

APPENDIX C
Environmental Checklist
Environmental Exhibits

UNIFORM ENVIRONMENTAL CHECKLIST

As the engineer that prepared the preliminary engineering report, I **Mike Whelehon, P.E., LEED AP** have reviewed the information presented in this checklist and believe that it accurately identifies the environmental resources in the area and the potential impacts that the project could have on those resources. In addition, the required state and federal agencies were provided with the required information about the project and requested to provide comments on the proposed public facility project. Their comments have been incorporated into and attached to the Preliminary Engineering Report.

Engineer's Signature: _____ Date: _____

Key Letter: **N** – No Impact **B** – Potentially Beneficial **A** – Potentially Adverse
P – Approval/Permits Required **M** – Mitigation Required

PHYSICAL ENVIRONMENT

<u>Key</u> N or P <u> </u>	<p>1. Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)</p> <p><u>Comments & Sources:</u> There are no known topographic and/or geologic constraints imposed on the area due to steep slopes or subsidence. According to The Web Soil Survey from USDA – Natural Resources Conservation Service, fifteen (15) different soil types are identified within the boundaries of the project. For the most part, loamy soils exist combined with coarser material such as sand and gravel. The finest soils present are soil types 130B and 135C, which are a very small percentage of the project area. According to well logs and USDA-NRCA soil type descriptions; there are no restrictive layers or bedrock.</p> <p>The proposed TEDD is located in Seismic Zone “2B”, which is halfway between the least severe zone of “1” and the most severe zone of “4”. This will be taken into consideration during design and construction.</p> <p>Soil and Seismic Zone maps along with additional information are located in Appendix A & C.</p>
<u>Key</u> N <u> </u>	<p>2. Hazardous Facilities (e.g., power lines, EPA hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)</p> <p><u>Comments & Sources:</u> After discussions with Northwestern Energy, there does not appear to be any existing overhead power lines within the project boundaries. Power and gas lines are underground. Several power and gas lines serve the airport (within the TEDD), but these are not a concern. The Contractor hired to install infrastructure for this project will need to carefully maneuver equipment and supplies around existing power and gas lines, if they are encountered, and coordinate with utility owners if necessary.</p> <p>There are no Leaky Underground Storage Tanks near the TEDD based on the list provided by the Montana Department of Environmental Quality website. http://www.deq.mt.gov/LUST/LUSTSites.mcp</p> <p>Topography maps with utility locations are shown in Appendix E.</p>

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<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;">N or A/M</p>	<p>3. Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)</p> <p><u>Comments & Sources:</u> Based on experience and witnessing similar projects, intermittent dust emissions can be expected during the construction of the new infrastructure. These emissions can be minimized with effective dust control measures such as water spraying. Exhaust emissions, odors and noise from construction vehicles can be expected during project construction. These impacts cannot be avoided. However, they can be minimized by proper maintenance of the equipment to insure that emission/noise/odor control devices such as engine mufflers are functioning properly. All these negative impacts will cease once construction is complete.</p>
<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;">B & P</p>	<p>4. Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)</p> <p><u>Comments & Sources:</u> Most of the well logs and soil type descriptions show adequate groundwater within the TEDD. The sufficient quantity of groundwater is an excellent source of potable water for a municipal system.</p> <p>For the most part Water and sewer pipe and fittings will be buried at least six (6) feet below the surface. Dewatering will most likely be required during construction. Waiting on comments from Montana DNRC.</p>
<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;">A/M or A/P</p>	<p>5. Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)</p> <p><u>Comments & Sources:</u></p> <p>The United States Army Corp of Engineers comments that “Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis”.</p> <p>Each irrigation canal may be full of water during construction because of storm water runoff. If there is water in the canal, the system will experience impacts during construction such as temporary turbidity, temporary debris, and bypass pumping of irrigation water, to name a few. These impacts will dissipate after construction is complete. Permits with the USACE will be sought, but are not anticipated.</p> <p>To help mitigate some of the impact, Best Management Practices (BMP) for control of storm water runoff from disturbed areas will be used during construction. BMPs will include use of silt fences at construction sites and silt fences & check dams adjacent to installations.</p> <p>The quantity and distribution of each irrigation system will not be affected. As mentioned, construction will occur during the irrigation off-season. Waiting on comments from Montana DEQ.</p>
<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;">N</p>	<p>6. Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)</p>

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	<p><u>Comments & Sources:</u> According to DFIRM 30081C0494D (1-16-2015), which was gathered from the FEMA website, the floodplain of the Bitterroot River is located approximately 1 mile northwest of the western-most part of the project area. Proposed construction will be conducted outside of the 100-year floodplain of the Bitterroot River and its tributaries. Therefore no impacts are anticipated for floodplains and floodplain management.</p> <p>The DFIRM map is located in Appendix A.</p>
<p><u>Key</u> <u>A/P</u></p>	<p>7. Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)</p> <p><u>Comments & Sources:</u> According to http://www.fws.gov/wetlands/Data/_Mapper.html, sporadic wetlands, primarily Riverine and Freshwater Emergent, exist within the boundaries of the TEDD. These small-area wetlands parallel irrigation ditches and drainage routes. New infrastructure may need to cross irrigation ditches and wetlands. Appropriate permits, if necessary, will be pursued and efforts will be made to minimize the impacts on wetlands and water quality. BMP's will be in-place during construction to assure protection.</p> <p>The Wetland Inventory map is located in Appendix A.</p>

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<p style="text-align: center;"><u>Key</u> B</p>	<p>8. Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)</p> <p><u>Comments & Sources:</u> According to the Montana Natural Resource Information System Digital Atlas of Montana (http://maps2.nris.mt.gov/mapper/), a large portion of the area within 1 mile of the TEDD is categorized as agricultural land use, grassland, and fallow. Fifteen (15) different soil types are identified. Of these, the areas identified by soil type 102B Holloran, 130B, and 156A are Prime Farmland if Irrigated. The areas identified by soil type 102B Losttrail-Wimper, 105B, 135C, 145A, and 155A are Farmland of Statewide Importance. The areas identified by soil type 105C, 105D, 122B, 153A, 154A are Farmland of Local Importance.</p> <p>When possible, new infrastructure will be installed in areas that have already been developed. Since the entire area within the TEDD is not developed, there will be disturbance of native soil. The minimal disturbance required for new infrastructure will not have a negative effect in light of the larger agricultural areas surrounding the TEDD. The land to be disturbed is currently owned by people whom are in favor of this construction project in order to increase economic development both in Hamilton and Ravalli County.</p>
<p style="text-align: center;"><u>Key</u> N</p>	<p>9. Vegetation & Wildlife Species & Habitats, Including Fish (e.g., terrestrial, avian and aquatic life and habitats)</p> <p><u>Comments & Sources:</u></p> <p>According to Montana Natural Resource Information System (NRIS) and site visits, the vegetation in the project area is mostly agricultural rangeland, grassland and commercial development (airport). Vegetation, wildlife species and habitats, including fish will not be impacted because the location of the project is near already-developed areas (airport and City of Hamilton).</p> <p>In order to install infrastructure for the TEDD, a portion of the site will be cleared of vegetation (pasture grasses and/or crops). Losses of these common forms of vegetation will be relatively insignificant. No sensitive or endangered plant species will be lost. Disturbed areas will be seeded with native grasses once construction is completed. Waiting on comments from Montana FWP.</p>
<p style="text-align: center;"><u>Key</u> N</p>	<p>10. Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)</p> <p><u>Comments & Sources:</u> The database of the Montana Natural Heritage Program was checked relative to the possible presence of any unique, endangered, or fragile species or species of special concern within the project area. No unique, endangered, or fragile animal or plant species will be impacted by the project. Waiting on comment from Montana DEQ & FWP.</p>
<p style="text-align: center;"><u>Key</u> N</p>	<p>11. Unique Natural Features (e.g., geologic features)</p> <p><u>Comments & Sources:</u> Significant impacts are not anticipated for unique natural features.</p>

<p style="text-align: center;"><u>Key</u> N</p>	<p>12. Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways (including Federally Designated Wild & Scenic Rivers), and Public Open Space</p> <p><u>Comments & Sources:</u> According to NRIS, the TEDD is not location within or nearby state land, federal land or designated wilderness areas. Impacts to accesses don't apply; no impact.</p>
HUMAN POPULATION	
<p style="text-align: center;"><u>Key</u> A/M</p>	<p>1. Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics</p> <p><u>Comments & Sources:</u> Based on experience and witnessing similar projects, local residents will note the presence of construction equipment during the construction phase of the project and some will consider the presence of such equipment objectionable. Such negative aesthetic impacts are unavoidable. Associated with the equipment will be dust emissions, odors and noise, all of which are unavoidable, but can be mitigated in part by BMPs and proper maintenance of the equipment. All impacts are temporary and all adverse impacts will cease once construction work has been completed.</p>
<p style="text-align: center;"><u>Key</u> A/M</p>	<p>2. Nuisances (e.g., glare, fumes)</p> <p><u>Comments & Sources:</u> Based on experience and witnessing similar projects, disruption of local residents due to construction noise, fumes, dust, etc. is unavoidable. Such effects will be mitigated wherever possible by BMPs and control measures. All such nuisances will be temporary in duration and will cease once construction is completed.</p>
<p style="text-align: center;"><u>Key</u> A/M</p>	<p>3. Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)</p> <p><u>Comments & Sources:</u> Some of the necessary infrastructure installation will occur in the rural areas just outside of the City of Hamilton (outside the City limits). Temporary noise impacts in more populated areas will occur closer to the City and within the airport due to scheduled infrastructure construction. Such impacts are unavoidable, but will cease once construction is completed.</p>
<p style="text-align: center;"><u>Key</u> N</p>	<p>4. Historic Properties, Cultural, and Archaeological Resources</p> <p><u>Comments & Sources:</u> According to the Montana Historical Society, any structure over fifty years of age is considered historic. No historic properties or archaeological or cultural resources will be impacted by the TEDD. Historical property such as the Daly Mansion is located north of the TEDD, but will not be impacted. During construction, should any cultural or archaeological materials of significance be unearthed, crews will be asked to stop construction and to notify the proper authorities so that the value of any uncovered materials can be professionally evaluated before construction work is resumed. This way, no valuable resources will be lost.</p>

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<u>Key</u> B	<p>5. Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)</p> <p><u>Comments & Sources:</u> One of the major purposes of the TEDD is to attract businesses to the area and boost the local economy. The addition of water, wastewater, roadways, and telecommunications will accommodate the additional businesses and maintain the existing ones (i.e. the airport).</p>
<u>Key</u> N	<p>6. Environmental Justice – (Does the project avoid placing lower income households in areas where environmental degradation has occurred, such as adjacent to brownfield sites?)</p> <p><u>Comments & Sources:</u> The proposed improvement projects are not related to placing lower income households in areas where environmental degradation has occurred.</p>
<u>Key</u> N or A	<p>7. General Housing Conditions - Quality, Quantity, Affordability</p> <p><u>Comments & Sources:</u> The quality and quantity of housing conditions will not be affected. Property taxes of homes and commercial businesses within or near the TEDD may increase. However, increased property taxes are not only driven by the TEDD, but also by other more profound economic and social factors.</p>
<u>Key</u> B	<p>8. Displacement or Relocation of Businesses or Residents</p> <p><u>Comments & Sources:</u> One of the major purposes of the TEDD is to attract businesses to the area and boost the local economy. The addition of water, wastewater, roadways, and telecommunications will accommodate the additional businesses and maintain the existing ones (i.e. the airport). Displacement of existing businesses or residents is not anticipated.</p>
<u>Key</u> B	<p>9. Public Health and Safety</p> <p><u>Comments & Sources:</u> The proposed improvements are anticipated to increase transportation safety for the public in the long run. Note MDT roadway improvements at Eastside Hwy and Fairgrounds Rd.</p>
<u>Key</u> N	<p>10. Lead Based Paint and/or Asbestos</p> <p><u>Comments & Sources:</u> No impacts are anticipated in relation to lead based paint and/or asbestos.</p>
<u>Key</u> B	<p>11. Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact</p> <p><u>Comments & Sources:</u> The project implementation may result in the creation of temporary construction jobs for local residents. Also, construction crews will likely support local businesses during the construction of necessary infrastructure. The increased demand for food, lodging, equipment and supplies resulting from the projects will have a positive impact on the local economy. In addition, creating the TEDD will hopefully draw businesses (industrial, technology, etc.) to the area to enhance job opportunities and community.</p>

<p style="text-align: center;"><u>Key</u> B</p>	<p>12. Local & State Tax Base & Revenues</p> <p><u>Comments & Sources:</u> The creation of the TEDD will implement a system in which increased property taxes (above the base tax at the time) will be retained for operation and maintenance within the TEDD. This allows for prudent growth and development.</p>
<p style="text-align: center;"><u>Key</u> B</p>	<p>13. Educational Facilities - Schools, Colleges, Universities</p> <p><u>Comments & Sources:</u> "Education Facilities" is one of the categories of approved uses within the TEDD. Any educational facility that is within the TEDD will be provided with adequate water (quality, quantity, fire flows), wastewater (collection and treatment), internet, etc.</p>
<p style="text-align: center;"><u>Key</u> B</p>	<p>14. Commercial and Industrial Facilities - Production & Activity, Growth or Decline</p> <p><u>Comments & Sources:</u> The creation of the TEDD will likely have a positive effect on commercial and industrial facilities. The TEDD will attract <i>new</i> industrial and commercial facilities to the Hamilton area which will benefit the local economy and result in prudent growth and development.</p>

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<p style="text-align: center;"><u>Key</u> N & B</p>	<p>15. Health Care – Medical Services</p> <p><u>Comments & Sources:</u> In the short term, health care – medical service will not be impacted, however, if the TEDD attracts businesses to the area, the local established health care services will potentially tend to the medical needs of the new population.</p>
<p style="text-align: center;"><u>Key</u> B</p>	<p>16. Social Services – Governmental Services (e.g., demand on)</p> <p><u>Comments & Sources:</u> “Government Facilities” is one of the categories of approved uses within the TEDD. Any government facility that is within the TEDD will be provided with adequate water (quality, quantity, fire flows), wastewater (collection and treatment), internet, etc. The addition of the TEDD warrants the necessity of having full-time water and wastewater operators. The operation and maintenance structure will be determined later, but regardless of the structure, the TEDD provides water and wastewater job opportunities.</p>
<p style="text-align: center;"><u>Key</u> N</p>	<p>17. Social Structures & Mores (Standards of Social Conduct/Social Conventions)</p> <p><u>Comments & Sources:</u> No impact is anticipated in relation to social structures.</p>
<p style="text-align: center;"><u>Key</u> B/P/M</p>	<p>18. Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)</p> <p><u>Comments & Sources:</u> According to Montana Natural Resource Information System (NRIS) and site visits, the current land use in the project area is mostly agricultural rangeland, grassland and commercial development (airport). The TEDD limits the type of land use within its boundaries. Approved uses are mostly industrial, government, education, and commercial operations. These types of facilities will tie-in nicely with the existing commercial sector on the west side of the TEDD and the airport on the east side. The TEDD for the most part is surrounded by un-developed land. However, on the south end of the TEDD, there is an existing residential area.</p> <p>The new infrastructure in the area will be sufficient to accommodate the utility needs of the TEDD and the anticipated growth.</p> <p>Is there more we can add to this?</p>
<p style="text-align: center;"><u>Key</u> N</p>	<p>19. Energy Resources - Consumption and Conservation</p> <p><u>Comments & Sources:</u> No impacts are anticipated in relation to energy resources except the energy expended to construct the projects and operate the water and sewer systems, which is minimal.</p>
<p style="text-align: center;"><u>Key</u> B</p>	<p>20. Solid Waste Management</p> <p><u>Comments & Sources:</u> The construction of the new infrastructure will generate minimal solid wastes. As the TEDD continues to grow, Bitterroot Disposal will potentially be providing more garbage cans and services requiring the help from additional staff.</p>
<p style="text-align: center;"><u>Key</u></p>	

<p style="text-align: center;"><u> </u> N <u> </u></p>	<p>21. Wastewater Treatment - Sewage System</p> <p><u>Comments & Sources:</u> The recommended alternative for wastewater treatment was chosen in part to minimize the effects of wastewater on the environment. The wastewater treatment pond system with land application of effluent via irrigation of grass hay will minimize or even eliminate the amount of nutrients added to groundwater and surface water from the development of the TEDD.</p>
<p style="text-align: center;"><u> </u> Key N <u> </u></p>	<p>22. Storm Water – Surface Drainage</p> <p><u>Comments & Sources:</u> No impacts are anticipated in relation to storm water. Storm water detention and retention will be handled onsite and is not anticipated to increase overall storm water runoff from the TEDD.</p>
<p style="text-align: center;"><u> </u> Key N <u> </u></p>	<p>23. Community Water Supply</p> <p><u>Comments & Sources:</u> The recommended alternative for water supply will require a beneficial water use permit to be applied for from the Montana Department of Natural Resources and Conservation. Irrigation and/or stock water rights may need to be changed as mitigation to the new public water supplies, but minimal impact is expected to the aquifer or the Bitterroot River.</p>
<p style="text-align: center;"><u> </u> Key A/M <u> </u></p>	<p>24. Public Safety – Police</p> <p><u>Comments & Sources:</u> Services from the local police may be required from time to time to provide adequate traffic controls during the construction work, especially those actions that will take place within public rights-of-way. Such impacts are deemed minimal and temporary and will cease once construction is complete.</p>
<p style="text-align: center;"><u> </u> Key B <u> </u></p>	<p>25. Fire Protection – Hazards</p> <p><u>Comments & Sources:</u> The new water system will provide adequate (ISO-based) fire protection capabilities throughout the system. Waiting on comments from Hamilton Fire Chief.</p>

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<u>Key</u> B/M <hr/>	<p>26. Emergency Medical Services</p> <p><u>Comments & Sources:</u> Only minimal impact anticipated for emergency medical services. With population growth and new industrial and commercial businesses, there is a potential for a higher frequency of emergency responses.</p> <p>Initial plans for the TEDD consists of providing trails for walking, running, and biking. Overall, this creates the potential for greater employee well-being.</p>
<u>Key</u> B <hr/>	<p>27. Parks, Playgrounds, & Open Space</p> <p><u>Comments & Sources:</u> Initial plans for the TEDD consists of providing park areas and trails for walking, running, and biking. Overall, this creates the potential for greater employee well-being.</p>
<u>Key</u> B <hr/>	<p>28. Cultural Facilities, Cultural Uniqueness & Diversity</p> <p><u>Comments & Sources:</u> According to the Montana Historical Society, any structure over fifty years of age is considered historic. No historic properties or archaeological or cultural resources will be impacted by the TEDD.</p> <p>The TEDD could attract businesses similar to Rocky Mountain Laboratories and GlaxoSmithKline, which employees diverse groups of people.</p>
<u>Key</u> A/M <hr/>	<p>29. Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)</p> <p><u>Comments & Sources:</u> Trained personnel and temporary traffic control devices & signs will be required to control and direct vehicular and pedestrian traffic around the construction of the proposed infrastructure. This will result in brief traffic delays. Such impacts are unavoidable, but temporary, and will cease once the project has been completed.</p> <p>The TEDD will be operated by a group of individuals (commission) that regulate the development of the TEDD. The existing airport is a large portion of the TEDD and has its own plans for future development. Potentially, the commission will keep this in mind.</p>
<u>Key</u> B <hr/>	<p>30. Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)</p> <p><u>Comments & Sources:</u></p>
<u>Key</u> N <hr/>	<p>31. Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)</p> <p><u>Comments & Sources:</u> There will be no regulatory action on private property rights as a result of this project.</p>



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA MT 59626

October 1, 2015

Regulatory Branch
Montana State Program
Corps No. NWO-2015-01533-MTH

Subject: Ravalli County -Targeted Economic Development - Hamilton Area

Mike Whelehon
Professional Consultants, Inc
170 South 2nd Street
Suite C
Hamilton, Montana 59840

Dear Mr. Whelehon:

We have reviewed your letter requesting information concerning the above-referenced project, which was received by our Helena office on August 14, 2015. The proposed work is located in Township 06 North and Range 20 West, in Ravalli County, Montana.

The mission of the U.S. Corps of Engineers (Corps) Regulatory Program is to protect the Nation's aquatic resources while allowing reasonable development through fair, flexible and balanced permit decisions. In particular, under Section 404 of the Clean Water Act, we work to protect the biological, physical, and chemical integrity of the Nation's aquatic resources. Projects are evaluated on a case-by-case basis to determine the potential benefits and detriments that may occur as a result of the proposal. In all cases an applicant must avoid and minimize impacts to aquatic resources to the greatest extent practicable.

Under the authority of Section 404 of the Clean Water Act, Department of the Army (DA) permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis. If no waters of the U.S. will be impacted by the project, no DA permit is required. Based on the limited information provided in your letter, we are unable to ascertain if regulated activities are proposed.

Note that this letter is not a DA authorization to proceed. It only informs you of your need to obtain a DA permit if waters of the U.S. will be affected. Please contact me at (406) 441-1365 if you have questions and reference the above Corps File Number.

Sincerely,

Jess J. Davies
Natural Resources Specialist

August 14, 2015

Mike Whelehon
Professional Consultants, Inc.
170 South 2nd Street; Suite C
Hamilton MT 59840

RE: RAVALLI COUNTY TEDD, WATER, WASTEWATER, AND ROADWAYS. SHPO Project #: 2015081404

Dear Mr. Whelehon:

Thank you for your letter regarding the above-cited project. It is State Historic Preservation Office's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old we would recommend that they be recorded and a determination of their eligibility be made prior to any work taking place. If there will be new ground disturbance associated with any new projects in the area it may have the potential to impact cultural properties. Before any ground disturbance takes place we would ask that our office be contacted and a formal file search of our records conducted.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. Thank you for consulting with us.

Sincerely,



Damon Murdo
Cultural Records Manager
State Historic Preservation Office



United States Department of the Interior

Fish and Wildlife Service

Ecological Services

Montana Field Office

585 Shepard Way, Suite 1

Helena, Montana 59601-6287

Phone: (406) 449-5225 Fax: (406) 449-5339



M.29 Public (I)
06E11000-2015-TA-0388

September 3, 2015

Mike Whelehon
Professional Consultants, Inc.
170 South 2nd Street, Suite C
Hamilton, MT 59840

Dear Mr. Whelehon:

This responds to your letter dated August 11, 2015, requesting U.S. Fish and Wildlife Service (Service) comment on a proposed Targeted Economic Development District (TEDD) in Ravalli County, Montana. The proposed TEDD is approximately 420 acres in size, and is located in sections 19, 20, 29, and 32 in Township 6 North, Range 20 West, immediately to the northeast and east of Hamilton, Montana. The letter and project location maps were received by our office on August 17, 2015.

We offer the following comments under the authority of and in accordance with the Bald and Golden Eagle Protection Act (BGEPA; 16 U.S.C. 668-668d, 54 Stat. 250), as amended, and the Endangered Species Act (ESA; 16 U.S.C. 1531 et seq.) as amended.

The federally-listed threatened and endangered species that may occur in Ravalli County are the threatened Canada lynx (*Lynx canadensis*), bull trout (*Salvelinus confluentus*), yellow-billed cuckoo (*Coccyzus americanus*), and bull trout critical habitat. Also found in Ravalli County is the candidate species whitebark pine (*Pinus albicaulis*). Because of the scope and location of this proposed project, the Service believes it would be unlikely for project-related adverse effects to occur to these species as a result of implementation of this project. However, when designing water, wastewater, and road facilities, please bear in mind their proximity and drainage into the Bitterroot River, which is designated as bull trout critical habitat.

Bald and Golden Eagles

The BGEPA prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof. The BGEPA defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific

information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

In 2009, the Service published a final rule (50 C.F.R. §§ 22.26 and 22.27) (http://www.fws.gov/alaska/eaglepermit/pdf/Final_Disturbance_Rule.pdf) authorizing limited issuance of permits to take bald and golden eagles “for the protection of . . . other interests in any particular locality” where the take is compatible with the preservation of the bald eagle and the golden eagle, is associated with and not the purpose of an otherwise lawful activity, and cannot practicably be avoided. The decision about whether to pursue a take permit to achieve compliance with BGEPA is a risk-based decision resting solely at the discretion of the developer/operator.

The Montana Natural Heritage Program database indicates that there is a bald eagle nest adjacent to the Daly Mansion Pond, which is in close proximity to portions of the TEDD. We strongly recommend coordination with Montana Fish, Wildlife and Parks at 1420 East Sixth Ave., P.O. Box 200701, Helena, Montana 59620-0701, (406) 444-2535 and the Montana Natural Heritage Program, 1515 East 6th Avenue, Box 201800, Helena, Montana 59620-1800, (406) 444-5354. Both of these agencies may be able to provide updated, site-specific information regarding threatened, endangered, and sensitive species, eagle and other raptor nest locations; and other fish and wildlife resources occurring in the proposed project area. Should occupied eagle nests occur within 0.5 mile of the proposed site, we recommend that you comply with the recommended temporary seasonal and distance construction buffers stipulated in the *2010 Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan (1994)*.

If wetlands are impacted by this proposal, Corps of Engineers Section 404 permits may be required. The Service suggests any proposed or future project be designed to avoid and minimize impacts to wetland areas, stream channels and surrounding vegetation to the greatest extent possible. Direct, indirect and cumulative impacts, along with future activities required to maintain these improvements, should be analyzed.

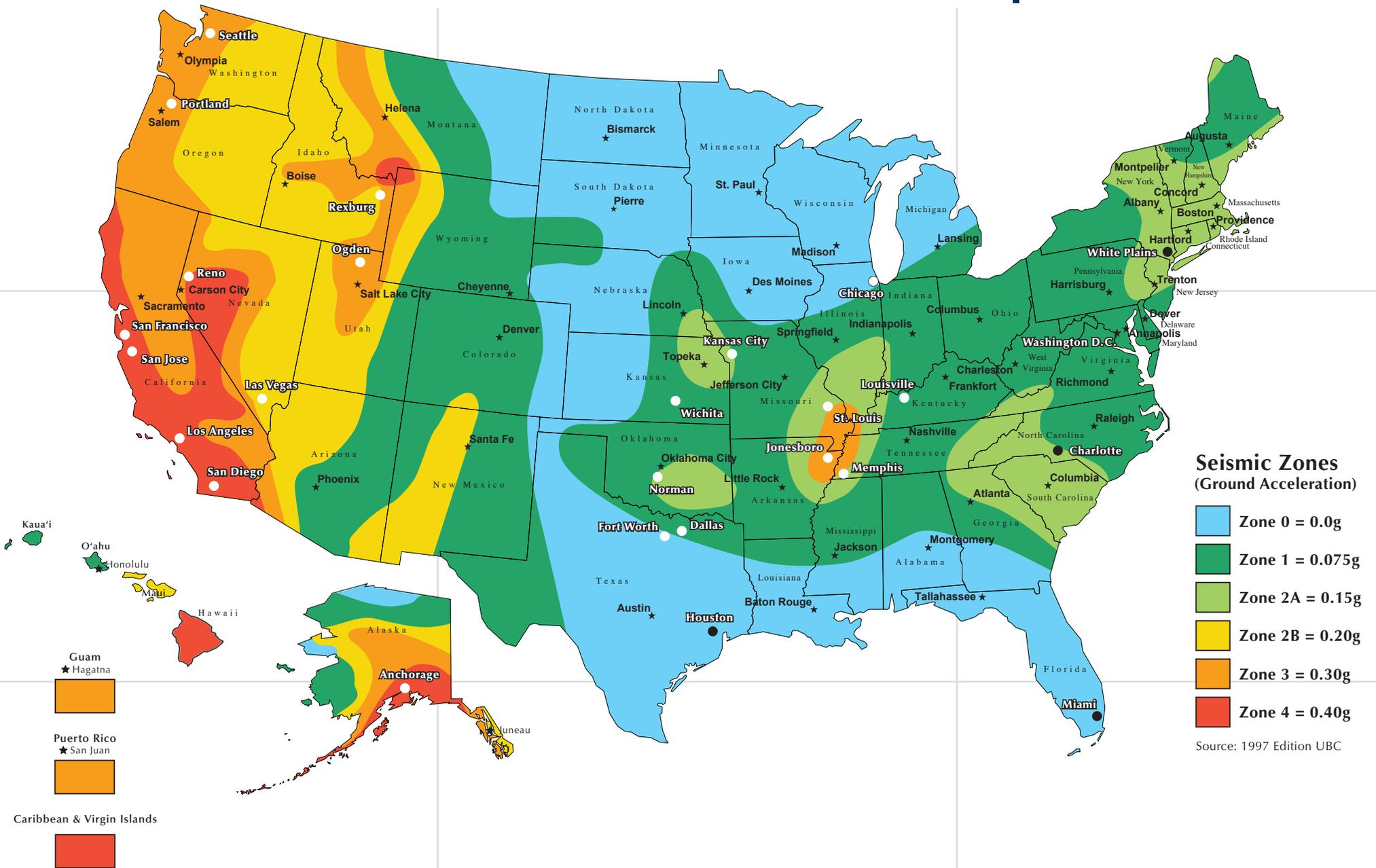
The Service appreciates your efforts to incorporate fish and wildlife resource concerns, including threatened and endangered species, into your project planning. If you have questions or comments related to this issue, please contact Mike McGrath at mike_mcgrath@fws.gov or 406-449-5225, extension 201.

Sincerely,



for Jodi L. Bush
Field Supervisor

United States Seismic Zones Map



Guam
★ Hagatna

Puerto Rico
★ San Juan

Caribbean & Virgin Islands