), and a FEMA Floodplain Development permit was authorized.

CoE's Helena Regulatory office response (of 10-Jul-02) concerned the (initial) "Wetland Mitigation Site" proposed-for both this and a project constructed separately.

NRCS' Forsyth Field office (25-May-2000) reply was about both Prime if Irrigated Farmlands, and completing the #AD-1006 Farmland Conversion Impact Rating form for this project.

BLM responded (on 29-Mar-2006) that easements had been granted in several parcels for this project. Two of this site's features are within those, and an additional easement's necessary for one. However, the BLM's only 4(f)-specific comment was that their "multiple use" lands do not "fit" within the defined recreation parameters for-same.

Further Coordination is pending with both the COUNTY, and those Federal agencies listed-under preceding item #1.d). This proposed project is also documented as a Categorical Exclusion under *National Environmental Policy Act (42 U.S.C. 4321, et seq.)* requirements.

Summary

The required Alternatives have been evaluated and the proposed project meets all the criteria in the "Nationwide Programmatic" *Section 4(f)* evaluation approved on December 23, 1986. This Programmatic Evaluation includes all possible planning to minimize harm that will be incorporated in this proposed project.

Approval

This document is both submitted pursuant-to **49 U.S.C. 303**, and in accordance with the provisions of **16 U.S.C. 470f**.



Date: 5/19/06

Thomas L. Hansen, P.E.
Engineering Section Supervisor
MDT Environmental Services Bureau

Approved: Gene P. Kaufman

Federal Highway Administration

Date: 5/23/06

MDT attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program or activity of the DEPT. Alternative accessible formats of this document will be provided on request. For further information please call (406) 444-7228 or TTY (800) 335-7592, or the Montana Relay at 711.

The 1989 Historic Roads and Bridges Programmatic Agreement.

PROGRAMMATIC AGREEMENT

Among the Federal Highway Administration (FHWA), the Montana State Historic Preservation Office (MSHPO), and the Advisory Council on Historic Preservation (ACHP), to develop a historic preservation plan to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of the FHWA's mission to provide safe, durable and economical transportation.

WHEREAS, Congress has mandated that highway bridges be evaluated, and where found substandard, be rehabilitated or replaced and has provided funding for these purposes, to insure the safety of the traveling public (through the Highway Bridge Replacement and Rehabilitation Program); and

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has standards regulating the construction and the rehabilitation of highways and bridges that must be met by the FHWA to insure the safety of the traveling public; and

WHEREAS, Congress declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture; and

WHEREAS, the FHWA proposes to make Federal funding available to the Montana Department of Highways (MDOH) for its ongoing program to construct and rehabilitate roads and bridges, and MDOH concurs in and accepts responsibilities for compliance with this Agreement; and

WHEREAS, the FHWA has determined that the construction and improvement of highways may have an effect on historic roads and bridges that are listed in the National Register of Historic Places, or may be determined eligible for listing, and have consulted with the ACHP and the MSHPO pursuant to Section 800.13 of the regulations (36CFR800) implementing Section 106 of the National Historic Preservation Act (16U.S.C. 470f); and

WHEREAS, the parties understand that not all historic roads and bridges fall under the jurisdiction of sphere of influence of the FHWA, and that to encourage other parties to participate in preservation efforts, an education to foster a preservation ethic is needed; and

NOW THEREFORE, FHWA, MSHPO, and ACHP agree, and MDOH concurs, that the following program to enhance the preservation potential of historic roads and bridges, and to promote management and public understanding of and appreciation for these cultural resources will be enacted in lieu of regular Section 106 procedures as applied to historic roads and bridges only.

Stipulations

The Federal Highway Administration will ensure that the following program is carried out:

The Federal Highway Administration, in cooperation with the Montana Department of Highways, will develop a preservation plan to ensure the preservation and rehabilitation of the states [sic] significant historic roads and bridges, and will develop and on-going educational program to interpret significant historic roads and bridges that illustrate the engineering, economic, and political development of roads in Montana. Specifically:

A. For Public Education

1. MDOH will prepare technical documentation of the history of roads and road construction, and of the history of bridge building in the state, according to a format developed by MDOH in consultation with the MSHPO and in compliance with the Secretary of the Interior's Standards for Preservation Planning. From this documentation, MDOH will prepare narrative histories suitable for publication for the general public. Draft copies of the documentation and the narrative histories will be submitted to the FHWA, MSHPO and a list of qualified reviewers to be determined by FHWA, MDOH and MSHPO by December 1, 1990, and 45 days will be allowed for reviewers to comment. MDOH will prepare final documentation and histories by May 1, 1991. Final copies will be distributed to the district, area, and field offices of the MDOH, to the County Commissioners, county road and bridge departments, and county historical societies, to the owners of significant roads and bridges identified in the documentation, to the Montana Historical Society Library and the Montana State Library, and to the general public as requested.
2. MDOH will develop and make available to newspapers and publishers of historical and of engineering journals articles suitable for public information on historic roads and bridges and on their construction and significance.
3. MDOH will augment its historic sign program by developing interpretation for the traveling public at existing rest areas or pull-overs to explain Montana's road construction and bridge engineering. It will develop on-site interpretation for significant resources that can be viewed and appreciated by the public.
4. By April 15, 1990 MDOH will develop and circulate a traveling exhibit that portrays the history of the development of transportation in Montana.
5. By December 1, 1991 MDOH will develop and circulate a public program (slide/tape or video) of approximately 20 minutes, suitable for use at public or organization gatherings, classrooms, etc.

B. For Historic Road and Bridge Preservation

1. The FHWA, in co-operation with the MDOH, will prepare a plan for the preservation of significant and representative road segments and bridge types around the state as identified in the research in Part A. of this Agreement. The Historic Preservation Plan (HPP) will be presented to the FHWA, MSHPO, the ACHP and [a] list of qualified reviewers by September 1, 1991, and 45 days comment period will be allowed for discussion and adoption. FHWA will work to resolve disagreement on the proposed HPP. If agreement cannot be reached by December 1, 1991, all FHWA undertakings affecting historic roads and bridges will again become subject to 36 CFR 800 procedures.

The HPP for historic roads and bridges shall be prepared in accordance with the following guidelines:

- a. The essential purpose of the HPP will be to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA and the MDOH in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of FHWA's mission, to provide safe, durable and economical transportation;
 - b. In order to facilitate such integration, the HPP, including all maps and graphics, will be made consistent with the Federal Aid road and bridge numbering systems;
 - c. The HPP will be prepared in consultation with the owners, managers, caretakers, or administrators of historic roads and bridges, including county governments, city governments, federal agencies, and private individuals or corporations, and with interested parties or organizations, including the American Society of Civil Engineers - Montana Section, and the Montana Society of Engineers;
 - d. The HPP will be prepared with reference to the Secretary of Interior's Standards and Guidelines for Preservation Planning (48 FR 44716-20); and
 - e. The HPP will be prepared by or under the supervision of an individual who meets, or individuals who meet, at a minimum, the "professional qualifications standards" for historian and archaeologist in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).
2. The contents of the HPP will be developed in conjunction with the MSHPO, and will include, but not be limited to, a schedule for the anticipated implementation of the various elements, plus the formulation and presentation of programs to:

- a. Preserve historic bridges that do not meeting safety rating standards by rehabilitation in a manner that would preserve important historic features while meeting as many AASHTO standards as can be reasonable met;
 - b. When a historic bridge must be replaced, give full consideration and demolition savings to reuse of the historic bridge in place by another party.
 - c. When a historic bridge must be replaced and in place preservation is not feasible, give full consideration and financial assistance to relocating and rehabilitating the historic bridge as a part of the replacement project;
 - d. Develop and implement a program to encourage relocation and reuse of bridges of historic age that cannot be preserved in place or used on another location by the state or county;
 - e. Provide a financial incentive by offering demolition savings on all relocation and reuse of bridges of historic age;
 - f. Develop a list of historic roads and bridges that can be preserved. The list should include the variety available to reflect Montana highway construction history, while considering current condition and use. The list should be presented to and discussed with managing units to solicit their cooperation and/or participation in the preparation of the HPP; and
 - g. Devise a program to pursue the preservation of the state's representative and outstanding examples of road and bridge technology. A list of historic roads and bridges shall be preserved will be developed to implement this program, given currently known commitments to do so by property managers and subject to change by obtaining future commitments for other properties covered by this Agreement.
3. The HPP will not include information developed in Part A. above, narrative histories, but will be guided by and used in conjunction with Part A. above, and will be distributed to the same parties.
 4. MDOH will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, the SHPO, and the ACHP for review, comment, and consultation as needed.

C. Other Legal and Administrative Concerns

1. FHWA will continue to inventory, evaluate and seek determinations of eligibility, and fully comply with 36 CFR 800 for all undertakings with the potential to affect historic properties besides roads and bridges which are hereby excluded from such consideration.

2. The MSHPO, and the ACHP may monitor FHWA and MDOH activities to carry out this PA, by notifying FHWA in writing of their concerns and requesting such information as necessary to permit either or both MSHPO and ACHP to monitor the compliance with the terms of this Agreement. FHWA will cooperate with the SHPO, and the ACHP in carrying out their monitoring and review responsibilities.
3. FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.
4. If a dispute arises regarding implementation of this PA, FHWA will consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA will request further comments of the ACHP.
5. During any resolution of disagreements on the PA, and/or in the event MDOH does not carry out the terms of the PA, FHWA will carry out the procedures outlined in 36 CFR 800 for all undertakings otherwise covered by this agreement.

Execution of this PA evidences that FHWA has afforded the ACHP a reasonable opportunity to comment on FHWA's program to construct and improve Montana highways when those undertakings affect historic roads and bridges, and that FHWA has taken into account the effects of these undertakings on significant historic roads and bridges.

BY: FEDERAL HIGHWAY ADMINISTRATION

[Roger K. Scott]	[May 11, 1989]
Roger K. Scott	Date
Division Administrator	

BY: MONTANA STATE HISTORIC PRESERVATION OFFICER

[Marcella Sherfy]	[May 11, 1989]
Marcella Sherfy, MSHPO	Date

BY: ADVISORY COUNCIL ON HISTORIC PRESERVATION

[Robert D. Bush]	[June 1, 1989]
Executive Director	Date

CONCUR
BY: MONTANA DEPARTMENT OF HIGHWAYS

[Stephen C. Kologi]	[May 11, 1989]
Stephen C. Kologi, P.E., Chief	Date
Preconstruction Bureau	

**Amendment To The Programmatic Agreement Regarding
Historic Roads and Bridges In Montana**

We are hereby amending the following stipulations in the Programmatic Agreement.

A. For Public Education

1. In the third sentence December 1, 1990 becomes December 1, 1992.
In the fourth sentence, May 1, 1991 becomes May 1, 1993.
5. December 1, 1991 becomes December 1, 1993.

B. For Historic Road and Bridge Preservation

1. September 1, 1991 becomes September 1, 1993 and December 1, 1991 becomes December 1, 1993.

By: Federal Highway Administration

[D. C. Lewis for] _____ Date [February 27, 1992] _____
Hank Honeywell
Division Administrator

By: Montana State Historic Preservation Officer

[Marcella Sherfy] _____ Date [February 27, 1992] _____
Marcella Sherfy, MSHPO

By: Advisory Council on Historic Preservation

[Robert D. Bush] _____ Date [March 16, 1992] _____
Robert D. Bush, Executive Director

Concur

By: Montana Department of Transportation

[Edrie Vinson] _____ Date [February 25, 1992] _____
Edrie Vinson
Environmental & Hazardous Waste Bureau

**Programmatic Agreement Implementing the Roads and Bridges
Preservation Plan**

**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 Administration, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's ongoing program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an effect 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 800.13 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 regarding roads and bridges and that document has been subject to review under 36 CFR 800.13 and has been agreed to by FHWA, SHPO and the Council; and

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

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 implement the Roads and Bridges HPP in lieu of compliance with 36 CFR §§ 800.4 through 800.6.
- 2) This Programmatic Agreement will remain in force for as long as the roads and bridges HPP is in force or unless Stipulation 9 of this Agreement is invoked.
- 3) FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.

- 4) The MDT will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, Montana SHPO and the Council for review, comment and consultation as needed.
- 5) 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
- 6) 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.
- 7) 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.
- 8) Should the Montana SHPO object within sixty (60) days to any stipulation 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 remained unchanged.
- 9) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 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: Alan M. Suter

Date: 7/17/97

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: [Signature]

Date: 7-9-97

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: [Signature]

Date: 7-8-97

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By: Joel M. [Signature]

Date: 7/8/97

**AMENDMENT
TO
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 Administration, 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 effect 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 800.13 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 developed a Historic Preservation Plan regarding roads and bridges and that document was reviewed and accepted by FHWA, SHPO and the Council, and

WHEREAS, that document did not include historic roads constructed before the creation of the Montana State Highway Commission in 1913, requiring the necessity of including those properties under a Programmatic Agreement as specified in Part VI, Section A(5)(1)(a) of the MDT's Roads and Bridges Historic Preservation Plan (See Attachment 2), and

WHEREAS, that the existing Programmatic Agreement/Historic Preservation Plan is supplemented by this amendment and its underlying provisions remain in effect to the extent that they have not been completed, and

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

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 implement this amendment to the Historic Roads and Bridges Programmatic Agreement in lieu of compliance with 36 CFR §§ 800.4 through 800.6.
- 2) The MDT will acquire a 2± mile (10,560± linear foot) segment of the Mullan Road (24MN133) in Mineral County, Montana. The trail will be preserved and developed as a historic recreational/interpretive trail. The MDT will provide funding toward the development and interpretation of the trail and obtain a conservation easement on the property to assure its future preservation. The interpretive plan for the trail will be developed in cooperation with the Montana SHPO, the Montana Department of Fish, Wildlife & Parks and the Salish-Kootenai Tribal Preservation Office. The Mullan Road segment will be acquired by the MDT by June 30, 1999.
- 3) The MDT will provide \$13,000 to the Montana Historical Society for partial funding of a conference regarding the historically significant Bozeman Trail. The conference will encourage research into the development and use of pre-1913 roads and trails, their preservation and development and interpretation for the public benefit. Other funding for the conference will be secured from the Montana Committee for the Humanities, Wyoming Humanities Council, Bozeman Trail Association, Frontier Heritage Alliance and other private organizations. The conference will be held July 28 – 31, 1999 (See Stipulation 2 above).
- 4) The MDT's financial contribution to the conference will function, along with other stipulations of the existing Plan, as mitigation for individual undertakings where segments of historic pre-1913 roads and trails may be affected by MDT road and bridge reconstruction projects.
- 5) A list of MDT projects that have the potential to affect segments of historic pre-1913 roads and trails is attached (See Attachment 1).
- 6) The MDT will provide funding for the installation of ten historic markers on pre-1913 historic roads and trails that are adjacent to Montana's primary and secondary highway system. The marker locations will be determined by MDT and SHPO.
- 7) The MDT will continue to record and assign Smithsonian trinomial site numbers to segments of historic 19th century roads and trails located within the MDT's five administrative districts. Where particular roads and trails segments involve features or historic significance on a statewide or national level, the MDT will consult with SHPO to develop a plan to avoid and/or incorporate the property into the MDT's undertaking as specified in Part VI, Section 4 of the existing Roads and Bridges Historic Preservation

- 8) 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
- 9) 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.
- 10) Should the Montana SHPO object within sixty (60) days to any stipulation pursuant to this Programmatic Agreement, 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 with recommendations which it will take into account in reaching a final decision regarding the dispute; or
 2. Notify the FHWA 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 in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this Programmatic Agreement that are not subjects of the dispute will remain unchanged.
- 11) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 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: Alan M. Fowler

Date: 1/29/89

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: [Signature]

Date: 1-21-89

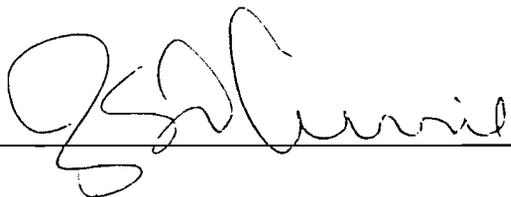
MONTANA STATE HISTORIC PRESERVATION OFFICER

By:  _____

Date: 1-14-99

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By:  _____

Date: 1/14/99

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

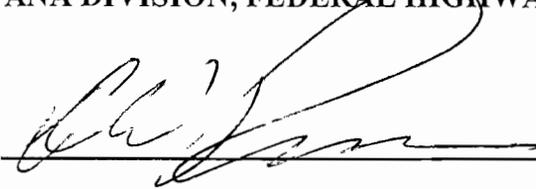
By:  _____

Date: 10/22/01

(502)

Executive Director

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By:  _____

Date: 10-2-2001

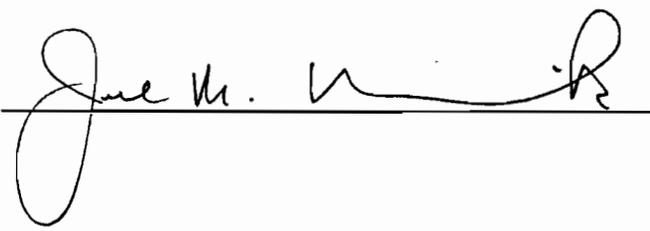
MONTANA STATE HISTORIC PRESERVATION OFFICER

By:  _____

Date: 9/26/2001

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By:  _____

Date: 8/23/01

RECEIVED

DEC 09 2003

ENVIRONMENTAL

**FIRST AMENDMENT TO
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, in 2001, the Federal Highway Administration (FHWA), Advisory Council on Historic Preservation (Council), Montana State Historic Preservation Office (SHPO) signed, and the Montana Department of Transportation (MDT) concurred in, a Programmatic Agreement implementing a Historic Preservation Plan (HPP) regarding the treatment of historic roads and bridges in Montana; and

WHEREAS, the MDT has determined that the adoption of reinforced concrete, timber stringer, and monumental steel truss, stringer and girder bridges pursuant to Section B.4. of the HPP (Adopt-A-Bridge Program) is not practical when these bridges cannot be preserved in place and have to be relocated; and

WHEREAS, the MDT recognizes that a published book on historic bridges in Montana will encourage appreciation and awareness of the significance of Montana's historic bridges and will promote the preservation of these structures;

NOW THEREFORE, the FHWA, Council, SHPO, and MDT agree that the existing PA and HPP shall be amended to include the following stipulations:

1. For reinforced concrete, timber stringer, and monumental steel truss, stringer and girder bridges, the MDT will seek alternatives that allow for them to be preserved and adopted in place. If because of new bridge design constraints these kinds of bridges cannot be relocated intact, or preserved and adopted in place, they will be advertised for adoption under Section B.4 of the HPP for an abbreviated 30-days before the scheduled ready date for the project.
2. The MDT will author and provide \$15,000 to the Montana Historical Society Press for the publication of a book on the history of bridge construction in Montana. The book will be edited and published by the Montana Historical Society Press by December 31, 2006.

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: Carl James

Date: 12/15/03

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: Mark F. Zambler

Date: 12/8/2003

CONCUR:

MONTANA DEPARTMENT OF TRANSPORTATION

By: Dave Hill

Date: 11/28/03

STPP 14-6(9)259

Historic Road Sections Map (Site #'s 24RB1890, 1898, 1899 + 1905) (PPMS-OPX2 C#4059)

FORSYTH - NORTHWEST

ROSEBUD COUNTY

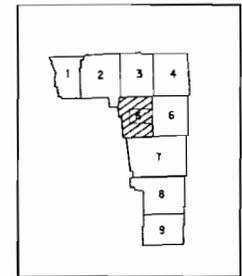
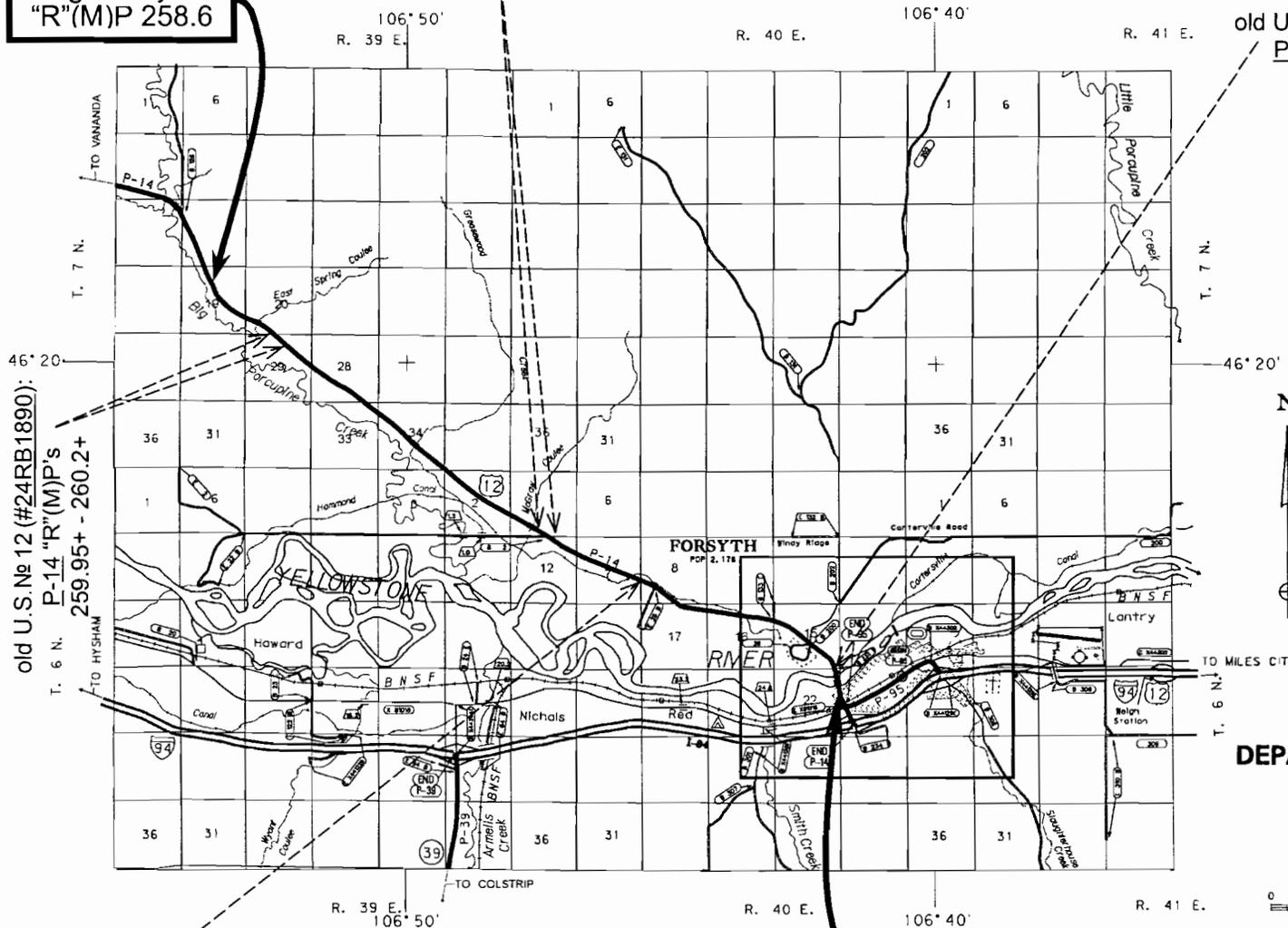
Altered Connections or Settings

old U.S. No 12 (#24RB1898): P-14
"R"(M)P's 264.9- to 265.2+

old U.S. No 12 (#24RB1905):
P-14 "R"(M)P 270.2-

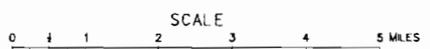
Begin Project:
"R"(M)P 258.6

End Project:
"R"(M)P 270.5



MONTANA
ROSEBUD COUNTY
 PREPARED BY THE
STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

IN COOPERATION WITH THE
 U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION



old U.S. No 12 (#24RB1890):
P-14 "R"(M)P's
259.95+ - 260.2+

Cold Spring access
(#24RB1899): P-14
"R"(M)P 266.85-

