

February 2, 2015

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**Subject: Russell Street/South 3rd Street – Missoula Re-evaluated Final Environmental Impact Statement and Final Section 4(f) Evaluation
STPU-M 8105(8)
UPN 4128**

The Russell Street/South 3rd Street – Missoula project corridor was evaluated for environmental impacts in the 2011 Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the referenced project with the Record of Decision (ROD) signed on October 31, 2011.

The purpose of this letter is to request Federal Highway Administration (FHWA) concurrence that the following proposed design changes and the updated environmental information would not require preparation of a supplemental environmental impact statement.

A re-evaluation of the approved environmental document is required prior to the request for Federal Highway Administration (FHWA) action (i.e., final design, right-of-way, etc.). Pursuant to 23 CFR 771.129(c), this re-evaluation is intended to determine what changes have occurred as a result of final design and what new information is available regarding the project and the study area, including changes in the design and scope of the project, new or modified laws and regulations, or changes in circumstances or the affected environment. This re-evaluation is intended to encompass the same project limits as analyzed in the FEIS. Due to project phasing, however, several project splits have occurred, with some projects being advanced faster than others, resulting in different levels of design details available. The request for FHWA action pertains to the Russell Street improvements and, as such, this re-evaluation focuses on the Russell Street corridor, and particularly the projects from Dakota Street to West Broadway Street, including a new bridge over the Clark Fork River. The purpose and need for the project has not changed.

As a point of clarification, the Preferred Alternative identified in the FEIS for South 3rd Street (Alternative E) indicated the intersection control at Russell Street would be determined by the selection of the Preferred Alternative for Russell Street (refer to pg. 2-93 of the FEIS). Alternative 4 was identified as the Preferred Alternative for Russell Street which includes a signalized intersection at Russell Street and South 3rd Street (refer to Figure 2-18, pg. 2-60 of the FEIS). As such, the Preferred Alternative for South 3rd Street includes a signal control at the intersection of Russell Street (as seen in Figure 2-18, pg. 2-60 in the FEIS and Attachment C, Sheet 4), and does not include the roundabout intersection as seen in Figure 2-23, pg. 2-99 of the FEIS.

UPDATED PROJECT INFORMATION

As recognized in the FEIS, the project was expected to be constructed in a phased approach based on available funding. The Russell Street/South 3rd Street – Missoula project has been split into four separate projects to expedite project delivery and utilize available funding. Refer to Attachment A for an overview of project split locations. The individual project descriptions are as follows:

- MT 8105(18), Russell St – Broadway to Idaho, UPN 4128002: The Russell Street – Broadway to Idaho project extends from Idaho Street to West Broadway Street, including a new bridge over the Clark Fork River. This project includes only improvements to Russell Street and does not involve construction activities or improvements to West Broadway Street. . Construction of this project is anticipated to begin in 2017.
- STPU 8105(20), Russell St – Idaho to Dakota, CN 4128003: The Russell St – Idaho to Dakota project extends from Idaho Street south to Dakota Street. This project was split from the previous STPU 8105(15), Russell St – Missoula project to allow construction of this 3-block segment with the Russell St – Broadway to Idaho project. Construction of this project is on the same schedule as the Russell St – Broadway to Idaho project, which is anticipated to begin in 2017.
- STPU 8105(21), Russell St – Dakota to Mount, CN 4128004: The Russell St – Dakota to Mount project includes the remainder of the Russell Street corridor project as originally programmed under STPU 8105(15), Russell St – Missoula. This project includes improvements on West Broadway Street; including the double left turn lane extension (Design Change 1) and the bike lane extensions (Design Change 2). This project has been taken to the Alignment and Grade design stage (approximately 30% design) and no further design will occur until additional design information has been developed to determine logical split locations and phases based on available funding. Construction dates for this project are unknown at this time and the project will be re-evaluated in the future when additional information becomes available.

Included with this project is the Wyoming St. Connection, which would provide a connection between River Road and North Catlin Street. An improved connection between River Road and Russell Street via Idaho Street/North Catlin Street/Wyoming Street was identified in the FEIS and common to all build alternatives. Improvements to Wyoming Street and North Catlin Street have already been constructed by the City to include curb, gutter, and sidewalks and extend to a cul-de-sac on Idaho Street. The Wyoming St. Connection would complete the connection between River Road and Russell Street; however, potential private property impacts have been identified with the expansion and connection of Mobile City Trailer Park Road to Idaho Street and this project is on hold while additional public comment is being sought and final decisions made by MDT and the City. Construction dates for the Wyoming Street Connection are unknown at this time and this project component will be re-evaluated in the future when additional information becomes available.

- STPU 8102(2), South 3rd St. – Reserve to Russell, UPN 3581: The South 3rd St. – Reserve to Russell Project improvements located on South 3rd Street from Russell Street to Reserve Street are being funded and constructed at the local level by the City of Missoula (City) and are not the focus of this re-evaluation. On December 7, 2012, FHWA approved a re-evaluation of the South 3rd Street improvements that covered the City of Missoula’s local funding of the project. The eastern two-thirds of the project was constructed in 2014 and final improvements to the western one-third extending to Reserve Street are likely to be completed in 2015.

Design elements of the Preferred Alternative for the Russell Street improvements can be found on pages 2-114 to 2-119 in the FEIS and are also shown in Attachment B. Changes to the project that are the subject of this re-evaluation are described in the next section, Description of Changed Conditions.

DESCRIPTION OF CHANGED CONDITIONS

There have been changes in both the project design and environmental conditions since the issuance of the ROD in October 2011. The Preferred Alternative described in the FEIS (pgs. 2-100 to 2-119) and ROD (pgs. 1-4) offered a conceptual level of design that afforded flexibility during final design for refinement of locations of medians and turn lanes, bridge design, as well as specific details on providing trail connections. As final design has progressed, refinements to the design of the Russell Street Bridge, trail connections, and roadway configuration have resulted in changes to the roadway and bridge typical sections as well as the right-of-way requirements for the project. Refer to Attachment B for a comparison of the currently proposed roadway and bridge typical sections and the FEIS typical sections. The design changes that are the subject of this re-evaluation are described below. The changes in environmental conditions are also summarized below. Evaluation of potential impacts from these changes is provided in the Re-evaluation section.

Design Change 1: West Broadway Street Double Left Turn Lane Extension

The double left turn lanes from westbound West Broadway Street to southbound Russell Street have been increased in length thus extending the project limits to the east for approximately one block to meet traffic projections. Minor additional right-of-way is required on the north side of West Broadway Street between Byron Street and Cowper Street (two city blocks). An addition of approximately 15 feet of right-of-way is required between Byron and Cowper streets to accommodate this design change. The location of Design Change 1 is detailed in Attachment C, Sheets 7 and 8.

Design Change 2: West Broadway Bike Lane Extension

The project limits have been extended east and west along West Broadway Street to include bike lanes. The new bike lanes extend east along West Broadway Street to Toole Avenue and west to Mullan Road to connect with existing bike lanes. No additional right-of-way or property impacts are anticipated as a result of this design change. The general location of the bike lane extensions are shown in Attachment A.

Design Change 3: Russell Street Bridge Southside Trail Connection

A new walkway is being designed at the southeast corner of the bridge to provide a pedestrian connection from the Russell Street Bridge to River Road and the trail undercrossing located on the south side of the bridge. Approximately 0.4 acre of additional right-of-way is required on the southeast corner of the Russell Street Bridge to accommodate the walkway. The FEIS (pg. 4-11) generally states, “a connection to local streets on the south side of the river would also be made between the east and west sides of River Road.” This design change is consistent with the FEIS. The Shady Grove Trail connection, located on the north side of the Clark Fork River (refer to Figure 4-5, pg. 4-11 in the FEIS), is being provided consistent with the FEIS. The Shady Grove Trail connection on the north side of the Clark Fork River ties into the existing Riverfront trail system. The location of Design Change 3 is detailed in Attachment C, Sheet 6.

Design Change 4: Russell Street Bridge Minor Alignment Shift

The bridge alignment has been shifted approximately 12 feet to the east to avoid impacts to the Equinox building and underground parking on the northwest side of the bridge and to accommodate maintenance of traffic during construction. This design change, coupled with Design Change 3, has increased right-of-way requirements on east side of the bridge approach on the south side of the river. The location of Design Change 4 is detailed in Attachment C, Sheet 6.

Design Change 5: Russell Street Roadway Typical Section

The roadway typical section has been modified from that described in the FEIS (pgs. 2-16 and 2-17). The road typical section includes a total width of 94 feet (58-foot-wide curb to curb), containing two 11-foot travel lanes in each direction, raised 6-foot bicycle lanes and 11-foot sidewalk on either side of the roadway, and a 12-foot median. This reduces the curb to curb width from 69 ft. to 58 ft. by reducing the outside travel lane width, moving the bike lanes outside the curb and adjacent to the sidewalk, and changing the type of curb. This typical section is being designed for Russell Street from South 3rd Street to West Broadway. The currently proposed 94-foot road width does not affect or increase right-of-way requirements and is consistent with the roadway footprint analyzed in the FEIS. Refer to Attachment B, Figure 2 for current design typical section details.

Design Change 6: Russell Street Bridge Typical Section and Pier Configuration

The Russell Street Bridge typical section and pier configuration has been modified from that described in the FEIS (page 4-24 and Figure 4-6). The bridge design has been modified from a 4-span to a 3-span structure which provides for fewer piers in the Clark Fork River and a larger hydraulic opening over existing conditions. The typical section for the Russell Street Bridge includes a total width of 94 feet, including two 11-foot travel lanes in each direction, two 12-foot shared use pathways with barrier separation, a four-foot median, and a 12-foot left turn lane (see Attachment B, Figure 4). The travel lanes on the bridge have been reduced from the standard 12-foot width. Due to these changes, permanent impacts from the piers and bridge abutments are likely reduced from the preliminary design analyzed in the FEIS. The location of Design Change 6 is detailed in Attachment C, Sheet 6.

Design Change 7: Wrap Around Bus Stops

Four bus stops located along Russell Street between West Broadway Street and Dakota Street are currently being proposed. The two bus stops near River Road (refer to Attachment C, Sheet 6) do not require any additional right-of-way when compared to the FEIS footprint. The two bus stops near the Milwaukee Trail undercrossing (refer to Attachment C, Sheet 5) will require additional right-of-way to accommodate the proposed design. The proposed bus stop design at all locations will include a designated loading and unloading area for bus riders near the curb with the bike lane diverting, or “wrapping around,” the designated bus stop area. The wrap around design for the bus stops located near Milwaukee Way will require between three to five feet of additional right-of-way. After including a three foot buffer from the edge of the sidewalk, the two bus stops near the Milwaukee Trail undercrossing will require approximately 557 square feet for the southbound stop and 361 square feet for the northbound stop, for a combined total of 918 square feet, or 0.021 acres, of additional right-of-way.

Environmental Change 1: Biological Resources Update

T&E Species Updated Conditions. Since the July 2008 Biological Resources Report and Biological Assessment was prepared for the FEIS one species with potential occurrence in Missoula County—the yellow-billed cuckoo—has been federally designated as threatened. An Addendum to the Biological Resources Report and Biological Assessment was prepared by MDT in December 2014 to evaluate the proposed project’s potential effect on this species and a No Effect determination was made relative to this species. Therefore no change in impact has occurred since the FEIS. More information is provided in Section E, Threatened and Endangered Species, below.

Aquatic Resources Update. A wetland inventory of the Russell Street corridor was conducted in September 2013 to verify the wetland findings as reported in the FEIS. No wetlands were identified

within the project area, including the riparian area adjacent the Clark Fork River and therefore no changes have occurred and no wetland impacts would occur as a result of the project.

Environmental Change 2: Cultural Resource Survey Update

The historic and cultural resource inventories conducted for the FEIS are greater than 10 years old. An update to the cultural resources reports from 2000, 2001, and 2002 was conducted in August 2014 to revisit the previously recorded National Register of Historic Places (NRHP)-eligible properties as presented in the FEIS. An update to the historic and cultural resource inventory was completed in August 2014 to determine if any previously NRHP-ineligible properties are now potentially eligible for inclusion on the NRHP, and to assess any new adverse impacts to newly identified historical resources that may occur from the project as currently proposed. More information is provided in Section I, Historical and Cultural Resources, below.

RE-EVALUATION

The scope of this re-evaluation includes the design changes and updated environmental information. This re-evaluation includes a review of the 2011 FEIS and ROD for changes in previously identified environmental resources and impacts, and any mitigation commitments associated with the design change.

Resource Category Re-evaluation

The following resource categories were previously examined in the FEIS and have been re-evaluated in the context of the Russell Street project as currently proposed and, where applicable, new or updated information is provided. Table 1 provides an overview of the resource category and whether a change in impact or a change in mitigation has occurred. Resource categories with changed conditions are described in greater detail below.

Table 1. Re-evaluation of Resource Categories

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Summary Discussion
Land Use	No	No	Several new housing developments are being constructed within the Russell Street corridor. Also, the City has modified its zoning regulations by adopting an overlay district within the project corridor. More information is provided in Section A below.
Farmland	No	No	The project does not impact farmland as none exists within the project area. No changed conditions have occurred since the FEIS.
Social Conditions (including Right-of-Way)	Yes	No	Final design has resulted in minor changes to right-of-way requirements for the project. The impact to this resource due to additional right-of-way requirements is determined as not significant . More information is provided in Section H below. The social conditions described in the FEIS are based on the 2010 U.S. Census decennial survey, which provide a relatively current and accurate depiction of the demographics within the project area. This re-evaluation did not attempt to re-examine data related to population, income, or race. There have been no substantial changes in the social characteristics within the project area since the FEIS. Any subtle changes to project area demographics would not affect the final decisions made by the ROD.
Economic Conditions	No	No	Employment and housing market trends have improved slightly over the past several years. More information is provided in Section B below.
Parks and	No	No	The extension of the Milwaukee Trail west of Russell Street was completed in 2011 by

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Summary Discussion
Recreation			the City. The City is planning improvements to a river island just upstream of the project that would include a surf wave (The Max Wave). More information is provided in Section C below.
Pedestrian and Bicycle Facilities	Yes	No	This resource category pertains to on-street facilities such as bike lanes and sidewalks. Final design includes enhancements to the pedestrian and bicycle facilities by adding bike lanes along West Broadway Street between Toole Avenue and Mullan Road as well as a connection from the bridge to the trail system. More information is provided in Section F below.
Air Quality	No	No	The FEIS demonstrated that the proposed improvements of the Russell Street/South 3 rd Street project were found to be in compliance with Montana and National Ambient Air Quality Standards and met the conformity criteria for federally funded transportation projects under federal regulations. The 2012 Missoula LRTP performed a conformity analysis of its committed and recommended projects which found the LRTP to be in conformity with air quality standards with respect to all pollutants with the exception of PM10 in 2040 (MPO 2012). PM10 conformity will be achieved through the utilization of washed sand in 50% of areas currently receiving unwashed sand treatments within the PM10 non-attainment area.
Noise	No	No	The FEIS noise analysis identified one location along South 3 rd Street between Garfield and Catlin Streets where the construction of a noise barrier may be a reasonable and feasible noise mitigation measure. The mobile homes where noise impacts were predicted have been removed during, but not from a direct result of, the City's construction of the 3 rd Street project. The construction of a noise wall has been determined as unreasonable and is no longer being considered as part of the project.
Water Quality	No	No	No additional impacts or concerns related to water quality have been identified since the FEIS. The project will follow the mitigation measures outlined in the FEIS as to avoid and minimize impacts to water resources in the project area.
Wetlands	No	No	Since wetlands and other waters of the United States are affected over time by both natural and human-caused activities, local changes in jurisdictional boundaries can be expected to occur. The Biological Resources Report for the Russell Street/South 3 rd Street project was conducted in May 2008. Due to the time that has lapsed, an updated wetland inventory was conducted in September 2013 to confirm the absence of wetlands as reported in the FEIS. No wetlands were identified within the project area, including the riparian area adjacent the Clark Fork River and therefore no changes have occurred.
Water Bodies and Wildlife Habitat	Yes	No	The number of bridge piers located in the Clark Fork River has been reduced from the conceptual design presented in the FEIS (reduced from 3 to 2) to minimize adverse effects to the Clark Fork River and improve hydraulic performance. More information is provided in Section G below.
Floodplains	No	No	On July 25, 2013, FEMA issued a revised Preliminary Digital Flood Insurance Rate Maps (DFIRM) for the City of Missoula and Missoula County. The revisions removed several levee-like structures from providing flood protection, resulting in new areas being shown within the regulatory floodplain that were previously outside the floodplain. The 2013 preliminary FEMA mapping revisions do not show substantive changes to the regulatory floodplains near the Russell Street/South 3 rd Street Project Area. The project team has performed a hydraulic analysis and the project is being designed in accordance with Executive Order #11988 and state and local floodplain regulations. The analysis showed the new bridge will produce a "no-rise" scenario compared to existing conditions.
Threatened and Endangered Species	No	No	Since the publication of the 2008 Biological Resources Report one new species with potential for occurrence in Missoula County—the yellow-billed cuckoo—has been federally listed as threatened. An Addendum to the Biological Resources Report and Biological Assessment was prepared by MDT in December 2014 to evaluate the proposed project's potential effect on this species and a No Effect determination was made relative to this species. Therefore no change in impact has occurred since the FEIS. More information is provided in Section E below.

Resource Category	Change in Impact? Yes/No	Change in Mitigation? Yes/No	Summary Discussion
Historic and Cultural Resources	Yes	Yes	The historic and cultural resource inventories conducted for the FEIS are over 10 years old and there is potential for previously unidentified properties to now become eligible for the NRHP under Section 106. An update to the historic and cultural resource inventory has been conducted to determine if any new adverse impacts would occur from the project as currently proposed. One new property, 24MO1660, was identified as NRHP-eligible which would be adversely affected by the proposed project. The change in impact is determined as not significant . A change in mitigation for this resource is required due to the adverse impact to 24MO1660. No new indirect and cumulative impacts occur to historic and cultural resources as a result of this change. More information is provided in Section I below.
Section 4(f) Resources	Yes	Yes	Changes to impacts and mitigation to Section 4(f) resources relate to adverse effects to historic properties that are protected under the Section 4(f) and Section 106. One additional property (24MO1660), which will be adversely affected by the proposed project, has been determined eligible for the National Register. This adverse effect constitutes a “use” of a property protected under Section 4(f). The change in impact is determined as not significant and no new indirect and cumulative impacts occur to Section 4(f) resources as a result of this change. Impacts to Section 4(f) resources are discussed in Section J below. No change in impact to recreational properties protected under Section 4(f) has occurred since the FEIS.
Hazardous Materials	No	No	No new hazardous material sites have been identified; however, the project limits have extended along West Broadway Street where several documented contaminated properties are located. More information is provided in Section D below.
Visual Resources	No	No	The existing natural and built environment, as well as the affected viewer groups, has changed little since the FEIS was completed. Consistent with the FEIS, the project as currently proposed will result in a positive impact to visual resources within the project area, and therefore no mitigation is required.
Indirect and Cumulative Effects	No	No	Indirect and cumulative effects from the project were evaluated in the 2011 FEIS. There are no indications that the design changes or updated environmental information would contribute to new indirect and cumulative and secondary effects.
Permits	No	No	The FEIS identifies permits and coordination required prior to construction of the project. No changes in required permits have been identified.

The project as currently proposed would have no new impacts to the following resources:

Land Use, Farmland, Economic Conditions, Parks and Recreation, Hazardous Materials, Threatened and Endangered Species, Air Quality, Noise, Water Quality, Wetlands, Floodplains, Visual Resources, Indirect and Cumulative Effects, Permits

The following sections provide updated information on existing conditions for the subject resource category. While no new impacts or changes in mitigation have been identified for the following resources, changed conditions warrant a more detailed description as provided in Sections A through E below.

A. Land Use

No new impacts to project area land uses have been identified. No change to mitigation has occurred since the FEIS and no mitigation is required.

Several new housing developments are being constructed within the Russell Street corridor. There are two new developments within the project area that will provide approximately 287 new rental units. On the west side of Russell Street, between 2nd Street and Wyoming Street, a 224-unit development name CORSO is being built on a former industrial site. At the corner of Russell and 14th streets, another development known as Summit View Square will add retail and 63 apartment units.

In 2014, the City approved a revision to its zoning ordinance within the project area by enacting the Southside Riverfront Neighborhood Character Overlay District. The overlay district includes the Russell Street project from approximately 3rd Street north to the Clark Fork River. The new district is intended to accommodate the commercial and residential needs of the Southside Riverfront commercial neighborhoods by permitting a mixture of residential and neighborhood-serving commercial uses (City of Missoula 2012). This district allows existing uses to remain while encouraging a mix of residential and commercial uses. The new zoning ordinance influences the design of Russell Street primarily through changing setback requirements and parking locations which transitions access from Russell Street to side streets for improved circulation. The new zoning ordinance does not require a change in the design of the project. The design goals of the Russell Street project are consistent with the City zoning ordinance.

B. Economic Conditions

No new impacts to the project area economic conditions have been identified. No change to mitigation has occurred since the FEIS and no mitigation is required.

Information presented in the FEIS showed the average unemployment rate in Missoula County for the period of January through May 2011 was approximately 7.9 percent. Recent statistics available through the U.S. Department of Labor shows the average unemployment rate over the 5 month period from June through October 2013 in Missoula County has decreased to 4.6 percent (DOL 2013).

Housing market trends have improved slightly when compared to the 2010 data presented in the FEIS. According to the Missoula Organization of Realtors, the median price of homes has increased from \$204,250 in 2010 to \$215,000 in 2013 for the Missoula Urban Area. The number of home sales has increased to 1,117 (current as of November 2013) from 902 in 2012, 719 in 2011, and 774 in 2010 (MOR 2013). These minor changes demonstrate that economic conditions have gradually improved within the City and County of Missoula.

C. Parks and Recreation

No new impacts to parks and recreation have been identified. No change to mitigation has occurred since the FEIS.

The City of Missoula recently extended the Milwaukee Corridor Trail west for approximately 1 mile via a paved trail from Russell Street to Reserve Street. At the time the FEIS was published, the Milwaukee Trail did not extend west of Russell Street, although plans to do so were in progress. The new extension of the trail opened in 2011 and loosely follows the former Milwaukee Road railroad bed over private property easements and City-owned right-of-way. The FEIS recognized this recreational trail and committed to providing a grade-separated crossing of Russell Street (noted as a tunnel in the FEIS).

A grade separated crossing is still being designed for this location. Recent stakeholder coordination meetings held in November 2014 focused on design elements for the proposed Milwaukee Trail undercrossing. Based on consensus reached by stakeholders and project team, the design of the undercrossing will include a precast concrete wide arch underpass with a combination of retaining walls and side slopes used to maximize open spaces and visibility at the tunnel openings. The undercrossing will include parallel stair access onto Russell Street and large stone texture for the retaining walls.

D. Hazardous Materials

No new impacts to hazardous materials have been identified. No change to mitigation has occurred since the FEIS and no mitigation is required.

No additional hazardous material sites have been identified since the FEIS was completed and therefore the FEIS adequately addresses hazardous waste sites within the project area. Four individual hazardous material sites located along West Broadway Street were identified in the FEIS, one on the northeast corner of the Russell Street/West Broadway Street intersection and three sites located on the south side of West Broadway Street. A Phase I environmental assessment was conducted of the project area which included testing of borings at known contamination sites identified in the FEIS (Tetra Tech 2013). The results of the Phase I investigation did not identify any new sites and determined that contamination within the project area was below hazardous levels. The project will be constructed by following the mitigation outlined in the FEIS as to minimize impacts to hazardous material sites.

E. Threatened and Endangered Species

The changed condition of this resource category relates to Environmental Change 1: Biological Resources Update that describes the update to threatened and endangered species potentially occurring within the project area. No new impacts to any threatened or endangered species have been identified.

A Biological Assessment was conducted as part of the 2008 Biological Resources Report for the Russell Street/South 3rd Street project to assess the project's potential impact on threatened and endangered (T&E) species. Due to the urban nature of the project and lack of suitable habitat within the project limits, the Grizzly Bear and Canada Lynx were eliminated from detailed analysis, and only the Bull Trout and its Designated Critical Habitat were examined. A determination of effect for bull trout and bull trout critical habitat has been completed and the project will adhere to the mitigation and conservation measures presented in the FEIS, Biological Assessment, and Biological Opinion.

On October 3, 2014, the U.S. Fish & Wildlife Service (USFWS) listed the Yellow-billed Cuckoo as Threatened. The USFWS cites the Yellow-billed Cuckoo as potentially occurring within Missoula County (USFWS 2014). An Addendum to the Biological Resources Report and Biological Assessment was prepared by MDT in December 2014 to evaluate the proposed project's potential effect on this species and a No Effect determination was made relative to this species (refer to Attachment D for more information). Based on this determination of effect, the proposed project will have **No Effect** on the Yellow-billed Cuckoo.

No change to mitigation has occurred since the FEIS. As identified in the FEIS, the project will incorporate special provisions into the final bid package to ensure compliance with the Migratory Bird Treaty Act (MBTA) and mitigation includes preservation and restoration of riparian vegetation affected by the project.

The project as currently proposed would have minor change in impacts to the following resources:

F. Pedestrian and Bicycle Facilities

An examination of current bicycle facilities within the project corridor shows that there has been only minor change since the FEIS was published and connectivity gaps still exist. Existing bike lanes identified in the FEIS within the project corridor were on South 3rd Street, but only to the east of Russell Street. Bike lanes now exist on South 5th Street, but also only on to the east side of Russell Street. Bike lanes on 3rd and 5th travel from the downtown area but do not extend west of Russell Street. The City has recently added an eastbound bike lane on West Broadway Street that begins approximately one block east of Russell Street and continues onto Toole Avenue. Additionally, 'sharrow' symbols have been added to the outside westbound driving lane on West Broadway between Russell Street and Toole Avenue.

A minor change in impact to this resource resulted from Design Change 2: West Broadway Bike Lane Extension, which provides for an enhancement of existing bicycle lane facilities located in the project area. The project limits have been extended east and west to include new bike lanes extending east along West Broadway Street to Toole Avenue and west to Mullan Road where they currently do not exist. No additional right-of-way or property impacts are anticipated as a result of this design change.

A minor change in impact to this resource resulted from Design Change 3: Russell Street Bridge Southside Trail Connection, which provides for a new pedestrian connection at the southeast corner of the Russell Street Bridge to River Road and the trail undercrossing located on the south side of the bridge. This change in impact is largely beneficial as it improves the connectivity between the new bridge and the existing Riverfront Trail system. This design change has resulted in the requirement for additional right-of-way, as described below in Section H.

No change to mitigation has occurred since the FEIS.

G. Water Bodies and Wildlife Resources

A minor change in impact to this resource resulted from Design Change 6: Russell Street Bridge Configuration. At the center of importance for this resource category remains the replacement of the Russell Street Bridge and its effect on the Clark Fork River. A Bridge Type, Size, and Location (TS&L) study has been conducted as part of final design to determine design criteria for the proposed new Russell Street Bridge. As a result of the study, and to address agency concerns regarding impacts to the river, a reduction of permanent impacts has been realized over that described in the FEIS. Instead of matching the existing 4-span structure with 3 in-stream bridge piers, the new Russell Street Bridge will be constructed as a 3-span structure with 2 in-stream bridge piers. By removing a center bridge support in the middle of the Clark Fork River, the hydraulic opening will be increased over existing conditions. This has beneficial impacts to floodplains as well as to the recreational navigability of the river and reduces the amount and area of permanent fill (resulting from bridge pier placement) to be located in the Clark Fork River.

No change to mitigation has occurred since the FEIS.

H. Social Conditions (including Right-of-Way)

A minor change in impact to this resource has resulted from Design Change 3: Russell Street Bridge Southside Trail Connection and Design Change 4: Russell Street Bridge Minor Alignment Shift, which together have increased right-of-way requirements on the north and south side of the bridge. A minor change in impact to this resource has resulted from Design Change 7: Wrap Around Bus Stops, which require a total of 918 square feet of additional right-of-way.

Relating to Design Change 3 and 4, the alignment of the bridge has been shifted approximately 12 feet to the east to avoid impacts to the Equinox building and underground parking on the northwest side of the bridge as well as to accommodate maintenance of traffic during construction (i.e., work bridges). Minor additional right-of-way is required to provide trail connections on the north and south side of the bridge. As a result, right-of-way requirements have increased on the east side of the alignment on both the north and south side of the bridge and have reduced on the west side of the alignment. Impacts to the property owned by Triple T LLC located in the southeast quadrant of the bridge have increased to accommodate this design change and now include acquisition of an abandoned structure and garage. The FEIS previously identified portions of this property to be acquired under the Preferred Alternative. This change in impact has been determined as **not significant**.

Relating to Design Change 7, the additional 918 square feet of right-of-way to accommodate bus stops is not significant and does not result in any new impacts beyond the acquisition of property. The bus stops will not affect any adjacent business or residence, or access to these facilities.

The current project design requires approximately 55,200 sq. ft. of right-of-way in areas outside of the footprint analyzed in the FEIS. Design refinements, however, have included a 59,070 sq. ft. reduction in right-of-way requirements from the FEIS footprint and overall there is a *net reduction* in right-of-way requirements from the FEIS of 3,870 sq. ft., or 0.09 acre. Additionally, several properties identified for acquisition in the FEIS are now being avoided (two commercial properties on the north side of West Broadway Street, see pg. 2-63 of the FEIS) and the overall number of property acquisitions has been reduced from the FEIS. Refer to Attachment C for a depiction of changes in right-of-way requirements.

No change to mitigation has occurred since the FEIS. Property to be acquired for the proposed project would be purchased for fair market value, and displaced residents and commercial property owners would be provided with relocation advisory services and may be eligible for relocation benefits in compliance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended in 1987 and Sections 70-31-101 and 70-31-311 of the Montana Code Annotated (MCA). Therefore, the design changes are not anticipated to result in any substantial new impacts to the social conditions within the project area.

I. Historic and Cultural Resources

A change in impact to this resource has resulted from Environmental Change 2: Cultural Resources Inventory Update. The historic and cultural resource inventories conducted for the FEIS were completed in 2000, 2001 and 2002. Due to the age of the information, there is potential for properties within the project area that were previously ineligible ten years ago to become eligible for listing on the National Register of Historic Places (NRHP). In light of the time lapse, MDT has updated the historic and cultural resource inventory in order to re-examine historic and cultural impacts resulting from the project as currently proposed.

The Preferred Alternative was identified in the FEIS as adversely impacting to two historic residences. The two historic residences located at 824 Russell St. (24MO811) and 941 Kern St. (24MO819) are located in close proximity to the existing alignment and will require removal of the structures, resulting in an Adverse Effect determination by SHPO. There has been no change in the design at these two locations and the Adverse Effect determination remains valid. A Memorandum of Agreement (MOA) was signed on July 23, 2003 between FHWA and SHPO, with MDT acting as a concurring party, which outlined mitigation measures for the impacts to the two historic properties.

The August 2014 cultural resources inventory (Hagen 2014) revisited the 24 previously recorded National Register-eligible properties and identified 16 additional historic properties. Two properties located at 1540 W. Broadway St. (24MO1656) and 1010 Russell St. (24MO1660) have been determined eligible by SHPO for the National Register of Historic Places (NRHP). Of the two newly identified NRHP-eligible properties, the historic residence at 1010 South Russell Street (24MO1660; see Attachment C, Sheet 2) will be adversely impacted by the project as currently proposed. This structure was previously identified in the FEIS as a residential property acquisition to be removed; however, it was not identified as a historic property. Now a NRHP-eligible property, this structure is still required to be removed due to the proposed widening of Russell Street to the east.

The impact to 24MO1660 has been determined as **not significant**. The 1010 South Russell Street residence was identified as a full property acquisition in FEIS under the Preferred Alternative as well as all build alternatives. An alignment shift to avoid this property is not practicable as it would result in greater impacts to historic properties located on the west side of Russell Street. No new indirect and cumulative impacts occur to historic and cultural resources as a result of this change.

A change in mitigation for this resource is required due to the adverse impact to 24MO1660. The 2003 Memorandum of Agreement (MOA) between MDT, FHWA and SHPO has been replaced by a new MOA between the same parties that includes mitigation for impacts to 24MO0811, 24MO0819, and 24MO1660 (the Don Steele Residence). The 2014 MOA is included in Attachment D. Per the 2014 MOA, mitigation includes the following stipulations:

- MDT will conduct Historic American Building Survey (HABS)-level documentation of 24MO0811, 24MO0819, and the Don Steele Residence (24MO1660) prior to the initiation of construction activities on Russell Street.
- If a dispute arises regarding the implementation of the MOA, FHWA shall consult the objecting party to resolve the dispute. If any consulting party determines the dispute cannot be resolved, FHWA shall request further comments from and assistance of the Council pursuant to the Council's regulations.

J. Section 4(f) Resources

A change in impact to this resource has resulted from Environmental Change 2: Cultural Resources Inventory Update. The Preferred Alternative identified in the 2011 FEIS and Section 4(f) Evaluation was determined as having the least impact on properties protected under Section 4(f). The Preferred Alternative was identified in the FEIS as adversely impacting to two historic residences. The two historic residences located at 824 Russell St. (24MO811) and 941 Kern St. (24MO819) are located in close proximity to the existing alignment and will require removal of the structures, resulting in an Adverse Effect determination by SHPO. As stated previously in Section I above, there has been no change in the design at these two locations and the Adverse Effect determination remains valid. In addition, FHWA has made a *de minimis* finding on the three trail crossings, a historic railroad, and one property. Based on the updated cultural resources survey, one historic residence located at 1010 South Russell Street (24MO1660; see Attachment C, Sheet 2) has been identified as eligible for the NRHP and will be adversely impacted by the proposed project. This adverse effect determination results in a "use" of the property protected under Section 4(f).

The change in impact to Section 4(f) resources has been determined as **not significant**. No new indirect and cumulative impacts occur to Section 4(f) resources as a result of this change.

Per Section 4(f) regulation (23 CFR 774), the proposed project must demonstrate that 1) there is no feasible and prudent alternative to the use of the Section 4(f) property, and 2) the proposed project includes all possible planning to minimize harm to the property afforded protection under Section 4(f). The 2011 Final Section 4(f) Evaluation included an analysis of avoidance alternatives as well as documentation of measures to minimize harm. The analysis conducted and conclusions reached in the 2011 Final Section 4(f) Evaluation are applicable to this re-evaluation and remain valid and therefore a new Section 4(f) Evaluation is not necessary. Avoidance of 24MO1660 is not feasible and prudent, and additional analysis of avoidance alternatives is not necessary, for the following reasons:

- 1) The Preferred Alternative as currently proposed results in the least physical harm to historic structures and right-of-way encroachments;
- 2) Shifting the alignment to the west to avoid site 24MO1660 would result in greater impacts to Section 4(f) properties located on the west side of Russell Street;
- 3) As specified in Chapter 2 of the FEIS, all build alternatives directly impacted 24MO811 and 24MO819, as well as the now eligible 24MO1660 property, and therefore an alternatives analysis would have no practical value; and,
- 4) The shift would result in an undesirable “kink” in the roadway alignment as well as having greater impacts to other non-protected properties in this vicinity.

Refer to Section 5.4 (pages 5-12 through 5-14) in the FEIS for more information. Based on determinations made in the Final Section 4(f) Evaluation for the Preferred Alternative and the re-evaluation of impacts to Section 4(f) resources resulting from the project as currently proposed, the proposed project includes all possible planning to minimize harm.

A change in mitigation for this resource is required due to the adverse impact to 24MO1660. MDT, FHWA and SHPO have executed a new MOA to include mitigation for the adverse impacts to 24MO0811, 24MO0819, and 24MO1660 (the Don Steele Residence). Mitigation measures are described in Section I above and the 2014 MOA is included in Attachment D.

Public and Agency Involvement

The public and regulatory agencies have been provided opportunity to comment on the project since the approval of the FEIS and ROD. An open house was held on the Russell Street Project on November 20, 2013 to update the public on the design status, provide an updated schedule, and solicit input on various design elements. A summary of public comments presented at the January 2014 Technical Design Committee meeting is as follows:

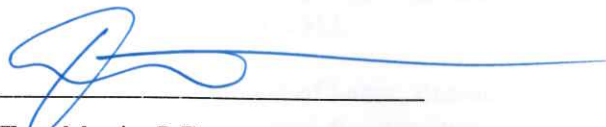
- Strong support of the selected Preferred Alternative including signalized intersections over roundabouts by a two-to-one margin. No consensus was identified regarding lane widths.
- The majority of comments received regarding bike lanes supported wider lanes with some form of buffer.
- The majority of comments preferred wider sidewalks even if it reduced the boulevard widths, with pedestrian street crossing distances kept to a minimum.
- Medians were preferred to have landscaping
- The Milwaukee Trail Crossing should be an undercrossing of Russell Street.
- The bridge design should include an arched girder with a custom form liner.

An agency meeting was held on May 28th, 2013 to provide the regulatory agencies opportunity to comment on the Russell Street Project and discuss permitting concerns regarding the construction of the new bridge over the Clark Fork River. Overall, the agency comments reiterated the concerns and requirements incorporated into the mitigation commitments of the FEIS and ROD and no additional permit requirements were identified.

CONCLUSION

Through this re-evaluation, MDT has determined that no substantive changes have occurred since the FEIS and ROD were signed. The design changes and environmental updates described in this re-evaluation would not affect the ability of the Preferred Alternative to meet the projects’ stated purpose as described in the FEIS and ROD. Additionally, MDT has determined that the impacts of these changes are not individually or cumulatively significant or significantly different from those described in the FEIS or

ROD. For these reasons, MDT has determined that the proposed design changes would have no effect on the ultimate decision documented in the ROD and that approving these design changes would be consistent with 23 CFR 771.



Tom Martin, P.E.
Bureau Chief
Environmental Services

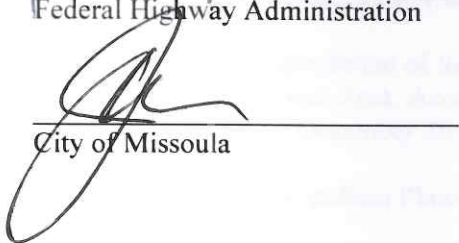
Date: 2/6/2015

CONCURRENCE



Federal Highway Administration

Date: 2/6/15



City of Missoula

Date: 2/4/15

REFERENCES

- City of Missoula. 2012. Title 20 – Current Municipal Zoning Regulations. Accessed at <<http://mt-missoula2.civicplus.com/DocumentCenter/View/2873>>. Accessed on December 26, 2013.
- DOL (U.S. Department of Labor, Bureau of Labor Statistics). 2013. Missoula Montana Economy at a Glance. Accessed at <http://www.bls.gov/eag/eag.mt_missoula_msa.htm>. Accessed on December 26, 2013.
- Hagen, Delia (Hagen Historical Consulting). 2014. Results of a Cultural Resources Inventory of the Montana Department of Transportation’s Russell Street Project Area, Missoula County, Montana. Prepared for WGM Group, Inc. and Montana Department of Transportation. Project No. STPU-CM-M 8105(8); UPN 4128. August 2014.
- MNHP (Montana Natural Heritage Program). 2014. Montana Field Guides. Accessed at <<http://fieldguide.mt.gov/default.aspx>>. Accessed on March 18, 2014.
- MOR (Missoula Organization of Realtors). 2013. Market Trends for Residential Market Activity in the Missoula Urban Area. Accessed at <<http://www.missoularealestate.com/market-trends/>>. Accessed on December 26, 2013.
- MPO (Missoula Metropolitan Planning Organization). 2012. Missoula Long Range Transportation Plan Update.
- Tetra Tech. 2013. Phase I Environmental Review. Prepared for WGM Group, Inc. June 11, 2013.
- USFWS (U.S. Fish & Wildlife Service). 2014. USFWS Listed Species in Montana. Montana Ecological Services Field Office. Accessed at <http://www.fws.gov/montanafieldoffice/Endangered_Species/Listed_Species/countylist.pdf>. Accessed October 28, 2014.

ATTACHMENT A

PROJECT SPLIT OVERVIEW

ATTACHMENT A

Project Split Locations

**Russell Street/
South 3rd Street - Missoula**

**STPU-M 8105(8)
UPN 4128**

**Russell Street -
Dakota to Mount
STPU 8105(21)
UPN 4128004**

**Russell Street - Broadway to Idaho
MT 8105(18)
UPN 4128002**

Wyoming St. Connection

**City improvements to
Wyoming and Caitlin Streets
already constructed**

**Russell Street - Idaho to Dakota
MT 8105(20)
UPN 4128003**

FEIS PROJECT AREA BOUNDARY

South 3rd St

**South 3rd Street -
Reserve to Russell Project
STPU 8102(2)
UPN 3581**

**Russell Street - Dakota to Mount
STPU 8105(21)
UPN 4128004**

**Design Change 2:
Bike Lane Extension**

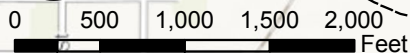
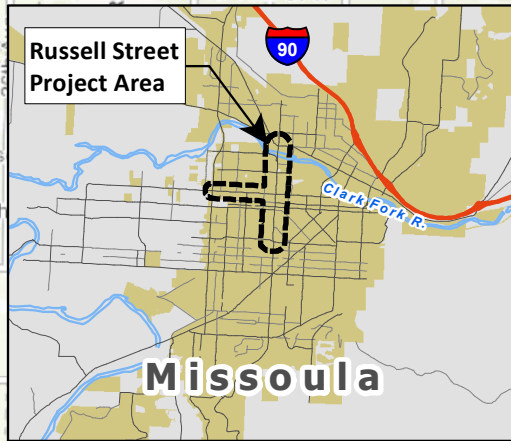
**Design Change 4&6:
Bridge alignment shift
and pier configuration**

**Design Change 1:
Double left turn
lane extension**

**Design Change 3:
Southside Trail
Connection**

**Design Change 7:
Wrap Around
Bus Stops**

**Design Change 5:
Russell St. Roadway
Typical Section
(applies to Russell St.
from S. 3rd St. to
W. Broadway)**



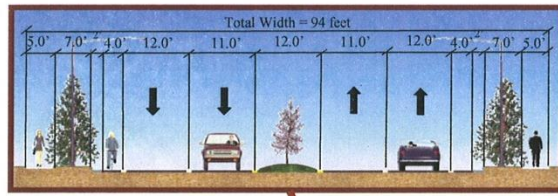
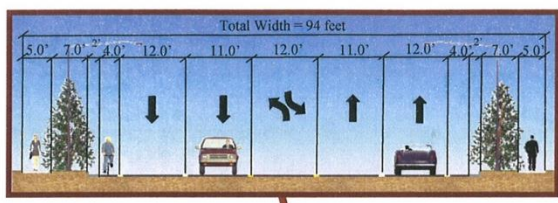
ATTACHMENT B

TYPICAL SECTION COMPARISON



ROD Selected Alternative #4

Russell Street – Selected Alternative



Key:

- Four lanes with median/turn lane
- Raised median
- Turn lane
- Traffic signal
- Grade-separated crossing

This graphic is conceptual and not intended to reflect final design details.

The locations of raised medians and center turn lanes are conceptual and subject to change during final design.

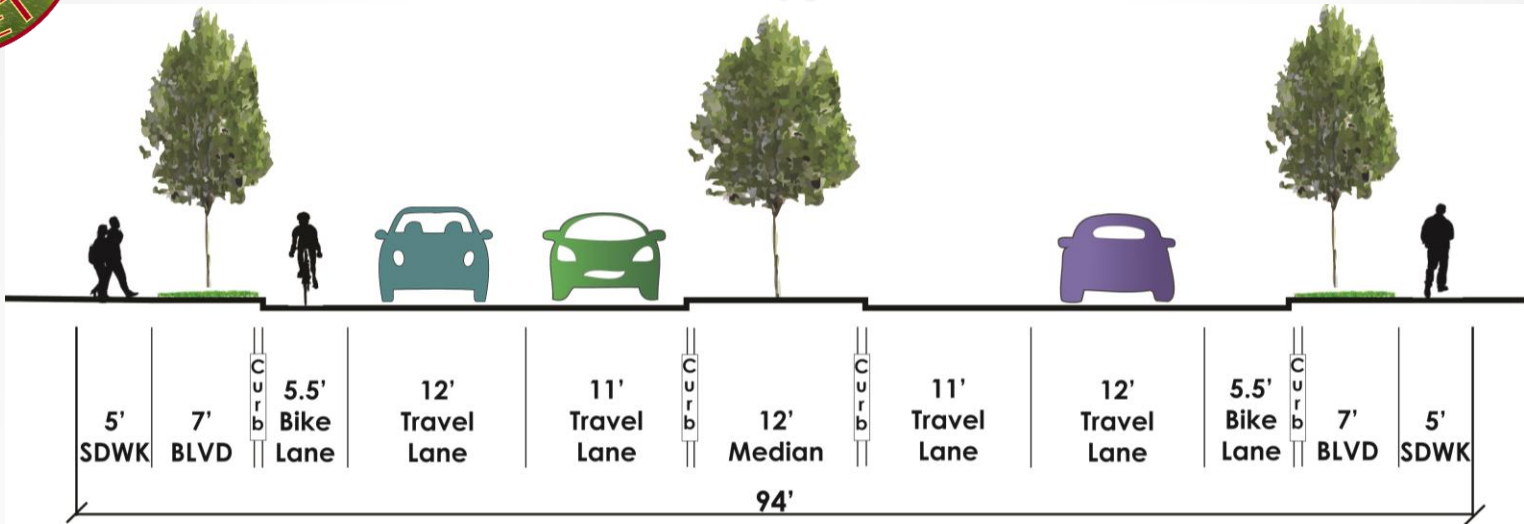


Source: August 2011 Final Environmental Impact Statement

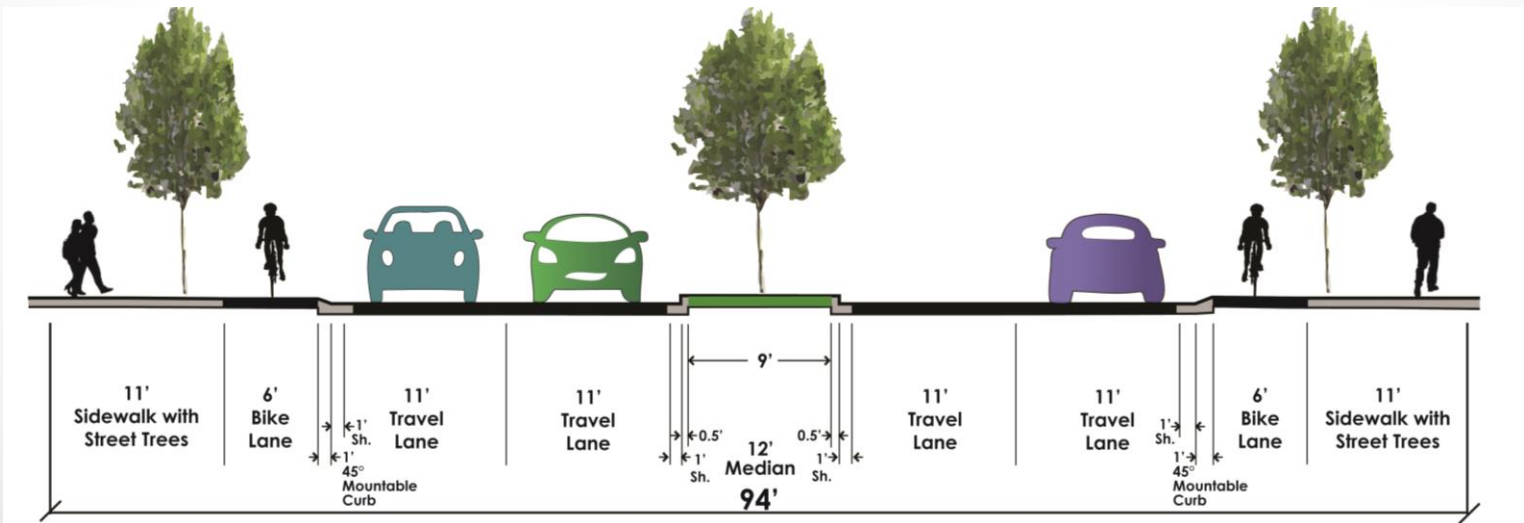


Typical Section Comparison

EIS Preferred Typical Section

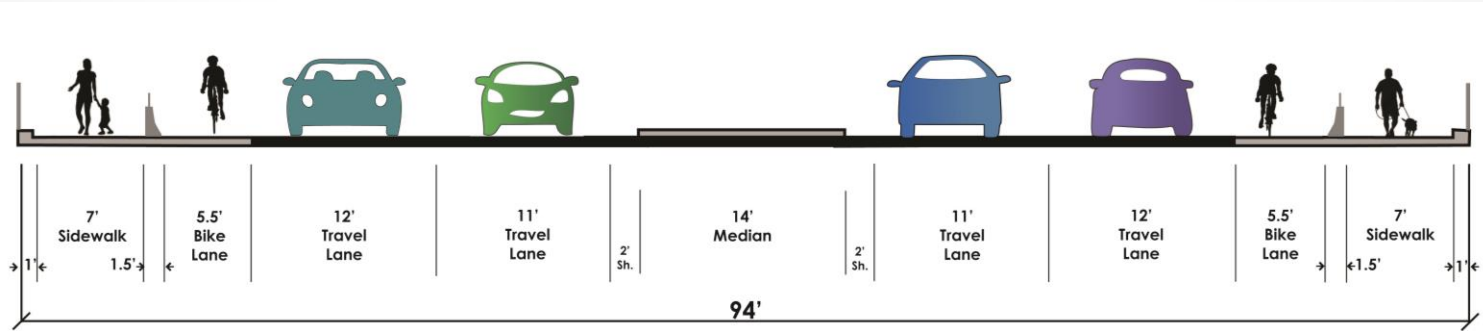


Current Design Typical Section: S. Third to W. Broadway

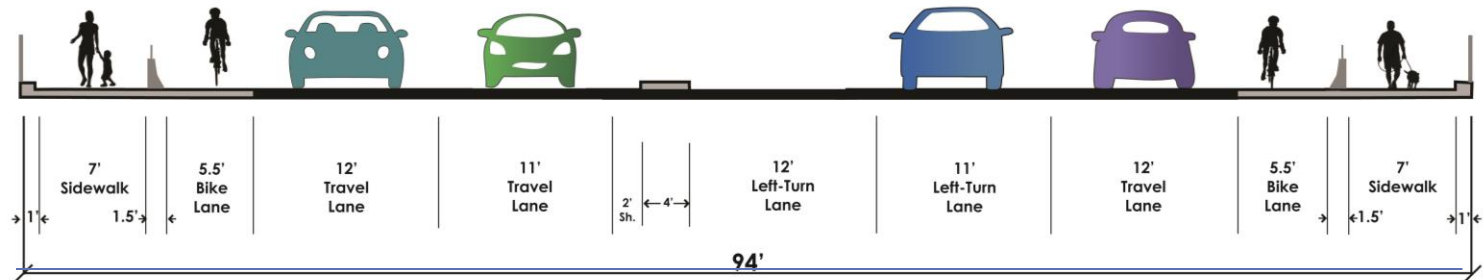




FEIS Preferred Alternative Bridge Widths



South End of Bridge

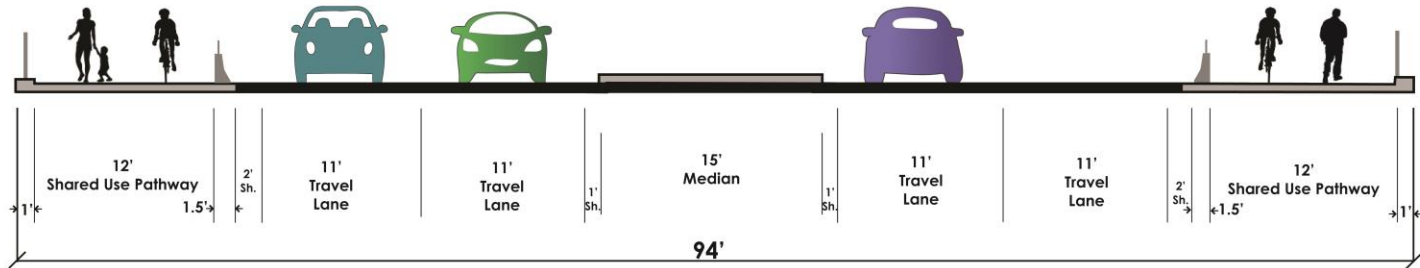


North End of Bridge

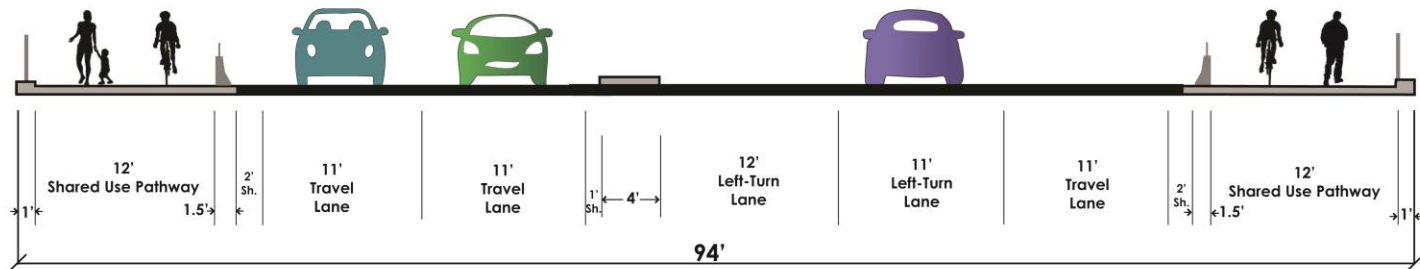
*FEIS Bridge Typical – No Bridge Typical Section was Provided in the FEIS Document.
Widths Derived from Alternative 4 Graphics and MDT Minimum Design Standards.*



Current Design Bridge Typical Section



South End of Bridge



North End of Bridge

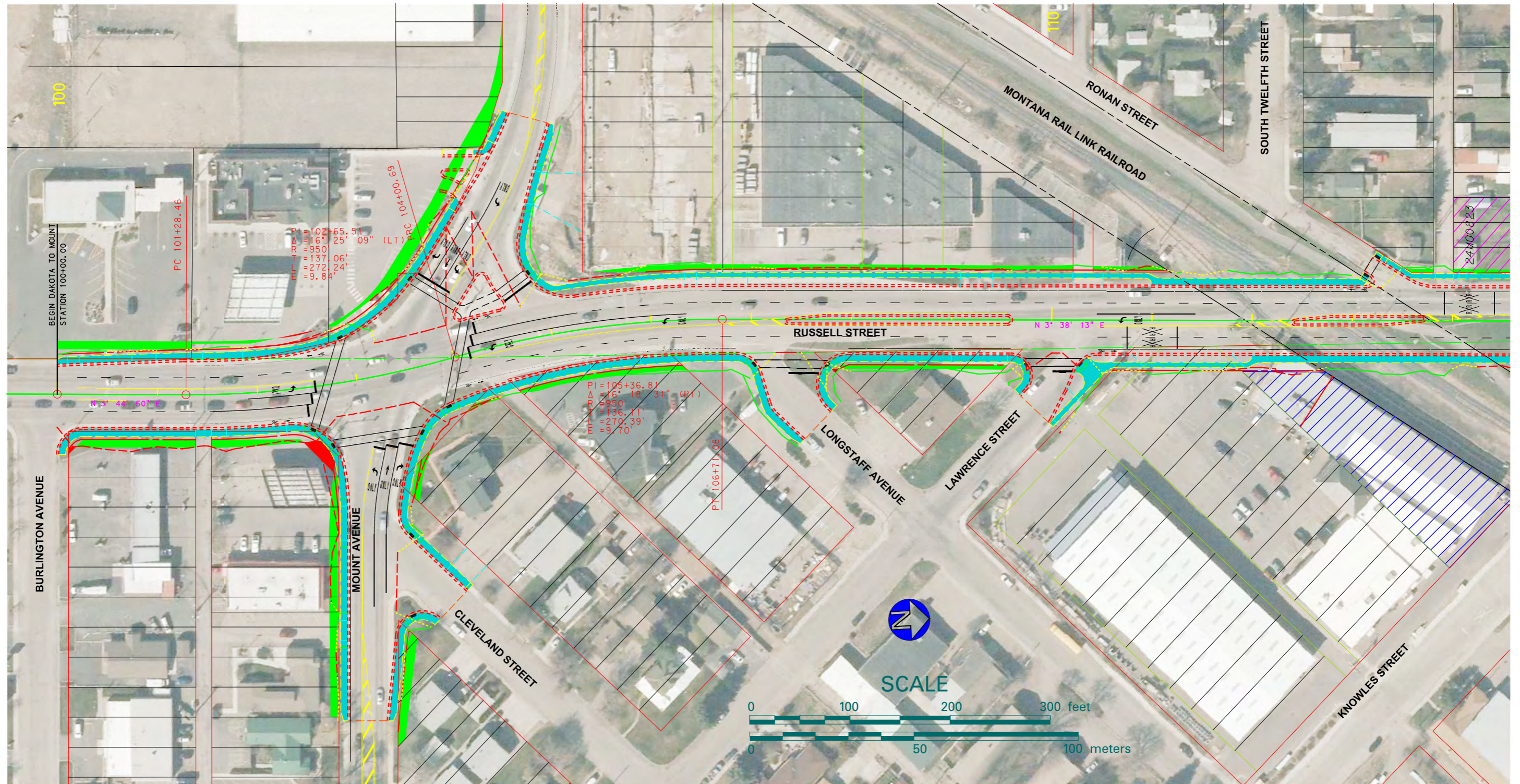
ATTACHMENT C

DESIGN OVERVIEW

RUSSELL ST. - MISSOULA

NOVEMBER 2014

FINAL DESIGN OVERVIEW



Legend

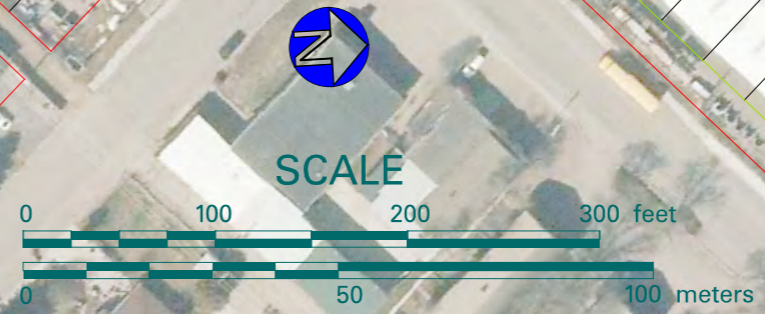
- NEW SIDEWALK
- NEW BUS STOP

- NEW CURB & GUTTER
- EDGE OF PAVEMENT
- RETAINING WALL

- EXISTING RIGHT OF WAY & PROPERTY LINES
- PROPOSED RIGHT OF WAY / EASEMENT
- PROPOSED CONSTRUCTION PERMIT

- PROPERTIES ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES
- SAME IMPACT AS EIS

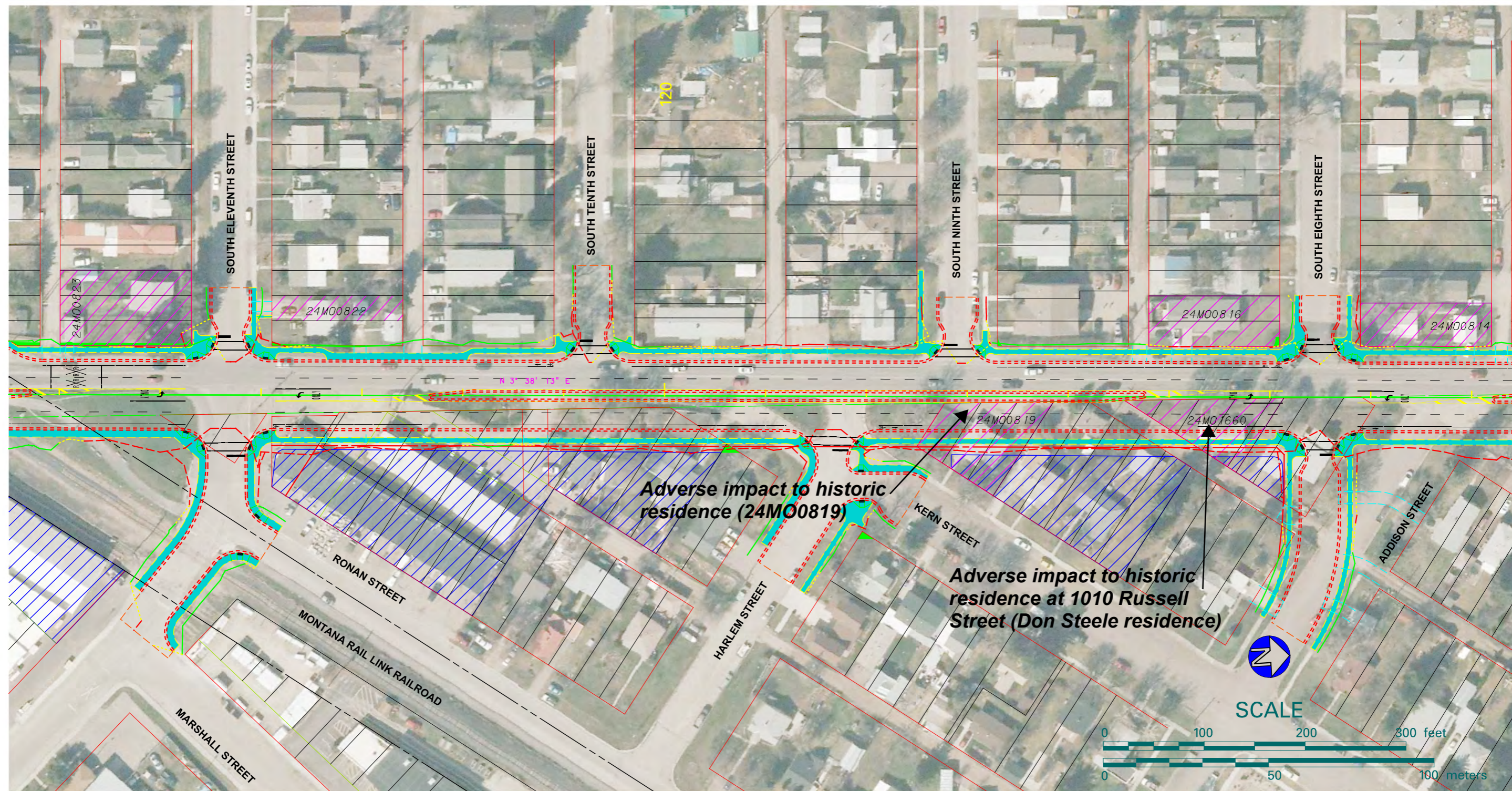
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- CHANGE FROM EIS



RUSSELL ST. - MISSOULA

FINAL DESIGN OVERVIEW

NOVEMBER 2014



Legend

- NEW SIDEWALK
- NEW BUS STOP

- NEW CURB & GUTTER
- EDGE OF PAVEMENT
- RETAINING WALL

- EXISTING RIGHT OF WAY & PROPERTY LINES
- PROPOSED RIGHT OF WAY / EASEMENT
- PROPOSED CONSTRUCTION PERMIT

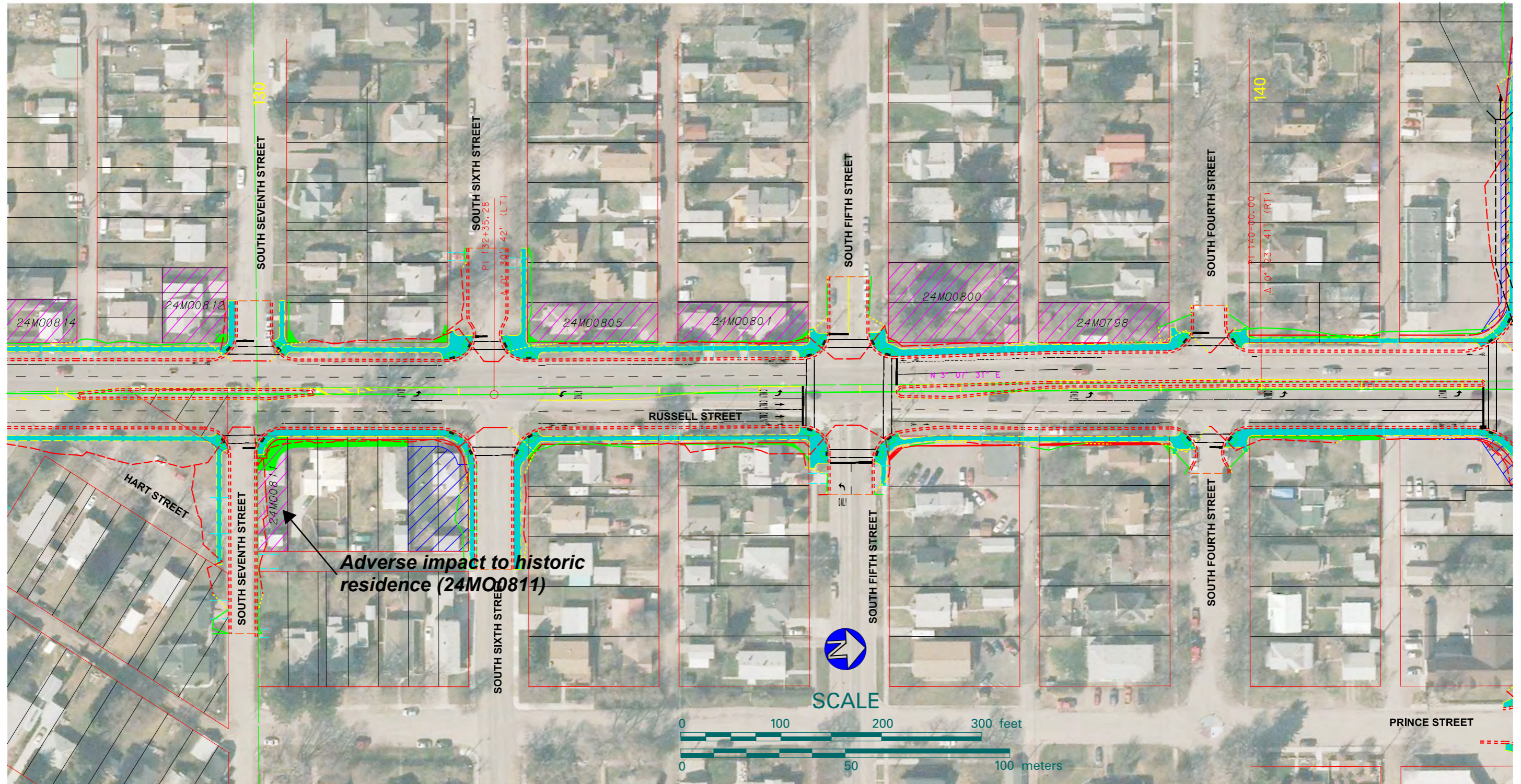
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- REDUCED IMPACT FROM EIS
- CHANGE FROM EIS

RUSSELL ST. - MISSOULA

NOVEMBER 2014

FINAL DESIGN OVERVIEW



Legend

- NEW SIDEWALK
- NEW BUS STOP

- NEW CURB & GUTTER
- EDGE OF PAVEMENT
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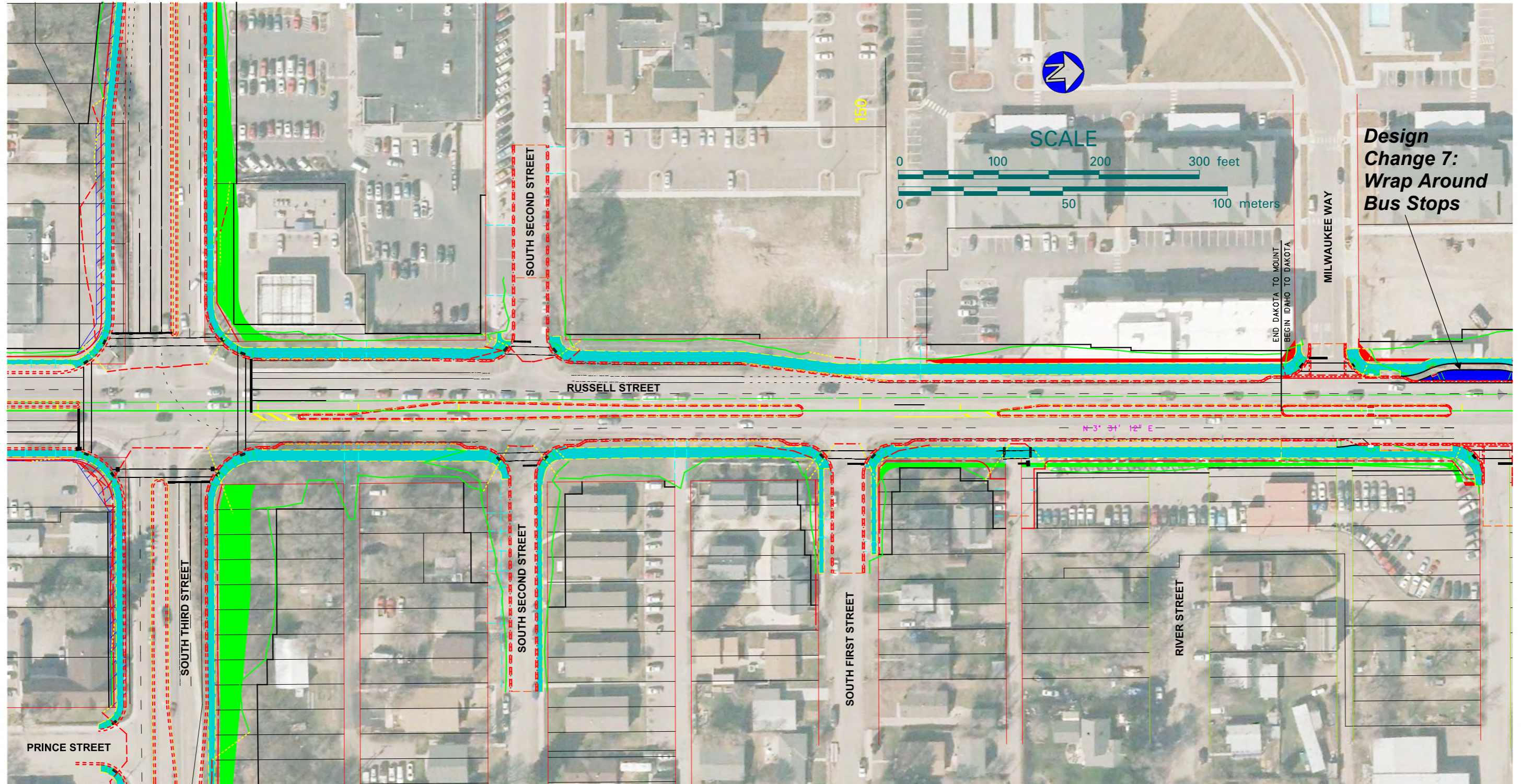
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RUSSELL ST. - MISSOULA

NOVEMBER 2014

FINAL DESIGN OVERVIEW



Legend

- NEW SIDEWALK
- NEW BUS STOP

- NEW CURB & GUTTER
- EDGE OF PAVEMENT
- RETAINING WALL

- EXISTING RIGHT OF WAY & PROPERTY LINES
- PROPOSED RIGHT OF WAY / EASEMENT
- PROPOSED CONSTRUCTION PERMIT

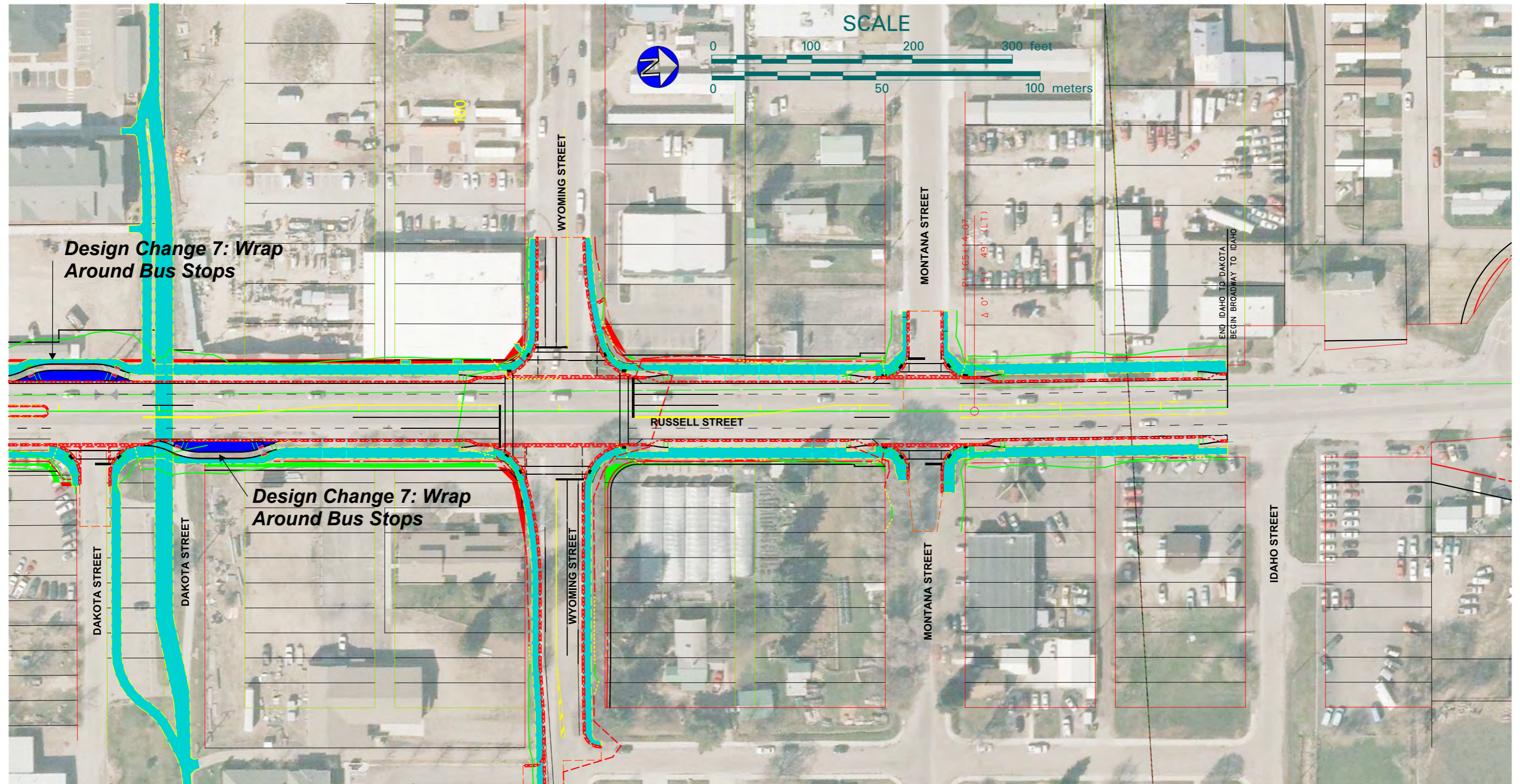
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- CHANGE FROM EIS

RUSSELL ST. - MISSOULA

FINAL DESIGN OVERVIEW

NOVEMBER 2014



Legend

- NEW SIDEWALK
- NEW BUS STOP

- NEW CURB & GUTTER
- EDGE OF PAVEMENT
- RETAINING WALL

- EXISTING RIGHT OF WAY & PROPERTY LINES
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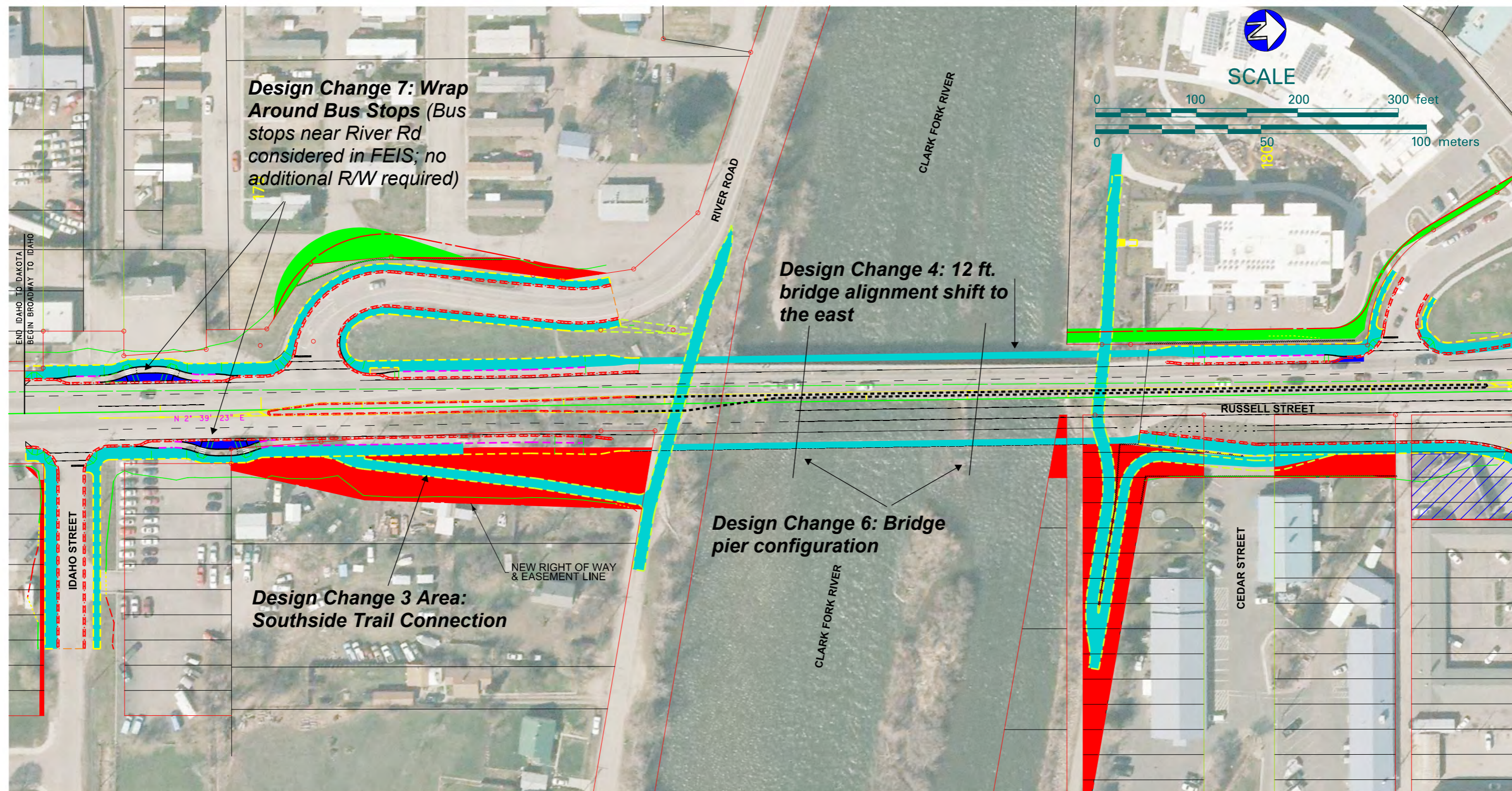
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- SAME IMPACT AS EIS

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- CHANGE FROM EIS

RUSSELL ST. - MISSOULA

NOVEMBER 2014

FINAL DESIGN OVERVIEW



Legend

NEW CURB & GUTTER
NEW SIDEWALK
NEW BUS STOP

— NEW CURB & GUTTER
- - - EDGE OF PAVEMENT
||||| RETAINING WALL

— EXISTING RIGHT OF WAY & PROPERTY LINES
- - - PROPOSED RIGHT OF WAY / EASEMENT
- - - PROPOSED CONSTRUCTION PERMIT

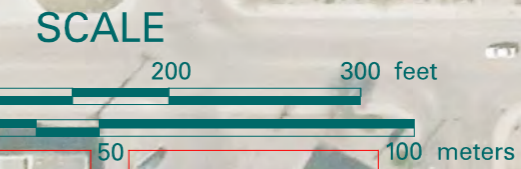
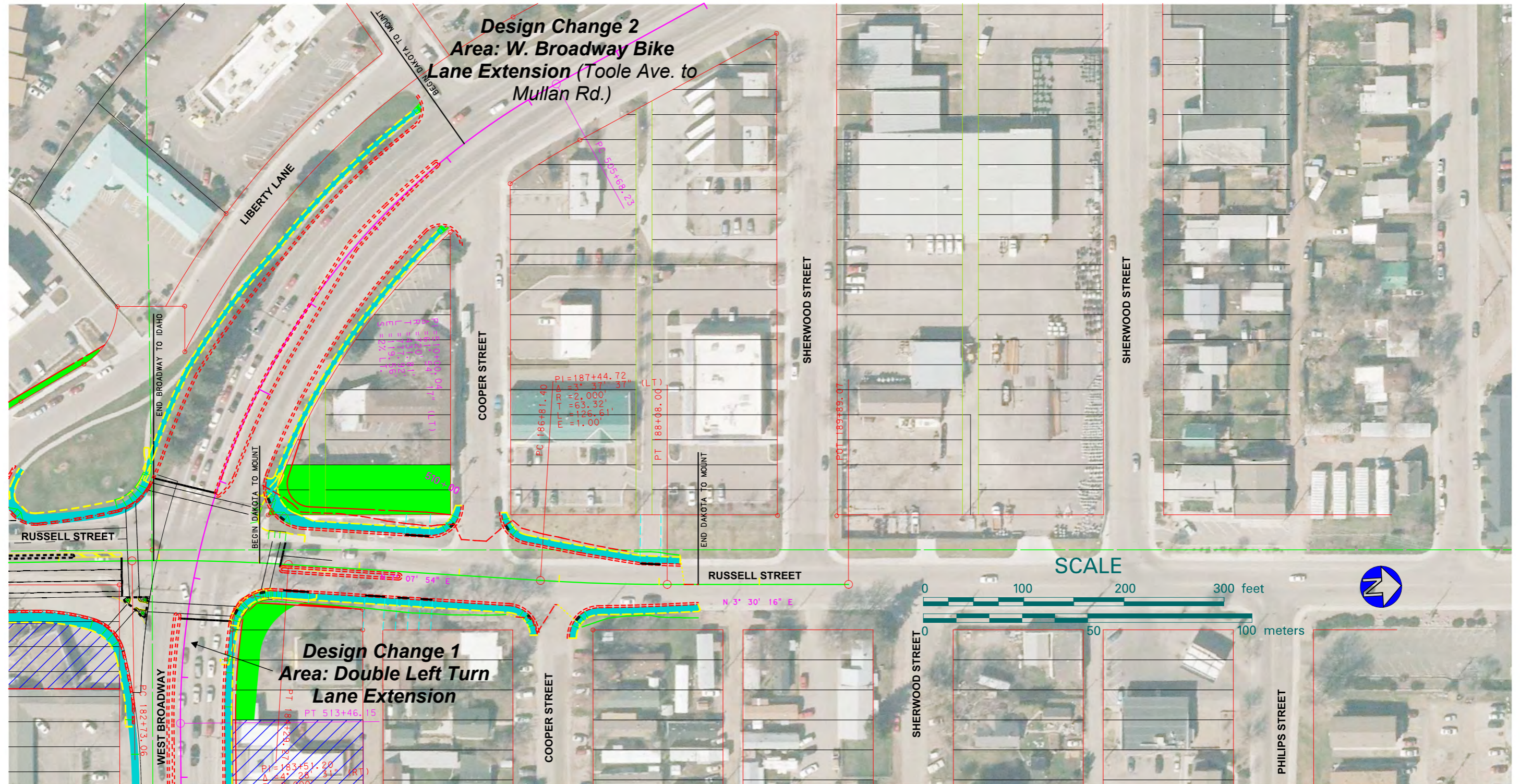
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SAME IMPACT AS EIS

REDUCED IMPACT FROM EIS
CHANGE FROM EIS

RUSSELL ST. - MISSOULA

NOVEMBER 2014

FINAL DESIGN OVERVIEW



Legend

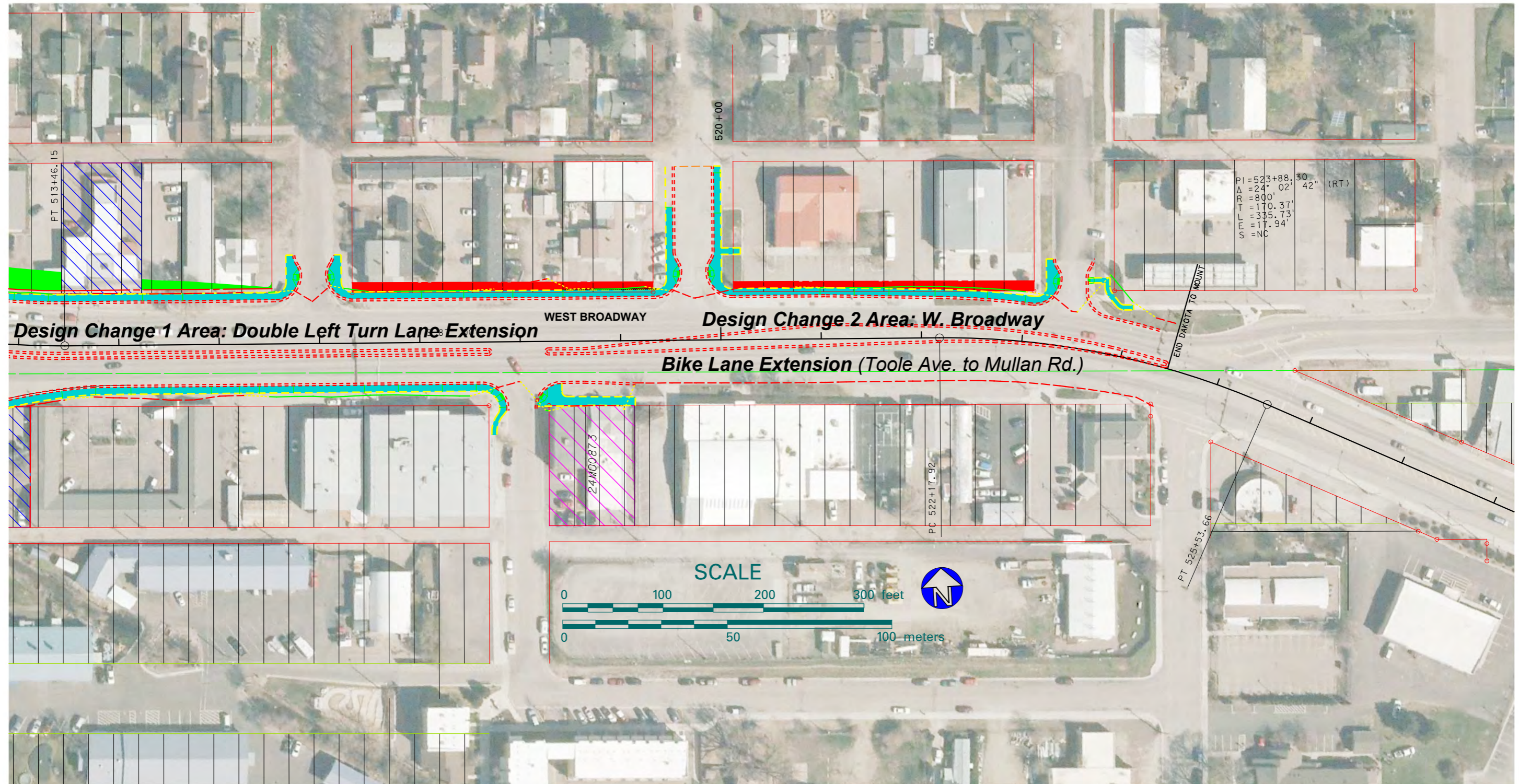
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| NEW CURB & GUTTER | EXISTING RIGHT OF WAY & PROPERTY LINES | PROPERTIES ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES | REDUCED IMPACT FROM EIS |
| NEW SIDEWALK | PROPOSED RIGHT OF WAY / EASEMENT | SAME IMPACT AS EIS | CHANGE FROM EIS |
| NEW BUS STOP | PROPOSED CONSTRUCTION PERMIT | | |
| EDGE OF PAVEMENT | | | |
| RETAINING WALL | | | |



RUSSELL ST. - MISSOULA

NOVEMBER 2014

FINAL DESIGN OVERVIEW



Legend

- NEW SIDEWALK
- NEW BUS STOP

- NEW CURB & GUTTER
- EDGE OF PAVEMENT
- RETAINING WALL

- EXISTING RIGHT OF WAY & PROPERTY LINES
- PROPOSED RIGHT OF WAY / EASEMENT
- PROPOSED CONSTRUCTION PERMIT

- PROPERTIES ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES
- SAME IMPACT AS EIS

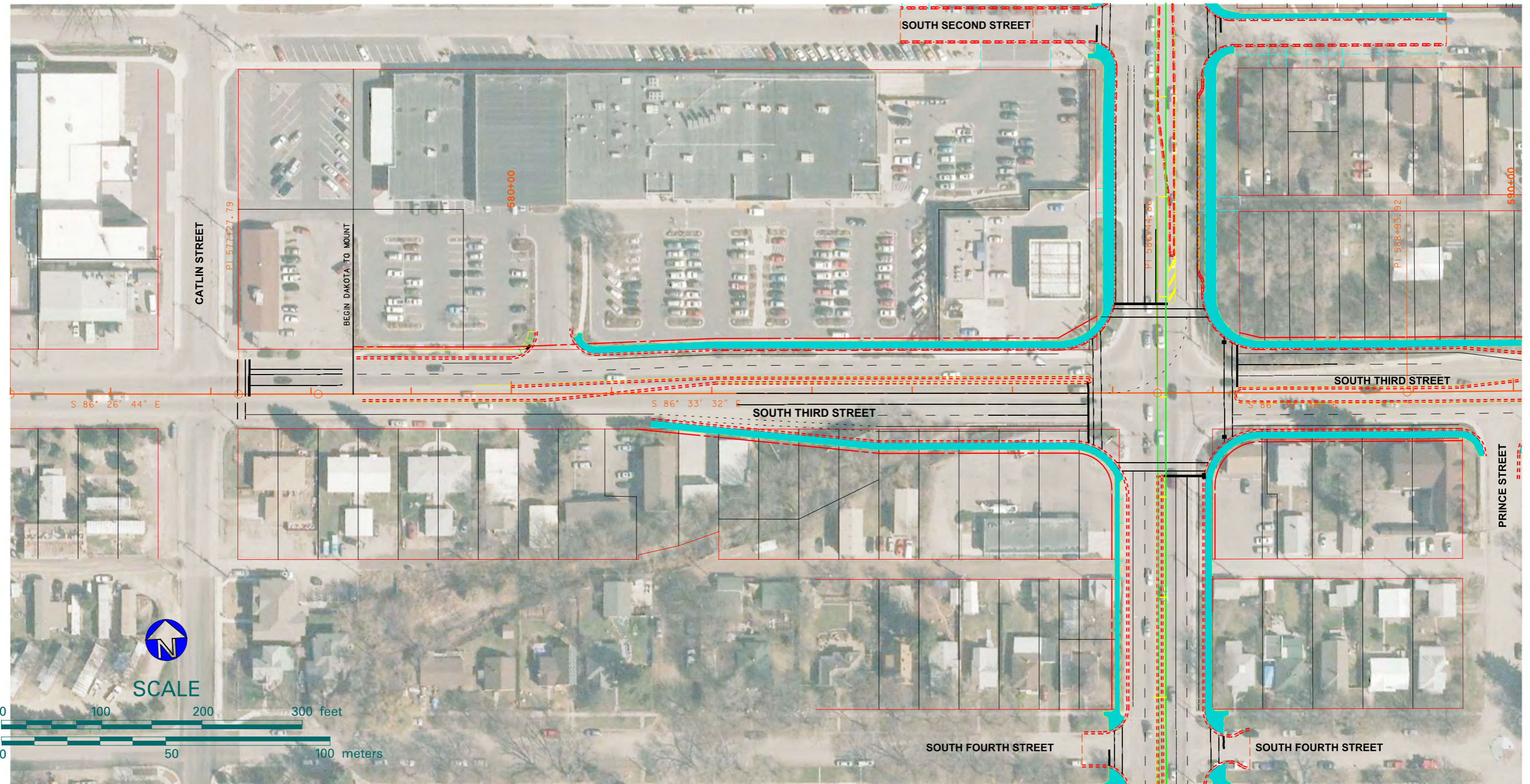
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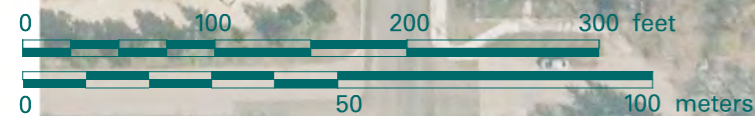
RUSSELL ST. - MISSOULA

NOVEMBER 2014

FINAL DESIGN OVERVIEW



SCALE



Legend

- NEW SIDEWALK
- NEW BUS STOP

- NEW CURB & GUTTER
- EDGE OF PAVEMENT
- RETAINING WALL

- EXISTING RIGHT OF WAY & PROPERTY LINES
- PROPOSED RIGHT OF WAY / EASEMENT
- PROPOSED CONSTRUCTION PERMIT

- PROPERTIES ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES
- SAME IMPACT AS EIS

- REDUCED IMPACT FROM EIS
- CHANGE FROM EIS



RUSSELL ST. - MISSOULA

FINAL DESIGN OVERVIEW

NOVEMBER 2014



Legend

- NEW SIDEWALK
- NEW BUS STOP

- NEW CURB & GUTTER
- EDGE OF PAVEMENT
- RETAINING WALL

- EXISTING RIGHT OF WAY & PROPERTY LINES
- PROPOSED RIGHT OF WAY / EASEMENT
- PROPOSED CONSTRUCTION PERMIT

- PROPERTIES ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES
- SAME IMPACT AS EIS

- REDUCED IMPACT FROM EIS
- CHANGE FROM EIS

ATTACHMENT D

DOCUMENTATION



**Montana Department of Transportation
Biological Resources Report and Biological Assessment**

District Biologist: Joe Weigand *JW*

Date: 12/17/14

Project : STPU 8105(8)
Russell Street & South Third Street - Missoula
UPN: 4128

**SUBJECT: Addendum to Biological Resources Report and Biological Assessment
Yellow-billed Cuckoo Evaluation**

The original Biological Resources Report (BRR) and Biological Assessment (BA) were completed in 2008, the Yellow-billed Cuckoo has since been listed as a Threatened Species by the US Fish and Wildlife Service and potential impacts to this species are evaluated below.

Montana Natural Heritage Program describes the yellow-billed cuckoo's preferred habitat as including open woodland (especially where undergrowth is thick), parks, and deciduous riparian woodland. The western subspecies require patches of at least 10 hectares (25 acres) of dense, riparian forest with a canopy cover of at least 50 percent in both the understory and overstory (MT Field Guide 2014).

The Yellow-billed cuckoo was listed as Threatened by the Fish and Wildlife Service on October 3, 2014 (79 FR 5991 60068). In the listing decision, the U.S. Fish and Wildlife Service noted the primary factors threatening the western distinct population segment as loss and degradation of habitat for the species from altered watercourse hydrology and natural stream processes, livestock overgrazing, encroachment from agriculture, and conversion of native habitat (MT Field Guide 2014). No critical habitat has been designated in Montana. The project limits are outside of the presumed breeding range of the species in the state. Little to no information regarding Yellow-billed Cuckoo migratory patterns or ecological information exists for Montana. Of the few records containing any details; the Yellow-billed Cuckoo is known in Montana only in June and July. Two observations of yellow-billed cuckoo have been documented within Missoula City limits; one in July of 1980 and one in June of 2012. The 2012 observation was 0.40 mile from this project and the observation type was listed as transient (MTNHP 2014). These observations indicated no behavioral evidence to suggest breeding (MT Field Guide 2014).

This project is located within the city limits of Missoula, MT and also within a highly developed area. No preferred habitat is present within the project limits. Any transient Yellow-billed Cuckoos moving through the project area would not be expected to be affected by this project due to the location and daily urban activities in the area.

Determination of Effect: This project, as proposed to date, will have **No Effect** on the Yellow-billed Cuckoo (a federally listed Threatened Species).

Citations:

79 FR 5991 60068. 2014. Determination of Threatened Status for the Western Distinct Population Segment of the Yellow-billed Cuckoo (*Coccyzus americanus*); Final Rule. 48pp.

MT Field Guide. 2014. <http://fieldguide.mt.gov/default.aspx>

MNHP 2014. Montana Natural Heritage Program – Map Viewer Database.
<http://mtnhp.org/mapviewer/>

cc: Ed Toavs, District Administrator
Paul Ferry, Highways Engineer
Roy Peterson, Traffic and Safety Engineer
Tom Martin, Environmental Services Bureau Chief
K.C. Yahvah, District Hydraulics Engineer
Jeff Jackson, Geotechnical Engineer
Kent Barnes, Bridge Engineer
Susan Kilcrease, Environmental Engineer
Bill Semmens, Resources Section Supervisor
File

MEMORANDUM OF AGREEMENT
STPU M 8105(8)
RUSSELL STREET – BROADWAY TO IDAHO STREET
MISSOULA COUNTY, MONTANA
Control No. 4128002

WHEREAS, the Federal Highway Administration (FHWA) proposes to assist the Montana Department of Transportation (MDT) in funding the Russell Street – Broadway to Idaho Street highway reconstruction project in Missoula, Montana; and

WHEREAS, FHWA has determined that the reconstruction project will have an effect on three historic properties located on Russell Street in Missoula: 24MO811, 24MO822, and the Don Steele Residence (24MO1660), properties eligible for inclusion in the National Register of Historic Places; and

WHEREAS, the FHWA has consulted with the Montana State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations, “Protection of Historic Properties” (36 CFR 800); and

WHEREAS, this Agreement supersedes and replaces a Memorandum of Agreement (MOA) signed by the FHWA and Montana SHPO and implemented on July 23, 2003, to which MDT was a signatory to show its concurrence to the terms of the MOA; and

WHEREAS, MDT participated in the consultation on this project and has been invited to concur in this MOA.

NOW, THEREFORE, FHWA and the Montana SHPO agree, with MDT’s concurrence, that the undertaking of the project will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

- 1) MDT will conduct Historic American Building Survey (HABS)-level documentation (<http://www.nps.gov/hdpd/>) of 24MO0811, 24MO0819, and the Don Steele Residence (24MO1660) prior to the initiation of construction activities on Russell Street.
- 2) If a dispute arises regarding the implementation of this MOA, FHWA shall consult with the objecting party to resolve the dispute. If any consulting party determines the dispute cannot be resolved, FHWA shall request further comments from and assistance of the Council pursuant to the Council’s regulations.

EXECUTION OF THIS MEMORANDUM OF AGREEMENT and implementation of its terms evidences that FHWA has afforded the Council an opportunity to comment on the

Russell Street – Broadway to Idaho Street highway reconstruction project and its effects on historic properties, and that FHWA has taken into account the effect of the project on historic properties.

Federal Highway Administration

12/01/14
Date

Montana State Historic Preservation Office

11/25/2014
Date

Concurring Party:

Tom Martin
Montana Department of Transportation

11/25/2014
Date

Reviewed for Legal Content:

Montana Department of Transportation
Staff Attorney

11/19/14
Date