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Michael T. Tooley, Director
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July 22, 2013

Kevin L. McLaury, Division Administrator
Federal Highways Administration (FHWA)
585 Shepard Way
Helena, MT 59601-9785

Subject: Categorical Exclusion Concurrence Request
STPS 569-1(5)15
Moose Creek Road – N&S
UPN 4909001

Dear Mr. McLaury,

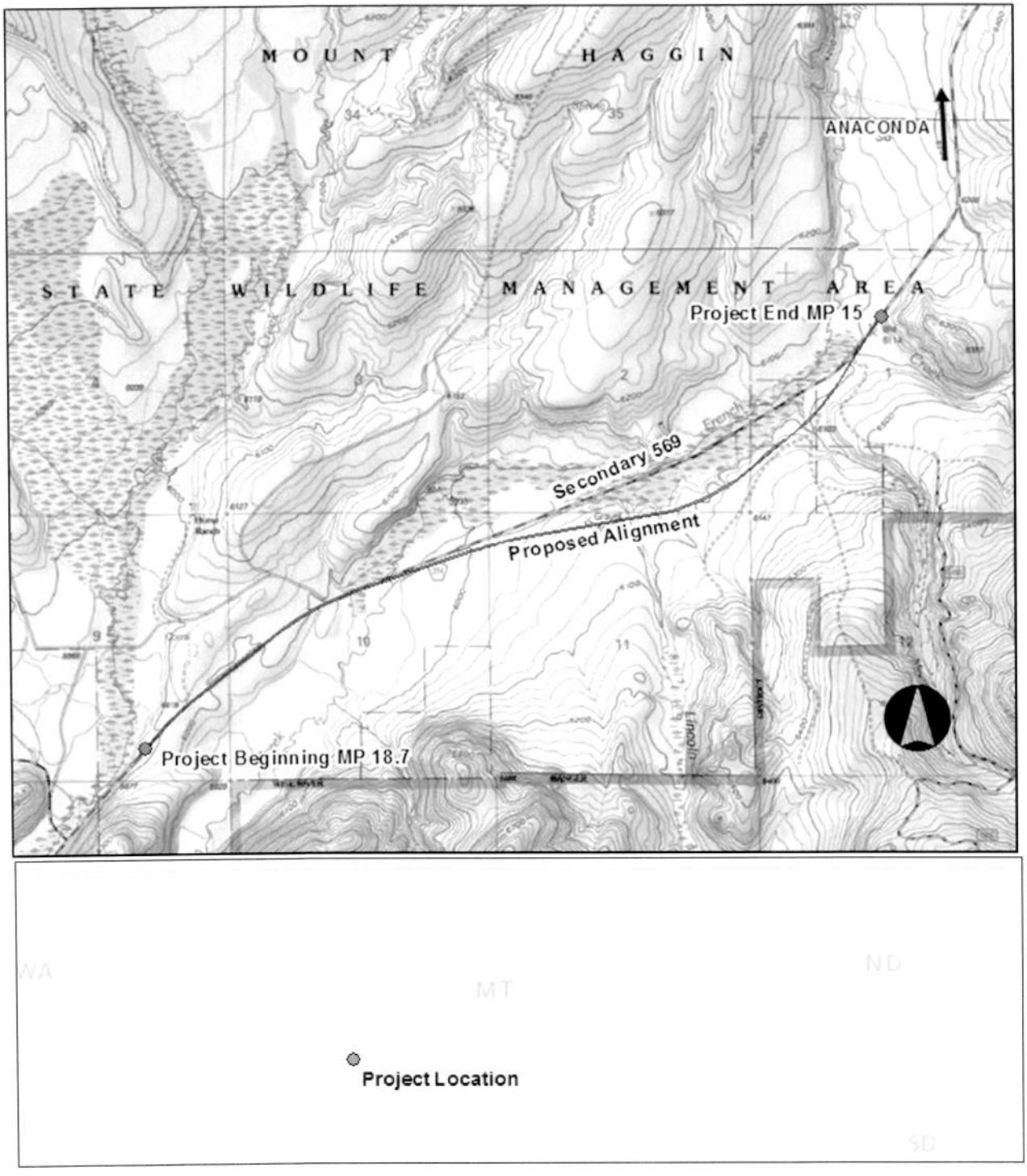
This is a request for the Federal Highways Administration's (FHWA) concurrence that this proposed project meets the criteria for classification as a Categorical Exclusion (CE) under the provisions of 23 CFR 771.117(d). This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, MCA).

Project Background
Moose Creek Road-N&S was originally part of a larger proposed project, Junction Montana 43-North STPS 569-1(1)15, Control number 4909. In September 2007, the project was split into two segments: Moose Creek N&S (north end) and Junction MT43-N (south end). The Cultural Resources Survey report was completed in March 2008 and the Final BRR was completed in May 2010 and covered both segments. In September 2010 an alignment was chosen on the Moose Creek segment. Additional archeological studies have been completed. An archaeological testing report for sites 24DL151 and 24DL154 dated December 2012 has been reviewed by SHPO. Currently, a data recovery plan is pending.

Project Location
This project is in Deer Lodge County on Secondary Route 569 (S-569), approximately 18 miles south of its junction with Montana Highway 1 and 3.5 miles north of Montana Highway 43 (see Figure 1). The project begins at reference point 15.0 in Section 9, T2NR12W and extends approximately 3.7 miles northeast to reference point 18.7 in Section 36, T3NR12W. It lies entirely within the Mount Haggin Wildlife Management Area (WMA), a state-owned property managed by the Montana Department of Fish, Wildlife, and Parks (MT FWP) The project will tie into an adjacent 3.5 mile resurfacing project, STPS 569-1(1)15 JCT 43-North, at the south end of the project.

Existing Condition
S-569 was constructed in 1941 and, with the exception of routine maintenance and a seal and cover project, has not been reconstructed since. Anaconda-Deer Lodge County currently provides maintenance of the highway. The County has petitioned MDT to take ownership of S-569. As part of the agreement between MDT and the County, the County agreed to make reconstruction of S-569 a priority request for funding. After reconstruction of the highway, MDT will resume maintenance of the highway completing the reversion process. The existing road surface is 24 feet wide with deteriorating pavement that requires frequent maintenance.

Figure 1: Project Location & Proposed Alignment



The road within the project area is in rolling terrain and much of it bisects a wetland complex associated with French Creek. Preliminary geotechnical investigations indicate saturated and unstable conditions in portions of the subgrade. Adjacent shrubs decrease sight distance. Based on the design speed of 50 mph, horizontal curves meet the minimum radius of 760 feet; however, the super elevation does not appear to be standard. The vertical alignment consists of several short crest and sag curves and broken back curves. One bridge crosses French Creek and culvert crossings are at Lincoln Gulch, Moose and French Creek, and other named and unnamed drainages.

Purpose and Need

The purpose of and need for the proposed Moose Creek Road - N&S project is to correct substandard elements of the roadway, such as poor vertical alignment, unstable and saturated subgrades and deteriorating pavement, in order to create a safer travel surface. A by-product of this action would be reduced maintenance costs, thereby fulfilling an agreement for MDT to take over maintenance of S-569 from Deer Lodge County.

Project Description

The project will reconstruct approximately 3.7 miles of roadway. The roadway will be offset approximately 30' from the present travelled way (PTW) for the first mile, shifting to a new alignment for 2.7 miles, and then returning to existing alignment for the remaining 0.7 miles. The proposed design relocates the roadway southeasterly and slightly upslope out of the French Creek floodplain and wetland/riparian area (see Figure 1). The road width will be increased to 26 feet to accommodate future overlays. There is one new bridge crossing of French Creek and three new large culvert crossings at Lincoln Gulch, Moose Creek and an upper reach of French Creek. There are nine additional smaller culvert crossings. One of these small new culvert crossings, located at Panama Creek near Station 167, will require a channel change.

The portion of S-569 abandoned by the new alignment (approximately 8800 feet) will be reclaimed with the intent of restoring, as much as practicable, the natural and local habitat: primarily wetland/riparian communities. Specific reclamation plans will be prepared as part of the roadway design. Additionally other design elements have been discussed with MT FWP that would enhance the Mount Haggin WMA. These include:

1. locating one scenic turn out at the north end of the project. This may provide MT FWP a location for creating an educational and/or informational site,
2. locating an informal fishing access along French Creek near Station 160,

MDT evaluated the possibility of installing various types of fish barriers in Moose Creek and Lincoln Gulch associated with the new roadway, and determined that the potential risks to the long-term stability and integrity of the roadway associated with the fish barriers were high. Subsequently, MT FWP identified an opportunity to install a barrier along French Creek on the WMA, but away from the reconstructed roadway. MDT and FHWA agreed to contribute an amount equivalent to the estimated cost of installing fish barriers in association with the highway, approximately $60,000, to the construction of this fish barrier. The French Creek fish barrier will be designed and constructed by MT FWP in an effort to manage the French Creek drainage for the restoration and promotion of native Arctic grayling and genetically pure strains of the westslope cutthroat trout. MDT and MT FWP will develop an MOU describing the appropriate use of the funds. The funding will be specific to and contingent upon the construction of the fish barrier.

The scope of work for the highway project is proposed to be completed in two phases. Phase 1 includes construction of the new alignment of S-569, the bridge over French Creek and culverts, and

reconstruction of the existing road segments. Phase 2 consists of reclaiming the abandoned S-569 roadway and restoring natural habitat.

Impact Assessment Methodology

In order to assess the environmental consequences of the proposed action, the direct, indirect, and cumulative effects must be identified and their significance determined. Direct effects are caused by the action and occur at the same time and place (as defined in 40 CFR 1508.8). Indirect effects are also caused by the action but farther removed in distance or are later in time—in the reasonable and foreseeable future. This may include growth inducing effects.

The impacts of the proposed action also must be evaluated in context with other past, present, and reasonable foreseeable future actions regardless of what agency or person undertakes such activities. This process of cumulative effects analysis may indicate increased level of impacts or may reveal unique or new impacts that are not identifiable at an individual project level.

The significance of the specific impacts is determined by considering both context and intensity. Significance determinations of the proposed action are made by evaluating the direct, indirect and cumulative effects.

Past, Present, and Future Actions

S-569 runs through a rural high elevation valley with very little development. Historic mining, ranching, and logging occurred in the area. S-569 was constructed in 1940-41. Recent past and current actions in the area primarily are associated with the management of the Mount Haggin WMA and focus on managing for wildlife and their habitat. In addition to this proposed Moose Creek Road-N&S project, MDT is planning the Junction Montana 43-North, STPS 569-1(1), CN 4909. These projects are adjacent to each other and specific timing of construction is unknown at this time. Given the limited capacity of the roadway and State MT FWP ownership of the surrounding area, development is not expected to occur as a result of MDT's proposed projects. No other current or future activities were identified for the project area.

Project Impacts, Proposed Mitigation & Determination of Significance

Table 1 summarizes the direct, indirect and cumulative impacts anticipated for the proposed Moose Creek project; the proposed mitigation, monitoring, and/or special coordination for each resource; and the determination of significance. Significance determinations were based on the criteria specified in 40 CFR 1508.27 and ARM 18.2.238.

Conclusions:
In accordance with 23 CFR 771.117(a), this pending action would not cause any significant individual, indirect (secondary), or cumulative environmental impacts. No extraordinary circumstances as specified in ARM 18.2.261(2), nor unusual circumstances as specified in 23 CFR 771.117(b), have been identified. Therefore, the FHWA's concurrence is requested that this proposed project is properly classified as a Categorical Exclusion.

Heidy Bruner Date: 7/23/13
Heidy Bruner, P.E.
Engineering Section Supervisor

Concur: Brian Hasselbach Date: 7/24/13
Federal Highway Administration

copies: Jeff Ebert – Butte District Administrator
Kent Barnes, P.E. – Bridge Engineer
Robert Stapley – Right-of-Way Bureau Chief
Lisa Hurley, Supervisor – Fiscal Programming Section
Tom Erving – Fiscal Programming Section
Suzy Price, Supervisor – Contract Plans Section
Heidy Bruner, P.E. – Engineering Section Supervisor
Tom Martin, P.E. – Environmental Services Bureau Chief
James Walther, P.E. - Preconstruction Engineer
Ryan Dahlke, P.E. – Consultant Design Engineer,
Attn: Mike DalSoglio, P.E., Consultant Project Engineer
Matthew Pool, P.E., Morrison-Maierle, Inc.
Mark Brooke, P.E., Morrison-Maierle, Inc.
File

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Table 1. Impact Assessment - Moose Creek Road – N&S

Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
Vegetation	The project area is in a high elevation valley. Common vegetation communities consists of open foothill grasslands, lodgepole pine forests, wetland and riparian areas primarily associated with the numerous drainages are the. The roadside is well vegetated to within 1-2' of pavement edge.	**Temporary:** In order to construct the proposed project, some removal of trees and vegetation would be required. These losses would be limited to the minimum amount necessary to construct the project. Additionally, clearing and grubbing activities conducted during construction may result in the invasion and/or spread of noxious weeds. **Permanent:** Road construction associated with the road widening and new alignment will eliminate some vegetation. however, relocating the roadway out of wetland/riparian vegetation and the subsequent restoration of the PTW would be a long-term benefit as it helps to re-establish continuity of the currently fragmented community.	In accordance with Standard Specification 201, clearing and grubbing activities would occur only within staked construction limits. To control the spread of noxious weeds, the contractor would be required to wash all equipment prior to transport into the project area as specified in the Supplemental Specifications. In accordance with standard specifications, the abandoned roadway would be reclaimed with vegetation appropriate for the surrounding ecosystem. This would include restoring approximately 8 - 10 acres of wetland/riparian vegetative communities. In other areas, to re-establish permanent vegetation and to reduce the spread and establishment of noxious weeds, disturbed areas would be seeded with desirable plant species, as soon as practicable, as recommended and determined feasible by the MDT botanist. MDT would coordinate with and follow weed management directives of Deer Lodge County and MT FWP for the Mount Haggin WMA.	Additional impacts from MDT's adjacent Highway 43-North resurfacing project would result in additional minimal loss of vegetation.	Not Significant. Although some loss of trees and vegetation is expected, the loss is considered minor when compared to the amount of trees and vegetation present in the project area and the proposed area of reclamation/ restoration along the PTW.

[1] More detailed descriptions of the various resources are provided in the referenced reports and studies.

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			Post-construction, the site would be monitored until final stabilization is met.		
Prime Farmland	No prime farmland is present in the project area.	N/A	N/A	N/A	Not Significant. No impacts anticipated.
Cultural and Historic sites, including Section 4(f) Properties	The French Creek placers site (24DL757) is considered eligible for the National Register of Historic Places (NHRP) under Criteria A and D. The Lincoln Creek site (24DL151), and the Moose Creek site (24DL154) are considered eligible for the NRHP under Criterion D for its archaeological data potential. The Upper French Creek Bridge Site, 24DL268, is a timber bridge on the existing highway.	The portion of Site 24DL757, the French Creek Placers within the project's Area of Potential Effect will likely result in **no adverse effect** to the site. MDT anticipates having **an adverse effect** on sites 24DL151, the Lincoln Creek site and 24DL154, the Moose Creek site. The timber bridge, which will be removed following construction of the shifted alignment, is covered under the attached Programmatic 4(f) evaluation.	MDT anticipates mitigating the adverse effects of sites 24DL151 and 24DL154 by developing a Memorandum of Agreement that stipulates mitigation in the form of a phased data recovery (archaeological excavation, preparation of a report, and curation of artifacts). Additional coordination with Montana SHPO, Native American Tribes and the Advisory Council on Historic Preservation is being completed.	No cumulative effects were determined.	Not Significant. Potential impacts are either minimal enough to fall under the programmatic agreement or will be mitigated via data recovery and preservation in place.
Air Quality	The project area is not in a non-attainment area. Air quality generally is considered good.	**Temporary:** A localized, temporary decrease in air quality is anticipated during project construction due to particulate and combustion emissions generated by heavy equipment and support vehicles. Wind erosion of exposed areas and material would generate particulate	In accordance with MDT Standard Specification 107, the contractor would be required to adhere to applicable air quality rules and regulations, which may require the use of dust suppression and emission control measures to minimize short-term construction-related impacts.	Additional impacts from construction of MDT's adjacent Highway 43-North resurfacing project could result in similar short-term, construction-related impacts on air quality. However, these construction activities are not expected to occur at the same time as the	Not Significant. All anticipated impacts are localized, temporary, construction-related impacts that are considered minimal.

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		matter.	Additionally, the Contractor would be required to re-vegetate disturbed areas as described above.	proposed project. As such, no cumulative impacts are expected.	
Water Quality (including a channel change)	The proposed project crosses French Creek and its tributaries California, Panama, First Chance Gulch, Lincoln and Moose Creek. Deep Creek is located just downstream and within influence of the project.	Temporary: Temporary, construction-related impacts to water quality include increased potential for erosion, reduced slope stability, storm water runoff, and increased turbidity resulting from the disturbance of waterway bottoms and re-suspension of existing sediments in the water column. Permanent: A small increase of impervious surface area through roadway widening is expected, resulting in increased runoff. Panama Creek, at approximately Station 167+00 will require a channel change because the realigned roadway will cross the stream at a different location than the PTW. Design efforts to maintain the affected channel length are underway, though minor channel length loss may result.	In accordance with MDT Standard Specifications 107 and 208, the contractor would be required to adhere to applicable water quality rules, regulations, and permit conditions. Erosion and sediment control(s) would be required as necessary to minimize damage to the highway and adjacent properties and abate pollution of surface and ground water resources. Routine site monitoring would be conducted as necessary to ensure all pollution control measures are installed, maintained, and functioning correctly.	Refer to Fish & Wildlife Section for discussion on water quality. Additional impacts from construction of MDT's adjacent Highway 43-North resurfacing project could result in similar short-term, construction-related impacts on water quality. However, these construction activities are not expected to occur at the same time as the proposed project.	Not Significant. The effects of increased sedimentation and turbidity are anticipated to be short term and minor. Although it is anticipated that there will be a small increase in impervious surface, and resulting runoff, with this project as well as future actions, this increase is limited to a small percentage of the overall land in the corridor vicinity. Therefore, only negligible increases of runoff would be expected.
Floodplains	The project is within a FEMA designated "Zone A" (approximate 100-year) floodplain and a Zone C	The proposed new bridge crossing at French Creek and new large open bottom arch culverts for crossings at upper	No mitigation or monitoring is proposed.	No cumulative impacts were identified.	Not Significant. All anticipated impacts are beneficial.

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	(minimal flooding) designation.	French Creek, Moose Creek, and Lincoln Gulch would allow for appropriate water flow. No impact to the floodplain is anticipated. **Permanent:** Relocating the existing S-569 out of the French Creek floodplain and removal of associated culverts will help restore the floodplain and be beneficial.			
Wild and Scenic Rivers	No Wild or Scenic Rivers are within the project area.	N/A	N/A	N/A	N/A
Wetlands	Currently, over two miles of S-569 in the project area run through wetlands that are primarily associated with French Creek and its tributaries. These Category II wetlands, considered unique in the region, provide high functioning habitat for general wildlife, such as moose, and for sensitive and/or candidate species, such as westslope cutthroat trout and Arctic grayling.	**Temporary:** Some wetland may be compacted or trampled due to movement and operation of construction equipment. Functionally, a minor loss of local wetland habitat would occur for a couple years until the wetland recovers from the temporary disturbance. **Permanent:** Based on preliminary calculations from wetland delineations, approximately 6 acres of wetland would be filled or otherwise permanently impacted from the proposed project. It is anticipated that	Impacts to wetlands would be avoided and minimized to the maximum extent practicable, including consideration of design exceptions. For unavoidable wetland impacts, mitigation would be provided in accordance with Executive Order #11990 and the US Army Corps of Engineers Clean Water Act permit requirements. Delineated wetland areas and areas of permitted impact will be shown on the plan sheets. Off-site mitigation for lost wetland function and value is proposed at a COE and MDT	Approximately 0.43 acres of wetlands are expected to be filled from construction of MDT's adjacent Highway 43-North project. Those impacts will also be mitigated in accordance with Executive Order #11990 and the US Army Corps of Engineers Clean Water Act permit requirements, resulting in no net loss of wetlands. Within the watershed, no other projects were identified for use in cumulative analysis.	Not Significant. All wetland impacts will be mitigated to no net loss of wetlands. Restoration of the PTW to wetland/ riparian area will eventually result in a net gain of wetlands in the watershed once the wetland restoration area is established.

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Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
		approximately 8-10 acres of new of wetland/riparian area would be created by relocating the existing S-569 roadway out of the French Creek floodplain and riparian/wetland complex and restoring the area back to wetland habitat. Restoration design plans are pending. A net gain of 2 - 4 acres of wetland is estimated.	approved mitigation reserve in the watershed. MDT anticipates mitigating at Big Hole Grazing Mitigation site. Post-construction, monitoring of restored wetland would occur per MDT's guidelines.		
Fish and Wildlife	The project area lies within important year-round and seasonal habitat for numerous animals including big game species. Elk and mule deer commonly cross S-569 as they seasonally migrate between winter and summer ranges. Moose use habitat in the project area year-round, concentrating in the riparian areas during the winter. Numerous other species use the wetland and riparian areas. Migratory bird species, waterfowl, game birds and raptors all occur. Fish present in the general project area include numerous species, including westslope cutthroat trout and Arctic grayling. Nine animal sensitive or	**Temporary:** Construction activity could disrupt some animal use including foraging, denning, nesting, and migration. In winter, moose could experience increased stress associated with displacement that could result in increased mortality and reduced reproductive success for affected individuals. Construction activities could disrupt migratory movements of elk and mule deer and their use of adjacent habitat through their temporary avoidance of the area. This should not prevent them from moving between seasonal ranges. Sediment generated from construction activities, especially bridge and culvert	Timing restrictions on certain construction activities are anticipated and will be coordinated with MT FWP or other agencies to maintain compliance with State and Federal regulations. Project related fencing would be constructed in a wildlife-friendly manner, to the extent practical. Coordination with MT FWP and other land managers would occur regarding right-of-way fencing.	MDT's adjacent Junction MT 43-North project, primarily a resurfacing, temporarily could discourage use of surrounding habitat and disrupt movement patterns, especially of big game. This may add to impacts resulting from this proposed project but is still considered minor. Fencing projects on lands managed by MT FWP, private leases or landowners could occur affecting wildlife movement. This impact would be minor. MDT's adjacent Junction MT 43-North project is expected to generate minor turbidity due to culvert	Not Significant. While additional survey or analysis information is pending for the sensitive western toad, the finding of "Not Significant" is not expected to change. If surveys or additional analyses do indicate impacts, further coordination with agencies would occur and pertinent mitigation measures proposed. Due to the natural sediment trapping features on site and along with proper sedimentation

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Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
	species of concern occur or potentially occur in the project area. These are: westslope cutthroat trout, western pearlshell mussel, northern goshawk, great gray owl, golden eagle, great blue heron, fringed myotis (bat), western toad, and Gillett's checkerspot butterfly.	activities could have short-term impacts on water quality and fish. Arctic grayling and westslope cutthroat would be most affected by spring/early summer sediment producing construction activities, while brook trout would be by late summer or fall activities. An increase in sediment could occur during the second phase of this project: the removal and restoration of the abandoned portion of S-569, immediately adjacent to French Creek. This activity could produce sediment until the area stabilizes and vegetation becomes established. These effects could be local and/or downstream and are anticipated to be short-term. **Permanent:** Direct and permanent loss of some wildlife, fisheries, and aquatic habitat would occur with new construction including crossing several stream channels and wetland areas that are currently undeveloped. This is likely to result in wetland fill, loss of riparian area, channel change at Panama Creek, and alterations to streambanks.	Culverts would be installed in a manner to allow for aquatic organism passage, including fish movement.	replacements in connected drainages.	controls and a late summer/fall construction timing the effects of increased sedimentation and turbidity are anticipated to be short term and minor. Although some habitat would be permanently lost, impacts to fish and wildlife are expected to be short-term and minor The removal of existing roadway from the riparian/wetland habitat and floodplain along French Creek and the subsequent restoration to wetland and riparian habitat should have long term benefits to fisheries, water quality, moose and general wildlife that use the area.

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Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
		The existing roadway will be removed from the riparian/wetland habitat and floodplain along French Creek and the former PTW will be restored to wetland and riparian habitat. Through this project, MDT and FHWA will make a $60,000 financial contribution to the MT FWP specific to and contingent upon the construction of a fish barrier in French Creek. The French Creek fish barrier will be designed and constructed by MT FWP in an effort to manage the French Creek drainage for the restoration and promotion of native Arctic grayling and genetically pure strains of the westslope cutthroat trout.			
Plant Species of Special Concern	One plant species of special concern, the Hooker's balsamroot, occurs near the southern end of the project. A portion of this population is within and adjacent to the right-of-way.	The proposed plan shifts the road alignment to the southeast, which is further away from the plants, minimizing risk of direct impact. However, some of the Hooker's balsamroot could be disturbed by equipment moving or other similar activities.	A special provision will be provided to designate a "do not disturb" area around the Hooker's balsamroot and will be staked on ground appropriately.	None were identified	Not Significant.
Threatened and Endangered (T&E) Species	Currently, there are no listed T&E species and no designated critical habitat known to occur or likely to	**Temporary:** Short-term, construction-related impacts to fish and wildlife are expected as described above.	See above. No other mitigation or monitoring is proposed. In-stream timing restrictions are	See above. No additional cumulative impacts were identified.	Not Significant. Temporary construction-related impacts to fish and

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Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
	be present in the project area. Two candidate species occur in project area. The wolverine, a candidate for listing, may occur as a transient within the project area. The Arctic grayling, reclassified as a candidate species in 2011, occurs in French Creek and Deep Creek. Relatively high densities of grayling are present in the lower 1.5 mile reach of Deep Creek, downstream of project area. Densities decline upstream in Deep Creek and grayling are rare in French Creek. Section 7 consultation with USFWS is not required. Informal coordination with the USFWS is in progress.	**Permanent:** Loss of fish and wildlife habitat may occur as described above. While wildlife-vehicular collisions were not identified as a significant issue in this area, vehicular-related wildlife mortalities do and would continue to occur. However, the likelihood of a wolverine being killed by a vehicle on S-569 is low due to rarity of animals, route type, and low traffic volume numbers. Wolverine use is considered incidental and transient. The project is not likely to jeopardize the continued existence of the wolverine. The Arctic grayling could be temporarily impacted by project-related sediment delivery to Deep Creek, French Creek and associated tributaries and ephemeral drainages as described above. These are anticipated to be minor and short-term. The project is not likely to jeopardize the continued existence of the Arctic grayling. The MT FWP proposed fish barrier and native fish restoration project	expected to protect spawning and migration activities for target fish species and will be coordinated with MT FWP though the SPA 124 authorization as appropriate.		wildlife are expected to be minimal provided mitigation is successful.

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Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
		proposed on French Creek is intended to promote Arctic grayling recovery in the Big Hole watershed.			
Utilities and Railroads	No utilities or railroads exist within the project area.	N/A	N/A	N/A	Not Significant. No impacts anticipated.
Hazardous Materials	No hazardous waste or substances are currently on and/or adjacent to the proposed project.	N/A	N/A	N/A	Not Significant. No impacts anticipated.
Visual Resources	The project lies entirely within the rural and undeveloped Mount Haggin WMA.	**Temporary**: Short-term, visual impacts are anticipated from construction equipment and activity. **Permanent:** Long-term impacts to visuals would occur with the new alignment. The new roadway would be slightly upslope from the current location and in more open terrain. The roadway and new road cuts would be visible from distances. The proposed scenic turn outs would increase public opportunities to appreciate and enjoy the viewshed.	The contractor would be required to re-vegetate disturbed areas as described above. No additional mitigation or monitoring is proposed.	No cumulative impacts were identified.	Not Significant. Visual impacts are considered minor.
Noise	The activities associated with the proposed road reconstruction meet a "Type 1" project, as defined in 23 CFR 772.5(h), however, noise impacts are not	**Temporary**: Short-term, localized noise impacts are anticipated from construction equipment. **Permanent:** No receptors have been identified in the project	In accordance with MDT Standard Specification 107, the contractor would be required to comply with applicable laws and regulations regarding noise pollution.	Additional short-term impacts from construction of MDT's adjacent Highway 43-North resurfacing project would result in further temporary	Not Significant. Although short-term, construction related impacts are anticipated, these impacts are

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	anticipated to increase because there should be no increase in traffic. A noise analysis will not be needed because of low traffic volumes.	area. Given the low traffic volume, no long-term, appreciable increase in noise associated with the proposed project is expected to occur.		increase in noise. These impacts are considered to be minor.	considered minor.
Land Use	The proposed project is entirely within the Mount Haggin WMA. This area is managed by MT FWP for year-round wildlife habitat and to provide recreational properties for the public.	This road replacement is not expected to change land use. Road improvements, such as turn outs, would make for safer and therefore, possibly more frequent stops but would not change the nature of land use since public access and recreation is a component of the management plan for the WMA. Although right-of-way would be acquired and other reverted, netting approximately 6 acres of right-of-way acquired, it is not expected that this acquisition would result in any land use changes. Additionally, the additional 6 acres of right of way acquisition will be mitigated for other purposes as described below, resulting in no net loss of acres to MT FWP.	No mitigation or monitoring is proposed.	No cumulative impacts were identified.	Not Significant. The proposed project is not anticipated to induce any changes to the surrounding land use.
Locally-Adopted Plans, Policies and Controls	The project lies within the Mount Haggin WMA. The MT FWP manages these lands in accordance to their plans and goals of the MWA.	N/A	N/A	N/A	Not Significant. No impacts are anticipated. The proposed projects would not induce growth, nor promote

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Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
					changes in land use. No conflicts with the plans have been identified.
Publicly-owned Parklands and Recreation Areas, including Section 4(f) and Section 6(f) Properties	The entire project lies within the Mount Haggin WMA, an approximately 58,188 acre publically owned wildlife management and recreation are managed by MT FWP. National Land & Water Conservation Act funds were used to acquire the land from the Mount Haggin Livestock Ranch to establish the WMA. As such, the site is protected by Section 4(f) of The Department of Transportation Act and Section 6(f) of the Land and Water Conservation Act.	**Temporary:** Short-term construction-related impacts are anticipated as access to these recreational areas may be temporarily impeded. **Permanent:** Approximately 32 acres of right-of-way acquisition from MT FWP is necessary for construction along the new alignment and for road widening. Approximately, 26 acres of existing roadway would be abandoned and after reclamation, would be reverted to MT FWP ownership. A net take of approximately six acres of lands from the WMA would occur. This is approximately 0.05% of the Mount Haggin WMA 4(f) land. This constitutes a minor (<1%) amount of taking and, therefore, a Nationwide Programmatic Section 4(f) evaluation is appropriate and does not require a full evaluation.	Recreational access would be maintained during construction to the extent possible. The proposed mitigation for 4(f)/6(f) use of the WMA is an exchange of 26 acres reclaimed from the PTW for 32 acres needed in the WMA. The remaining approximately 6 acres would be taken from available 6(f) banking credits if other opportunities are not available. Compliance with the Land and Water Conservation Act is ongoing. Currently, MDT and MT FWP are coordinating on options for 6(f) LWCF mitigation. See attached letter from MT FWP concurring with MDT that use of the 6(f) bank is acceptable as a mitigation option for the Moose Creek Road project.	No potential cumulative impacts were identified.	Not Significant. A loss of 6 acres from the WMA is considered minor. Proposed mitigation measures would address impacts to land area and use.

[1] More detailed descriptions of the various resources are provided in the referenced reports and studies.

Table 1. Impact Assessment - Moose Creek Road – N&S

Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
Recreational Opportunities	S-569 is open year-round for recreational opportunities. It serves as the main travel way though Mount Haggin WMA. It is used by hikers, hunters, anglers, campers, skiers, and other assorted recreationalists.	**Temporary**: Short-term impacts are expected as access to recreational areas could be temporarily impeded. **Permanent:** No permanent impacts to recreational opportunities are expected. Additional recreational opportunities would be created by constructing the proposed scenic turn out and informal fishing access. This increase is anticipated to be localized and minor.	Recreational access would be maintained during construction to the extent practicable.	No potential cumulative impacts were identified.	Not Significant. Recreational access would be maintained during construction to the extent practicable.
Right-of-Way Acquisition and Relocations	The entire project is located within MT FWP property.	**Temporary**: Construction easements may be required. **Permanent:** In order to accommodate an increased roadway width and new alignment, approximately 32 acres of right-of-way acquisition from MT FWP is necessary. Approximately, 26 acres of existing roadway would be abandoned and after reclamation, would be reverted to MT FWP ownership.	Design exceptions would be considered in order to reduce right-of-way impacts. Additionally, the proposed project would be developed in accordance with both the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, and the Uniform Relocation Act Amendments of 1987.	No potential cumulative impacts were identified.	Not Significant. Right-of-way acquisition would result in a net take of approximately 6 acres from MT FWP. That 6 acres would be mitigated by use of MDT's 6(f) bank, resulting in no net loss of area.
Environmental Justice	There are no residences in the project corridor. New right-of-way would be required from MT FWP.	N/A	N/A	N/A	Not Significant. No disproportionate impacts to minority and/or low-income

[1] More detailed descriptions of the various resources are provided in the referenced reports and studies.

Table 1. Impact Assessment - Moose Creek Road – N&S

Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
					persons are anticipated.
Social	S-569 is the primary transportation route through and access to the Mount Haggin WMA. The road provides access between Anaconda, MT to the north, and Wisdom, MT and Wise River, MT to the south.	**Permanent:** The proposed project involves realigning and reconstruction of this segment of S-569 resulting in reducing maintenance issues and creating a safer travel way. Travel would be improved.	No mitigation or monitoring is proposed.	Improvements to adjacent segment of S 569 are addressed with MDT's Junction 43 – N project. This would result in a safer road.	Not Significant. No adverse impacts are anticipated.
Changes in Grade and Traffic Patterns	There are several low-use dirt or gravel roads that enter S-569 from MT FWP lands. S-569 is the main road through Mount Haggin WMA.	**Temporary:** Minor short-term inconveniences to the traveling public, including occasional increased travel times, detours, and possible temporary closures would be expected during construction of the project. **Permanent:** There would be no permanent changes to traffic patterns. The proposed alignment raises the roadway above the existing ground to remain out of the floodplain and to avoid constructing on undesirable material. The maximum grade on the proposed project would be 4.6%, well below design criteria maximum 7% grade.	A traffic control plan would be developed.	Additional short-term localized impacts from the adjacent MDT's Junction 43-N resurfacing project could occur if projects were constructed concurrently.	Not Significant. Although short-term localized impacts are anticipated from the construction of the proposed project, a traffic control plan would be developed to ensure appropriate access is maintained and/or provided and delays are kept to a minimum.
Pedestrian and Bicycle Facilities	There are no pedestrian or bicycle facilities located or proposed along the project	N/A	N/A	N/A	Not Significant. No impacts to pedestrian or bicycle facilities are anticipated.

[1] More detailed descriptions of the various resources are provided in the referenced reports and studies.

Table 1. Impact Assessment - Moose Creek Road – N&S

Resource	Description[1]	Potential Direct and Indirect impacts	Proposed Mitigation and Monitoring	Potential Cumulative Impacts	Significance Determination and Reasoning
Economic	Commercial and residential growth is low in the project area. Anticipated use of the WMA is not expected to significantly change.	**Temporary:** Short-term beneficial impacts to the economy are anticipated from construction of the proposed project. Local contractors would have an opportunity to bid on the project and/or offer services as subcontractors. **Permanent:** No permanent, long-term impacts are anticipated.	No mitigation or monitoring is proposed.	Additional short-term beneficial impacts from construction of the adjacent MDT's Junction 43-N would be expected. These projects may be let concurrently.	No Significant. No adverse impacts are anticipated.
Public Controversy	Two public meetings were held to discuss the proposed adjacent projects: Moose Creek-N&S and Junction 43-N. Overall, the public appeared to be favorable of the projects. Consideration for inclusion of fishing access, road pullouts, weed control, and for wildlife-friendly fencing was expressed.	N/A	N/A	N/A	Not significant. No impacts anticipated.

[1] More detailed descriptions of the various resources are provided in the referenced reports and studies.

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

Timothy W. Reardon, Director
Brian Schweitzer, Governor

December 6, 2012

Tom Reilly
Assistant Administrator of Montana State Parks
Montana Department of Fish, Wildlife & Parks
PO Box 200701
1420 East Sixth Avenue
Helena, MT 59620

Subject: 6(f) Conversion
Moose Creek Road-N & S
STPS 569-1(5)15
MP 15.02 to MP 18.60
Control No. 4909001

The MDT is evaluating potential environmental impacts associated with the subject project. The project passes through a property acquired by Montana Fish Wildlife & Parks (MFWP). The Mount Haggin Wildlife Management Area (WMA) was purchased under Section 6(f) of the National Land & Water Conservation Fund Act (16 U.S.C. 460) (i.e., LWCF Sites) in 1976.

The Montana Department of Transportation (MDT) proposes a use of 4(f)/6(f) land from the Mount Haggin WMA as part of a project on Secondary 569 south of Anaconda in Deer Lodge County. The proposed project would reconstruct the highway with a shift in alignment onto the WMA, while reclaiming the Present Travelled Way (PTW) within the WMA.

Project Location

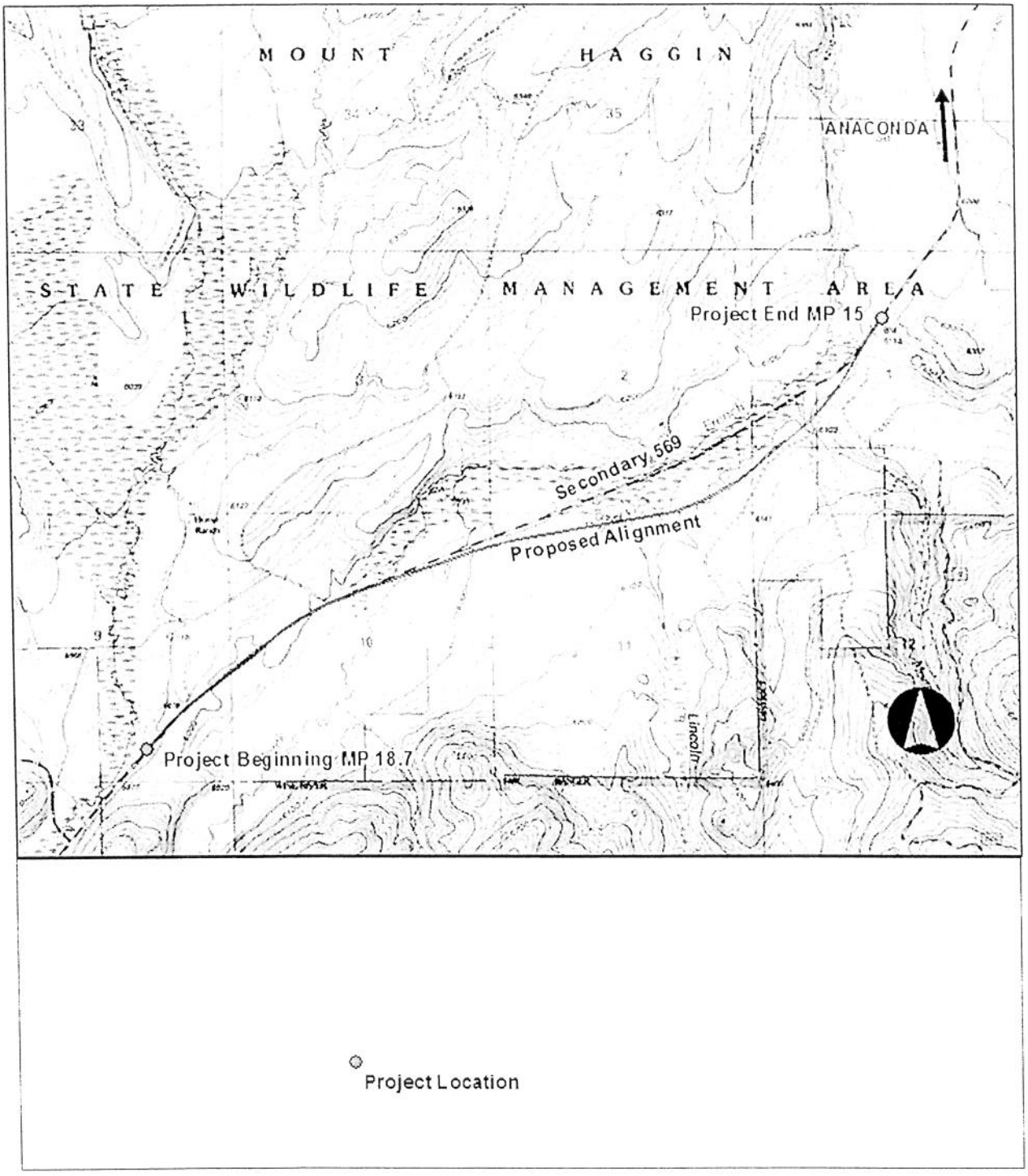
This project is in Deer Lodge County on Secondary Route 569, approximately 18 miles south of its junction with Montana Highway 1 and 3.5 miles north of Montana Highway 43. It lies entirely within the Mount Haggin WMA, a state-owned property managed by MFWP. The project is approximately between mileposts 15.02 and 18.60.

Existing Condition

Secondary 569 is a county owned road that was constructed in 1941 and, with the exception of routine maintenance and a seal and cover project, has not been reconstructed since. The existing road surface is 24 feet wide with deteriorating pavement that requires frequent maintenance.

The road within the project area is in rolling terrain and much of it bisects a wetland complex associated with French Creek. Preliminary geotechnical investigations indicate saturated and unstable conditions in portions of the subgrade. Adjacent shrubs decrease sight distance. Based on the design speed of 50 mph, horizontal curves meet the minimum radius of 760 feet; however, the super elevation does not appear to be standard. The vertical alignment consists of several short crest and sag curves and broken back curves. One bridge crosses French

Figure 1: Project Location & Proposed Alignment



Creek and culvert crossings occur at Lincoln Gulch, Moose and French Creek, and other named and unnamed drainages.

Project Description

The project will reconstruct approximately 3.7 miles of roadway. The roadway will be offset approximately 30 feet from the present traveled way for the first mile, shifting to a new alignment for 2.7 miles, and then returning to existing alignment for the remaining 0.7 miles. The proposed design relocates the roadway southeasterly and slightly upslope, out of the French Creek floodplain and wetland/riparian area (see Figure 1). The road width will be increased to 26 feet to accommodate future overlays. There is one new bridge crossing of French Creek and three new large culvert crossings at Lincoln Gulch, Moose Creek and an upper reach of French Creek. There are nine additional smaller culvert crossings.

A categorical exclusion prepared in compliance with the Montana Environmental Policy Act and the National Environmental Policy Act (NEPA) will be submitted to FHWA for approval. The document included a 4(f) evaluation for the proposed use of land from the Mount Haggin WMA.

The attached map shows the hatched area for the proposed location of the new right-of-way on the tract containing the Mount Haggin WMA 4(f) property. The proposed action would affect about 32 acres from this 58,188 acre site (0.05 percent).

Proposed Mitigation Plan

Since the Mount Haggin WMA was purchased with money from the National Land & Water Conservation Fund – Section 6(f), MDT will need to provide suitable replacement property of at least fair market value that is of reasonably equivalent usefulness. Currently, our proposed mitigation is the reclamation of approximately 26 acres of the state-owned PTW where it passes through the creek bottom and wetland complex. This land would be conveyed to MFWP for management under the WMA. At a 1:1 ratio, this would leave a mitigation deficit of 6.0 acres.

The portion of S-569 abandoned by the new alignment (approximately 8800 feet) will be reclaimed with the intent of restoring, as much as possible, the natural and local habitat: primarily wetland/riparian communities. Specific reclamation plans will be prepared as part of the roadway design.

Additionally, other design elements have been discussed with MFWP that would enhance the Mount Haggin WMA. These include:

1. Locating one scenic turnout at the north end of the project. This may provide MFWP a location for creating an educational and/or informational site,
2. Locating an informal fishing access parking area along French Creek near Station 160.

3. Contributing to the MFWP proposed fish barrier installation on French Creek to help protect and promote genetically pure strains of westslope cutthroat trout and Arctic grayling.

The scope of work is proposed to be completed in two phases. Phase 1 includes construction of the new alignment of Secondary 569, the bridge over French Creek and culverts, and reconstruction of the existing road segments. Phase 2 consists of reclaiming the abandoned S-569 roadway and restoring natural habitat.

MDT has not yet appraised the impacted 6(f) land at the Mount Haggin WMA to determine the relative values of the two parcels. This appraisal would be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

The proposal to mitigate through onsite land replacement, along with the other design elements that would enhance recreational access and restore native fish, should be sufficient mitigation for 6(f) purposes. If not, then additional mitigation proposals may need to be considered. We met with Vanna Boccadori and Jim Olsen of MFWP to discuss the project impacts and mitigation in early November of this year. Vanna knew of some properties within and around Mount Haggin WMA that would be nice to acquire but none were known to be up for sale. Jim also knew of some needs to improve an existing fishing access site on the Big Hole River and the possibility of purchasing another site that is currently leased.

This letter has presented a general proposed mitigation concept for the 6(f) impact. Please respond as soon as possible to verify if this would provide acceptable replacement property.

If you have questions you can call me at (406) 444-0804. Thank you for your time and attention in this matter.

Barry Brosten

Barry Brosten
Engineering Section
Environmental Services

copies:
Jeff Ebert, Butte District Administrator
Tim Conway, P.E., Consultant Design Engineer
Jeff Patten, FHWA Operations Engineer
Tom Martin, P.E., Environmental Service Bureau Chief
Heidy Bruner, P.E., Engineering Section Supervisor, Environmental Services
Jon Axline, Resources Section Acting Supervisor, Environmental Services
Deb Wambach, Butte District Biologist, Environmental Services
Barry Brosten, Butte Project Development Engineer, Environmental Services
File

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MONTANA STATE PARKS
stateparks.mt.gov

1420 East Sixth Ave.
P.O. Box 200701
Helena, MT 59620
April 2, 2013

Barry Brosten
Engineering Section
Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

RE: Montana Secondary Route 569 Project
Moose Creek Road – North & South
LWCF Encumbered Land Process
MDT Control No. 4909001
LWCF #30-00318 (1976 project)

Dear Barry:

In follow-up to your letter of December 6, 2012, please utilize this correspondence as approval to advance your project through the various steps as we work through the details of the federal Land and Water Conservation Fund (LWCF) replacement of the acreage you propose to utilize for the highway reroute.

To recap your letter, the total LWCF land area necessary for the highway project is approximately 32 acres. The amount of existing highway right-of-way that is proposed to be rehabilitated, and thus, available immediately on/within the LWCF project area is approximately 26 acres. This leaves total of approximately 6 acres difference we'll need to come to agreement on per the LWCF encumbrance requirements. I am certain we can resolve this in some manner to comply with the federal LWCF requirements.

If there are any questions, please feel free to contact me at 444-3752.

Sincerely,

Tom R. 4/2/13

Tom Reilly
Assistant Administrator
Montana State Parks

MDT
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001
Michael T. Tooley, Director
Steve Bullock, Governor

June 17, 2013

Tom Reilly
Assistant Administrator of Montana State Parks
Montana Department of Fish, Wildlife & Parks
PO Box 200701
1420 East Sixth Avenue
Helena, MT 59620

Subject: 6(f) Mitigation
Moose Creek Road-N & S
STPS 569-1(5)15
MP 15.02 to MP 18.60
Control No. 4909001

The Montana Department of Transportation (MDT) proposes a use of 4(f)/6(f) land from the Mount Haggin WMA as part of a project on Secondary 569 south of Anaconda in Deer Lodge County. The MDT is in the process of obtaining NEPA approval from FHWA and advancing our mitigation plans associated with the subject project.

During the meeting of April 26, 2013 regarding this project and 6(f) issues you stated your concerns with the validity of a 6(f) banking concept. It is my understanding that you have subsequently reconsidered 6(f) banking and currently accept it as a mitigation option. This letter is to obtain written verification of your concurrence which we will present to FHWA in order to move toward obtaining NEPA approval.

The following information is included here as background although you may recall reading it in a previous letter.

Project Location

This project is in Deer Lodge County on Secondary Route 569, approximately 18 miles south of its junction with Montana Highway 1 and 3.5 miles north of Montana Highway 43. It lies entirely within the Mount Haggin WMA, a state-owned property managed by MFWP. The project is approximately between mileposts 15.02 and 18.60.

Project Description

The project will reconstruct approximately 3.7 miles of roadway. The roadway will be offset approximately 30 feet from the present traveled way for the first mile, shifting to a new alignment for 2.7 miles, and then returning to existing alignment for the remaining 0.7 miles.

Proposed Mitigation Plan

Since the Mount Haggin WMA was purchased with money from the National Land & Water Conservation Fund – Section 6(f), MDT will need to provide suitable replacement property of at least fair market value that is of reasonably equivalent usefulness. Currently, our proposed mitigation is the reclamation of approximately 26 acres of the state-owned PTW where it

passes through the creek bottom and wetland complex. This land would be conveyed to MFWP for management under the WMA. At a 1:1 ratio, this would leave a mitigation deficit of approximately 6 acres, which we propose to withdraw from the 6(f) bank.

There will be more 6(f) mitigation work to come and we will be providing you with information regarding appraisal and land values as it becomes available. Your signature below will document your agreement and move us toward obtaining NEPA approval.

Please return this letter or a signed copy to me. If you have questions you can call me at (406) 444-0804. Thank you for your time and attention in this matter.

Barry Brosten

Barry Brosten
Engineering Section
Environmental Services

I concur that 6(f) banking is acceptable as a mitigation option for the Moose Creek Road project.

Concur Tom Reilly date 7/12/13
Tom Reilly, FWP

Copies:
Jeff Ebert, Butte District Administrator
Ryan Dahlke, P.E., Consultant Design Engineer
Jeff Patten, FHWA Operations Engineer
Tom Martin, P.E., Environmental Service Bureau Chief
Heidy Bruner, P.E., Engineering Section Supervisor, Environmental Services
Barry Brosten, Butte Project Development Engineer, Environmental Services
File

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MONTANA DIVISION
"NATIONWIDE" *SECTION 4(f)* EVALUATION
FOR MINOR USAGE OF
PUBLIC PARKS, RECREATION LANDS, AND WILDLIFE AND
WATERFOWL REFUGES

Project # STPS 569-1(5)15, CN# 4909001 Date: July 12, 2013

Project Name: Moose Creek Road – N&S Location: Mount Haggin Wildlife Management Area
Deer Lodge County, Montana

NOTE: *Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.*

	YES	NO
1. Is the *4(f)* site adjacent to the existing highway?	X	[ ]
2. Does the amount and location of the proposed impact area impair the use of the remaining *Section 4(f)* land for its intended purpose?	[ ]	X
3. Does the proposed project require more than a minor amount* of the *Section 4(f)* site for Right-of-Way?	[ ]	X

An estimated 32 acres of Section 4(f) lands Right-of-Way would be needed. Approximately 26 acres of abandoned roadway would be reclaimed and reverted to Montana Department of Fish, Wildlife and Parks (MT FWP) for a net take of approximately 6 acres. The MT FWP Mount Haggin Wildlife Management Area (WMA) is 58,188 acres. This constitutes a minor (<1%) amount of the Section 4(f) lands associated with Mount Haggin WMA.

*MDT's guidelines for "minor amounts" of Right-of-Way (including Construction Permits) are limited to either 10% of the site for sites less than 10 acres in size,1 acre of the site for sites between 10 and 100 acres in size, or 1% of a site for sites greater than 100 acres in size.

4. Are there any proximity impacts which would impair the use of the *4(f)* lands for their intended purpose (defined as "constructive use")?	[ ]	X
5. Have the officials with jurisdiction over the property agreed in writing with the assessment of impacts and the proposed mitigation?	in process	

Montana Fish, Wildlife and Parks personnel responsible for the Mount Haggin WMA have verbally agreed with impact assessments and proposed mitigation. Assessment of impacts and proposed 4(f) mitigation are provided in the accompanying Categorical Exclusion document. Mitigation includes providing an informal fishing access, a scenic turnout, and installing fish barriers in Moose Creek and Lincoln Gulch to help recover and protect pure strains of westslope cutthroat trout. Coordination with MT FWP will continue as appropriate. Two historic sites, considered **eligible** for the National Register of Historic Places, could be impacted by the proposed project. MDT anticipates having **an adverse effect** on one site and mitigating the adverse effects by developing a Memorandum of Agreement that will stipulate mitigation in the form of a phased data recovery (archaeological excavation, preparation of a report, and curation of artifacts). Additional coordination with Montana State Historic Preservation Office, Native American Tribes, and the Advisory Council on Historic Preservation will be necessary. The site is not likely to be significant for preservation in place and will therefore NOT require a full 4(f) statement.

	YES	NO
6. Have Federal funds — such as the *National Land & Water Conservation Fund - Section 6(f)* — been used for the acquisition of, or improvements to the *4(f)* site?	X	[ ]

In 1976, National Land & Water Conservation Fund -section 6(f) monies, as well as Pittman-Robertson Act monies, were used to acquire the land that created the MT FWP Mount Haggin Wildlife Management Area. Since then, Land & Water Conservation Fund monies also were used to develop/improve a snow mobile parking area within the WMA.

If yes — has the land conversion/transfer been coordinated with the appropriate Federal agency	in process	[ ]
and are they in agreement?	in process	[ ]

Currently, MT FWP and MDT are investigating different options for 6(f) mitigation. The preferred solution is to acquire one or more parcels of privately-owned for fishing access sites. Coordination between MT FWP and MDT is still ongoing.

7. Is the proposed action under an Environmental Impact Statement (E.I.S.)?	[ ]	X

A draft Narrative Categorical Exclusion has been prepared.

8. Is the proposed project on a new location?	X	[ ]

The roadway will be offset approximately 30' from PTW for the first mile, shifting to a new alignment for 2.7 miles, and then returning to existing alignment for the remaining 0.7 miles. The proposed design relocates the roadway southeasterly and out of the Moose Creek floodplain and riparian/wetland area into an upslope location agreed to by MT FWP.

9. The Scope-of-Work for the proposed project is one of the following:	X	[ ]

a) Improved traffic operation;
b) Safety improvements;
c) 3R;
d) Bridge replacement on essentially the same alignment; or
e) Addition of lanes.

The Scope-of-Work is to correct substandard elements of the roadway, such as poor vertical alignment, unstable and saturated subgrades and deteriorating pavement in order to create a safer travel surface. One bridge and several culverts will be replaced or added as part of roadway improvements and to improve hydraulic function of existing structures.

ALTERNATIVES CONSIDERED

1. The "do-nothing" **ALTERNATIVE** has been evaluated, and is not considered to be feasible and prudent.	X	[ ]
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.	X	[ ]
3. An **ALTERNATIVE** on a new location avoiding the *4(f)* site has been evaluated, and is not considered to be feasible and prudent.	X	[ ]
Descriptions of **ALTERNATIVES are described below**.	X	[ ]

The entire proposed project is within a publically-owned parkland or recreation area: the Mount Haggin Wildlife Management Area, a 4(f) site as defined by the federal Department of Transportation Act. Additionally, historic mining sites are present and are documented in the Cultural Resources Inventory prepared for this project. Essentially, any work outside of the existing right-of-way would impact 4(f) lands.

Road repair on the existing alignment was evaluated and not considered to be feasible as it did not address the underlying issue of subgrade saturation and surface deterioration. This is primarily

because the road is located within an extensive wetland and riparian complex associated with the French Creek drainage.

Locating the road out of the wetland area was deemed necessary in order to achieve a stable subgrade. Several alternative locations were considered, all of which affected 4(f) lands. There are no options to move the road out of the wetland and not affect 4(f) lands. Three locations were considered: one northwest and upslope of existing alignment and two southeast and also upslope (one further upslope than the other) of the existing alignment. The proposed alternative, southeast and slightly upslope, was selected by MDT in consultation with MT FWP because it is the most prudent location for the roadway and minimizes potential wildlife impacts. Common to all new alignment alternatives are the beneficial effects on moose and their habitat and the restoration of a fragmented wetland complex.

	YES	NO
MINIMIZATION OF HARM		
1. The proposed project includes all possible planning to minimize harm.	X	[ ]
2. Measures to minimize harm include the following:		
a) Replacement of the lands used with lands of reasonably equivalent usefulness and location, and of at least comparable value.	X	[ ]
Currently, MDT and MT FWP are exploring options for appropriate replacement lands as intended in the Land and Water Conservation Act.		
b) Replacement of facilities impacted including sidewalks, paths, benches, lights, trees, and other facilities.	N/A	
c) Restoration/landscaping of disturbed areas.	X	[ ]
A restoration plan is being developed for the roadway that would be abandoned. This would include, and is not limited to, reclaiming the area with vegetation appropriate for the surrounding ecosystem (primarily wetland/riparian), providing for appropriate drainage, and reducing weed establishment and spread. Other disturbed areas would also be revegetated with appropriate species and managed for reducing weed establishment and spread.		
d) Special design features.	X	[ ]
Three special design features are proposed: a scenic turnout, an informal fishing access, and fish barriers in Moose Creek and Lincoln Gulch to help recover and protect pure strains of westslope cutthroat trout.		
e) Payment of, or improvements to the remaining *4(f)* lands equal in cost to fair market value.	[ ]	X
f) Other measures.	[ ]	X

COORDINATION

1. The proposed project has been coordinated with the Federal, state, and/or local officials having jurisdiction over the *4(f)* lands. List:	X	[ ]
Coordination with MT FWP, SHPO and National Park Service has occurred and will continue as needed.		
2) In the case of non-federal *4(f)* lands, the official with jurisdiction has been asked to identify any Federal encumbrances — and none exist.	[ ]	X
Consultation with MT FWP indicates that the WMA is encumbered by use of Land and Water Conservation Act monies.		
3) Coordination with the U.S. ARMY - Corps of Engineers has been completed, or a *Section 404* Permit (if applicable) is pending.	In process	[ ]

SUMMARY AND APPROVAL

The proposed project meets all criteria under the "Nationwide Programmatic" *Section 4(f)* Evaluation approved on December 23, 1986, and is submitted pursuant to **49 U.S.C. 303**.

All required alternatives have been evaluated, and the findings made are clearly applicable to this proposed project.

This Programmatic Evaluation includes all possible planning to minimize harm which will be incorporated in this proposed project.

Heidy Bruner

Date: 7/23/13

Heidy Bruner, P.E.
Engineering Bureau Chief
Environmental Services

Approved: Brian Hasselbach

Date: 7/24/13

Federal Highway Administration

Attachments: none

cc: Jeff Ebert, P.E. - Butte District Administrator
Paul Ferry, P.E. - Highway Engineer
Kent Barnes, P.E. - Bridge Engineer
Robert Stapley, Chief, Right-of-Way Bureau
Lisa Hurley, Supervisor - Fiscal Programming Section
Tom Erving - Fiscal Programming Section
File - Environmental Services

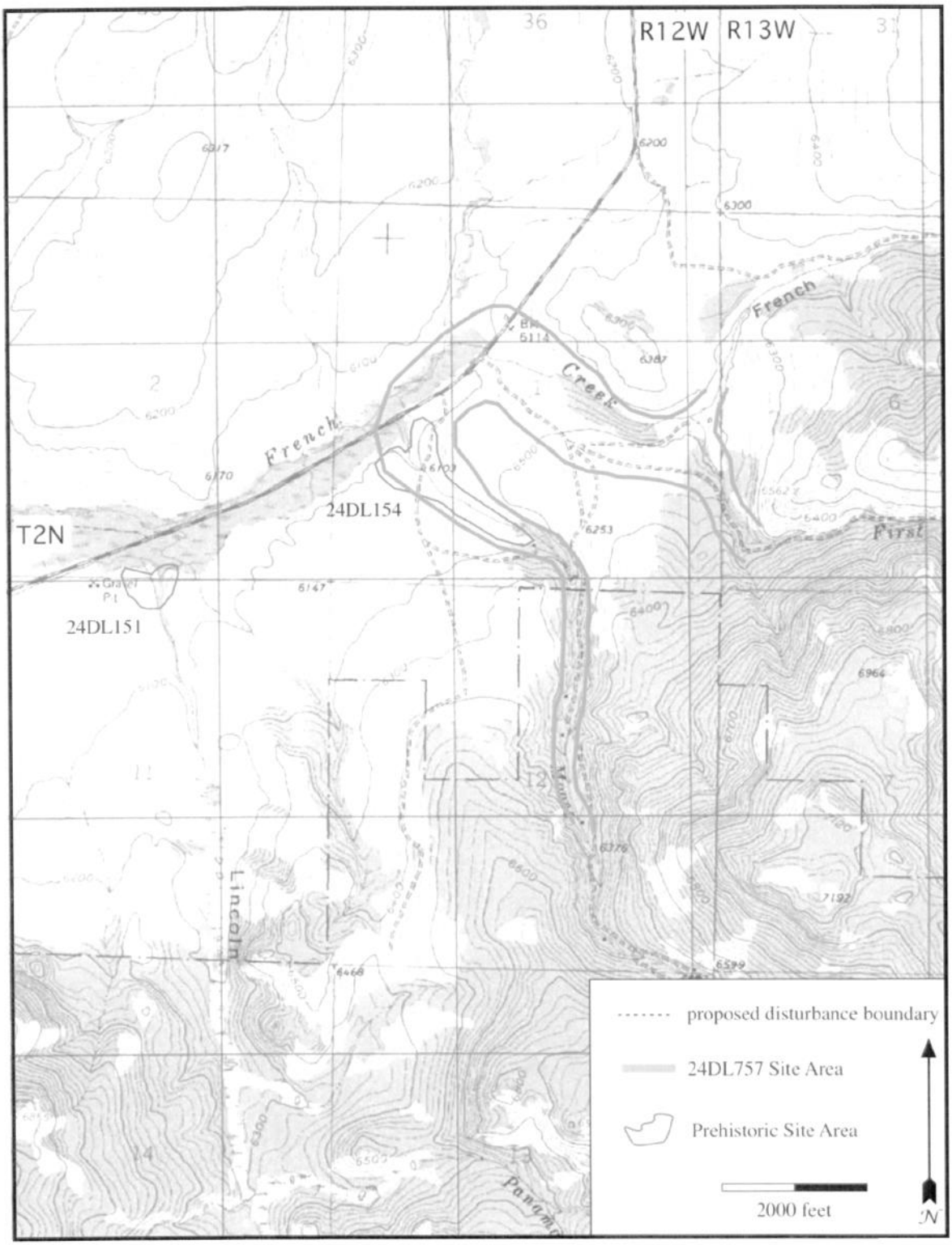

Figure 1. Map showing the locations of 24DL154 / 24DL 757 and 24DL151 on the USGS 7.5-minute topographic quadrangle, *Lincoln Gulch* (1963).

MONTANA DIVISION

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

Project # STPS 569-1(5)15, (P.M.S. C# 4909001) Date: July 12, 2013

Project Name: Moose Creek Road-N & S Location: French Creek Placers, 24DL757

Deer Lodge County

NOTE: Any response in a box requires additional information. Consult the "Nationwide" Section 4(f) Evaluation criteria.

	YES	NO
1. Is the *4(f)* site adjacent to the existing highway?	X	[ ]
2. Does the proposed project require the removal or alteration of historic structures, and/or objects?	[ ]	X
3. Does the proposed project disturb or remove archaeological resources which are important to preserve in-place rather than to recover?	[ ]	X
4. Is the impact on the *4(f)* site considered minor (i.e.: no effect; or no adverse effect)?	X	[ ]
5. Has the STATE HISTORIC PRESERVATION OFFICE (SHPO) agreed in writing with the assessment of impacts, and the proposed mitigation?	X	[ ]
6. Is the proposed action under an Environmental Impact Statement (E.I.S.)?	[ ]	X
7. Is the proposed project on a new location?	[ ]	X
8. The Scope-of-Work for the proposed project is one of the following:	X	[ ]

a) Improved traffic operation;
b) Safety improvements;
c) 3R;
d) Bridge replacement on essentially the same alignment; or
e) Addition of lanes.

ALTERNATIVES CONSIDERED

1. The "do-nothing" **ALTERNATIVE** has been evaluated, and is not considered to be feasible and prudent.	X	[ ]

***NOTE**: Any response in a box requires additional information.*
Consult the "Nationwide" Section 4(f) Evaluation criteria.

	YES	NO
ALTERNATIVES CONSIDERED (conclusion:)		
2. An **ALTERNATIVE** has been evaluated on the existing alignment which Improves the highway without any *4(f)* impacts, and is also not considered to be feasible and prudent.	X	[ ]
3. An **ALTERNATIVE** on a new location avoiding the *4(f)* site has been evaluated, and is not considered to be feasible and prudent.	X	[ ]
Descriptions of **ALTERNATIVES 2**. and **3**. are attached.*	X	[ ]
MINIMIZATION OF HARM		
1. The proposed project includes all possible planning to minimize harm.	X	[ ]
2. Measures to minimize harm include the following:		
COORDINATION		
1. The proposed project has been **COORDINATED** with the following:		
a) SHPO (date: 1/14/99)	X	[ ]
b) ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP, date: 1/29/99)	X	[ ]
c) Property owner (date)	_	[ ]
d) Local/State/Federal agencies	_	[ ]
List:		
County Commissioners (date: _____)		
2. One of the preceding had the following comment(s) regarding this proposed project, and/or the mitigation:		

SUMMARY

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

APPROVAL

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

Heidy Bruner

Date: 7/23/13

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services

Approved: Brian Hasselbach

Date: 7/24/13

Federal Highway Administration

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copies:

Jeff Ebert, P.E. - Butte District Administrator
Paul Ferry, P.E. - Highway Engineer
Kent Barnes, P.E. - Bridge Engineer
Robert Stapley, Chief, Right-of-Way Bureau
Lisa Hurley, Supervisor - Fiscal Programming Section
Tom Erving - Fiscal Programming Section
File - Environmental Services

MONTANA DIVISION

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

Project # STPS 569-1(5)15, (P.M.S. C# 4909001) Date: July 12, 2013

Project Name: Moose Creek Road-N & S Location: Upper French Creek Bridge, 24DL268
Deerlodge County

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 and location map/"Translite" of this proposed bridge replacement project is attached.

NOTE: *Any response in a box will require additional information, and may result in an individual evaluation/statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.*

	YES	NO
1. Is the bridge a NATIONAL HISTORIC LANDMARK?	[ ]	X
2. Have agreements been reached through the procedures pursuant to *Section 106* of the *National Historic Preservation Act* with the following:		
STATE HISTORIC PRESERVATION OFFICE (SHPO)?	X	[ ]
ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)?	X	[ ]
3. Any other agency/ies with jurisdiction at this location?	—	—
a) If "YES" will additional approval(s) for this *Section 4(f)* application be required?	[ ]	X
b) List of agencies with jurisdiction at this location:		
USA - CORPS OF ENGINEERS (*Section 404* Permit)	X	—
USDA - Forest Service	[ ]	—
USDA - Soil Conservation Service (*FPPA*)	[ ]	—
FEMA Regulatory Floodway (Permit)	[ ]	—
MDFW&P - Parks Division (Fishing Access Site)	[ ]	—
MDFW&P - Wildlife Division (wetlands)	[ ]	—
MDFW&P - Fisheries Division (*MSPA*)	[ ]	—
MDSL (navigable rivers under state law)	[ ]	—
MDEQ - Air And Waste Management Bureau	—	—
MDEQ - Water Quality Bureau	—	—
MDNR&C (irrigation systems)	—	—
Other: _____	—	—

ALTERNATIVES & FINDINGS

EACH of the following **ALTERNATIVES** for this proposed project have been evaluated to avoid the use of the historic bridge:

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*.

The above **ALTERNATIVES** have been applied in accordance with this 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.	X	[ ]
This **ALTERNATIVE** is neither feasible nor prudent for the following reasons:		
a) Maintenance — this **ALTERNATIVE** does not correct the structurally deficient condition 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.	X	[ ]
b) Safety — this **ALTERNATIVE** also does not correct the situation which causes the existing bridge to be considered deficient. Because of 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.	X	[ ]
A copy of the MDT Bridge Bureau's Inspection Report is attached.	X	[ ]
2. The rehabilitation **ALTERNATIVE** has been evaluated with one or more of the following **FINDINGS**:		
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.	X	_____
b) The existing bridge's geometrics (height, width) cannot be changed without adversely affecting the structure's historic integrity.	X	_____

ALTERNATIVES & FINDINGS (#2 - conclusion:)

	YES	NO
c) This **ALTERNATIVE** does not correct the serious restrictions on visibility (approach geometrics, structural requirements) which also contributes to an unsafe condition at this location.	X	
Is this rehabilitation **ALTERNATIVE** therefore considered to be feasible and/ or prudent based on the preceding evaluations?	[ ]	X

3. The relocation **ALTERNATIVE**, in which the new bridge has been moved to a site that presents no adverse effect upon the existing structure has also been considered under the following **FINDINGS**:

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.	X	
The preferred site is the only prudent location due to the terrain and/or geologic conditions in the general vicinity.	X	
Any other location would cause extraordinary disruption to existing traffic patterns.	X	
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 prime/unique farmlands.		X
Significant environmental impacts such as the extraordinary involvement in wetlands, regulated floodplains, or habitat of threatened/endangered species are likely to occur in any location outside the preferred site.		X
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. Does the **ALTERNATE** location result in significantly increased engineering or construction costs (such as a longer span, longer approaches, etc.)?		X
d) Preservation of existing historic bridge may not be possible due to either or both of the following:		
the existing structure has deteriorated beyond all reasonable possibility of rehabilitation for a transportation or alternative use;	X	
no responsible party can be located to maintain and preserve the historic structure.	X	

ALTERNATIVES & FINDINGS (#3. - conclusion:)

	YES	NO
Therefore, in accordance with the previously-listed FINDINGS it is neither feasible nor prudent to locate the proposed bridge at a site other than the preferred **ALTERNATE** as described.	X	[ ]

MEASURES TO MINIMIZE HARM

This "Nationwide" Programmatic *Section 4(f)* Statement applies only when the following **Measures to Minimize Harm** have been assured; a check in a box MAY void the Programmatic application — if so, a full *Section 4(f)* Evaluation **will be required**:

	YES	NO
1. Is the bridge being rehabilitated under this proposed project?	____	X
If "YES", is the historic integrity of the structure being preserved to the greatest extent possible; consistent with unavoidable transportation needs, safety, and load requirements?	NA	[ ]
NOTE: If "NO", refer to item 2., following, to determine Programmatic applicability.		
2. The bridge is being replaced, or rehabilitated to the point where historic integrity is affected. Are adequate records being made of the existing structure under HISTORIC AMERICAN ENGINEERING RECORD standards, or other suitable means developed through consultation with SHPO and the ACHP?	NA	[ ]
3. If the bridge is being replaced, is the existing structure being made available for alternative use with a responsible party to maintain and preserve same?	X	[ ]
4. If the bridge is being adversely affected, has agreement been reached through the *Section 106* process of the *National Historic Preservation Act* on these **Measures to Minimize Harm** (which will be incorporated into the proposed project) with the following:		
SHPO (Date: 1/14/99)	X	[ ]
ACHP (Date: 1/29/99)	X	[ ]
FHWA (Date: 1/21/99)	X	[ ]
A copy of the **Amendment to Programmatic Agreement** signed/approved by these agencies is attached.	X	[ ]

COORDINATION

There has been additional **COORDINATION** with the following agencies regarding this proposed project (other than those listed previously):

City/County government:
Local historical society:
Adjacent property owners: MT FWP
Others:

Copies of letters from these agencies regarding this proposed project are attached. This proposed project is also documented as a Categorical Exclusion under the requirements of the *National Environmental Policy Act* (**42 U.S.C. 4321**, *et seq.*).

SUMMARY & APPROVAL - The proposed action meets all criteria regarding the required **ALTERNATIVES**, **FINDINGS**, and **Measures to Minimize Harm** which 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 submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.

Heidy Bruner — Date: 7/23/13

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services

Approved: _____ Date: 7/24/13
Federal Highway Administration

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HB:BCB

Attachments

cc: Jeff Ebert, P.E. - Butte District Administrator
Paul Ferry, P.E. - Highway Engineer
Kent Barnes, P.E. - Bridge Engineer
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