

---

---

# Final Section 4(f) Evaluation

## Flathead River - 3 km East of Kalispell

### BR 9015(44); Control No. 4229



Prepared For:  
Montana Department of Transportation  
Environmental Services  
Helena, Montana

---

May 2005

**FINAL SECTION 4(f) EVALUATION**

---

**FLATHEAD RIVER -  
3 km E of KALISPELL  
BR 9015 (44); CN 4229**

**FLATHEAD COUNTY, MONTANA**

This document contains the information required for a *Section 4(f)* Evaluation as required by *Section 4(f)* of the U.S. DEPARTMENT OF TRANSPORTATION Act under 23 CFR 771.135.

Submitted pursuant to:

**49 U.S.C. 303**

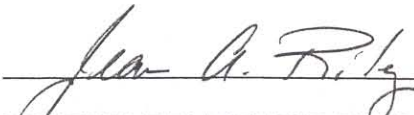
by the

**U.S. DEPARTMENT OF TRANSPORTATION**  
Federal Highway Administration

and the

**MONTANA DEPARTMENT OF TRANSPORTATION**

Submitted by:



Date: 4/29/05

MONTANA DEPARTMENT OF TRANSPORTATION  
Environmental Services

Reviewed & Approved for  
Distribution:



Date: 05/23/05

FEDERAL HIGHWAY ADMINISTRATION

# Table of Contents

	<u>Page</u>
A. Introduction .....	1
B. Proposed Action and Need for the Project .....	1
C. Section 4(f) Properties .....	4
1. Old Steel Bridge Fishing Access Site (FAS) .....	5
2. Flathead River Bridge (24FH463) .....	10
D. Impacts on Section 4(f) Properties .....	14
1. Impacts to the Old Steel Bridge FAS .....	14
2. Flathead River Bridge (24FH463) .....	17
E. Avoidance Alternatives .....	18
1. Alternatives to Avoid <u>Both</u> Section 4(f) Properties .....	18
2. Alternatives to Avoid <u>Only</u> the FAS .....	20
3. Alternatives to Avoid <u>Only</u> the Flathead River Bridge .....	20
F. Measures to Minimize Harm .....	21
1. Mitigation for Impacts to the Old Steel Bridge FAS .....	21
2. Mitigation for Impacts to the Flathead River Bridge .....	26
G. Coordination .....	27
1. Project News Releases and Public Meeting .....	27
2. Coordination Regarding the Old Steel Bridge FAS .....	27
3. Coordination Regarding the Flathead River Bridge .....	28
4. Circulation of the Draft Section 4(f) Evaluation .....	29
5. Comments Received on Draft Section 4(f) Evaluation .....	30
H. Conclusions .....	31
Basis for Concluding That There Are No Prudent and Feasible Alternatives to the Use of Section 4(f) Resources .....	31
Basis for Concluding That There The Proposed Action Includes All Possible Planning to Minimize Harm to Section 4(f) Resources .....	32
Feasible and Prudent Alternative With the Least Net Harm to Section 4(f) Resources .....	32
Concluding Statement .....	33

## APPENDICES

- APPENDIX A: MDT's Initial Assessment Form - Flathead River Bridge
- APPENDIX B: Correspondence Relevant to the Old Steel Bridge FAS
- APPENDIX C: Correspondence Relevant to the Flathead River Bridge
- APPENDIX D: Comments Received on the Draft Section 4(f) Evaluation

## LIST OF FIGURES

	<u>Page</u>
Figure 1: Location of Flathead River-E of Kalispell Project.....	3
Figure 2: Location of the Old Steel Bridge FAS and Flathead River Bridge.....	6
Figure 3: Layout of the Old Steel Bridge FAS .....	11
Figure 4: Impacts to the Old Steel Bridge FAS (MDT Preliminary R/W Plan Sheet).....	16
Figure 5: Location of Replacement Land for Conversion of FAS Property.....	23

## LIST OF PHOTO PLATES

	<u>Page</u>
Photo Plate 1: Photographs of the Old Steel Bridge FAS .....	7
Photo Plate 2: Photographs of the Old Steel Bridge FAS .....	8
Photo Plate 3: Photographs of the Flathead River Bridge .....	12
Photo Plate 4: Photographs of the Flathead River Bridge .....	13

# FINAL Section 4(f) Evaluation

## A. INTRODUCTION

According to 23 CFR 771.135 (a)(1), "The Administration may not approve the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge or any significant historic site unless a determination is made that:

(i) There is no feasible and prudent alternative to the use of land from the property; and

(ii) The action includes all possible planning to minimize harm to the property resulting from such use."

*Section 4(f)* applies when transportation projects meet the following criteria:

- The project will be implemented with federal funds.
- The project will require the use of significant publicly owned land that is considered to be a park, recreation area, or wildlife and waterfowl refuge. The land must be officially designated as such or the officials having jurisdiction over the land must determine that one of its major purposes or functions is for park, recreation, or refuge purposes. In this instance, the term "significant" publicly owned land means that in comparing the availability and function of the recreation, park, or wildlife and waterfowl refuge area with the recreational, park, and refuge objectives of that community, the land in question plays an important role in meeting those objectives.
- The project will require the use of a historic structure that is on or eligible for listing on the *National Register of Historic Places* (NRHP). (In this case, the term "use" means the proposed project would adversely affect the old bridge.)

## B. PROPOSED ACTION AND NEED FOR THE PROJECT

The MONTANA DEPARTMENT OF TRANSPORTATION (MDT), in cooperation with Flathead County, plans to construct a new bridge over the Flathead River. The existing bridge (locally known as the "Old Steel Bridge") is located approximately 3 kilometers (km) (about 1.9 miles) east of the City of Kalispell on Kiwanis Lane and Holt Stage Road. Specifically, the project is located in the NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, Section 10, Township-28-North; Range-21-West, M.P.M. The project's location is shown below in **FIGURE 1**.

MDT has designated the proposed project as "Flathead River - 3 km East of Kalispell" [Project Number BR 9015 (44); Control No. 4229].

Under this proposed project, the existing 183.6 meter (m) (602.4-foot) long steel truss and timber bridge would be replaced with a 220m (722-foot) long four-span, continuous welded plate girder structure. The new 12.25 m (40-foot) wide bridge would be built on a

skewed alignment located slightly downstream from the existing bridge. The proposed structure would be designed both for greater safety and for use by larger and/or heavier vehicles. The structure would accommodate two 3.6 m (12-foot) wide travel lanes, two 1.2 m (4-foot) wide shoulders, and a 1.6 m (5 foot) wide sidewalk along the right (downstream) side of the new bridge. A railing would be used to separate the new sidewalk from the roadway.

The proposed project would also realign and construct new approaches to the structure on Kiwanis Lane and Holt Stage Road. Additionally, a short section of Steel Bridge Road (located on the east side of the river) would be rebuilt, including the intersection of Steel Bridge and Holt Stage Roads. The proposed approaches connecting the new bridge to Kiwanis Lane and Holt Stage Road) would also be 9.6 m (about 32 feet) wide and paved with plant mix bituminous surfacing. Sidewalk would be extended both east and west of the new bridge to facilitate pedestrian access to the Old Steel Bridge Fishing Access Site (FAS). The proposed approach construction would be done to comply with MDT's current geometric design standards for Rural Collectors.

The current bridge was built in 1894 and has a deck width (curb to curb) of 4.66 m (15.3 feet) wide timber deck and a vertical (overhead) clearance of 4.72 m (15.5 feet). The present structure only accommodates use by one vehicle at a time.

MDT considers the existing bridge to be both structurally deficient and functionally obsolete based on its Sufficiency Rating. The Sufficiency Rating is a composite of several ratings of individual bridge items that are used to assess the structural condition and geometry of bridges. A bridge with a low rating on structural items will be designated as "structurally deficient" and a bridge with a poor rating for geometry items will be designated as "functionally obsolete". The existing bridge had a Sufficiency Rating of only 25.7 on a 100-point scale based on its most recent condition evaluation review (September 10, 2001). A copy of the Initial Assessment Form for the Old Steel Bridge (Structure Number L15091000+05001) can be found in **APPENDIX A**.

The primary reasons why the Old Steel Bridge is proposed for replacement are discussed below.

- The steel caissons supporting the truss spans have been subject to severe scour by the Flathead River, causing these important structural members to shift over time. This shifting has cracked the caissons and required numerous repairs during the life of the bridge. The expansion bearings on the bridge no longer function and the timber deck and abutments are deteriorating. These conditions have compromised the structural integrity of the existing bridge and resulted in the posting of a 3-ton load limit. In fact, load limits on this bridge are likely even lower than 3-tons. Therefore, vehicles larger than a 1-ton pickup with a heavy load likely exceed the load restriction. This situation inconveniences road users and local residents and in some extreme cases, (i.e. the need for emergency services) puts lives and property in the area at an increased risk.

## FIGURE 1 - Project Location Map

- The existing structure does not meet MDT's optimal width for (two-lane) Rural Collectors and serves just one lane of traffic. The existing bridge's deck is only 4.66 m (15.3 feet) wide. MDT's typical minimum width for a two-lane bridge such as this is 8.4 m (about 28 feet). MDT proposes to build a 12.25 m (40-foot) wide bridge instead of the typical minimum width for a two-lane bridge due to the anticipated future traffic volumes and to accommodate safe pedestrian travel across the structure. The forecasted design year ADT indicates that a wider bridge would better serve the future users of this crossing.
- The existing bridge has a vertical clearance of 4.72 m (15.5 feet). Low overhead members of the steel trusses on the existing bridge severely limit the height of vehicles that can cross the structure.
- The west (Kiwanis Lane) approach to the river crossing includes a substandard horizontal curve that limits the line of sight across the structure. Additionally, due to its poor structural condition, the County has restricted use of the bridge to one vehicle at a time and posted a 24 km/h (15 mph) speed limit for travel across the structure. None of these conditions are consistent with driving conditions on roads that adjoin either side of the present crossing.
- MDT's analysis of reported accidents over a recent ten-year period identified seven accidents that occurred on or near the bridge. Five of the seven crashes reported took place on the northwest end (Kiwanis Lane) of the bridge. Four of these five crashes involved vehicles failing to negotiate the sharp turn at the approach, mainly under icy conditions. The fifth crash was a rear-end collision involving a car that had stopped for oncoming traffic. The other two collisions took place at or near the southeastern approach to the bridge. One involved a vehicle backing up from the bridge to allow oncoming traffic to proceed. The other crash involved a vehicle failing to negotiate the sharp curve on Kiwanis Lane as it accelerated after crossing the bridge.

These bridge deficiencies or conditions are the principal reasons why Flathead County nominated the Old Steel Bridge for replacement and why MDT now proposes to build a new bridge at this site.

## C. SECTION 4(F) PROPERTIES

The project area contains two properties that are subject to *Section 4(f)* and addressed in this Evaluation. These properties include the Old Steel Bridge Fishing Access Site (FAS) located on both sides of the Flathead River and the existing bridge. The MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS (MDFWP) Parks Division has determined that the FAS is a significant recreation area and the agency manages the site for public recreation. The existing Flathead River Bridge (identified as site 24FH463) was evaluated by MDT and was determined eligible for the NRHP by the FHWA. The MONTANA STATE HISTORIC PRESERVATION OFFICE (SHPO) concurred with the NRHP-eligibility determination for the old bridge.

These properties are described in more detail in the following sections.



# 1. OLD STEEL BRIDGE FISHING ACCESS SITE (FAS)

**Site Map.** FIGURE 2 shows the location and property boundaries of the FAS in relation to the existing county roads (Kiwanis Lane and Holt Stage Road) and the Flathead River Bridge. The FAS is located in the NE¼ NW¼ of Section 10, Township-28-North; Range-21-West, M.P.M. The recreation site is located entirely within Flathead County, Montana.

**Size of the Affected Property.** The Old Steel Bridge FAS consists of a total of about 51.83 hectares (ha) (128.07 acres) of land on both sides of the Flathead River. The site is comprised of a 46.85 ha (115.77 acre) tract on the west side of the Flathead River and a 4.98 ha (12.30 acre) tract on the east side of the river south of the present bridge and Holt Stage Road. These sites used to be known as Kiwanis Lane and Old Steel Bridge fishing access sites, but have been combined into one site known as Old Steel Bridge FAS.

**Ownership.** - The property encompassing the Old Steel Bridge FAS is owned in fee by the MDFWP. The agency initially acquired a 4 ha (10 acres) parcel of land on the west side of the Flathead River from the Kalispell Kiwanis Club in 1973. Additional land on the west side of the river adjoining the former Kiwanis property was obtained in 1980. The property on the east side of the river was acquired in 1964.

Flathead County holds a right-of-way interest for Kiwanis Lane within in the Old Steel Bridge FAS. Kiwanis Lane is a "declared" road meaning Flathead County has a right-of-way interest in the road but does not own the land beneath the road. Section 7-14-2615, Montana Code Annotated (M.C.A.) says a county road may be abandoned if the County Commissioners do so by proper procedure. Sections 70-30-321 and 322, M.C.A., indicate that if there is only an easement, the property interest reverts to the original owner or the original owner's successor in interest upon abandonment. Therefore, if the Flathead County Commissioners choose to abandon portions of Kiwanis Lane within the FAS, then MDFWP would become the owner of the abandoned road property since the agency owns the underlying land.

**Function of or Available Activities.** The Old Steel Bridge FAS is a no fee, day-use only recreation site open throughout the year. The FAS provides public access opportunities to the Flathead River for floaters or fishermen. Limited opportunities for picnicking and other dispersed recreational activities are also available within the site.

Photographs of the FAS are presented in **PLATES 1 and 2.**

**Description and Location of Existing Facilities.** In 1974, the portion of the Old Steel Bridge FAS on the west side of the river was developed with the installation of a day-use loop road, a vault latrine, and a well. Tables, stoves, and garbage cans were also installed at that time. The boat ramp was already in place prior to MDFWP's work in 1974. MDFWP installed a loop road and vault latrine on the east side of the river in 1982. Parking lot improvements were implemented on the FAS land on the west side of river in 1984.

**FIGURE 2: Location of FAS/Old Steel Bridge**

**PHOTO PLATE 1: Old Steel Bridge Fishing  
Access Site**

**PHOTO PLATE 2: Old Steel Bridge Fishing  
Access Site**

Existing facilities at the Old Steel Bridge FAS are identified below:

**West Side of River**

- vault toilet
- boat ramp (not usable at present due to gravel bar deposition)
- parking areas near boat ramp
- loop road with parking areas
- informal trail network along west bank
- fencing, rock and concrete traffic barriers, guardrail,
- informational signing
- landscaping features

**East Side of River**

- ADA-accessible handicapped fishing platform
- parking areas
- internal circulation road
- fencing, rock and concrete traffic barriers, guardrail, informational signing

**FIGURE 3** shows the general layout of the Old Steel Bridge FAS.

**Access and Usage.** The FAS can be accessed from Montana Highway 35 via Shady Lane Drive and Kiwanis Lane or via Fairmont Road and Holt Stage Road. Access from the City of Kalispell is most direct by traveling east on Conrad Drive to Kiwanis Lane.

Recreational use of the FAS is high, due in part to the site's proximity to the City of Kalispell and adjoining suburban development. The MDFWP maintains permanently installed electronic traffic counters on roads accessing parking areas on both sides of the river at the Old Steel Bridge FAS. According to visitor data generated from these counters, MDFWP estimated the total visitation at the FAS during 2002 to be about 90,000. More than 90% of the site's annual use is attributed to Montana residents, the majority of whom are residents of the greater Flathead Valley.

The MDFWP acknowledges that a large percentage of the estimated visitation to the FAS is from people simply driving through the site.

The Old Steel Bridge FAS receives year round use with peak visitation periods in the early spring, summer, and the months of October and November. This FAS is heavily used as a takeout point for floaters on the river from April through August.

This reach of the Flathead River is rated outstanding for its fisheries resource values according to the Montana River Information System and is classified as one of Montana's Class I (Blue Ribbon) fisheries. The Montana Fisheries Information (MFISH) database shows that the total number of angler days on this reach of the Flathead River totaled 31,223 during 1999. However, similar use data for 2001 shows a decline of about 23% in the total number of angler days on this river reach. Based on the MFISH data, this section of the Flathead is the fifth most heavily fished stream segment in MDFWP Region 1 and the 29th most heavily fished water in the State. This data reflects the results of a biannual Statewide Angling Use Survey conducted via mail by MDFWP.

**Relationship to Other Similarly Used Lands.** The Old Steel Bridge FAS is located at Mile 128.5 on the Flathead River and is one of several MDFWP fishing access sites that exist on the river between Flathead Lake and Columbia Falls. The other public fishing access sites in the area include Sportsmans Bridge (River Mile 107.5 - southeast of Kalispell), Presentine (River Mile 136.2 - northeast of Kalispell), Kokanee Bend (River Mile 141.2 - north of Kalispell), and Teakettle (River Mile 143.6 - just east of Columbia Falls).

**Applicable Clauses Affecting Ownership.** The Old Steel Bridge FAS was acquired and developed with the assistance of federal funds administered through the *Land and Water Conservation Fund (LWCF) Act (16 U.S.C. 460)* and *Federal Aid in Sport Fisheries Restoration Act* (also known as the *Dingell-Johnson Act*) (**16 U.S.C. 777**). Wallop-Breaux funds provided by an amendment to the *Federal Aid in Sport Fisheries Restoration Act* were used to develop improvements on the east side of the FAS during 1994.

*Section 6(f)(3)* of the *LWCF Act* assures that once an area has been funded with LWCF assistance, it is continually maintained in public recreation use unless the NATIONAL PARK SERVICE (NPS) approves the substitution of property of reasonably equivalent usefulness and location and of at least equal fair market value. Consequently, any conversion of land from the Old Steel Bridge FAS for new highway right-of-way, will require the provision of replacement land to the MDFWP.

**Unusual Characteristics of Property.** The Old Steel Bridge FAS contains important black cottonwood habitat that is becoming increasingly rare in the Flathead Valley.

## 2. FLATHEAD RIVER BRIDGE (24FH463)

The Gillette-Herzog Manufacturing Company of Minneapolis, Minnesota constructed the Flathead River Bridge (24FH463) in 1894. The existing bridge is a three-span, pin-connected Pratt through truss structure with a length of about 315 m (508 feet). Five timber approach spans connect the bridge to adjoining sections of Kiwanis Lane and Holt Stage Road. The one-lane structure is supported by a series of steel caissons. The original bridge deck has been overlain by asphalt. Photographs of the structure are provided in **PLATES 3** and **4**.

In May 1985, the Flathead River Bridge was determined eligible for the NRHP under Criteria A and C. These criteria indicate the bridge demonstrates the quality of significance in American engineering and it possesses integrity of location, design, setting, materials, and workmanship. NRHP eligibility Criterion A means that the structure is associated with events that made a significant contribution to the broad patterns of history in the Kalispell area and Flathead Valley. Eligibility under Criterion C suggests the bridge embodies the distinctive characteristics of a type, period, or method of bridge construction.

On October 2, 2001, MDT submitted a cultural resources report for the Flathead River - E of Kalispell project to SHPO and requested the agency to reaffirm the FHWA's determination that the Flathead River Bridge (24FH463) is NRHP-eligible. The SHPO concurred with the

**FIGURE 3: Layout of  
FAS**

**PHOTO PLATE 3:  
Flathead River  
Bridge (24FH463)**



**PHOTO PLATE 4:  
Flathead River  
Bridge (24FH463)**

NRHP-eligibility determination for the old bridge on October 22, 2001. A copy of the MDT's letter to the agency with SHPO's stamp of concurrence can be found in **APPENDIX C**.

## D. IMPACTS ON *SECTION 4(F)* PROPERTIES

This section describes the potential impacts of the proposed Flathead River - E of Kalispell bridge replacement project on the Old Steel Bridge FAS and the existing historic bridge. The proposed project would construct a new bridge on a skewed alignment adjoining the existing structure and rebuild the east and west approaches to the new Flathead River Bridge. The east end of the new alignment intersects the east end of the present bridge. This means the existing bridge would have to be removed before the new structure can be built.

### 1. IMPACTS TO THE OLD STEEL BRIDGE FAS

Kiwanis Lane and portions of the bridge itself on the west side of the river are constructed on an 18.3 m (60-foot) wide easement adjoining MDFWP lands associated with the Old Steel Bridge FAS. The bridge and existing easement for Holt Stage Road adjoin the northern boundary of the FAS property on the east side of the river. Due to the proposed change in location for the proposed bridge and necessary construction of the east and west approaches to the new structure, right-of-way will be required through the Old Steel Bridge FAS. The majority of the new right-of-way for the project would be needed from the portion of the FAS on the west side of the river.

Based on MDT's current design for this project, approximately 0.85 ha (2.11 acres) of new right-of-way would be required from the FAS on the west side of the Flathead River and about 0.24 ha (0.60 acres) from the portion of the site on the east side of the river. The 1.09 ha (2.71 acres) of new right-of-way needed from the Old Steel Bridge FAS represents about 2.1% of the total land area comprising the FAS. **FIGURE 4** shows the approximate right-of-way line and construction limits for the proposed action at the Old Steel Bridge FAS.

Based on a review of the proposed construction plans for the bridge replacement project and discussions with MDFWP staff, the following impacts to the FAS would occur:

- Approximately 1.09 ha (2.71 acres) of new right-of-way would be needed from the FAS property. The majority of the new right-of-way would be needed from the FAS property on the west side of the Flathead River and the proposed alignment would pass through the middle of this FAS property.
- The acquisition of new right-of-way from the FAS would result in the conversion of about 1.09 ha (2.71 acres) of LWCF-encumbered property.
- Some existing landscaping (including shrubs and two or three mature evergreens) on west side of FAS and wooden fencing would be lost due to the realignment of the west approach to the river crossing.

- The proposed alignment for the west approach would disrupt internal circulation in vicinity of small parking area and main turn around near the present boat ramp.
- Informational signing for the FAS must be relocated.
- Approach construction would require the removal of the existing toilet on the west side of the FAS.
- Decreased recreational use of the FAS may occur during the construction period since the existing bridge and road would be closed to traffic. Construction activities may also cause minor adverse effects to recreational floaters and eliminate some fishing opportunities near the old bridge and within the construction zone for the new bridge.
- The ability for river users to put-in or take out boats from the west side of the FAS would be eliminated during construction. The current boat ramp location would be inaccessible to river users. However, the ramp is currently not usable due to the formation of a large gravel bar during a previous high runoff event.
- Long-term changes in traffic volumes and travel speeds on Holt Stage Road and Kiwanis Lane in the vicinity of the FAS may occur. The existing bridge artificially restricts traffic flows on these county roads due to its load limitations and one vehicle at a time operation. Traffic is often required to stop on either side of the bridge to permit an opposing vehicle to pass. The load limit restrictions and the vertical and horizontal clearance limitations of the old bridge make it impossible for oversize or large vehicles to use the present crossing.

The provision of a two-lane road and the elimination of load restrictions with the new bridge would be expected to change local traffic patterns. Traffic volumes on Holt Stage Road and Kiwanis Lane would be expected to increase as area residents choose to use these routes instead of others for local trips. Present traffic volumes on Holt Stage Road are estimated to be about 1,690 vehicles per day. MDT's design traffic information for this proposed project anticipates that volumes may increase to about 3,490 vehicles per day by the year 2026.

The composition of traffic on these county roads may change slightly as larger trucks would be able to use the new crossing. However, the composition of traffic in the vicinity of the FAS would not be expected to change substantially since other roads in the area provide more direct routes for large commercial vehicles.

Travel speeds through the project area would likely increase over current conditions. As indicated previously, the present bridge is limited to use by one vehicle at a time and eastbound or westbound motorists must often stop to allow opposing vehicles to pass. The elimination of this condition would allow for the free flow of two-directional traffic at travel speeds higher than the posted speed of 24 km/h (15 mph) on the bridge. Kiwanis Lane has a posted speed limit of 40 km/h (25 mph).

**FIGURE 4: Impacts on Old Steel Bridge FAS -- R/W  
plan sheet (11X17)**

## 2. IMPACTS TO THE FLATHEAD RIVER BRIDGE (24FH463)

The proposed project would build a new bridge on a skewed alignment just downstream from the present structure. The southeast abutment of the proposed bridge would be located on the existing abutment of the Old Steel Bridge (24FH463). The new west abutment would be located about 155 m (510 feet) southwest of the existing bridge's west abutment.

There would be an **Adverse Effect** to the NRHP-eligible Old Steel Bridge (24FH463). This determination was made because the Preferred Alternative would remove the existing bridge from its present site. The bridge's association with a historical crossing location on the Flathead River would also be compromised by the structure's removal. Although two spans of the bridge may be reused with the Preferred Alternative, the integrity and setting of the old bridge would be lost because the structure must be dismantled so the spans can be removed and transported to their new locations.

The poor structural condition of the old bridge indicates the need for major investments of funding and labor to preserve the structure in place. Further, the bridge's inability to accommodate two-way travel, its restricted clearances, and poor approach alignments are other factors that suggest preserving the structure in place may not be in the best interest of the traveling public. Even if the old structure were retained, the integrity of the bridge and its setting would be substantially impaired by building another bridge nearby.

MDT offered the existing structure for adoption and initially found no willing parties and little community support for adopting the structure. However, MDT's continued efforts to find a use for the old bridge identified parties that were interested in using two of the three old bridge spans on the local Rails-to-Trails system. In February 2002, MDT agreed to award the bridge spans to Flathead County and Rails to Trails of NW Montana for reuse on the rails-to-trail system in the Kalispell area.

Since awarding the spans to Rails to Trails of NW Montana, MDT contacted the group on two occasions to verify their continued interest in spans from the old bridge. Contacts in late 2003 indicated that the group's interest in the old spans was waning; however, they did not want to rule out the possibility of reusing the old spans. On February 28, 2005, MDT sent a letter to Rails to Trails of NW Montana asking the group to reaffirm their interest in the bridge spans. On April 19, 2005, the president of Rails to Trails of NW Montana informed MDT they were no longer interested in the bridge spans.

Since an adopting party for the old bridge no longer exists, MDT will re-advertise the bridge for adoption with the understanding that the structure would have to be moved to a new location. If an adopting party cannot be found as a result of the new solicitation, then the old bridge would be dismantled by the contractor.

Miscellaneous correspondence regarding potential effects to 24FH463 and MDT's efforts to find an adopting party for the old structure can be found in **APPENDIX C**.

## E. AVOIDANCE ALTERNATIVES

Avoidance alternatives are location and design options that would avoid the use of *Section 4(f)* property. According to FHWA guidance, in situations where a proposed action would result in the use of more than one *Section 4(f)* property, the analysis needs to evaluate alternatives that avoid each and all properties.

As indicated earlier, MDT's proposed project would require the use of land from the Old Steel Bridge FAS and would have an adverse effect to the Flathead River Bridge (24FH463).

Alternatives that would avoid impacts to these *Section 4(f)* properties are described in the following paragraphs. The reasons why avoidance alternatives are not considered feasible for this project are also discussed below.

### 1. ALTERNATIVES TO AVOID BOTH SECTION 4(F) PROPERTIES

**NO BUILD ALTERNATIVE.** The No Build Alternative would avoid impacts to both the Old Steel Bridge FAS and the Flathead River Bridge (24FH463) since no actions other than those associated with the continued maintenance of the existing structure and its approaches would be undertaken. There would be no need for the acquisition of new right-of-way from the FAS on the east and west approaches to the bridge. No major changes would be required to the historic bridge.

However, this alternative would not satisfy the objectives of this proposed action as specified in earlier in this document. The No Build Alternative would not improve the structural and geometric design deficiencies of the existing bridge, remedy the poor sight distance and substandard curve on its west approach, increase the road's capacity to accommodate present and future traffic volumes, or enhance the traffic safety and convenience of this off-system road.

The existing bridge is considered to be structurally deficient and functionally obsolete and warrants replacement based on MDT's bridge condition surveys.

For these reasons, the No Build Alternative is not a feasible and prudent alternative for avoiding impacts to the Old Steel Bridge FAS or the existing NRHP-eligible bridge.

**CLOSE THE FLATHEAD RIVER CROSSING.** This avoidance alternative involves the closure of the existing bridge. This would eliminate the need to upgrade the present crossing and avoid impacts to the Old Steel Bridge FAS and the existing historic bridge.

This alternative would not require construction or cause new impacts on the adjacent MDFWP lands or the Flathead River.

The permanent closure of the bridge would eliminate through traffic on Kiwanis Lane and Holt Stage Road and unduly inconvenience local residents and recreational users of the Old Steel Bridge FAS. The nomination of the existing bridge for replacement by Flathead County suggests that closure of the bridge (and consequently adjacent sections of Kiwanis Lane and Holt Stage Road) is not desirable. The County believes it is necessary to provide an improved river crossing at this location to more efficiently serve existing and anticipated traffic in the area.

Based on these considerations, closing the existing bridge is not feasible and prudent for this proposed action.

**REHABILITATE THE EXISTING BRIDGE.** Impacts to the historic bridge and to the FAS could be avoided if the existing bridge was rehabilitated rather than replaced on a new location and if no changes were made to the bridge's approaches. Rehabilitation would salvage usable parts from the existing structure and install new members and pieces where needed. No new right-of-way would be needed from the Old Steel Bridge FAS property since the existing structure would be repaired in-place.

In general, rehabilitation costs for an historic bridge can often approach or even exceed the cost of a new bridge. While the anticipated cost of rehabilitating the Old Steel Bridge has not been quantified, the poor condition of the existing bridge suggests that repairs and replacement of deteriorated elements (like the bridge's piers) would likely be difficult, labor-intensive, and expensive.

Without considering the potential costs, rehabilitating the old bridge would not provide a structure that meets AASHTO recommendations and/or MDT geometric design standards for design speed and road width. The existing bridge cannot be sufficiently upgraded to provide two driving lanes without compromising its historic characteristics.

As previously discussed, the use of FAS land could be avoided if no work is done to the bridge's approaches. This is undesirable because the curve on the west to the existing bridge approach has been identified as substandard by MDT.

For the reasons discussed above, rehabilitating the existing bridge is not a feasible and prudent alternative.

**BUILD ON A NEW UPSTREAM OR DOWNSTREAM LOCATION.** In order to avoid impacts to the FAS and the old bridge, the location of the river crossing would need to be moved significantly upstream or downstream from the present bridge. Along the west side of the Flathead River, the FAS property extends more than 600 m (2,000 feet) upstream and downstream from the present bridge. MDFWP's property also extends some 380 m (about 1,250 feet) downstream from Holt Stage Road along the east side of the river. The Montana Highway 35 bridge is located about 1.6 km (1 mile) upstream of the Old Steel Bridge.

Therefore, in order to avoid the use of FAS land, the new river crossing would have to be shifted more than 600 m (2,000 feet) upstream or downstream from the present bridge. While substantially changing the location of the river crossing is possible, such an action would necessitate a significantly longer and more costly bridge than currently proposed. Since the channel of the Flathead River both upstream and downstream of the existing bridge is highly braided and much wider, the required new bridge would have to be at least 5 times longer than at the proposed crossing location.

Moving the crossing up or downstream would also require lengthy sections of approach roads be built to link the new bridge to the

existing road system in the area. Developing new approach roads and desirable connections to existing roads in this area could result in potentially significant adverse effects associated with right-of-way acquisition, changes to local traffic patterns, traffic noise, and encroachments area wetlands and the Flathead River floodplain. Further, these new approach roads would likely increase the amount of road the Flathead County is obligated to maintain.

In short, shifting the river crossing further up or downstream is not a feasible and prudent alternative because the costs and associated environmental impacts of such an action would be significantly greater than those of the proposed bridge replacement.

## 2. ALTERNATIVES TO AVOID ONLY THE FAS

**REBUILD THE BRIDGE ON THE SAME ALIGNMENT.** This avoidance alternative would construct a new bridge at the same location as the existing structure. In order to avoid the need for new right-of-way from the Old Steel Bridge FAS, the approaches to the new bridge would also have to be built within the existing 18.3 m (60-foot) right-of-way easement for Kiwanis Lane and Holt Stage Road. Roadside slopes would have to be steepened or retaining walls incorporated to minimize the "footprint" of the approaches to the new bridge. Although impacts on the FAS could be avoided or minimized by such measures, this alternative would require the removal of the existing historic bridge.

Further, this alternative does not provide desirable roadway geometrics because it would perpetuate a substandard horizontal curve on the west approach to the bridge. If the curve were flattened to meet standards, the fill slopes on the curve would be expanded beyond the existing easement area resulting in a use of FAS land. The new fill area would likely encroach on the existing parking area for the boat ramp.

Based on these considerations, rebuilding the bridge on the same alignment is not a reasonable and prudent alternative.

## 3. ALTERNATIVES TO AVOID ONLY THE FLATHEAD RIVER BRIDGE

**OTHER BRIDGE LOCATION ALTERNATES STUDIED BY MDT.** In addition to the other alternatives to avoid the historic bridge discussed on the previous pages (No Build, permanently closing the river crossing, and a significant upstream or downstream relocation of the crossing), MDT's designers identified and evaluated several alternate alignments (designated as Alignment Options 1 through 3) for a new bridge in the vicinity of the existing structure. These options are briefly described below and can be reviewed in **APPENDIX C:**

- **Alignment Option 1** – This option would construct the proposed bridge on a new skewed alignment located slightly downstream from the existing bridge as described earlier in Part B of this evaluation.
- **Alignment Option 2** – This option would follow the existing bridge's alignment.



- **Alignment Option 3** - This option would construct a new bridge parallel and approximately 15 m (about 50 feet) upstream of the present structure.

Of these alignments, only Alignment Option 3 would avoid direct impacts to the historic structure. Both Alignment Options 1 (MDT's proposed action) and 2 would require removing the old bridge. Alignment Option 3 would change the historical setting of this Flathead River crossing by adding another bridge in close proximity to the historic structure.

While implementing Alignment Option 3 would avoid direct impacts to the old bridge, it would result in substantial adverse effects to the Old Steel Bridge FAS. This option would require a major realignment of the west (Kiwanis Lane) approach to the new bridge and would place the new road in a location that directly conflicts with MDFWP's planned development of a children's fishing pond. Realigning Kiwanis Lane would likely result in the loss of locally important stands of black cottonwood along the river, severely impact wildlife habitat, and diminish wetland values.

Alignment Option 3 would also require significantly more right-of-way from the FAS than MDT's proposed action and would effectively divide the FAS property on the west side of the river making management of the area more difficult for MDFWP. Mitigation costs would be higher than the proposed action due to the conversion of more LWCF-encumbered land, and increased impacts to recreation facilities, wetlands, and wildlife habitat. Neither MDFWP nor the public supported this alignment option at a 2001 public meeting held to solicit comments on various alignment options near the existing crossing.

For the reasons discussed above, Alignment Option 3 and the other alignment options MDT considered in the vicinity of the existing crossing are not feasible and prudent alternatives to avoiding the use of land in the FAS or the historic Flathead River Bridge.

## F. MEASURES TO MINIMIZE HARM

### 1. MITIGATION FOR IMPACTS TO THE OLD STEEL BRIDGE FAS

The following measures will be implemented as mitigation for impacts to the Old Steel Bridge FAS:

**PROVIDE REPLACEMENT LAND FOR CONVERSION OF 6(F) PROPERTY.** *Section 6(f)(c)(3) of the LWCF Act* obligates MDT (and Flathead County) to provide replacement land of reasonably equivalent usefulness and location and of at least comparable value for the conversion of 1.09 ha (2.71 acres) or less of LWCF-encumbered land at the Old Steel Bridge FAS.

In cooperation with the MDFWP, MDT has identified a parcel of land adjacent to the Old Steel Bridge FAS believed to be suitable replacement property. The parcel, referred to as the "Shady Lane Pond" site, consists of about 2.2 ha (5.47 acres) of privately owned

land located immediately west of the existing FAS property. **FIGURE 5** shows the location of the proposed replacement land relative to MDFWP's Old Steel Bridge FAS property.

The Shady Lane Pond site consists of a gravel quarry that has been filled with surface and ground water. The MDFWP has recognized that the pond presents an opportunity to develop a children's fishing pond as part of the FAS and has been working with the landowner to explore the acquisition of the property. MDFWP has structured an agreement with the landowner for acquiring the property and performing bank shaping and other work to make the pond suitable for a fishing pond prior to acquiring the property.

The MDFWP has agreed to allow MDT to pay for all or a portion of the purchase price of the Shady Lane property as mitigation for the conversion of LWCF-encumbered land at the FAS. MDT has appraised the values of impacted land within the FAS and the proposed replacement land and established comparable values for the properties. MDFWP subsequently agreed to these appraised values and a right-of-way agreement outlining MDT's financial involvement in the acquisition of the Shady Lane Pond property was finalized on September 15, 2004.

Under the agreement, MDT agreed to pay the MDFWP the entire purchase amount (\$70,000) for the Shady Lane Pond property. The right-of-way agreement indicates that MDFWP will accept the Shady Lane Pond property as: 1) replacement land mitigation for the impacts of this proposed bridge project; 2) a *6(f)* bank site to serve as replacement property mitigation for unidentified future impacts on MDFWP lands due to other MDT highway projects; and 3) mitigation for outstanding *6(f)* impacts to MDFWP properties associated with two other MDT projects. This mitigation measure is subject to approval by both the National Park Service and the MDFWP Commission.

A copy of the right-of-way agreement between MDT and MDFWP can be found in **APPENDIX B**.

MDFWP acquired the Shady Lane Pond property on November 30, 2004 with the funds provided by MDT. A copy of the signed MOA conveying the property to MDFWP can be found in **APPENDIX B**.

#### **REPLACE FACILITIES OR FEATURES IMPACTED BY PROJECT.**

Permanent facilities or features of the FAS impacted by the proposed bridge project will be replaced. Based on current design plans and consultation with MDFWP about the potential effects of the bridge replacement on the FAS, the following actions will be implemented as mitigation for impacts to features and facilities within the public recreation site:

- MDT will design and construct a new approach and access road connecting Kiwanis Lane to the existing Shady Lane Pond parking area located west of the present bridge. This road would also serve as an access to the existing boat ramp and its parking area.

**FIGURE 5: Location  
of replacement  
property**

- MDT will design and construct a gravel-surfaced parking area for the boat ramp in the FAS.
- MDT will reset and/or replace existing informational signing for the FAS disturbed by construction.
- MDT will reestablish landscaping and fencing disturbed by construction.
- MDT will provide and install a new single unit vault toilet and pathway provisions to access the toilet at a site specified by MDFWP.
- MDT will replace existing metal guardrail and concrete "jersey" barriers at various locations in the FAS with large rocks to control traffic and site access. These rocks will be placed in parking areas within the FAS and will not pose any safety concerns for roadway traffic on Kiwanis Lane or Holt Stage Road.
- MDT will steepen and bench the riprap slope beneath the east end of the new bridge to perpetuate wildlife movements along the river bank.
- MDT will re-establish a permanent desirable vegetation community along all areas disturbed by the proposed construction. MDFWP would be consulted to identify desirable vegetative species for reseeding or native bushes for replanting disturbed areas.

Although the existing boat ramp is not within the anticipated construction limits for the new bridge, removing the old structure may indirectly cause an adverse impact to the ramp. The possibility exists that the river channel may migrate westward after the caissons for the old bridge are removed and require a change in the location of the boat ramp. MDFWP wishes to maintain the boat ramp in the same general area of the FAS. However, because of the uncertainties about if and when a channel migration might occur, MDT proposed making a payment to MDFWP to help cover the cost of materials and labor for a new boat ramp at the FAS. MDT and MDFWP ultimately agreed to equally share the anticipated cost of materials and labor for the installation of a new boat ramp at the FAS.

**CONSTRUCT NEW FEATURES TO ENHANCE THE FAS.** MDT will undertake several actions as part of its proposed project that will enhance the facilities or operation of FAS. These actions are listed below:

- MDT will design and construct a short loop road providing a "host pad" area for the seasonal placement of a caretaker's trailer at the FAS.
- MDT will design and install a new sidewalk for FAS users along east side of Kiwanis Lane, south side of Holt Stage Road and on the downstream side of the new bridge.

- MDT will install appropriate signing and pavement markings for a crosswalk at a location where a designated pedestrian path within the FAS would cross Kiwanis Lane.
- MDT will install two conduits under the reconstructed section of Kiwanis Lane to facilitate future installations of water lines and/or electrical lines within the FAS.

**OTHER MITIGATING MEASURES DURING CONSTRUCTION PERIOD.**

Through consultation with the MDFWP, several other mitigating measures were identified that would be implemented with this proposed bridge project. These measures are discussed below.

- MDT will provide traffic control measures necessary at a temporary river access that will be installed along the east side of the Flathead River south of the proposed bridge.
- With the exception of occasions when construction activities for the new bridge dictate temporary closures for safety reasons, MDT will perpetuate recreational floating through the work zone. MDT's contractor will follow the procedures and requirements described in Standard Special Provision BR 201.24 "Waterway Passage and Signing" (3/14/03) to ensure safe passage for river users through the work zone for the bridge.
- If necessary at the time of construction, MDT's contractor will install a temporary traffic signal at the intersection of Montana Highway 35 and Fairmont Road to reduce adverse traffic circulation effects associated with the closure of the Flathead River Bridge.
- MDT will obtain and comply with necessary permits (i.e. 404, 124SPA, and MPDES Storm Water Permits) for permanent structures associated with the bridge replacement to protect water quality and aquatic resources in the project area.
- MDFWP will identify locations within the Old Steel Bridge FAS to be avoided by MDT's contractor(s) during the staging of construction activities.

On November 4, 2004, a letter was sent to MDFWP's Regional Supervisor in Kalispell outlining MDT's proposed mitigation commitments. On November 15, 2004, the MDFWP concurred with the conclusions made about potential effects to the FAS and the proposed mitigation measures with two exceptions.

The MDFWP asked MDT to provide a firmer commitment to implement measures with this project to enhance safety for pedestrian crossings of Kiwanis Lane within the FAS. Since receiving this comment, MDT's Traffic Engineers have considered MDFWP's request and agreed to allow a painted crosswalk and associated signing at a location within the FAS where a designated pedestrian path would cross Kiwanis Lane. MDT will include crosswalk striping and signing in the plans for the project. MDFWP will be asked to identify the location for the designated crosswalk.

Additionally, the MDFWP advised MDT that the proposed *Section 6(f)* mitigation is still subject to approval by the National Park Service and the MDFWP Commission. This approval requirement has been incorporated into this evaluation and in MDT's environmental document for proposed bridge replacement project.

A copy of the agency's November 15, 2004 concurrence letter can be found in **APPENDIX D**.

## 2. MITIGATION FOR IMPACTS TO THE FLATHEAD RIVER BRIDGE

MDT has prepared a mitigation plan for this proposed project's adverse effect to the historic Flathead River Bridge (24FH463). The elements of this mitigation plan include:

- Offering the Flathead River Bridge for adoption by an interested party.
- Adopting the structure in accordance with MDT's Adopt-A-Bridge policy if a new owner is found.
- Documenting and recording the existing bridge to Historic American Building Survey/Historic American Engineering Record (HABS/HAER) standards prior to the replacement of the historic bridge.
- Providing copies of the HABS/HAER documentation to the SHPO, Montana State University, and the Northwest Montana Historical Society in Kalispell.
- Installing interpretive markers describing the history and significance of the old bridge to the community and including a drawing or photograph of the bridge on the markers.

MDT advertised the bridge for adoption in the Kalispell *Daily Inter Lake* and the *Hungry Horse News* for 45 days beginning in September 2001 in an attempt to find a new owner for the structure. As a result of MDT's efforts, one party expressed interest in adopting the old bridge in place. However, the request was withdrawn due to a lack of community and county support for the adoption. Additionally, adopting the structure in place is not desirable since the east end of the proposed new bridge would impact the east end of the old bridge.

MDT subsequently received a proposal for the adoption of two 43 m (140-foot) long spans of the existing bridge from Rails to Trails of NW Montana and Flathead County. Under the proposal, Flathead County would retain ownership of the two bridge spans and relocate them to sections of the County's Rails-to-Trails system adjacent to U.S. Highway 2 west of Kalispell. MDT awarded the spans to Flathead County and Rails to Trails of NW Montana on February 7, 2002. MDT agreed to provide the estimated demolition cost (\$17,000) to these entities to help relocate and rehabilitate each truss. Although, the remaining 67 m (220-foot) long span of the bridge would be dismantled under this proposal, reusing two spans of the existing structure would ensure that portions of the old bridge are preserved and that public use of the structure continues for an indefinite period of time.

As indicated previously, the president of Rails to Trails of NW Montana contacted MDT on April 19, 2005 and indicated they are no longer interested in using two of the spans from the old bridge. Since an adopting party no longer exists for the bridge, MDT will re-advertise the bridge for adoption with the understanding that the structure would have to be moved to a new location. If an adopting party cannot be found through this new solicitation, then the old bridge would be dismantled by the contractor.

MDT also agreed to provide interpretive markers describing the history of the spans and the historical significance of the Old Steel Bridge in northwest Montana. The markers would be placed at the Old Steel Bridge FAS.

MDT completed the HABS/HAER documentation of the Flathead River Bridge and forwarded copies of the documentation to interested parties in July 2002. A Memorandum of Agreement (MOA) between SHPO, FHWA, and MDT stipulating the measures to be implemented for the adverse effect to the Flathead River Bridge (24FH463) was signed in May 2002. MDT will amend the MOA to reflect the final disposition of the old bridge.

## G. COORDINATION

### 1. PROJECT NEWS RELEASES AND PUBLIC MEETING

**PROJECT NEWS RELEASE.** A news release discussing the proposed bridge replacement project was issued to media outlets in March 2000. As a result of the news release, articles appeared in the March 31, 2000 edition of the Kalispell *Daily Inter Lake* and the April 6, 2000 edition of the *Hungry Horse News*.

**MAY 8, 2001 PUBLIC INFORMATION MEETING.** MDT held a public information meeting to discuss the proposed project on May 8, 2001. The meeting was held at the Outlaw Inn in Kalispell and began at 7:00 p.m. Notice of the information meeting was published in the April 24, 2001 edition of the Kalispell *Daily Inter Lake*. MDT described the need for the project, its anticipated scope and presented three alignment options (including the proposed alignment) to those attending the meeting.

In March 2000, federal, state, and local agencies and the public were notified of the proposed plans to replace the Flathead River Bridge adjacent to the Old Steel Bridge FAS. Comments and information relevant to this project were requested from those receiving the notification letter. Additional requests for updated environmental information were completed in 1995 during the development of the environmental document for this proposed action.

### 2. COORDINATION REGARDING THE OLD STEEL BRIDGE FAS

**MEETINGS WITH MDFWP.** Contacts were made with the MDFWP on several occasions during the development of this document to discuss issues related to this *Section 4(f)* Evaluation. Meetings to discuss potential effects to the FAS and mitigating measures occurred on the following dates:

**October 16, 2002** - MDT Field Review Meeting in Kalispell  
**November 6, 2002** - Meeting at MDFWP in Kalispell  
**November 19, 2002** - Meeting at MDT in Helena  
**July 2, 2004** - Meeting at MDFWP in Helena  
**August 10, 2004** - Meeting at MDT in Helena

MDFWP representatives present during these meetings included:

Marty Watkins (Kalispell)	Walt Timmerman (Helena)
Dave Landstrom (Kalispell)	Allan Kuser (Helena)
Jim Vashro (Kalispell)	Bardell Mangum (Helena)
Merle Phillips (Kalispell)	Darlene Edge (Helena)
Debby Dills (Helena)	

Key meetings with MDFWP were held on July 1, 2004 and August 10, 2004 to discuss and resolve mitigation for project-related effects to the Old Steel Bridge FAS. The July 1 meeting was held to discuss mitigation for the anticipated Section 6(f) conversion of recreational land within the Old Steel Bridge FAS. The meeting provided information about MDFWP's anticipated time frame for purchasing the Shady Lane Pond property and helped establish the details of MDT's financial participation in the acquisition of the Shady Lane property.

The August 10, 2004 meeting was held to seek FWP's input and concurrence with a final set of proposed mitigation measures for Section 4(f) impacts associated with the proposed bridge replacement project.

### 3. COORDINATION REGARDING THE FLATHEAD RIVER BRIDGE

**SHPO/ACHP COORDINATION.** MDT's cultural resource inventory and related materials for this proposed bridge replacement project were sent to SHPO for review and comment in October 2001. SHPO agreed with the findings of the documents and the FHWA's determination that the existing Flathead River Bridge (24FH463) is a National Register-eligible property on October 22, 2001.

A Determination of Adverse Effect describing the impacts of the project on the Flathead River Bridge and a draft Memorandum of Agreement (MOA) outlining proposed mitigation measures, was prepared by MDT and submitted to SHPO for concurrence on October 23, 2001. As a result of this submittal, SHPO requested additional information regarding the bridge replacement project. On December 18, 2001, MDT again indicated that the proposed project would result in an adverse effect to the historic bridge and provided SHPO with a transcript of the May 8, 2001 public meeting, a letter from MDFWP supporting MDT's preferred alignment; and an attendance list from the May 2001 meeting. The SHPO concurred with MDT's conclusions on February 27, 2002.

As required by 36 CFR 800.5(e), FHWA notified the ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) of the likely Adverse Effect to 24FH463 and asked to participate in the Section 106 consultation process on March 13, 2002. The ACHP declined the opportunity to participate in consultation to resolve adverse effects on April 3, 2002.

A Final MOA outlining mitigating measures to be implemented for the adverse effect to the 24FH463 was prepared by MDT and signed by



the FHWA and the SHPO in May 2002. A copy of the signed MOA is in **APPENDIX C**. As indicated earlier, because an adopting party no longer exists for the old bridge, MDT will re-advertise the structure for adoption and amend the MOA to reflect its final disposition.

#### 4. CIRCULATION OF THE DRAFT SECTION 4(F) EVALUATION

According to 23 CFR 771.135 (i), there is no requirement to circulate *Section 4(f)* Evaluations for public review and comments. However, the evaluation must be coordinated with the officials having jurisdiction over the involved properties and other interested parties.

The U.S. DEPARTMENT OF THE INTERIOR (USDOI) requires that a Draft *Section 4(f)* Evaluation be circulated for review and comments for a minimum of 45 days. After the end of the 45-day comment period a Final *Section 4(f)* Evaluation incorporating comments received, text revisions, and supplemental materials can be prepared and submitted for approval. Copies of the Draft *Section 4(f)* Evaluation were provided to the following agencies:

DIRECTOR, OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE  
DEPARTMENT OF THE INTERIOR  
Main Interior Building, MS 2340  
1849 C Street, NW  
Washington, D.C. 20240

Dan Vincent, Regional Supervisor  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
Headquarters Region 1  
490 North Meridian Road  
Kalispell, MT 59901

Marty Watkins/Dave Landstrom  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
Headquarters Region 1  
490 North Meridian Road  
Kalispell, MT 59901

Walt Timmerman  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
Parks Division  
P.O. Box 200701  
Helena, MT 59620

Alan Kuser  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
Parks Division  
P.O. Box 200701  
Helena, MT 59620

Debby Dils/Darlene Edge  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
Field Services Division  
P.O. Box 200701  
Helena, MT 59620-0701

Bardell Mangum  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
Field Services Division  
P.O. Box 200701  
Helena, MT 59620-0701

STATE HISTORIC PRESERVATION OFFICE  
1410 8th Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

FLATHEAD COUNTY COMMISSIONERS  
800 South Main  
Kalispell, MT 59901

Forrest Sanderson, Director  
FLATHEAD COUNTY PLANNING & ZONING OFFICE  
Earl Bennett Building  
2nd Floor  
1035 1st Ave West  
Kalispell, MT 59901

Delores Swanberg  
Northwest Montana Historical Society  
P.O. Box 2293  
Kalispell, MT 59901

## 5. COMMENTS RECEIVED ON THE DRAFT SECTION 4(F) EVALUATION

The Draft Section 4(f) Evaluation was circulated for comments beginning on November 5, 2003. Comments on the document were received through December 22, 2003, providing a comment period exceeding 45 days.

Comments received on the Draft Section 4(f) Evaluation included:

- A November 28, 2003 letter from the Flathead County Board of Commissioners that concurred with the findings of the 4(f) Evaluation.
- A December 19, 2003 letter from Dan Vincent, MDFWP's Regional Supervisor in Kalispell that provided new information about MDFWP's efforts to purchase the Shady Lane Pond property and offering comments on proposed mitigation measures.
- A February 9, 2004 letter from the Director of the Office of Environmental Policy and Compliance for the USDOJ Office of the Secretary that concurred there are no feasible and prudent alternatives to the proposed action and that all measures to minimize harm have been taken.

The USDOJ's February 9, 2004 letter also stated that any affected Native American Tribes should be consulted for all federal actions. This proposed project does not lie in or adjacent to the boundaries of any Indian Reservation nor were any archaeological remains identified within the area of potential effect for this project. MDT's experience has shown that Native American Tribes in this area have not been interested in consulting on bridge replacements.

- A November 15, 2004 letter from Walt Timmerman, MDFWP Parks and Recreation Bureau Chief indicating the agency's concurrence with conclusions about potential effects to the Old Steel Bridge FAS and the mitigation measures proposed by MDT.

Where appropriate, comments from these letters were used to revise this 4(f) Evaluation. Copies of these letters can be viewed in **APPENDIX D**.

## H. CONCLUSIONS

### BASIS FOR CONCLUDING THAT THERE ARE NO FEASIBLE AND PRUDENT ALTERNATIVES TO THE USE OF SECTION 4(F) RESOURCES

The No Build alternative would not improve the structural and geometric design deficiencies of the existing bridge, remedy the poor sight distance and substandard curve on its west approach, increase the road's capacity to accommodate present and future traffic volumes, or enhance the traffic safety and convenience of this off-system road. Taking no action does not meet the purpose and need for this project as described earlier in this evaluation.

Rehabilitating the old bridge to accommodate future traffic needs would change the character of the old bridge and compromise the historic characteristics of the structure. Further, the only other way to avoid impacts to the FAS would be to build a new bridge on the alignment of the existing bridge and contain approach construction within the existing right-of-way easement. This would perpetuate the already deficient horizontal alignment of Kiwanis Lane on the west approach to the river crossing.

Alignment shifts substantially upstream or downstream to avoid *Section 4(f)* properties would require substantially more new right-of-way, more approach construction, and longer bridges than MDT's proposed action. Additionally, it would be difficult to tie a new upstream or downstream river crossing into the existing road system. Such alignment shifts would dramatically alter local traffic circulation patterns, affect residential and agricultural properties, and impact previously undisturbed lands where sensitive environmental resources (wetlands and important wildlife habitat) are present. As a result, the costs and environmental effects associated with constructing such avoidance alignments would be substantially greater than those that may result from the implementation of the proposed action. Because the existing historic bridge would remain in-place with these avoidance alignments, Flathead County would be responsible for maintaining two bridges instead of one structure.

Building a new bridge on other alignments in the vicinity of the existing crossing cannot be accomplished without impacts to Section 4(f) resources. While new alignments are possible that could avoid or minimize impacts to the historic Flathead River Bridge, these alignments cannot be accomplished without the use of land from the Old Steel Bridge FAS.

Therefore, none of the avoidance alternatives discussed herein are feasible and prudent.

## BASIS FOR CONCLUDING THAT THE PROPOSED ACTION INCLUDES ALL POSSIBLE PLANNING TO MINIMIZE HARM TO SECTION 4(F) PROPERTIES

As discussed previously, there are no feasible and prudent build alternatives that avoid the use of both the Old Steel Bridge FAS and the historic Flathead River Bridge.

Additional right-of-way from the FAS would be necessary to accommodate the widening and realignment of the Kiwanis Lane and Holt Stage Road. Of the three bridge replacement alignment options considered, MDT's proposed action would minimize right-of-way needs and cause the least adverse effects on the layout and operation of the FAS. Through the County's abandonment of its right-of-way interest along portions of Kiwanis Lane, implementing the proposed action would result in 0.38 ha (0.95 acres) of old right-of-way for the road to revert back to MDFWP. This would allow the abandoned right-of-way area to be reclaimed and used for other recreational purposes in the FAS.

Furthermore, MDT has already implemented actions to provide MDFWP with replacement land for the conversion of LWCF-encumbered land in the FAS and committed to replacing affected facilities or features in the FAS; constructing new features to enhance the FAS; and implementing other measures to minimize temporary construction-related effects of the proposed bridge replacement project. MDFWP concurred with these proposed mitigation measures on November 15, 2004. A copy of the letter outlining MDT's mitigation commitments and documenting MDFWP's concurrence with these measures can be found in **APPENDIX D**. Following the successful implementation of these commitments, the Section 4(f) use of land from the FAS would not be readily apparent.

A Memorandum of Agreement, signed pursuant to the *National Historic Preservation Act*, documents commitments made to minimize harm to the historic structure. These commitments include: attempting to find an adopting party or parties for the old bridge; documenting and recording the old bridge prior to its replacement; providing copies of the bridge documentation to state and local historical preservation groups; and installing interpretive markers describing the history and significance of the bridge. The MOA in **APPENDIX C** provides a listing of the documented commitments.

Please note that the adopting party for two spans of the old bridge identified in the MOA contacted MDT on April 19, 2005 and indicated they were no longer interested in reusing part of the structure. Therefore, MDT will re-advertise the structure for adoption. If an adopting party cannot be found through this new solicitation, the contractor would dismantle the bridge. The MOA will be amended to reflect the disposition of the historic structure.

## FEASIBLE AND PRUDENT ALTERNATIVE WITH THE LEAST NET HARM TO SECTION 4(F) RESOURCES

While there are no feasible and prudent avoidance alternatives, MDT's proposed action is the alternative with the least net harm to *Section 4(f)* resources. This conclusion was reached based on evaluations of the potential effects associated with the project alternatives and the measures proposed to minimize harm to the affected 4(f) resources.

## CONCLUDING STATEMENT

Based on the above considerations, there are no feasible and prudent alternatives to the use of land from the Old Steel Bridge FAS or to the use of the Flathead River Bridge (24FH463). This proposed action includes all possible planning to mitigate harm to the Old Steel Bridge FAS and the Flathead River Bridge resulting from such use.

# APPENDIX A: MDT's Initial Assessment Form Flathead River Bridge

**INITIAL ASSESSMENT FORM FOR STRUCTURE :**

**L15091000+05001**

Location : 2M E KALISPELL Structure Name: OLD STEEL BRIDGE

**General Location Data**

District Code, Number, Location : **01 Dist 1 MISSOULA** Division Code, Location : **12 KALISPELL**  
 County Code, Location : **029 FLATHEAD** City Code, Location : **00000 RURAL AREA**  
 Kind of Hwy Code, Description : **4 4 County Hwy** Signed Route Number : **15091**  
 Str Owner Code, Description : **2 County Highway Agency** Maintained by Code, Description : **2 County Highway Agency**  
 Intersecting Feature : **FLATHEAD RIVER 013** Kilometer Post, Mile Post : **0.80 km 0.50**

Structure on the State Highway System :  Latitude : **48°12'42"**  
 Structure on the National Highway System :  Longitude : **114°15'24"**  
 Str Meet or Exceed NBIS Bridge Length :

**Construction Data**

Construction Project Number :  
 Construction Station Number : **0+00.00**  
 Construction Drawing Number : **none**  
 Construction Year : **1894**  
 Reconstruction Year :

**Traffic Data**

Current ADT : **100** ADT Count Year : **1995** Percent Trucks : **3 %**

**Structure Loading, Rating and Posting Data**

**Loading Data :**

Design Loading :		<b>0 Other or Unknown</b>
Inventory Load, Design :	<b>3.6 mton</b>	<b>2 AS Allowable Stress</b>
Operating Load, Design :	<b>11.7 mton</b>	<b>2 AS Allowable Stress</b>
Posting :		<b>1 30.0-39.9%below</b>

**Rating Data :**

	Operating	Inventory	Posting
Truck Type 1 :	<b>13</b>	<b>4</b>	<b>3</b>
Truck Type 2 :	<b>20</b>	<b>7</b>	
Truck Type 3 :	<b>25</b>	<b>8</b>	

**Structure, Roadway and Clearance Data**

**Structure Deck, Roadway and Span Data :**

Structure Length : **154.23 m**  
 Deck Area : **719.00 m sq**  
 Deck Roadway Width : **4.66 m**  
 Approach Roadway Width : **4.88 m**  
 Median Code, Description : **0 No median**

**Structure Vertical and Horizontal Clearance Data :**

Vertical Clearance Over the Structure : **4.72 m**  
 Reference Feature for Vertical Clearance : **N Feature not hwy or RR**  
 Vertical Clearance Under the Structure : **0.00 m**  
 Reference Feature for Lateral Underclearance : **N Feature not hwy or RR**  
 Minimum Lateral Under Clearance Right : **0.00 m**  
 Minimum Lateral Under Clearance Left : **0.00 m**

**Span Data**

**Main Span**

Number Spans : **3**  
 Material Type Code, Description : **3 Steel**  
 Span Design Code, Description : **10 Truss - Thru Deck**  
 Deck Structure Type : **8 Wood or Timber**  
 Deck Surfacing Type : **7 Wood or Timber**  
 Deck Protection Type : **0 None**  
 Deck Membrain Type : **0 None**

**Approach Span**

Number of Spans : **4**  
 Material Type Code, Description : **7 Wood or Timber**  
 Span Design Code, Description : **2 Stringer/Multi-beam or Girder**



**Structure Vertical and Horizontal Clearance Data Inventory Route :**

Over / Under Direction Name	Inventory Route	South, East or Bi-directional Travel			North or West Travel		
		Direction	Vertical	Horizontal	Direction	Vertical	Horizontal
Route On Structure	L15091	Both	4.72 m	4.66 m	N/A		

**INITIAL ASSESSMENT FORM FOR STRUCTURE :**

**L15091000+05001**

Continue

**Inspection Data**

Sufficiency Rating : **25.7**

Health Index : **49.09**

Structure Status : **Struc Def - Elg Repl**

Inspection Due Date : **10 September 2003**

(91) Inspection Frequency (months) : **24**

Next Fracture Critical Due Date : **10 Sep 2005**

Fracture Critical Detail : **Steel trusses**

Next Under Water Insp : **25 Dec 20**

Under Water Insp Type : **Type ...**

**NBI Inspection Data**

(90) Date of Last Inspection : **10 September 2001**

Last Inspected By : **Benjamin Williamson - 99**

(90) Inspection Date :

Inspected By :

(58) Deck Rating : 

5	
---	--

(68) Deck Geometry : 

7	
---	--

(36C) Approach Rail Rating : 

0	
---	--

(62) Culvert Rating : 

N	
---	--

(59) Superstructure Rating : 

4	
---	--

(67) Structure Rating : 

2	
---	--

(36A) Bridge Rail Rating : 

0	
---	--

(61) Channel Rating : 

6	
---	--

(60) Substructure Rating : 

3	
---	--

(69) Under Clearance : 

N	
---	--

(36B) Transition Rating : 

0	
---	--

(71) Waterway Adequacy : 

7	
---	--

(72) App Rdwy Align : 

3	
---	--

(41) Posting Status : 

P	
---	--

(36D) End Rail Rating : 

0	
---	--

(113) Scour Critical : 

U	
---	--

Unrepaired Spalls : 

0 m sq
--------

Deck Surfacing Depth : 

0.50 in
---------

**Inspection Hours**

Crew Hours for inspection : 

6
---

Snooper Required : 

N
---

Helper Hours : 

--

Snooper Hours for inspection : 

--

Special Crew Hours : 

--

Flagger Hours : 

--

Special Equipment Hours : 

--

**Inspection Work Candidates**

Candidate ID	Date Requested	Status	Priority	Effected Structure Unit	Scope of Work	Action	Covered Condition States
--------------	----------------	--------	----------	-------------------------	---------------	--------	--------------------------

No Inspection Work Candidates



L15091000+05001

Continue

Element Inspection Data

\*\*\*\*\* Span : Main-0 \*\*\*\*\*

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 32 - Timber Deck/AC Ovly										
	1	2	754	sq.m.	X	0	0	100	0	
						%	%	%	%	

Previous Inspection Notes :

09/10/2001 - Transverse timbers show some staining and checking about ends. Fungal growth scattered throughout underside of deck (mushrooms). Longitudinal planking shows areas of rot with some missing sections. Numerous places where asphalt overlay is peeled or boiling. Loose and rotted timber (ends). Some asphalt patches throughout. Single vehicle traffic (one vehicle at a time on bridge), 3 T limit. (rattles and vibrates with each vehicle - not seriously) KIKD  
 12/14/1999 - None MDBF  
 12/25/1997 - THE DECK CONTAINS AREAS OF SURFACE DETERIORATION WHERE THE WOODEN PLANKS ARE EXPOSED THRU THE CHIP SEAL. ODGS  
 06/29/1994 - None RJCF

Inspection Notes:

Element 117 - Timber Stringer

	1	2	1305	m.		100	0	0	0	
						%	%	%	%	

Previous Inspection Notes :

09/10/2001 - All stringers show evidence of fungal growth with staining throughout. Some minor checking. No problems noted. KIKD  
 12/14/1999 - STRINGERS HAVE SUPERFICIAL SPLITS & CHECKS. NO DECAY WAS FOUND. MDBF  
 12/25/1997 - THE STRINGERS EXHIBIT SUPERFICIAL SPLITS AND CHECKS. NO DECAY WAS FOUND. ODGS  
 06/29/1994 - None RJCF

Inspection Notes:

Element 121 - P/Stl Thru Truss/Bot

	1	2	308	m.		0	0	0	100	0
						%	%	%	%	%

Previous Inspection Notes :

09/10/2001 - Truss 1 & 2 - all L1 and L6 locations are affected by the vertical tension cord, floorbeam, tension pin hanger strap connection points. Some forces (past) have swisted and/or bent the lower strap, so that the "hang line" from top truss pin point to the lower tension pin point is not in line. Some twisting of floorbeam along central axis. Some worse than others. Connection pin points at the intermediates do not exhibit this movement. All steel surfaces show heavy rust, but not dusty. Some evidence of paint. All tension straps are basically straight, from end to end and from point to point. Connection pins need NDT tested to determine inner quality. Exterior surfaces are rusty and partially filled with dirt and debris. Vertical tension straps, counter straps and bars, and diagonals show some twisting at connection points (rotation about pin) deflecting the members up past deck surface to about chest/head high. Some are true movement related and some are impact damage stresses. Some locations where connections are loose and rattle, not common. Truss 3 - has a somewhat similar condition at the first vertical location (from both ends). The short diagonal to the lower connection point and the longitudinal tension straps has reacted by rotating the floorbeam counterclockwise looking (from the outside), same both sides. While the opposite truss end location rotates clockwise, FTO. Condition does not appear to lessen the loads capable. None of these states are new to this structure. KIKD  
 12/14/1999 - None MDBF  
 12/25/1997 - THE PAINT SYSTEM HAS COMPLETELY FAILED. MINOR SECTION LOSS HAS OCURRED THRU-OUT. ODGS  
 06/29/1994 - None RJCF

Inspection Notes:

L15091000+05001  
Continue

\*\*\*\*\* Span : Main-0 (cont.) \*\*\*\*\*

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 202 - Paint Stl Column										
	1	3	8	ea.		0	0	0	100	0
						%	%	%	%	%

Previous Inspection Notes :

09/10/2001 - Concrete filled steel cases, piers 4,5,6, & 7. P-5 & 6 - Some past scour/flood event has impacted pier footings. Columns are leaning. No changes from last inspection(s). Concrete web wall seperating from column at 5. No new conditions. KIKD

12/14/1999 - None MDBF

12/25/1997 - PAINT SYSTEM HAS FAILED ON ALL COLUMNS. ODGS

06/29/1994 - None RJOF

Inspection Notes:

Element 225 - Unpnt Stl Submd Pile										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
	1	4	2	ea.		0	0	100	0	
						%	%	%	%	

Previous Inspection Notes :

09/10/2001 - None KIKD

12/14/1999 - LW - Pier 3 Underwater Inspections 10/22/97 & followup 12/24/97 -- Rotated Column, Split Sttel Seam, Lossof Column Fill, Advanced Deterioration of Webwall. Some reapirs were made by Flathead County Bridge Dept. such as welding cracked seams and metal band placement on the two steel columns MDBF

Inspection Notes:

Element 311 - Moveable Bearing										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
	1	2	6	ea.		0	0	100		
						%	%	%		

Previous Inspection Notes :

09/10/2001 - Roller nest movable bearings are rusted, dirty, and mostly covered with gravel and debris. Bearings are "bottomed out." Doesn't appear that they have moved lately. Lack of movement could be contributing to the "twisting" that is occuring at the first connection points (Truss 3 especially). KIKD

12/14/1999 - None MDBF

12/25/1997 - ADVANCED CORROSION AND ALL HAVE SIEZED UP. ODGS

06/29/1994 - None RJOF

Inspection Notes:

Element 313 - Fixed Bearing										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
	1	2	6	ea.		0	0	100		
						%	%	%		

Previous Inspection Notes :

09/10/2001 - Fixed bearing locations show corrosion and rusting with accumulations of dirt and debris. No significant changes from last insp(s). KIKD

12/14/1999 - None MDBF

12/25/1997 - ADVANCED CORROSION. ODGS

06/29/1994 - None RJOF

Inspection Notes:

INITIAL ASSESSMENT FORM FOR STRUCTURE :

L15091000+05001

Continue

\*\*\*\*\* Span : Main-0 (cont.) \*\*\*\*\*

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 334 - Metal Rail Coated										
	1	2	308	m.		85	10	0	5	0
						%	%	%	%	%

Previous Inspection Notes :

09/10/2001 - Single w-beam steel rail shows numerous minor collision impacts. Some locations that rub the truss(s) at several locations. B-1 Lt. & Rt. the end posts have broken off from the anchor locations, causing the rail to bend away from the edge of the bridge. THIS A HAZZARD WAITING FOR AN ACCIDENT. KIKD  
 12/14/1999 - SOME RAIL DAMAGED ON WEST END WHERE 1 POST IS BENT & ONE POST IS CRACKED & ONE POST IS MISSING. MDBF  
 12/25/1997 - VERY LITTLE ACTIVE CORROSION FOUND. ODGS  
 06/29/1994 - None RJCF

Inspection Notes:

Element 357 - Pack Rust Smart Flag

X	1		1	ea.	X	0	100	0	0	
						%	%	%	%	

Previous Inspection Notes :

09/10/2001 - Some rusting throughout. Fairly clean to the touch. Connections show heavier accumulations or powder. KIKD  
 12/14/1999 - None MDBF  
 12/25/1997 - SOME MINOR SWELLING EXISTS THROUGHOUT STRUCTURE. ODGS

Inspection Notes:

Element 360 - Settlement SmFlag

X	1		1	ea.	X	100	0	0		
						%	%	%		

Previous Inspection Notes :

09/10/2001 - Scour (?) at P-6 has caused the footing/column(s) to shift. Alignment has been altered, elevation changes and differences. Not a new condition. No additional problems noted. KIKD  
 12/14/1999 - None MDBF  
 12/25/1997 - PIER 6 HAS SETTLED SIGNIFICANTLY. THIS CONDITION WAS EVIDENT IN THE PICS FROM '84. ADDITIONAL SETTLEMENT SINCE THAN IS MINOR. ODGS

Inspection Notes:

Element 361 - Scour Smart Flag

X	1		1	ea.	X	0	100	0		
						%	%	%		

Previous Inspection Notes :

09/10/2001 - Low flow summer 2001. Scour hole(s) about piers small and insignificant. Some riprap. A serious flood event could change the scour conditions greatly though, as gravel bars are constantly shifting around piers and open channels. KIKD  
 12/14/1999 - None MDBF  
 12/25/1997 - UNDERWATER INSP 10/22/97 INDICATING SCOUR AT PIER 5,6. FLATHEAD CO. PLACED RIPRAP AROUND PIERS. PIERS 4,6 HAVE SHIFTED DUE TO PAST SCOUR EVENTS. STREAMBED HIGHLY SUSCEPTABLE TO SCOUR. ODGS

Inspection Notes:

L15091000+05001  
Continue

\*\*\*\*\* Span : Main-0 (cont.) \*\*\*\*\*

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 362 - Traf Impact SmFlag										
X	1		1	ea.	X	0	100	0		
						%	%	%		
Previous Inspection Notes :										
09/10/2001 - Some minor collision damage scattered throughout. Vertical straps and supports, counters, diagonals, and Portal member(s). Portal opening support, Truss II left, inside channel, lower flange, about chest height. No distresses observed. Flange is bent up and channel web is bowed, with no kinking. "factory" bend along lower web/flange line is warped but not dented. <span style="float:right">KIKD</span>										
12/14/1999 - None <span style="float:right">MDBF</span>										
12/25/1997 - ELEMENT L0-U1 ON TRUSS 2 LT HAS COLLISION DAMAGE JUST ABOVE THE RAIL ON LOWER INSIDE FLANGE. THIS DAMAGE HAS CAUSED DISTORTION IN ELEMENTS L1-U1 AND L2-U1 ON SAME TRUSS. <span style="float:right">ODGS</span>										
Inspection Notes:										

\*\*\*\*\* Span : Appr-1 \*\*\*\*\*

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 32 - Timber Deck/AC Ovly										
	1	2	153	sq.m.	X	0	100	0	0	
						%	%	%	%	
Previous Inspection Notes :										
09/10/2001 - Approach span conditions same as that of main span notes. Approach alignment both ends both have horiz. and vert. curves. NW approach (B-1), merges from two to one lane on sharp horiz, with no good view of possible oncoming traffic, except at night. No obvious "traffic jams" at this time and date, but steady. <span style="float:right">KIKD</span>										
12/14/1999 - BRIDGE DECK CRUSHING HAS PRODUCED LOSS OF STRENGTH WHERE PLANKS ARE EXPOSED THRU CHIP SEAL. <span style="float:right">MDBF</span>										
12/25/1997 - DECK SHOOV AREAS OF DETERIORATION WHERE PLANKS ARE EXPOSED THRU CHIP SEAL. <span style="float:right">ODGS</span>										
Inspection Notes:										

Element 111 - Timber Open Girder										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
	1	2	266	m.		0	100	0	0	
						%	%	%	%	
Previous Inspection Notes :										
09/10/2001 - Approach spans 1,2,3 & 7,8 - all have alternating numbers per span (across truss(s) also), with excetion - span 8 transitions out at B-9 from 9 to 10 wide. Some minor checking. No problems noted - from ground observation. <span style="float:right">KIKD</span>										
12/14/1999 - SOME SPLITTING EXISTS BUT NOT ADVANCED TO AFFECT SERVICEABILITY. <span style="float:right">MDBF</span>										
12/25/1997 - NO PROBLEMS. <span style="float:right">ODGS</span>										
Inspection Notes:										

Element 206 - Timber Column										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
	1	3	25	ea.		0	100	0	0	
						%	%	%	%	
Previous Inspection Notes :										
09/10/2001 - Pile supports at B-1, center is not bearing +/- 15 mm. All others show some minor checking. No problems noted. <span style="float:right">KIKD</span>										
12/14/1999 - SPLITTING, CRACKING EXISTS BUT NONE IS SUFFICIENTLY ADVANCED. <span style="float:right">MDBF</span>										
12/25/1997 - NO PROBLEMS FOUND. <span style="float:right">ODGS</span>										
Inspection Notes:										

L15091000+05001

Continue

\*\*\*\*\* Span : Appr-1 (cont.) \*\*\*\*\*

Element Description										
Smart Flag	Scale Factor	Env	Quantity	Units	Insp Each	Pct Stat 1	Pct Stat 2	Pct Stat 3	Pct Stat 4	Pct Stat 5
Element 216 - Timber Abutment										
	1	3	17	m.		70	30	0	0	
						%	%	%	%	

Previous Inspection Notes :

09/10/2001 - Timber abutment at B-9 shows various stages of deterioration. Serious rot at B-9 rt. Timber cribbing is all but gone at this corner. Not significant change from the last inspection. Backwall timbers also show some deterioration. Minor erosion about corners. KIKD  
 12/14/1999 - BETWEEN ABUT #1 & PIER #2, RAILROAD RAIL WAS ADDED LONGITUDINALLY. MDBF  
 12/25/1997 - ABUT 1 HAS STEEL BACKWALL. ABUT 2 IS CRIBBED WITH SIGNIFICANT DETERIORATION, ESPECIALLY IN BACKWALL AREAS. ODGS

Inspection Notes:

Element 217 - Other Mtl Abutment

	1	2	16	m.		100	0	0	0	
						%	%	%	%	

Previous Inspection Notes :

09/10/2001 - It's this inspectors opinion that B-1 is a steel backwall wingwall section. Some erosion (foot traffic) about corners. Edges of decking exposed at top of backwall. Face of rail extends beyond shoulder(s) of asphalt, especially at B-1, B-9 not as obvious. No significant erosion in front of wings. B-2 also has a similar steel section extending full width behind face of pile. Appears to be functioning without significant (erosion). No problems noted. KIKD

Inspection Notes:

Element 235 - Timber Cap

	1	2	27	m.		95	5	0	0	
						%	%	%	%	

Previous Inspection Notes :

09/10/2001 - Timber caps at B-1, 2, 3 & 8, 9. All show some minor checking, no problems noted. KIKD  
 12/14/1999 - PIER #2 HAS SHIMS UNDER & OVER PILE CAP. MDBF  
 12/25/1997 - THE CAP AT PIER 8 HAS SOME CRACKING AND CRUSHING AT LT END. ODGS

Inspection Notes:

Element 334 - Metal Rail Coated

	1	2	59	m.		90	10	0	0	0
						%	%	%	%	%

Previous Inspection Notes :

09/10/2001 - Single w-beam steel rail is not to std.. End posts at B-1 are broken from anchorages, face of rail extends out past edges of structure and approach shoulder (along with the "erosion" at corners of steel wings). HAZZARD All four ends somewhat similar. KIKD  
 12/14/1999 - WEST END SPAN 1 RAIL LEANING ON END POST LEFT SIDE, RIGHT HAND SIDE END POST CRACKED AT BASE. 1 WOOD GUARDRAIL POST MISSING ON WEST END. MDBF  
 12/25/1997 - VERY LITTLE CORROSION FOUND. ODGS

Inspection Notes:



# APPENDIX B: Correspondence Pertinent to the Old Steel Bridge FAS

STATE OF MONTANA DEPARTMENT OF TRANSPORTATION

(hereinafter referred to as State, Department and/or MDT)

RIGHT-OF-WAY AGREEMENT

ROWIFORMS\ACQ\200 (Revised 2-6-2004)

PE PROJECT ID: N/A

Shady Lane (6f Land Exchange)  
DESIGNATION

R/W PROJECT ID: N/A

Flathead  
COUNTY

UNIFORM PROJECT No.: N/A

Parcel	From Station	To Station	Subdivision	Section	Township	Range
N/A	N/A	N/A	US Govt Lot 2	10	28N	21W

Barrett Family Trust

State of Montana  
Department of Fish, Wildlife and Parks  
1420 East Sixth Ave  
Helena, MT 59620-0701

THIS AGREEMENT IS BETWEEN The Montana Department of Transportation (MDT) AND The Montana Department of Fish, Wildlife and Parks (FWP). Barrett Family Trust is the record owner of a 5.474 acre tract of land that MDT is assisting FWP to purchase.

- In consideration of the payments herein set forth and the specific agreements to be performed by the parties hereto and written in this agreement, the parties bind themselves to the terms and conditions stated herein. No verbal representations or agreements shall be binding upon either party. This agreement is effective upon execution by MDT's Acquisition Manager or a designated representative, and FWP's designated representative.
- COMPENSATION FOR LAND (List acreage to be acquired.)  
5.474 acres by deed in favor of FWP [the Shady Lane 6(f) Property]] \$70,000.00
- OTHER COMPENSATION:  
None
- TOTAL COMPENSATION: \$70,000.00.
- IT IS UNDERSTOOD AND AGREED MDT SHALL MAKE PAYMENT AS FOLLOWS:
- A warrant in the amount of \$70,000.00 to be made payable to Citizen's Title and Escrow Company, c/o Montana Department of Fish, Wildlife and Parks and mailed to Citizen's Title and Escrow Company at P O Box 1310, Kallispell, Montana 59901, Commitment # CT-59888. The warrant will be issued within 30 days of notification by FWP to MDT of an approved "date-down" commitment, approved Settlement Statement, Escrow Instructions, and closing date established between the Barrett Family Trust and FWP. Copies of each of these documents will be provided to MDT upon request.
- It is mutually understood and agreed that MDT's financial involvement in FWP's acquisition of the Shady Lane Property is for the following three purposes: (a) as future 6(f) replacement property mitigation for land needed for the proposed MDT project at Flathead River Bridge BR9015(44) CN4229 after that project is authorized for acquisition; (b) for establishing a 6(f) property bank as replacement property mitigation measures for as yet unidentified future impacts MDT highway projects may have on other 6(f) properties held by FWP; and (c) to finalize outstanding 6(f) mitigation required for projects STPP84-4(7)22 (Four Corners West - Supplemental Parcel 44-FWP Site Shed's Bridge) in the amount of \$1,710.00 and BR9022(24) Jefferson Overflow W. Cardwell (FWP Site Mayflower Bridge) in the amount of \$2,375. This property bank is not intended to mitigate impacts to improvements or damages on FWP 6(f) properties, but rather mitigate impacts to only land needed for future additional rights of way.
- It will be the responsibility of FWP's Land & Water Conservation Fund Coordinator (LWCF) and Recreation Bureau Chief to determine whether the Shady Lane 6(f) property bank may qualify to be used to offset the required replacement property needed on all future highway projects that involve MDT's acquisition of 6(f) property held by FWP.
- When a particular 6(f) property held by FWP is needed by MDT for highway purposes and it is determined that the Shady Lane property qualifies as replacement property for that particular right-of-way acquisition, the Shady Lane 6(f) property bank will be reduced by the appraised amount of the acquisition need by MDT and FWP will grant MDT the necessary right-of-way across that particular property, subject to approval by the FWP Commission and the rules and regulations of the National Park Service and U.S. Department of Transportation.
- It is mutually understood and agreed that both parties will establish and maintain a ledger for the Shady Lane 6(f) property bank.



R/W Project ID: N/A  
Shady Lane (6f Land Exchange)

Parcel No.: N/A

(Continued from Previous Page)


- 11. It is further understood and agreed that the beginning dollar amount in the bank will be \$ 65,915.00. This amount reflects \$70,000.00 less \$4,085.00 which is still owed to FWP by MDT for prior 6(f) property acquisitions in a previous banking agreement and as outlined in paragraph 7 above.

Approved for and on behalf of MDT:

  
 Acquisition Manager

15 Sept 04  
(Date)

Approved for and on behalf of FWP:

  
 Title: Director, FWP

9/19/04  
(Date)



# Montana Fish, Wildlife & Parks

490 N. Meridian Road  
Kalispell, MT 59901  
(406) 752-5501  
FAX (406) 257-0349  
April 3, 2000  
REF:DV099-00.doc

Brazda  
Foy  
Dave Dreher  
Joe Marshik  
Joe Kolman

MISSOULA 4/5/00  
Terry  
Susan

Loran Frazier  
MDOT District Administrator  
P.O. Box 7039  
Missoula, MT 59807-7039

RECEIVED

APR 06 2000

ENVIRONMENTAL

BR 9013(44)  
Flathead River -  
Kalispell  
CN 4229

Dear Loran:

We read with interest the Daily InterLake article on March 31 regarding the upcoming replacement of the Old Steel Bridge east of Kalispell. We agree the bridge is badly dilapidated and in need of replacement. Obviously, the project has the potential to impact the Fish, Wildlife & Parks fishing accesses on both sides of the river both in terms of facilities and use so we ask that FWP be closely involved in design and construction planning. At the same time we see this as an opportunity for correcting some traffic problems at the site and possibly improving the overall facility.

The Old Steel Bridge site receives year round use with peaks in use in early spring, summer, and October-November. It is also the lowest river access for floaters and is heavily used as a takeout area April through August. We look forward to working with MDOT as this project moves forward.

Sincerely,

Dan Vincent  
Regional Supervisor

/ss

*I also received a call from Marty Watkins & FWP on this.*



Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

David A. Galt, Director  
Judy Martz, Governor

May 22, 2001

Debbie Dils  
Land Section  
MT Department of Fish, Wildlife & Parks  
1400 Eighth Avenue  
Helena, MT 59620




Subject: BR 9015 (44)  
Flathead River - 3 km East of Kalispell  
Control No. 4229

Information is requested from the MDFW&P's Field Division and Parks Division for the environmental documentation on this proposed highway project. Attached is a copy of the Preliminary Field Review Report describing this proposed project, a Project Location Map, preliminary plan sheets, and an aerial map showing three possible alignments for the bridge crossing. The aerial shows a more accurate location of the alignments than the Preliminary Field Review Report. The public indicated at a May 8, 2001 public meeting that they are in support of Option #1 only. MDT understands that FWP's may have some potential mitigation ideas for this project.

Please indicate if the MDFW&P has acquired, or plans to acquire lands that may be affected by this project. Also, indicate whether these lands or any other lands not owned by MDFW&P may have present or planned usage as defined by *Section 4(f)* of the 1966 *Department of Transportation Act (49 U.S.C. 303)*. These include lands that are part of a publicly-owned significant national, state or local park, wildlife refuge, or recreation area. Also, please indicate whether any lands in the project vicinity have been purchased, and/or are administered for recreational purposes under *Section 6(f)* of the *National Land & Water Conservation Fund Act (16 U.S.C. 460)*.

Statements on these matters will result, if necessary, in further interagency coordination to avoid or minimize potential project impacts. If no reply is received within ninety (90) calendar days, we will assume the MDFW&P's Parks Division has no concerns about this proposed project.

If there are any questions, please contact the Environmental Services at (406) 444-7228.

  
Susan Kilcrease  
Terry Yarger, P.E.  
Engineering Bureau Chief  
Environmental Services

JMM:TLY:SMK

Enclosures

cc: ~~Doug Monger~~, Administrator, Parks Division, FWP, with attachments  
David Landstrom, Park Operation Supervisor, Kalispell, FWP, with attachments  
Susan Kilcrease, Environmental Services  
file



*Montana Fish,  
Wildlife & Parks*

Region One  
490 N. Meridian Rd.  
Kalispell, MT 59901-3854  
(406) 751-4566  
FAX: 406-257-0349  
REF:DV199-01  
August 15, 2001

Flathead County Commissioners  
Flathead County Courthouse  
Kalispell, MT 59901

Dear Commissioners:

Thank you for giving Fish, Wildlife & Parks (FWP) the opportunity to share our perspective on a proposal to save the Old Steel Bridge. This historic bridge truly represents a unique time in the history of the Flathead Valley, and FWP appreciates the interest in seeking alternatives to the removal of the bridge. Being familiar with the very successful pedestrian bridge projects in Great Falls and Ft. Benton, I appreciate the desire to maintain the historical character of this area.

It seems, however, that opportunity sometimes creates its own set of problems. It is important to point out some of the advantages and disadvantages for the relocation of the bridge on or near this site from FWP's perspective. On the east side of the river, FWP owns the land on the southern (downstream) side of the existing bridge. On the west side of the river FWP owns the land on both sides of the existing bridge. Any new bridge alignment will alter the public's ability to use the 128 acres that is dedicated as a fishing access site. The department is currently in negotiations to purchase a small gravel pit behind the roller rink on Shady Lane for reclamation, and ultimately, for use as a children's fishing pond. The reclamation for the proposed children's fishing pond would incorporate land adjacent to the pond on the northwest side. Old Steel Bridge FAS also contains important black cottonwood habitat that is becoming increasingly rare in the valley. All of the land was purchased using Federal Land and Water Conservation Funds and Dingel-Johnson Funds. Both of these funds require mitigation for any changes in road alignment or other impacts to the site caused by the bridge reconstruction or relocation.

Comments regarding the various alternatives are presented below. It is important to note that our comments here do not reflect impacts to the neighbors, but only how the alignment alternatives would affect the public site managed by FWP.

Alternative One: Moving the bridge downstream: This would positively impact the publicly owned land in ways listed below.

- a. Site Control: As you are aware, the Old Steel Bridge receives a lot of nocturnal activities (parties, drug use, etc.) that have been a habitual problem for FWP and the county sheriff. A downriver bridge location could provide for more controlled access to the Fishing Access Site, and hence more site control.
- b. This alignment would remove the existing bridge pilings that are causing gravel deposition, impacting the usability of the existing boat ramp; therefore, this alignment could improve river access.
- c. Mitigation would be minimal.
- d. While Mr. Hammerquist and FWP share a long-term vision of the possibilities for the Old Steel Bridge area, the development and activities that have been proposed would require an onsite attendant and increased funding from FWP for maintenance and personnel. Day use fees to cover the increased costs, and a change in designation from a Fishing Access Site to a State Park may be necessary to accomplish those goals.

Alternative Two: Moving the bridge upstream: This alternative is problematic for the following reasons:

- a. This alignment would divide the public property in half, making management more difficult.
- b. This alignment could create safety issues with the road being adjacent to the proposed new children's fishing pond. In fact, the proposed road alignment will cross what will become part of the children's pond.
- c. The road would cut through black cottonwood habitat, severely impacting its wildlife and wetland values.
- d. With road realignment, mitigation costs will be extensive, due to impacts on recreation, wetland, and wildlife values, increasing the cost of the road project.

Alternative Three: Refurbish the existing one-lane bridge:

- a. The design of the current bridge has some impacts on river hydraulics with gravel deposition upstream, the formation of gravel

August 15, 2001

Page 3 of 3

- bars, and lateral bank erosion. This alternative would continue to have impacts to the existing boat ramp due to gravel deposition
- b. This alternative would be least costly for mitigation.

Alternative Four: Replace the existing bridge at the same location: FWP have been working with MDT regarding this alternative, as this was the preferred alternative coming out of the scoping meetings.

- a. This alternative would have some impacts due to realignment of the road needed on the west side of the river, however, they are not as great as in Alternative Two.
- b. While there may still be impacts associated with the pilings in the river, hopefully, piling design would reduce the impacts that are felt from the current structure.
- c. This alternative would not impact the proposed children's fishing pond.

Thank you for allowing us to have input into this process. We understand the County's concern about having a safe transportation system that will handle the future traffic in the area. We are cognizant of the neighbors desire not to have this road routed closer to their homes. We also appreciate the concern for saving the Old Steel Bridge. Fish, Wildlife & Parks neither has the funding nor the expertise to take ownership of the Old Steel Bridge, but would be glad to work with the County or non-profit group that wanted to take on this responsibility.

We appreciate that your decision will not be an easy one, and look forward to working with you on whatever alternative is finally adopted.

Sincerely,



Dan Vincent  
Regional Supervisor

c: Marty Watkins  
Doug Monger  
Larry Brazda  
Will Hammerquist

RECEIVED

AUG 20 2001

ENVIRONMENTAL



cc:  
Preconstruction  
Rlw  
Missoula District  
Kalispell

1420 East Sixth Avenue  
P.O. Box 200701  
Helena, MT 59620-0701  
August 17, 2001

Terry Yarger  
Engineering Bureau Chief  
Environmental Services  
Montana Department of Transportation  
2701 Prospect Ave.  
Box 201001  
Helena, MT 59620-1001

RE: BR 9015 (44); Flathead River-3km East of Kalispell; Control No. 4229

Dear Mr. Yarger:

Thank you for your letter of May 22, 2001, announcing the above-referenced highway project. This project will impact the Old Steel Bridge Fishing Access Site, a state-owned resource developed with grants from the Land & Water Conservation Fund. As such, this area is encumbered in perpetuity for use as an outdoor recreation site.

We look forward to working with you to identify the best alternative in bridge alignments to avoid or minimize potential project impacts and protect important Department resources; and in crafting a successful mitigation plan that will satisfy Section 6(f) of the Land & Water Conservation Act of 1965.

Please feel free to contact our office (406-444-3753) for further interagency coordination.

Thank you.

Walter W. Timmerman  
Resource Program Manager

C: Doug Monger, Administrator, Parks Division, FWP  
Chas Van Genderen, Chief, Operations & Management Bureau, FWP  
Deb Dils, Supervisor, Lands Section, FWP  
Allan Kuser, Fishing Access Site Coordinator, FWP

RECEIVED

AUG 20 2001  
ENVIRONMENTAL



Montana Fish,  
Wildlife & Parks

MAILED FILE  
COPY

Region One  
490 N. Meridian Road  
Kalispell, MT 59901  
(406) 752-5501  
FAX: (406) 257-0349  
Ref:mw023-01  
August 17, 2001

Joe Kolman  
Carl Perl  
Mark Goodman  
Loran Frazier  
Gordon Stacksstad/Pat  
Larry Brazda  
Jon Axline  
Bill Squires  
Dave Dreher/John R.

Terry Yarger, P.E.  
Engineering Bureau Chief  
Environmental Services  
Montana Department of Transportation  
Box 201001  
Helena, MT 59620-1001

Attention: Susan Kilcrease

Flathead River - 3 km S of Kalispell

BR 9015 (44)  
CN 4229

Dear Ms. Kilcrease:

Personnel from Region One of Montana Fish, Wildlife and Parks (FWP) have completed a preliminary assessment of the Old Steel Bridge replacement project on the Flathead River near Kalispell. This project will heavily impact Old Steel Bridge fishing access site. FWP will need to work closely with MDT to mitigate the impacts, as required by Section 4f of the 1966 Department of Transportation Act, and for mitigation due to the conversion of land use as covered by Section 6f of the Land and Water Conservation Fund act of 1965.

Of the options presented at the scoping meeting, FWP generally favors replacement option No. 1. It appears this option offers the most logical realignment of Old Steel Bridge. This option will, however, alter the use patterns of the public access. Under this option, it will be necessary to reconstruct a parking facility and access road to the north and west of the current parking, and possibly install a new boat ramp. While mitigation will be required, it would be less costly than the other two alignment options given at the scoping meeting. Any of the three options given will significantly impact the site and effectively divide the area in half. We are also concerned with the hydrology of the river in that area, particularly as related to gravel deposition, and suggest MDT hire a hydrologist to model the effects of the options given and other proposals offered, as they affect river channels, flows, and depositions.




Terry Yarger  
Attn: Susan Kilcrease  
Page 2  
August 17, 2001

As you are aware, community members have advanced several other alternatives in an effort to save the Old Steel Bridge. I have attached a letter that was sent to the Flathead County Commissioners regarding the pros and cons of those alternatives.

We look forward to working with you on this project and know we can have a successful project for MDOT, FWP, and the public.

Sincerely,



Marty Watkins  
Regional Park Manager

/ni

Enclosure

c: Deb Dils  
Chas VanGenderen  
Doug Monger  
Walt Timmerman

ORIGINAL COPY

## MEMORANDUM OF AGREEMENT

This agreement made and entered into by and among **THE BARRETT FAMILY TRUST, Jack F. Barrett and Shirley M. Barrett, Trustees, as to an undivided ½ interest, THE BARRETT FAMILY TRUST, Jack F. Barrett, Trustee and Shirley M. Barrett, Trustee, as to an undivided ½ interest**, whose address is Meadow Manor, 1045 Conrad Drive, Kalispell, Montana 59901 (Landowner), the **MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS**, an agency of the State of Montana, whose main address is P. O. Box 200701, Helena, Montana 59620-0701 (FWP), and the **MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**, whose main address is P.O. 200901, Helena, Montana 59620-0901 (DEQ).

### RECITALS

1. FWP has been designated the State's outdoor recreation agency and it desires to work closely with the State's landowners to provide quality recreational and sporting opportunities and believes it is desirable to acquire private lands for fishing access areas to be used by the public.
2. Landowner holds title to land referred to as the Shady Lane property located in:

**Township 28 North, Range 21 West, M.P.M.**

Section 10: A tract of land in Government Lot 3 and more specifically identified on Exhibit A attached hereto and by this reference made a part of. The land survey will be recorded at the Clerk and Recorder's office in Flathead County, Montana upon completion and approval of FWP and DEQ and prior to transfer of the property from the Barrett's to FWP.

3. Landowner caused the property to be mined for gravel without first obtaining a permit required under the Opencut Act administered by DEQ. DEQ is authorized to bring an enforcement action against the Landowner for this violation. The Opencut Act also requires reclamation of the gravel pit.
4. FWP has developed a Restoration Plan and Plan of Operation that will outline the reclamation requirements needed to modify the gravel pit and make it an urban fishing pond for kids.
5. DEQ has reviewed the Restoration Plan and Plan of Operation and has agreed that both plans will meet or exceed the reclamation requirements of the Opencut Act.
6. The public has expressed interest in FWP providing urban fishing opportunities for kids.

Therefore, in consideration of the mutual covenants, promises, terms, conditions, and provisions contained herein, the parties agree to the following:

#### **I. The Landowner agrees:**

- a) The Landowner agrees to sell to FWP that certain real property described in Paragraph 2 of Recitals along with an Administrative Access Easement across Tract 1 of the attached preliminary draft of the land survey referenced in Paragraph 2 above. Said easement shall be across an existing public parking lot, shall not be exclusive to FWP, and shall permit FWP access to Tract 2 through an existing gate on the easterly boundary line of Tract 1. Said easement shall be for administrative uses such as maintenance of and

COPY  
ORIGINAL

emergency access to Tract 2 by FWP, its' employees and agents only, and shall not be for public access to Tract 2.

- b) The Landowner agrees to record the boundary adjustment survey at the Clerk and Recorder's office in Flathead County, Montana, upon completion and approval of FWP and DEQ and prior to transfer of the property from the Barrett's to FWP.
- c) The Landowner agrees to convey clear and merchantable title by Warranty Deed subject to no exceptions other than those agreed to by FWP prior to closing. The deed will be prepared by FWP.
- d) The Landowner agrees to reclaim and develop the property to meet the specifications and requirements outlined in "Exhibit A, Restoration Plan and Plan of Operation" attached hereto and by this reference made a part hereof. All reclamation must be completed on or before December 31, 2003.
- e) In the event the Landowner does not comply with the Restoration Plan and reclamation does not meet FWP and DEQ requirements set forth in this Memorandum and Exhibit B attached hereto, the Landowner will pay FWP reasonable damages incurred to FWP land and property.
- f) The Landowner agrees to furnish at it's own expense, at the time of closing, title insurance in the amount of the purchase price showing free, clear, merchantable, and unencumbered title to the property, subject only to those exceptions provided for in this Agreement. The Landowner further agrees to transfer and convey all mineral rights owned by the Landowner including oil, gas, coal, sand, gravel, and any other minerals on, in or under the property. In the event the Landowner is unable to deliver title as herein provided for, FWP shall have the option of requiring the Landowner to clear any exception to the title not herein provided for or of rescinding the sale, in which case, any monies paid by FWP hereunder shall be refunded and both parties relieved of all obligations hereunder, or of accepting title subject to the existing condition or conditions
- g) The Landowner will execute the deed conveying the property and will transfer possession of the land herein described at the time of closing or as otherwise provided for in this Agreement.
- h) The Landowner agrees not to do any act during the period of this Agreement or until final closing hereof, which will diminish or encumber the title to the property or otherwise commit waste to the property. The Landowner further agrees to permit officers, employees, and/or agents of FWP and DEQ to enter upon the property as deemed reasonably necessary for purposes of inspection or survey or to conduct an environmental audit of the property.
- i) Hazardous Substances: The Landowner represents and warrants to FWP, with respect to the real property to be conveyed by the Landowner, there are no underground storage tanks on the property and there is no evidence on the property of any asbestos, PCB's, or environmental contamination by any hazardous or toxic materials, as defined by federal or state law or any governmental agency. The Landowner represents and warrants to FWP that to the best of their knowledge, there are no actions, investigations, administrative proceedings, or orders pending against them under any environmental or health law and they have not received any notice of any such action or any future or

potential action, except the action against the Landowner by DEQ described in paragraph 3 of RECITALS. The Landowner represents and warrants to FWP that to the best of their knowledge the property and its existing and prior uses and activities thereon have at all times been in substantial compliance with all applicable laws, rules, ordinances, codes, licenses, permits, orders or similar items of all government entities relating to human health or the environment, except the action against the Landowner by DEQ described in paragraph 3 of RECITALS. The Landowner agrees to indemnify and hold harmless and defend the FWP from any and all costs, expenses, liability, loss, damage or injury from any underground storage tanks or contamination found to have existed on the property at the time of the other party's acquisition of the property. This paragraph shall survive the closing, and shall continue in full force and effect following the execution and delivery of deeds.

**II. FWP agrees:**

- a) FWP agrees to consult with DEQ as necessary to insure proper implementation of the Restoration Plan.
- b) FWP agrees to accept the property described in paragraph 2 of "RECITALS" upon completion of the reclamation and development as specified in "Exhibit A, Restoration Plan" and Plan of Operation. Accepting title to the property is subject to the approval of the Montana Fish, Wildlife and Parks Commission, and the approval of the State Land Board. Prior to seeking these approvals FWP must prepare an Environmental Assessment of the proposed action under the Montana Environmental Policy Act (MEPA).
- c) The total purchase price for the aforementioned property shall be \$70,000, payable to the Landowner in one lump sum at the time of closing and delivery of deed.
- d) FWP agrees to pay the cost of the land survey referenced in paragraph 2 of the Recitals to this Memorandum of Agreement.

**III. DEQ agrees:**

- a) DEQ agrees to assist FWP to insure proper implementation of the Restoration Plan.
- b) DEQ agrees to inspect the reclaimed gravel pit to determine whether the reclamation complies with the requirements of the Opencut Act.
- c) DEQ agrees to release Landowner of liability under the Opencut Act upon its determination that the reclaimed gravel pit complies with the requirements of the Opencut Act.

**IV. The parties agree:**

- a) Closing: The Landowner, DEQ and FWP agree that the closing shall take place only after the reclamation and development is complete and is acceptable to DEQ and FWP. The time and place of closing are to be agreed upon between the parties hereto.
- b) Default: If any party defaults (that is, fails to perform the acts required of it) in its contractual performance herein, the non-defaulting parties shall be entitled to exercise all

rights and remedies available to it at law or equity, including but not limited to specific performance pursuant to the terms of this Agreement, damages or rescission.

- c) Modifications: The parties agree that this Agreement constitutes the entire Agreement between the parties and that no statements, promises or inducements made by either party that are not contained in this Agreement will be valid or binding. It is further agreed that no modification or alteration of this Agreement will be upheld as valid unless evidenced in writing and signed by all parties.
- d) Venue and Applicable Law: Venue for any court action arising under this agreement will be in the First Judicial District for the County of Lewis and Clark, Montana and this Agreement will be interpreted according to the laws of the State of Montana.

This Agreement and all of the terms herein shall be binding upon, adhere to the benefit of, and be enforceable by the heirs, executors, administrators, personal representatives, successors and assigns of the parties. Each party agrees that this Agreement constitutes the entire agreement.

IN WITNESS WHEREOF, the parties have subscribed their names this <sup>th</sup> 8 day of April 2003.

LANDOWNER

MONTANA FISH WILDLIFE & PARKS

By: Jack F. Barrett  
THE BARRETT FAMILY TRUST,  
Jack F. Barrett, Trustee

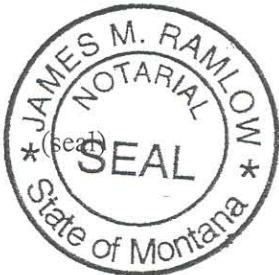
By: M. Jeff Hagener  
M. Jeff Hagener, Director

By: Shirley M. Barrett  
THE BARRETT FAMILY TRUST,  
Shirley M. Barrett, Trustee

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
By: Neil Harrington  
Neil Harrington, Chief  
Industrial and Energy Minerals Bureau

STATE OF MONTANA )  
Flshead ) SS  
County of Lewis and Clark )

This instrument was acknowledged before me on this 7<sup>th</sup> day of March, 2003 by THE BARRETT FAMILY TRUST, Jack F. Barrett and Shirley M. Barrett, Trustees, as to an undivided 1/2 interest, THE BARRETT FAMILY TRUST, Jack F. Barrett, Trustee and Shirley M. Barrett, Trustee, as to an undivided 1/2 interest



James M. Ramlow  
Notary Public for the State of Montana  
Residing at Whitfish





**PLAN OF OPERATION**  
**Including The**  
**Restoration Plan for Shady Lane Fish Pond**

Shady Lane Site  
SW¼, SW¼, SECTION 3, T28N, R21W  
NW¼, NW¼, SECTION 10, T28N, R21W  
FLATHEAD COUNTY  
11/13/2002(Final)

**COPY**  
**ORIGINAL**

This form offers a simplified way to write a complete plan. The bold text constitutes the binding parts of the plan. The parenthetic information contains important or additional instructions, recommendations, definitions, explanations, and requirements.

When using this form: 1) cross out any nonapplicable bold text, 2) give a complete response to the information requested, 3) provide necessary additional information, 4) do not repeat statements made in the bold text, and 4) put "N/A" if no response or additional information is needed.

In the following text: 1) main contract area means the primary disturbance area where mineral mining, processing, and stockpiling will occur, 2) mine-related road means any existing or new non-public road segment, between the nearest public road and the main contract area, that will be improved (graded, widened, or surfaced) for mine-related use, and 3) contract area means the total permit area including the main contract area and mine-related roads.

Supplemental information can be found in the Plan Of Operation Guidelines and other Operator Packet materials. Please contact the Department if you need additional information or assistance.

**SECTION I - PRE-MINE CONDITIONS**

**1 - LOCATION AND TOPOGRAPHY.** Describe how to access the main contract area and what the terrain in and around it looks like:

*The existing pit is located in bottomland west of the Flathead River upstream of its confluence with the Stillwater River. The Elevation is approximately 2900 feet above sea level. Materials are river deposited sands and gravel overlain by a layer of topsoil and sandy overburden. The sandy soils on site are classified as Chamokane, a coarse loamy sandy soil. The site is located adjacent to the Fish Wildlife and Parks Old Steel Bridge Fishing Access Site about 2.5 miles east north east of downtown Kalispell*

**2 - PRESENT LAND USE AND PAST MINING DISTURBANCE.** Describe the present land use and any past mining disturbance in and within 1,000' of the main contract area:

*The land to the North is FWP's Old Steel Bridge Recreational Site and is forested. The land to the East butts up against the FWP's developed Kiwanis Lane recreational site and is brushy with some trees. The land to the South is pasture. The land to the West is the Shady Lane Roller Skating Rink. The main part of the pit has been dug and is not in use at this time.*

**3 - WATER WELLS.** Give the location, water level, total depth, and use of any water well in and within 1,000' of the main contract area (list or attach information from wells, well logs, the Montana Bureau of Mines and Geology at 406 496-4336, or landowners):

*Please see attached report from the GWIC databases at the Montana Bureau of Mines and Geology.*

**4 - WATER TABLE.** Give the estimated seasonal high and low water table depths for the area to be mined, and the maximum depth of mining (list or attach information from wells, well logs, the Montana Bureau of Mines and Geology at 406 496-4336, adjacent surface water features, or landowners):

*The water level of the existing pit varies with the level of the adjacent river. Referring to the attached site plan it is estimated that the water varies from 2902' to 2905'. The adjacent land surface is about 2910' to 2912'.*

**EXHIBIT B**



**5 - SURFACE WATER. Give the location, description, and use of any surface water feature in and within 1,000' of the main contract area:**

*The Flathead River is located about 600 ft. East of the East End of the pit. A normally dry high water channel is located about 80 ft. from the East End of the pit at its closest approach.*

**6 - SOIL MATERIAL. Provide field data for, and general descriptions of, the soil and overburden types and thicknesses in the area to be mined (gather field data from test holes and pits and existing holes and cuts; a general description might read A road cut, badger hole, and three test pits showed an average of 9" of loamy soil over an average of 16" of gravelly-clayey overburden in the proposed pit area; soil survey information from the Natural Resources Conservation Service may be used to supplement, but not replace, field data):**

*At the West End the topsoil on FWP property averages 6 inches of dark silty sandy loam. The area is forested and very brushy. From what we could see the silty loam subsoil extended at least to low water (2902ft.) and probably below that. The FWP property north of the East End of the pit has only a relatively thin layer of topsoil/subsoil over cobbly gravel. For the most part is covered with trees and brush. In some spots the soil and vegetation is missing and cobbly gravel is exposed. To the south is private property. It is pasture and from surface observation appears as thick or thicker than soil to the north. To the west the site has been commercially developed and not much soil is left.*

**7 - VEGETATION. Describe the dominant vegetation within the main contract area (soil surveys and landowners are good information sources; list the dominant grasses and other plants or put rangeland, pasture, hayland, farmland, forest, or another appropriate description):**

*The areas near the site to the south have pasture grasses. To the north and East the adjacent areas are forested with cottonwood, spruce pine and birch. The understory has dogwood and willow.*

**8 - WILDLIFE. Describe any significant seasonal or year-round use by wildlife in and within 1,000' of the main contract area (the Department of Fish, Wildlife, and Parks and landowners are good information sources):**

*White-tailed deer, wild turkeys, coyotes, foxes, hawks, owls, osprey, song and game birds as well as other wildlife frequent the area. Beaver, muskrats, river otter, mink, and raccoons also inhabit the Flathead River as well as nearby ponds and sloughs. Muskrats could inhabit the gravel pit. Bald eagles forage along the Flathead River and associated backwater sloughs.*

**9 - ADDITIONAL INFORMATION. Describe any characteristics or circumstances unique to the site:**

*Annual rainfall is 16 to 18 inches and there are 100 frost-free growing days per year.*

## **SECTION II - MINING AND RECLAMATION PLAN**

**1 - POSTMINING LAND USE. State the postmining land use of the main contract area:**

*The site will be reclaimed to be a public fishing pond.*

**2 - SOIL MATERIAL HANDLING. Operator will:**

**a. strip up to 6" of soil, if available, from facility level areas (facility level areas include mineral stockpile, processing facility, and staging areas, and mine-related roads);**

**b. strip soil and overburden from, and at least 10' ahead of, mine level areas (mine level areas include areas to be mined, excavated, graded, or used as permanent disposal sites; if available, salvage enough soil material to provide a minimum 18" reclaimed soil material thickness on dryland range, pasture, and hayland mine level reclamation, and a minimum 36" reclaimed soil material thickness on farmland and irrigated site mine level reclamation; overburden needed off site is excluded from salvage and replacement requirements);**

**c. handle soil and overburden separately and haul these materials to areas prepared for resoiling or separately stockpile them where they will not be disturbed, contaminated, or lost to erosion;**

**d. shape and seed, at the first appropriate opportunity and to the permanent mix, any soil or overburden stockpile where the majority portion will remain undisturbed for more than 1 year; and**

**e. in the case of alternate reclamation, retain all soil on site and in an accessible location until the alternate**

**5 - SURFACE WATER.** Give the location, description, and use of any surface water feature in and within 1,000' of the main contract area:

*The Flathead River is located about 600 ft. East of the East End of the pit. A normally dry high water channel is located about 80 ft. from the East End of the pit at its closest approach.*

**6 - SOIL MATERIAL.** Provide field data for, and general descriptions of, the soil and overburden types and thicknesses in the area to be mined (gather field data from test holes and pits and existing holes and cuts; a general description might read A road cut, badger hole, and three test pits showed an average of 9" of loamy soil over an average of 16" of gravelly-clayey overburden in the proposed pit area; soil survey information from the Natural Resources Conservation Service may be used to supplement, but not replace, field data):

*At the West End the topsoil on FWP property averages 6 inches of dark silty sandy loam. The area is forested and very brushy. From what we could see the silty loam subsoil extended at least to low water (2902ft.) and probably below that. The FWP property north of the East End of the pit has only a relatively thin layer of topsoil/subsoil over cobbly gravel. For the most part is covered with trees and brush. In some spots the soil and vegetation is missing and cobbly gravel is exposed. To the south is private property. It is pasture and from surface observation appears as thick or thicker than soil to the north. To the west the site has been commercially developed and not much soil is left.*

**7 - VEGETATION.** Describe the dominant vegetation within the main contract area (soil surveys and landowners are good information sources; list the dominant grasses and other plants or put rangeland, pasture, hayland, farmland, forest, or another appropriate description):

*The areas near the site to the south have pasture grasses. To the north and East the adjacent areas are forested with cottonwood, spruce pine and birch. The understory has dogwood and willow.*

**8 - WILDLIFE.** Describe any significant seasonal or year-round use by wildlife in and within 1,000' of the main contract area (the Department of Fish, Wildlife, and Parks and landowners are good information sources):

*White-tailed deer, wild turkeys, coyotes, foxes, hawks, owls, osprey, song and game birds as well as other wildlife frequent the area. Beaver, muskrats, river otter, mink, and raccoons also inhabit the Flathead River as well as nearby ponds and sloughs. Muskrats could inhabit the gravel pit. Bald eagles forage along the Flathead River and associated backwater sloughs.*

**9 - ADDITIONAL INFORMATION.** Describe any characteristics or circumstances unique to the site:

*Annual rainfall is 16 to 18 inches and there are 100 frost-free growing days per year.*

## **SECTION II - MINING AND RECLAMATION PLAN**

**1 - POSTMINING LAND USE.** State the postmining land use of the main contract area:

*The site will be reclaimed to be a public fishing pond.*

**2 - SOIL MATERIAL HANDLING.** Operator will:

**a. strip up to 6" of soil, if available, from facility level areas** (facility level areas include mineral stockpile, processing facility, and staging areas, and mine-related roads);

**b. strip soil and overburden from, and at least 10' ahead of, mine level areas** (mine level areas include areas to be mined, excavated, graded, or used as permanent disposal sites; if available, salvage enough soil material to provide a minimum 18" reclaimed soil material thickness on dryland range, pasture, and hayland mine level reclamation, and a minimum 36" reclaimed soil material thickness on farmland and irrigated site mine level reclamation; overburden needed off site is excluded from salvage and replacement requirements);

**c. handle soil and overburden separately and haul these materials to areas prepared for resoiling or separately stockpile them where they will not be disturbed, contaminated, or lost to erosion;**

**d. shape and seed, at the first appropriate opportunity and to the permanent mix, any soil or overburden stockpile where the majority portion will remain undisturbed for more than 1 year; and**

**e. in the case of alternate reclamation, retain all soil on site and in an accessible location until the alternate**

reclamation land use is assured (alternate reclamation includes industrial, commercial, or residential postmining land uses).

**Describe the: 1) methods and depths of soil and overburden salvage on mine level areas, and 2) use of soil material stockpiles as sight and sound barriers** (if the method (equipment) to be used is unknown, state that Available equipment will be used to...; correspond soil and overburden salvage depths with the replacement depths given in II(10)(b); consider using sight and sound barriers where mining activities will be within 1,000' of a residential, public use, or sensitive area such as a livestock compound or wildlife habitat):

1. *Since the pit is already in place all construction activities will be related to the rehabilitation of the pit into a fishing pond. Most materials for rehabilitation of the pit shall come from the adjacent FWP property and a recently purchased 20' strip of land to the south of the existing property. If feasible, topsoil shall be salvaged from these areas after clearing. However due to the dense vegetation on the FWP borrow areas it is anticipated that the quantity of salvaged topsoil from the FWP property will be small.*
2. *Order of construction shall be left to the pit owner. The owner shall be required to keep topsoil, soil and gravel materials separate and to lie each down in a separate operation.*
3. *Since the edge of the proposed pond is so close to the south property line it will be impossible to provide berms on the south for sound barriers. A majority of the work will take place to the north of the pit away from residential property and in a highly vegetated area. Some noise will be inevitable but reconstruction is not anticipated to be a long-term project. The owner shall be restricted to running equipment and heavy vehicles during normal working hours (7:00 am to 7:00pm). Construction sound is not expected to have any long-term impacts on wildlife.*

**3 - ROAD CONSTRUCTION.** The Owner can access the reconstruction work directly from the Owner's adjacent commercial site. Haul roads shall be located in the area to be reclaimed. Owner will locate, construct, and maintain roads in a manner that minimizes and controls erosion.

**Describe: 1) the location, length, width, drainage way crossings, and surfacing of all mine-related roads, and 2) any mine-related roads, or portions thereof, to remain open per landowner request after the operation is completed, their intended use, and the condition in which they will be left** (consult with the landowner about the location, construction, and postmining status of all mine-related roads; these roads must be reclaimed unless the landowner requests on the Landowner Consent For Reclamation form, or in a letter sent to the Department, that certain mine-related roads remain open for a reasonable use; mine-related roads to remain open must be left in a condition suitable for the intended use; provide any downsizing details; a 12'-wide, single-lane road is sufficient for most post-reclamation purposes):

*The Owner is expected to access the project directly from the Owners adjacent commercial property. The owner is expected to haul material over the slopes being reclaimed. No formal roads are expected to be built. The areas the owner traverses with equipment shall be reclaimed as part of the pit reclamation. If the contractor desires, an equipment access road may be built from the parking area near the Old Steel Bridge. After the project is complete the road shall be smoothed, the slopes covered with soil and seeded and left for later FWP maintenance use, Water or other dust controls will be used on the haul road when conditions dictate.*

**4 - WATER MANAGEMENT.** Describe: 1) the source, quantity, use, and discharge of any surface water or groundwater to be used for the mining operation, and 2) any sediment control structure, water treatment system, drainage structure, or other water control system to be used (provide a water management plan, including properly designed water management structures and systems, when a pit will intercept drainage ways, significant runoff, or groundwater; include diagrams, cross-sections, or maps as needed to provide adequate detail; commit to notifying the Department before a water management structure is covered or inundated so that proper construction can be verified):

*Reclamation will not involve any de-watering. Any water removed from the existing pit along with gravel and soils during dredging operations will drain back to the pit. Water used for dust control could consume 10,000 to 20,000 gallons per day and would be pumped from the pond. A water right will be acquired from the DNRC for that use.*

**5 - WATER PROTECTION.** Operator will:

a. take appropriate measures to protect surface water and groundwater from deterioration of quality and quantity that could be caused by mining and reclamation activities (evaluate potential on- and off-site effects; surface water or groundwater monitoring may be needed; potential effects on water rights should be evaluated);

b. inspect and maintain all fuel storage tanks parked or set on site to prevent spillage, immediately retrieve and

properly discard any spilled fuel or contaminated materials, and report any spill that reaches state waters or that is greater than 25 gallons to the Department (state waters include surface water, ditch water with return, and groundwater; for water quality protection purposes, an operator should consider, and the Department may require, the construction and maintenance of a fuel storage containment structure if a fuel storage tank will be placed in close proximity to state waters); and

c. keep all equipment, facilities, and disturbances at least 50' from the typical high water marks of drainage ways, except at approved crossings.

**Describe:** 1) any measures to prevent, mitigate, or monitor any effects that the operation may have on surface water and groundwater quantity, quality, systems, and structures, 2) any on-site fuel storage, and 3) any fuel storage containment structure to be built:

1. *The owner shall prepare a storm water runoff plan for the project and receive a permit from DEQ before operations may start. Copies of the approved plan and permit shall be supplied to DEQ and FWP before operations begin.*
2. *The reclamation is not expected to affect ground water.*
3. *All fuel, oil and waste will be kept out of the pit area.*
4. *If it becomes necessary to store fuel on the permit area, the operator will prepare a fuel storage and spill containment contingency plan approved by DEQ.*

**6 - DUST MANAGEMENT.** Describe any dust control measures to be used during site preparation, stripping, mining, processing, hauling, and reclamation (consider using dust control measures when the main contract area or an unpaved, mine-related road is within 1,000' of a residential, public use, or sensitive area such as a livestock compound, wildlife habitat, cropland, or surface water; consider using measures such as containment through equipment design, suppression by spraying water or a water-chemical mixture, and collection and filtering):

*The reclamation area and internal roads will be watered by truck if needed to control dust from the area.*

**7 - MINERAL STOCKPILES.** Operator will:

a. consolidate excess minerals into stockpiles of similar grade and type and leave them in a common, accessible location, preferably near a site access point;

b. grade and shape fines stockpiles to a natural appearance with slopes of 4:1 or less (fines must be buried unless the landowner requests on the Landowner Consent For Reclamation form, or in a letter sent to the Department, that a reasonable amount of fines remain stockpiled); and

c. leave an appropriate quantity of soil in a shaped and seeded stockpile next to each mineral stockpile that remains (soil is left for mineral stockpile site reclamation by some future party; soil placement next to fines stockpiles is optional).

**Additional information:**

*Since this project is to reclaim an existing pit there shall be no stockpiles left at the end of the project.*

**8 - WASTE DISPOSAL.** Operator will:

a. perform separate-area, on-site disposal of the following groups of wastes as specified below and at the locations shown on the site map: 1) excess overburden, fines, and oversize, 2) clean fill, and 3) on-site-generated asphaltic pavement, metal, plastic, and tires (clean fill is limited to soil, dirt, sand, gravel, scoria, rock, brick, and exposed-metal-free concrete; commit to establishing a minimum 25' vertical separation between asphaltic pavement, metal, plastic, and tire waste and the seasonally high water table, unless it is demonstrated that a smaller separation is acceptable);

b. prohibit on-site disposal of wastes not listed under (a), unless an appropriate solid waste management system license is obtained from the Department;

c. prohibit the placement of wastes on sideslopes, in drainage ways, or in areas where they may interfere with future mining operations;

d. upon reclamation, retrieve road, stockpile, and work area surface materials and use them off site, stockpile them, or properly dispose of them (surface materials include sand, gravel, scoria, and asphaltic pavement);

e. salvage soil and overburden from waste disposal areas before placement of waste; and

f. cover all wastes not conducive to plant growth with materials suitable for plant growth, including fines, overburden, and soil, for a cover depth of at least 3'.

**Describe the methods and sites for on-site disposal of any: 1) excess overburden, fines, and oversize, 2) clean fill, 3) on-site-generated asphaltic pavement, metal, plastic, and tires, and 4) road, stockpile, and work area surface materials:**

*No significant quantity of asphaltic, metal, plastic or tire waste is expected to be generated by this project. Any that is generated shall be removed from the site and disposed of properly. Organic waste from vegetation removed in the clearing operations shall either be broken up into fine particles and incorporated in the topsoil or removed from the site. Large woody materials may be burned on site provided the owner acquires the proper permits and follows the requirements of the reclamation plan.*

*Except for topsoil no soil, gravel or other fill materials shall be brought on site. All fill materials except topsoil necessary to re-contour the site shall be taken from the site and placed as shown on the reclamation plan. The intent is to balance the project. Staking shall be modified within the guidelines of the Shady Lane Gravel Pit Restoration Plan as necessary to balance the project.*

#### **9 - GRADING. Operator will:**

a. leave all surfaces in a condition suitable for the postmining land use; and

b. leave mine level area surfaces: 1) at least 3' above the highest seasonal water table for dryland reclamation, 2) at least 3' below the lowest seasonal water table for pond reclamation, 3) with 5:1 or flatter slopes for hayland and farmland, 4:1 or flatter slopes for sandy surfaces, and 3:1 or flatter slopes for all other surfaces, 4) blended into the surrounding topography and drainage ways, 5) in a stable condition and not subject to excessive erosion, and 6) graded to drain or concentrate water in specific areas.

**Describe: 1) the general backfilling and grading plan including anticipated reclaimed highwall and pit floor slopes and contours, and 2) any special reclamation features such as pit floor sumps, water catchments, drainage ways, ponds, and pit portion to stay open (pit floors and highwalls should be irregular, when appropriate, to blend into the surrounding area and provide better plant and animal habitat; graded areas must tie into existing drainage ways and slopes in a manner that will minimize erosion; significant inlet and outlet channels should have 10:1 or less gradients and characteristics similar to stable PRE-mine drainage ways; for simplicity, designate a pond as a wetland or fishery, describe its location, size, number of islands, and planned fencing, commit to following the Pond Design Guidelines criteria, and attach a copy of the guidelines to this plan; the entire disturbed area must be reclaimed unless the landowner requests on the Landowner Consent For Reclamation form, or in a letter sent to the Department, that up to 50' of continuous highwall and no more than a tenth of an acre remain unreclaimed):**

*See attached plan*

**10 - RIPPING, SOIL MATERIAL REPLACEMENT, AND REVEGETATION. Operator will establish a vegetative cover capable of sustaining the postmining land use.**

**Describe:**

a. **RIPPING**--the methods and depths of deep ripping road, stockpile, work, and other compacted areas (a ripper, subsoiler, disk, or chisel should be used to rip relatively dry soil material to a depth of at least 12" on 12" centers in two passes made at right angles; sand, gravel, scoria, and bedrock surfaces do not require ripping): *Methods shall be left to the owner.*

b. **RESOILING**--the methods and depths of: 1) soil replacement on facility level areas, and 2) overburden and soil replacement on mine level areas (if the method (equipment) to be used is unknown, state that Available equipment will be used to.; soil materials should be respread in uniform layers; if available, commit to replacing a minimum of 18" of soil material on dryland range, pasture, and hayland mine level reclamation, and a minimum of 36" of soil material on

farmland and irrigated site mine level reclamation; fines may be used to supplement soil material thicknesses):  
*See attached plan*

**c. FERTILIZING--any methods, types, rates, and timing of fertilizer or other amendment application** (fertilizer application methods include banding and broadcasting; fertilizer should be incorporated into the seedbed during seeding; a starter application that yields 40 pounds of nitrogen (N) and 40 pounds of phosphorous (P<sub>2</sub>O<sub>5</sub>) per acre may help plant establishment on any site; other amendment application may include lime, gypsum, or organic matter):  
*At the recommendation of the local NCRS office no fertilizer shall be used*

**d. SEEDBED PREPARATION--the methods of seedbed preparation** (seedbed preparation methods include disking, spring-tooth harrowing, and chiseling; rocks greater than 5" across must be removed from surfaces to be used as hayland or farmland):  
*See attached Plan*

**e. COVER CROP SEEDING--any methods, species, rates, and timing of cover crop seeding** (a cover crop must be seeded when a resoiled area will go through a complete growing season without first being seeded to the permanent mix; barley (spring seeding), oats (spring seeding), or wheat (spring or fall seeding) at 20 to 30 pounds pure live seed per acre are typically used as cover crops):  
*See attached plan*

**f. PERMANENT VEGETATION SEEDING OR PLANTING--the methods, species and rates, and time periods for seeding or planting** (commit to drill seeding on the contour unless otherwise discussed below, or commit to broadcast seeding and describe the method to be used to cover the seed; for simplicity, reference a Seed Mix Guidelines mix and attach a copy of the guidelines to this plan; time periods are typically given as early spring or late fall; use certified seed):

*Seeding will be done as soon as possible after topsoil placement is complete.*

*See attached plan for seed mix and seeding rate*

*Grass will be drill seeded on the contour using certified weed free seed.*

**g. MULCHING--any methods, types, rates, and timing of mulch application:**  
*None*

**11 - ROAD RECLAMATION.** After road surfacing materials have been retrieved and properly handled, operator will downsize or completely reclaim mine-related roads as follows:

- a. grade road locations to blend into the surrounding topography; and
- b. rip, resoil, and seed road locations with the permanent mix.

**Additional information** (discuss any mine-related roads to remain open under II(3)):

*If the owner elects to construct an equipment access road from the Old Steele Bridge parking area the surface shall be smoothed and crowned, the slopes soiled and seeded and the road left as a maintenance road for future use by FWP.*

**12 - SITE PROTECTION AND MANAGEMENT.** Operator will:

- a. implement, monitor, and maintain adequate site protection and management measures on areas seeded or planted to perennial vegetation from the time of seeding or planting through two complete growing seasons, or until reclamation success is achieved, whichever is longer; and
- b. implement additional measures if it becomes apparent that initial measures are inadequate, or notify the Department of any protection or management problems.

**Describe any protection and management measures to be implemented** (implementation of such measures should promote reclamation success and a site's eligibility for bond or liability release; fencing and livestock management are the most commonly used measures):

*This site will be used for public fishing. No grazing will take place on this site. Initially the site will not be signed and only pedestrian access will be allowed. No access shall be allowed until after mid-summer of the first year after seeding.*

**13 - WEED CONTROL. Operator will:**

- a. ensure that all seed is weed free; and
- b. control noxious weeds as specified in the respective weed district management plan.

**Describe any planned weed monitoring and control measures:**

*The Owner shall have a weed control plan approved by the appropriate weed district before starting work. Copies of the approved plan shall be submitted to the DEQ and FWP prior to commencing work.*

**14 - CONCURRENT AND FINAL RECLAMATION. Operator will:**

- a. keep reclamation as concurrent with mining operations as possible;
- b. grade, resoil, and seed or plant an area no longer needed for mine-related activities within 1 year after the cessation of such activities on that area; and
- c. complete final reclamation by the date given below or apply for an amendment to reset the date of final reclamation.

**Give a reasonable estimate of the month and year by which final reclamation will be completed:**

*Final reclamation and planting is estimated to be done by December 2003.*

**15 - RECLAMATION COSTS. Provide:** 1) a list of the estimated per-acre costs to reclaim all facility and mine level disturbances, including calculations for: a) highwall reduction, b) grading and cleanup, c) ripping compacted areas, d) backfilling, e) soil material replacement up to 18" for dryland range, pasture, and hayland mine level reclamation and up to 36" on farmland and irrigated site mine level reclamation, f) revegetation, and g) mobilization, and 2) the total bond amount to cover the contract area (government entities put "N/A" since they are exempt from bonding requirements; 18 or 36" of soil material is the maximum thickness that must be bonded; if the Bond Level Guidelines approach is not used, the bond amount should be verified with the Department before bond is obtained):

*See attached costs supplied by Owner*

**16 - ROAD AND BOUNDARY MARKERS. Operator has, as of the date of application, clearly marked all mine-related roads with temporary markers, and clearly marked the main contract area with durable markers** (failure to have road and boundary markers in place at the time of the Department's PRE-MINE inspection may delay the application process; clearly marked means markers are at every corner or bend in road or boundary and readily visible from one another to the naked eye; durable means a metal, plastic, or wood fencepost (not lath) or a painted object such as a rock or tree; main contract area markers are not needed where natural or manmade features clearly delineate boundary segments).

**Describe how:** 1) mine-related road locations are marked, and 2) the main contract area boundary is marked or delineated:

*See attached plan. On the portion of the project that will be on FWP property the owner will mark the construction limits with metal fence posts and highly visible ribbon strung between the posts. Other marking systems may be acceptable if mutually agreed to by all three parties. The Owner's surveyor shall locate construction boundaries. The surveyor shall coordinate staking with FWP.*

## SECTION III - OTHER COMMITMENTS

1 - WILDFIRES. Operator will take proper precautions to prevent wildfires.

2 - ARCHAEOLOGICAL AND HISTORICAL VALUES. Operator will:

- a. Provide appropriate protection for archaeological and historical values found in the contract area; and
- b. Route operations around a site of discovery, promptly notify the State Historic Preservation Office (406 444-7715), and leave the site undisturbed until proper evaluation is made.

3 - ANNUAL PROGRESS REPORT. Operator will comply with the Annual Progress Report requirements of ARM 17.24.214.

4 - PERSONNEL INFORMED. Operator will inform all necessary on-site personnel, including subcontractors, of the commitments made herein.

**SECTION IV - ADDITIONAL INFORMATION** (use additional pages and attachments as needed)

*Plan and reclamation requirements attached*

1 - HOURS OF OPERATION. Typical hours of operation for all processing equipment (crushers, screens, wash, concrete and asphalt plants), hauling and mining, are 7 a.m. to 7 p.m., Monday through Friday, except that they may be extended for no more than 15 consecutive working days to 6 a.m. to 10 p.m., Monday through Saturday. Those periods of extended hours must be separated by at least 60 days before they are again implemented. Maintenance activities may occur at any time.

Describe any hours of operation that deviate from the normal hours: *At this location, no operations will occur outside the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.*

2 - MINING AND FACILITY PLAN. Describe: 1) the general mining progression including where the first stripping and excavation will occur, the direction mining will progress, the typical equipment to be used, the depth of the first cut, etc., 2) any distinctly separate phases (such as mining first with loaders down to the water table, then mining in the water with a dragline), 3) the location, description and the time you plan to install all facilities including crusher, asphalt plant, screen, wash plant and settling ponds, scales, office and maintenance buildings, fuel storage facilities, etc., 4) describe the traffic patterns to be used (where trucks will enter and exit the site), the average number of trucks per day and the typical load weights for your proposed products such as pit-run gravel and concrete.:

*(see the attached Restoration Plan prepared by the Montana Fish, Wildlife & Parks Department).*

I Certify That The Statements And Information Given Apply To The Shady Lane Site, And That This Plan Will Be Followed Unless Officially Modified.

Signature

Date

Opencut Mining 10/97



**SHADY LANE GRAVEL PIT  
RESTORATION PLAN  
Final**

COPY

Prepared by FWP  
By Richard Mispion  
11/13/2002

SCOPE:

Re-contour the existing gravel pit to make a public fishing pond. Use materials from excavations on FWP property to the north and east of the gravel pit. Salvaged soil, topsoil and imported organic topsoil are to be placed on disturbed areas above the normal high water and as noted on the plans. The existing chain link fence along the north and east boundaries with FWP shall be removed. New or salvaged chain link fence shall be installed along the new western boundary including a 12' gate. New or salvaged chain link fence shall be installed along the new southern boundary. Unless requested by the adjacent landowners it shall not be necessary to re-install barb wire along the top of the fences. Install a low water crossing in the high water channel between the Kiwanis' Lane Parking lot and the pond area.

DEFINITIONS:

- A. Owner refers to the present owners of the gravel pit, their contractors, engineers and/or other entities hired by the owner to do this work. The owner shall designate one person to be the contact with the FWP and other agencies such as the DEQ.
- B. FWP refers to the Department of Fish, Wildlife and Parks and their designated representatives. The FWP project manager shall be the contact with the owner and the DEQ.
- C. DEQ (Department of Environmental Quality) refers to the permitting agency for the gravel pit Reclamation Permit. DEQ shall designate one person to be the contact with the Owner, the FWP and any other agencies.
- D. The "Restoration Plan" is a Document prepared by FWP detailing the requirements to rehabilitate the gravel pit to a fishpond. FWP plans to purchase the Gravel Pit property provided it is rehabilitated to these requirements. The Restoration Plan is attached to and shall be part of the "Plan of Operation". The Restoration plan includes the "Shady lane Pond Restoration" drawing.
- E. The "Plan of Operation" is the standard form DEQ requires to be filled out and submitted to apply for a Reclamation Permit. When accepted it is attached to and shall become part of the Permit.
- F. The "Reclamation Permit" is the Permit that DEQ issues to allow for the operation and reclamation of an open cut mine.

RELATIONSHIPS OF THE MAIN PARTIES:

- A. There are many parties involved in this work. In order to keep the lines of communication clear, as noted above, the FWP, Owner and DEQ shall designate one contact person each. All entities under each of these parties shall pass their communications through their respective contacts. Actions based upon communications from other than these contacts may not be approved. Significant changes to the scope or plan shall be approved in writing by all three parties.

The above conditions shall not prohibit mutually agreed to direct communications necessary for efficient completion of the work. An example would be communication between designated inspectors and the owner's excavation contractor. Significant field instructions or discussions shall be reported to the main contacts in the form of written

EXHIBIT B

field notes or other mutually agreeable format. Reports shall be issued in a timely fashion.

- B. The Reclamation Permit is issued to the Owner by DEQ. Ultimate acceptance of the work rests with the DEQ.  
The FWP's interests are two fold. 1.) The FWP intends to purchase the reclaimed pit property for use as a fishing pond. 2.) Part of the work, including a significant portion of the borrow for the project, is to take place on FWP property.

The FWP needs to keep disruption of its property to the minimum required to complete the work.

The FWP has made an agreement with the owner that if the work is completed to the requirements of the Restoration Plan the FWP shall purchase the property at an agreed price.

GENERAL:

- A. In general the layout of the reclaimed pit shall follow the lines of the Original Shady Lane Plan Drawing dated 11-15-00. A copy revised in July 25, 2002 to reflect this updated plan is attached. Since the purchase of additional property to the south by the pit owner will affect the locations of the slopes and quantities the exact contours shown are no longer valid. The owner shall use the original plan and the following guidelines to guide pond construction.
- B. Slopes shall vary from a maximum of 3:1 to 10:1 or shallower as per the following table
- |              |     |
|--------------|-----|
| 3:1 to 4:1   | 30% |
| 4:1 to 5:1   | 15% |
| 5:1 to 6:1   | 15% |
| 6:1 to 7:1   | 15% |
| 7:1 to 10:1  | 15% |
| 10:1 or less | 10% |
- The intent is that the east end of the reclaimed pit shall have the slopes of 10:1 or less to make a good area for general recreation and easy access to the water. The steep sloped areas shall be interspersed with areas of shallower slopes. Note slope requirements listed below for slopes under the low water level.
- C. The new northern shoreline shall consist of a series of bays and points similar to the layout in the original plan. There shall be three to four bays along the North shore and two to three points. The back edges of the bays shall vary from 50' to 100' back from the front edges of the points with the average being 75'. The distance of the back end of the bay from the front end of the points shall be measured from the break point at the top of the slopes. Where bays are excavated the slopes shall continue below low water to a depth of at least 3 feet below low water.
- D. Slopes shall vary similar to the Shady Lane Pond drawing.
- E. Changes in the new contours shall be gradual and blend smoothly. Vertical and lateral changes in the contours shall not be abrupt. The intent is to give the new contours a natural appearance.
- F. It is the intent that soil salvaged from FWP property for placement on disturbed areas shall come, for the most part, from the western excavation. It is the intent that the slopes shall be built mostly of gravelly material. Gravelly borrow on FWP is mostly located north of the east end of the pit.
- G. Soil installed on the slopes shall be toed in as per the detail on the plans.
- H. Maintain a minimum 10' wide strip along the western and southern fence/property lines and around the rest of the pond with a cross slope towards the pond of 5%. The intent is to provide for maintenance vehicle access around the pond. Elevations of soil on both sides of the fences shall match. The top of the access strip shall be at a minimum of 2' above the assumed normal high water. Make a relatively flat area approximately midpoint

along the southern shore of the pit roughly triangular in shape with a base of about 225' and a width of at least 40'. Slope across this section shall continue the 5% slope of the access strip. The trees adjacent to the Southeast corner of the pit shall remain as per the request of the adjacent property owner. If necessary place fill between the trees and the pond to provide the 10' access strip mentioned above.

- I. Borrow may be taken from the FWP side of the east property boundary but the top of the ridge between the pit and the side channel shall not be lowered nor shall vegetation be removed from the top of the ridge. In general borrow shall only be allowed for 20' beyond the east property line.
- J. The top of the pit slopes shall maintain a minimum elevation of 2908' at all points around the pit. Where the ground drops off beyond the top of the pit slopes, for example in the northeast corner of the pit, the minimum top width shall be 10'.
- K. Construct the low water crossing as shown on the plans or as staked in the field. The intent is to build the low water crossing following the areas with the highest existing ground elevations. Maximum running grade shall be 4%. Culverts to be supplied by pit owner.
- L. The owner shall prepare and submit a Storm Water Discharge Plan to the DEQ and obtain a Storm Water Discharge General Permit from the DEQ. No work shall be allowed on site until the permit is obtained. Copies of the plan and permit shall be given to DEQ and FWP. The owner shall implement the approved plan as part of the reclamation work.
- M. Communication is important to keeping this project running efficiently. All parties shall be expected to make a good faith effort to keep communications open and up to date. All parties shall provide telephone and fax numbers at which they can be reliably contacted. Answering machine and/or cell phone service is desirable.
- N. Several stages of the work require inspection before proceeding to the next step. The owner shall organize the work to minimize the number of trips necessary to do these inspections. At the start of work the owner shall supply the DEQ and FWP with a written schedule including proposed dates for inspection. This document will be for general scheduling and shall not be considered notification for inspection. As the work progresses if the actual work and inspection dates vary significantly from the current schedule submit a revised schedule.
- O. The Owner shall contact the FWP a minimum of 48 hours (two working days) prior to a desired inspection. Inspections will not be scheduled from 12:00 PM Fridays through 12:00 PM Mondays except by mutual agreement of all parties.
- P. Required inspection/site visits:
  - 1. Staking/pre-construction meeting.
  - 2. Completion of clearing.
  - 3. Placement of culverts for low water crossing.
  - 4. Completion of sub-grade. Soil placement shall not start until FWP and DEQ representatives approve sub-grade.
  - 5. Completion of placement of sub-soil. Topsoil placement shall not start until sub-soil placement is approved by FWP and DEQ representatives
  - 6. Completion of placement of topsoil. Seeding shall not start until approval of topsoil by FWP and DEQ representatives.
  - 7. Final inspection.
- Q. Construction related disruption to FWP property shall be kept to the minimum necessary to do the work. Damage to areas out side the construction limits shall be repaired immediately. FWP shall have the right to forbid a contractor access to FWP property for repeated and/or significant damage outside the construction limits. If trees over 4" in diameter outside the construction limits are severely damaged by the contractor's operations an amount of \$500 per tree shall be deducted from the agreed purchase price for the reclaimed pond property.
- R. To work on Department property all contractors shall follow all OSHA requirements and other applicable laws. For example, steep cut walls shall be fenced as per OSHA regulations.

- S. To work on Department property all contractors shall be registered. They shall carry General Liability insurance in the amount of \$2,000,000. The insurance policy shall list the State of Montana as an additional insured or the contractor shall purchase an Owners' Protective Liability policy in the name of the State for the same limits as the General Liability Policy.
- T. FWP can only give permission for the owner to work on FWP property. It shall be the owner's responsibility to make arrangements with other landowners if the owner wishes to work on their property.
- U. The construction site is adjacent to a residential area. In consideration of the residents construction activities involving heavy equipment shall be limited to the hours of 7:00 a.m. to 7:00 p.m. on Mondays through Saturdays.
- V. Work shall be completed by December 31, 2003.

STAKING:

- A. The Owner shall hire a Professional Engineer or Registered Land surveyor experienced and qualified to do construction staking to do all staking for the project. Slope stakes shall be placed at major changes in slope and/or bank direction and as necessary to provide accurate control for the construction. When the sub-grade has been approved the limits of the base soil placement shall be staked. When the base soil has been approved the limits of the topsoil shall be staked. Since this is a general plan no accurate quantities can be run on it. Therefore it may be necessary to modify the original staking in order to balance sub-grade materials. The surveyor may need to make more than one trip to the site to stake the modified contours to achieve the desired slopes, layout and balance the quantities. The alignment of the fence on the West and Southern property boundaries shall be staked. Inlet and outlet inverts of the CSP for the low water crossings shall be staked. The sub-grade centerline profile of the low water crossing shall be staked. The construction limits on FWP property shall be staked. The owner shall supply and install materials to delineate the construction limits on FWP property as shown on the plan. Materials shall consist of standard metal fence posts and two-inch wide red or yellow "Caution Tape" stretched between the posts. Posts shall be set at each major change in direction of the construction limits and as necessary to clearly show the limits during construction. Other methods of delineating the construction limits may be used provided they are agreeable to all parties. The owner shall keep the construction limit delineators in place and in good repair during the project.
- B. To help ensure that the staking shall be accurate for the intent of the plans the above Engineer or Surveyor shall contact the FWP Project Manager prior to staking to discuss the intent of the plans.
- C. Stakes shall not be disturbed until the item staked has been inspected and approved. Stakes disturbed before the staked item is approved shall be replaced. Any re-staking necessary shall be done to the same requirements as above and shall be at the owner's expense.
- D. The Engineer or Surveyor shall certify to FWP & DEQ that the project meets the requirements of the Restoration Plan and drawing. The Engineer or Surveyor shall provide a stamped and signed As-Built drawing and Restoration Plan to the FWP and DEQ when the project is complete and before final inspection by DEQ and FWP. If questions arise as to whether the work meets the requirements of the plan the Engineer or Surveyor shall be expected to produce documentation of level or survey notes, measurements, field notes and any other observations justifying the Engineer's or Surveyor's certification.
- E. The As-Built drawing shall show at a minimum: 1.) Accurate new contours both above and below water. 2.) Extent of soil and topsoil placement. 3.) Notes showing at a minimum the location of the vehicle access strip, arrows showing the ruling slopes above and below water in each area, the corners of the relatively flat area scheduled along the south boundary of the site, width of the top of the embankment along the east side of the site, inverts of the culverts and profile grades along the centerline of the low water

crossing, distances from the shore points to the back of the bays 3.) This data shall be acquired using a total station, conventional sectional survey with theodolite and level or other methods agreeable to all parties. The original drawing shall be provided to the Engineer or Surveyor in AutoCAD format on CD-R or other mutually agreeable format.

#### FENCING:

- A. The existing chain link fence along the northern and eastern property lines, where the property abuts the FWP property shall be removed. With the exception of materials used to construct the western and southern boundary fences all removed fencing materials shall remain the property of the owner and shall be removed from the site.
- B. Using good quality salvaged materials from the above fence removal and/or new materials construct a fence along the new western and southern property lines. Materials, including salvaged materials must be straight, sound and have no significant damage to the coatings. Install a 12' wide locking chain link gate at the junction with the southern boundary line to allow maintenance vehicle access to the site from the west. The fence shall be similar to the original fence along the southern boundary of the property except that unless it is requested by the adjacent property owners it shall not be necessary to re-install the barb wire along the top of the fence. It shall be built/rebuilt to the manufacture's original recommendations.
- C. Fencing installed for this project shall be installed one foot inside the property line of the parcel FWP proposes to purchase from the Owner.

#### CLEARING:

- A. The owner shall clear those areas as necessary for excavation. Clearing shall include the removal of all trees, shrubs, logs, stumps and other debris encountered.
- B. Clearing shall be to the minimum necessary to complete the work. If there are questions about whether particular vegetation on FWP property is to remain or to be removed contact FWP for direction.
- C. The owner shall salvage and store available topsoil from areas of excavation and areas scheduled for fill for placement in disturbed areas or areas scheduled for fill above normal high water. Leaves, grass, small woody plants and other organic material may be broken up and incorporated into the topsoil. Care shall be taken not to incorporate significant quantities of subsoil or gravel into the topsoil.
- D. All materials not salvaged for use on the site shall become the property of the owner. If the owner desires to sell any marketable timber from the clearing operations the owner will prepare all necessary paper work for the FWP's signature.
- E. Burning on site of woody debris shall be allowed provided:
  - 1. The Owner follows all burning regulations including getting the proper permits.
  - 2. The area where the burning takes place will later be re-contoured or filled.
  - 3. All materials not completely burned shall be hauled off site. The remaining ash shall be scattered before being buried under fill.

#### CONTOURING:

- A. Contouring shall extend from the top of the banks to below the water level to the bottom of the pond
- B. The owner/contractor shall be responsible for providing the scheduled mix of slopes above assumed low water. Finished contours shall be relatively smooth. Abrupt holes, mounds, berms, wheel tracks and other features shall not be allowed. Where the finish surface daylight at the top of the bank the junction shall be rolled off to form a smooth transition.
- C. Contours below the assumed low water shall be 3:1. Contours below water shall be relatively smooth. Abrupt holes, mounds, berms, etc. shall not be allowed.

- D. The intent is to balance the contouring materials on site. The owner shall be responsible for adjusting the contours within the guidelines to produce a balanced job.
- E. The finish surface shall be raked, drug or otherwise treated to provide a final surface relatively free of equipment tracks.
- F. The contoured sub-grade shall be approved before the placing of soil. Contact the DEQ and FWP a minimum of 48 hours (Two working days) before the planned placing of soil.

SOIL:

- A. All soil is to be placed above an elevation one vertical foot below the assumed high water level as shown on the plan detail. There shall be two layers of soil. The base layer shall be 1' of compacted sandy sub-soil salvaged from the site. On top of this shall be a 4" compacted layer of imported high quality, weed free, organic topsoil or topsoil salvaged from the site. It is anticipated that only a small quantity of topsoil will be available for salvage on site. Salvaged topsoil shall be similar to the imported topsoil noted below. Soil shall be compacted to the same density as the surrounding undisturbed native soil.
- B. Imported topsoil shall be a loamy soil incorporating sufficient organic material to provide excellent vegetative growth. It shall be certified weed free by the supplier. It shall have no more than 30% clay and no less than 30% sand. Silt shall be 60% to 70%. Organic material such as root mass and decayed vegetable matter shall make up 10% to 20% of the soil. It shall be at least 80% fine, rock free material. Topsoil shall not contain rock over 2". It shall not contain manmade hydrocarbons. Large roots, stumps or brush shall not be incorporated in the soil. No man made components such as metal, concrete, glass, oil and other debris shall be allowed in the soil. The soil shall not contain high levels of tannins, acids, or lignin from green wood chips or fresh manure. Samples of the proposed topsoil shall be submitted to DEQ for approval before bringing it on site. Coordinate with the DEQ on size of sample and delivery method. Proof of the proposed soils ability to support good plant growth is desirable. If more than one source is necessary the additional sources shall be approved by DEQ before material is brought on site.
- C. The soils shall be toed in at the top of the slope and at one foot below assumed high water elevation for smooth transitions while keeping the full depth of the soil. See the plan detail.
- D. The subsoil shall be approved before the placing of topsoil. Contact the DEQ and FWP a minimum of 48 hours (Two working days) before the planned placing of topsoil.

SEEDING AND REVEGETATION:

- A. The topsoil shall be approved before the seeding takes place. Contact the DEQ and FWP a minimum of 48 hours (Two working days) before the planned seeding.
- B. Apply grass seed evenly by drill to all areas above the assumed high water line disturbed by the project. Rake or drag to smooth the surface. Seeding shall not be done between May 1 and September 15. If the project is not seeded with the permanent seed mix before May 1 a cover crop shall be seeded to protect the soil during the summer season. The cover crop shall be wheat, oats or barley sown at 20 to 30 pls.
- C. Seeding: Seed per the following schedule:

Wilderness Mix:  
Type of seed

- 15% Hard Fescue
- 10% Napier Orchard Grass
- 15% Timothy
- 15% Canada Bluegrass
- 20% Annual Ryegrass
- 5% Oahe Inter Wheatgrass

5% Mountain Bromegrass  
10% Alsike Clover  
5% Ladak Alfalfa

Seed Rate: 30 lbs./acre pls.

- D. After all other work is complete, rake, drag or otherwise smooth the surface of the soil to remove wheel tracks and ridges.

LOW WATER CROSSING:

- A. Using gravel materials taken from pond excavation build a minimum 6' wide access trail from the Old Steel Bridge parking area to the northeast corner of the pond. The access shall incorporate a low water crossing of the side channel between the pond and the parking area. The low water crossing shall incorporate three 18" dia. CSPs set in the bottom of the channel. The access crossing the CSPs shall have a 6' wide top surface with a +/- 3% crown. If the owner desires equipment access from the Old Steel Bridge parking area the trail may be widened up to a 12' top width at no additional cost to FWP. If the Owner decides to take this option the Owner shall leave the wider crossing in place. CSP lengths shall be longer under this option to accommodate the wider top width. Fill slopes shall be 4:1 and the minimum fill over the CSP shall be 1'. Maximum running slope shall be 4%. Side slopes shall be given a 6" compacted cover of salvaged soil and seeded as per the seeding specifications. Move and set aside Jersey barriers during construction. Replace after completion of project. See plan and detail for additional information.

PROJECT CLEANUP AND CLOSEOUT:

- A. Trim any broken branches and exposed roots on remaining trees damaged by the Owner's actions. If remaining trees have areas where the bark has been damaged by the Owner's actions trim bark back to solid material. Make the edges of the damaged area smooth.
- B. Remove all equipment, unused materials and debris from the site.
- C. Smooth and/or rake ruts and ridges out of all finished surfaces before leaving site.
- D. After all other items are complete and approval is given by FWP remove all remaining staking including the construction limit posts and ribbon.

APPENDIX C: Correspondence  
Pertinent to the  
Flathead River Bridge (24FH463)





Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

David A. Galt, Director  
Judy Martz, Governor

Lucan  
Kilcrease

MASTER FILE  
COPY

July 23, 2002

Christine Whitacre, Historian  
National Park Service  
12795 West Alameda Parkway  
P.O. Box 25287  
Denver CO 80225-0287

Subject: Addendum to  
Old Steel Bridge (HAER No. MT-21)  
Flathead County, Montana

Dear Chris:

Enclosed is the narrative report, photographs, and negatives for the addendum to the Old Steel Bridge (HAER No. MT-21) Historic American Engineering Record document. The document was prepared as partial mitigation for impacts to the Montana Department of Transportation's Flathead River Bridge - Kalispell [BR 9015(44)/C# 4229] bridge replacement project.

Thanks for your help in sorting this mess out. Since our telephone conversation last week I've found several other historic bridges for which HAER documents were started and numbers assigned in the late 1970s and 1980s. There was no record at the MDT that this had been done although the person responsible was under contract to the department at the time. Life is sometimes full of surprises.

If you have any questions, please contact me at (406) 444-6258 or e-mail at [jaxline@state.mt.us](mailto:jaxline@state.mt.us).

*Jon Axline*  
Jon Axline, Historian  
Environmental Services

cc: Jean Riley, P.E., Engineering Section  
Gordon Stockstad, Resources Section  
Mark Baumler, SHPO

**MEMORANDUM OF AGREEMENT  
FLATHEAD RIVER – KALISPELL  
FLATHEAD COUNTY, MONTANA  
BR 9015(44)  
Control No. 4229**

WHEREAS the Federal Highway Administration (FHWA) proposes to assist the Montana Department of Transportation (MDT) in funding the Flathead River – Kalispell bridge replacement project.

WHEREAS FHWA has determined that the undertaking will have an effect on the Flathead River Bridge (24FH463), a property eligible for inclusion in the National Register of Historic Places. 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);

WHEREAS MDT participated in the consultation and have been invited to concur in this amended Memorandum of Agreement;

WHEREAS the Flathead River Bridge was offered for adoption per the MDT's Adopt-A-Bridge Program in October, 2001. Flathead County (the owner of the bridge) and Rails to Trails of Northwest Montana have agreed to take two of the three spans of the bridge and relocate them to an alternate location on a rails to trails route along U.S. Highway 2 west of Kalispell;

NOW, THEREFORE; FHWA and the Montana SHPO agree that the undertaking 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) The MDT shall contact the Historic American Building Survey/Historic American Engineering Record (HABS/HAER) to determine what level and kind of recordation is required for the Flathead River Bridge (24FH463). Unless otherwise agreed to by HABS/HAER, MDT shall ensure that all documentation is completed and accepted by HABS/HAER prior to replacement of the historic bridge. MDT shall ensure that copies of this documentation are provided to SHPO, Montana State University - Bozeman, and the Northwest Montana Historical Society in Kalispell.
- 2) The MDT will install an interpretive marker at the Montana Department of Fish, Wildlife & Parks' Old Steel Bridge Fishing Access Site adjacent to the location of the Flathead River Bridge in Kalispell. The marker will describe the history and significance of the bridge to the community and include either a drawing or photograph of the bridge on the marker.

BR 9015(44)

Memorandum of Agreement

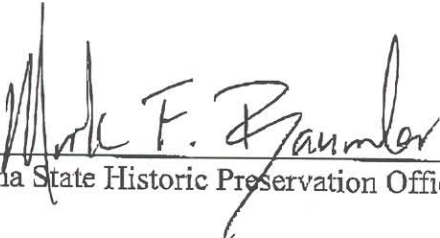
Page 2

- 3) The MDT will install interpretive markers at the new locations of the two 140-foot spans of the bridge (see above "Whereas"). The markers will also describe the history and significance of the Old Steel Bridge to users of the rails to trails route west of Kalispell.
- 4) The MDT will revise and update its bridge history, *Monuments Above the Water: Montana's Historic Highway Bridges, 1860 - 1956*, for possible publication by the Montana Historical Society Press (MHS). If rejected by the MHS, the MDT will print the document and distribute it to federal, state, and local agencies as well as interested members of the public. The document will be completed and submitted for printing by June 30, 2004.
- 4) If a dispute arises regarding the implementation of this Agreement, FHWA shall consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA shall request the further comments of the Advisory Council on Historic Preservation 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 Flathead River - Kalispell bridge replacement project and its affects on historic properties, and that FHWA has taken into account the effect of the Undertaking on historic properties.

  
 \_\_\_\_\_  
 Federal Highway Administration

May 21, 2002  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Montana State Historic Preservation Office

MAY 10, 2002  
 \_\_\_\_\_  
 Date

Concurring Party:

  
 \_\_\_\_\_  
 Montana Department of Transportation

April 29, 2002  
 \_\_\_\_\_  
 Date



Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

David A. Galt, Director  
Judy Martz, Governor

**MASTER FILE  
COPY**

May 16, 2002

Dale Paulson  
Environmental & Project Development Engineer  
Federal Highway Administration  
2880 Skyway Drive  
Helena, MT 59602

Subject: BR 9015(44)  
Flathead River - Kalispell  
Control No. 4229

Dear Dale:

Enclosed are three copies of the Memorandum of Agreement regarding the above project in Flathead County. It has been signed by both this office and SHPO. The ACHP elected not to be involved in the consultation. Please sign each copy and forward them back to me for distribution at your earliest convenience.

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

*Jon Axline*  
Jon Axline, historian  
Environmental Services

Enclosures

cc: Gordon Stockstad, Resources Bureau



Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

David A. Galt, Director  
Judy Martz, Governor

April 29, 2002

Mark Baumler  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

**MASTER FILE  
COPY**

Subject: BR 9015(44)  
Flathead River - Kalispell  
Control No. 4229

Enclosed are three copies of the Memorandum of Agreement for the above bridge replacement project in Flathead County. The ACHP elected not to be involved in the consultation (attachment), so it is a two-party MOA with the MDT as a concurring party. Flathead County will retain ownership of two of the bridge's spans and relocate them to a rails to trail bicycle/pedestrian path west of Kalispell. The fourth "Whereas" reflects how the spans will be utilized. Please sign each copy at your earliest convenience and return them to me for FHWA's signature.

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

*Jon Axline*

Jon Axline, Historian  
Environmental Services

Enclosures

cc: Loran Frazier, P.E., Missoula District Administrator  
Joe Kolman, P.E., Bridge Engineer  
Gordon Stockstad, Resources Bureau

# Advisory Council On Historic Preservation

The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

Reply to: 12136 West Bayaud Avenue, #330  
Lakewood, Colorado 80226

April 3, 2002

Dale W. Paulson  
Program Development Engineer  
Federal Highway Administration  
Montana Division  
2880 Skyway Drive  
Helena, MT 59602

RECEIVED

FHWA  
MONTANA DIVISION

RE: *Kalispell, Mt., Flathead River Bridge - Replacement, BR 9015(44).*

Dear Mr. Paulson:

On March 20, 2002, we received your notification and supporting documentation regarding the adverse effects of the referenced project, a property eligible for inclusion in the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change, please notify us so we can re-evaluate if our participation is required. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the Memorandum of Agreement, and related documentation at the conclusion of the consultation process. The filing of this Agreement with the Council is necessary to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions, please contact Margie Nowick at 303/969-5110 or via eMail at [mnowick@achp.gov](mailto:mnowick@achp.gov)

Sincerely,



Nancy Kochan  
Office Administrator/Technician  
Western Office of Federal  
Agency Programs

**RECEIVED**

MAR 14 2002

**ENVIRONMENTAL**

**Montana Division**  
2880 Skyway Drive  
Helena, Montana 59602



US Department  
Of Transportation  
**Federal Highway  
Administration**

March 13, 2002

Advisory Council on Historic Preservation  
% Don Klima  
Old Post Office Building  
1100 Pennsylvania Avenue, NW, Suite 809  
Washington, DC 20004

Subject: BR 9015(44)  
Flathead River Bridge – Kalispell  
Control No. 4229

Dear Mr. Klima:

The Federal Highway Administration intends to assist the Montana Department of Transportation (MDT) with a bridge replacement project on a county road in Flathead County, Montana. The proposed project includes the replacement of the existing multi-span steel through truss bridge with a prestressed concrete structure on a new alignment slightly downstream of the existing structure.

The Flathead River/Old Steel Bridge (24FH463) has been determined eligible for the National Register of Historic Places (NRHP) by MDT and the Montana SHPO. Impacts would include the replacement of the bridge.

This letter is to inquire if you wish to be involved in the consultation process during which alternatives to the planned action will be examined and mitigation measures identified. Attached is supporting documentation between the Montana SHPO and MDT.

Sincerely,

Dale W. Paulson  
Program Development Engineer

Attachment

cc: Jon Axline – MDT  
Mark Baumler – SHPO  
File: BR 9015(44) dp/lr



Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

David A. Galt, Director  
Judy Martz, Governor

**MASTER FILE  
COPY**

March 5, 2002

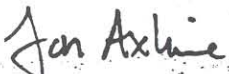
Dale Paulson  
Environmental & Project Development Engineer  
Federal Highway Administration  
2880 Skyway Drive  
Helena, MT 59602

Subject: BR 9015(44)  
Flathead River – Kalispell  
Control No. 4229

Dear Dale:

Enclosed is a draft letter to the Advisory Council on Historic Preservation (ACHP) to request if it wishes to be involved in the Section 106 consultation for the above project. SHPO concurred with our determination on February 27, 2002 that the proposed project would have an Adverse Effect to the NRHP-eligible Old Steel Bridge (24FH463). Also included is supporting documentation outlining what has occurred on this project to this point. Please finalize the draft letter and forward the package to the ACHP at your earliest convenience. If you need an electronic version of the letter, let me know and I'll e-mail it to you.

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

  
Jon Axline, historian  
Environmental Services

Enclosures

cc: Gordon Stockstad, Resources Bureau





Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

FILE  
COPY

David A. Gält, Director  
Judy Martz, Governor

FEB 14 2002

February 13, 2002

Helen Pilling  
President  
Rails to Trails of NW Montana  
PO Box 1103  
Kalispell MT 59903

Subject: BR 9015(44) CN 4229  
Flathead River Bridge – E of Kalispell  
Bridge Adoption

This is to inform you that we have reviewed your submittal for the adoption of the Flathead River Bridge East of Kalispell and have found it to be responsive and complete. We are therefore awarding the two 140 foot trusses of this bridge to the Rails to Trails of NW Montana and to Flathead County.

Our understanding is that the County will assume liability and responsibility for the two 140 foot trusses once they are in place over portions of Ashley Creek. We would appreciate receiving a copy of the County's agreement to accept the trusses.

An agreement will be drafted in the next few weeks and sent for your signature and the County's. This agreement will contain hold harmless clauses for the County and the Department. It will also require the historic features of the trusses to be maintained and will require the acceptance of future responsibility and liability for the trusses.

The estimated demolition cost of \$17,000 will be made available to help relocate and rehabilitate each of the trusses. This amount will be made available once the trusses have been removed from the existing site. Who will be the recipient of the award amount – Rails to Trails or the County? We will need the Tax ID number for whoever receives the money.

The bridge deck will be removed and stockpiled for your use prior to removing the trusses from the river.

This project is currently scheduled to go to contract in the first part of 2004. The trusses will probably be available in the late fall of 2004 or early spring of 2005 depending on when the project is actually let to contract and how soon the contractor starts his operations.

If you have any questions or concerns please call me at (406) 444-6260

*Joseph P. Kolman*  
Joseph P. Kolman, P.E.  
Bridge Engineer

JPK: Flathead R Adoption Letter

CC: Loran Frazier  
Stan Sternberg  
Jon Axline  
Lyle Manley

Mark Wissinger  
Dave Jensen  
Ted Burch  
Flathead County Commissioners

Larry Brazda  
Monte Brown  
file



February 11, 2002

Mark Baumler  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

OLD Steel Bridge

Subject: BR 9015(44)  
Flathead River - 3 km East of Kalispell  
Control No. 4229

On December 18, 2001, we provided you with the additional information requested by your office in November, 2001. In the last paragraph of the December 18<sup>th</sup> letter, we stated that the bridge had been offered for adoption as specified in the fourth "Whereas" of the draft MOA. We received one proposal for the adoption of the bridge (attached). The proposal states that Flathead County would retain ownership of the two 140-foot spans of the bridge. They will be relocated to alternate locations on a proposed rails-to-trails route adjacent to U.S. Highway 2 just west of Kalispell. They will be located on abandoned Great Northern Railway grade and will cross Ashley Creek. The remaining 220-foot span will be demolished. The MDT awarded the spans to Flathead County and the Rails to Trails of N.W. Montana on February 7, 2002.

Because of the poor condition of the existing bridge, its location upriver of the proposed bridge, and the lack of public interest in preserving it in place, we feel this is the best alternative as it would preserve at least a portion of the historic bridge. There would be continued public usage of the structure for an indefinite period of time. The County, moreover, has the resources necessary to maintain the bridge spans and have agreed to retain liability for them. The MDT will provide interpretive markers to the County and Rails to Trails group describing the history of the spans and the significance of the Old Steel Bridge to the history of northwest Montana. Interpretive markers would be placed at the proposed location of the spans and at the Steel Bridge Fishing Access Site.

We continue to maintain that the proposed bridge replacement project would have an **Adverse Effect** to the NRHP-eligible Old Steel Bridge (24FH463). We request your concurrence. Also attached is a copy of the revised draft MOA. The fourth "Whereas" has been modified to reflect the status of the adoption and disposition of the bridge.

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

*Jon Axline*  
Jon Axline, Historian  
Environmental Services

CONCUR  
MONTANA SHPO

DATE 27 Feb 2002 SIGNED

*Jon J. Wuerker*

file: MDT/2002

**RECEIVED**  
JAN 30 2002  
serving you with pride  
**ENVIRONMENTAL**

FILE  
COPY

Montana Department of Transportation  
PO Box 201001  
Helena, MT 59620-1001

**Memorandum**

To: Distribution

From: Joseph P. Kolman, P.E. *JPK*  
Bridge Engineer

Date: January 29, 2002

Subject: BR 9015(44)  
Flathead River Bridge – Kalispell  
CN 4229

We advertised this bridge for adoption in September. Only one party expressed interest in adopting the bridge in place. However, he was unable to obtain the community and county support to make this happen and withdrew his request.

We received a submittal from Rails to Trails to adopt two of the spans and move them to a new location to become part of a trail system. I have attached a copy of their submittal. Please review the submittal. I will schedule a meeting in the near future to discuss and vote on the acceptability of the submittal.

Loran, I will try to find a time when you are in Helena. We can do this over the phone if you are not available.

JPK: Distribution  
Loran Frazier w/attachment  
Lyle Manley w/attachment  
✓ Jon Axline w/attachment  
Ted Burch w/attachment  
file



Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

David A. Galt, Director  
Judy Martz, Governor

MASTER FILE  
COPY

December 18, 2001

Mark Baumler  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

Subject: BR 9015(44)  
Flathead River – 3 km East of Kalispell  
Control No. 4229

In November, 2001, you requested additional information for the above bridge replacement project in Flathead County. Specifically, you wanted evidence that Alternative 1 was the preferred alternative for the new bridge by those attending the public meeting on May 8, 2001. I've enclosed a copy of the transcript of the May 8<sup>th</sup> meeting (Attachment 1) and a letter from the Department of Fish, Wildlife & Parks supporting Alternative 1 (Attachment 2). Finally, enclosed is a copy of meeting announcement, the people notification was sent to, and a list of the people who attended the meeting. An advertisement for the meeting also appeared in the Kalispell Daily Interlake (Attachment 3).

Based on this information, we continue to support Alternative 1 as the preferred alignment for the proposed bridge. We also maintain that the proposed project would have an Adverse Effect to the NRHP-eligible Old Steel Bridge (24FH463). We request your concurrence.

The draft MOA has been modified somewhat as the bridge has already been offered for adoption per the provisions of the October, 2001 Historic Roads & Bridges Programmatic Agreement. So far, one party has expressed interest in the bridge but has not yet provided the additional information we requested of them (the deadline is January 8, 2002). The bridge adoption has been included in the draft MOA as a "Whereas."

If you have any questions, please don't hesitate to contact me at 444-6258.

Jon Axline, Historian  
Environmental Services

Attachments

cc: Loran Frazier, P.E., Missoula District Administrator  
Joe Kolman, P.E., Bridge Engineer  
Gordon Stockstad, Resources Bureau



Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

David A. Galt, Director  
Judv Martz, Governor

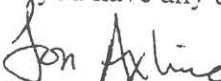
October 23, 2001

Dr. Mark Baumler  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

Subject: BR 9015(44)  
Flathead River - Kalispell  
Control No. 4229

Enclosed is the Determination of Effect and draft Memorandum of Agreement for the above project in Flathead County. We have determined that the proposed project would have an **Adverse Effect** to the NRHP-eligible Flathead River Bridge (24FH463) for the reasons stated in the enclosed document. We request your concurrence. The draft MOA outlines a potential mitigation plan for the bridge. Please review and forward any comments to me.

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

  
Jon Axline, Historian  
Environmental Service

cc: Loran Frazier, P.E., Missoula District Administrator  
Joe Kolman, P.E., Bridge Engineer  
Gordon Stockstad, Resources Bureau

**BR 9015(44)**  
**Flathead River – Kalispell**  
**Control No. 4229**

**Introduction**

The Montana Department of Transportation (MDT) intends to replace a bridge and reconstruct the approaches on Steel Bridge and Holt Stage roads at Kalispell in Flathead County, Montana. The project is located in the NE¼ NW¼ of Section 10, T28N, R21W. The preferred alternative for this project includes the construction of a new bridge on a new alignment and involves the reconstruction of 1,654± feet of approach road. The existing bridge and road was constructed in 1894. Figure 1 shows the project area on the 1980 General Highway Map.

The Flathead River – Kalispell project would involve the construction of a new bridge on a new alignment. The proposed bridge would be located on a new alignment slightly downstream of the existing bridge. The southeast approach of the proposed bridge would be located at the existing bridge abutment and pivot to the west. This alternative would include the construction of 394± feet of approach work on Holt Stage Road and 460± of approach work on Steel Bridge Road. Approximately 800± of work would be required on the northwest approach to the proposed bridge and would include a significant impact to the Montana Department of Fish, Wildlife & Parks' Steel Bridge Fishing Access Site. This alternative, however, would bypass the existing historic bridge. Additional Right-of-Way would be required for this project.

**Significant Cultural Resources**

A cultural resource survey of the project area was conducted in 2001. In May, 1985, however, the MDT and the Montana State Historic Preservation (SHPO) concurred in the National Register of Historic Places (NRHP) eligibility of the Flathead River or Old Steel Bridge (24FH463). No other prehistoric or historic sites are located within the Area of Potential Effect for this project.

The Old Steel Bridge was constructed in 1894 by the Gillette-Herzog Manufacturing Company of Minneapolis, Minnesota. The bridge is a three-span, pin-connected Pratt through truss structure. It is 508-feet in length and 16-feet wide. The bridge is eligible for the NRHP under Criteria A and C.

**Project Impact**

A preliminary design of the Flathead River – Kalispell project has been completed and a copy of the plans in the vicinity of the bridge is attached (Figure 2).

The preferred alternative for this project would involve the construction of a new bridge on a new alignment just downstream. The southeast abutment of the proposed bridge would be located on the existing abutment of the Old Steel Bridge (24FH463)). The northwest abutment would be located approximately 230± downstream. The proposed approaches would be perpetuated on the southeast and 800± feet of approach road would be constructed to accommodate the new structure and to improve the alignment of the approach to the structure on the northwest side of the river. Although the existing bridge would be bypassed under this

# MONTANA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROJECT NO. BR 9015(44)

STRUCTURE AND APPROACHES

FLATHEAD RIVER - 3 KM E. OF KALISPELL

FLATHEAD COUNTY

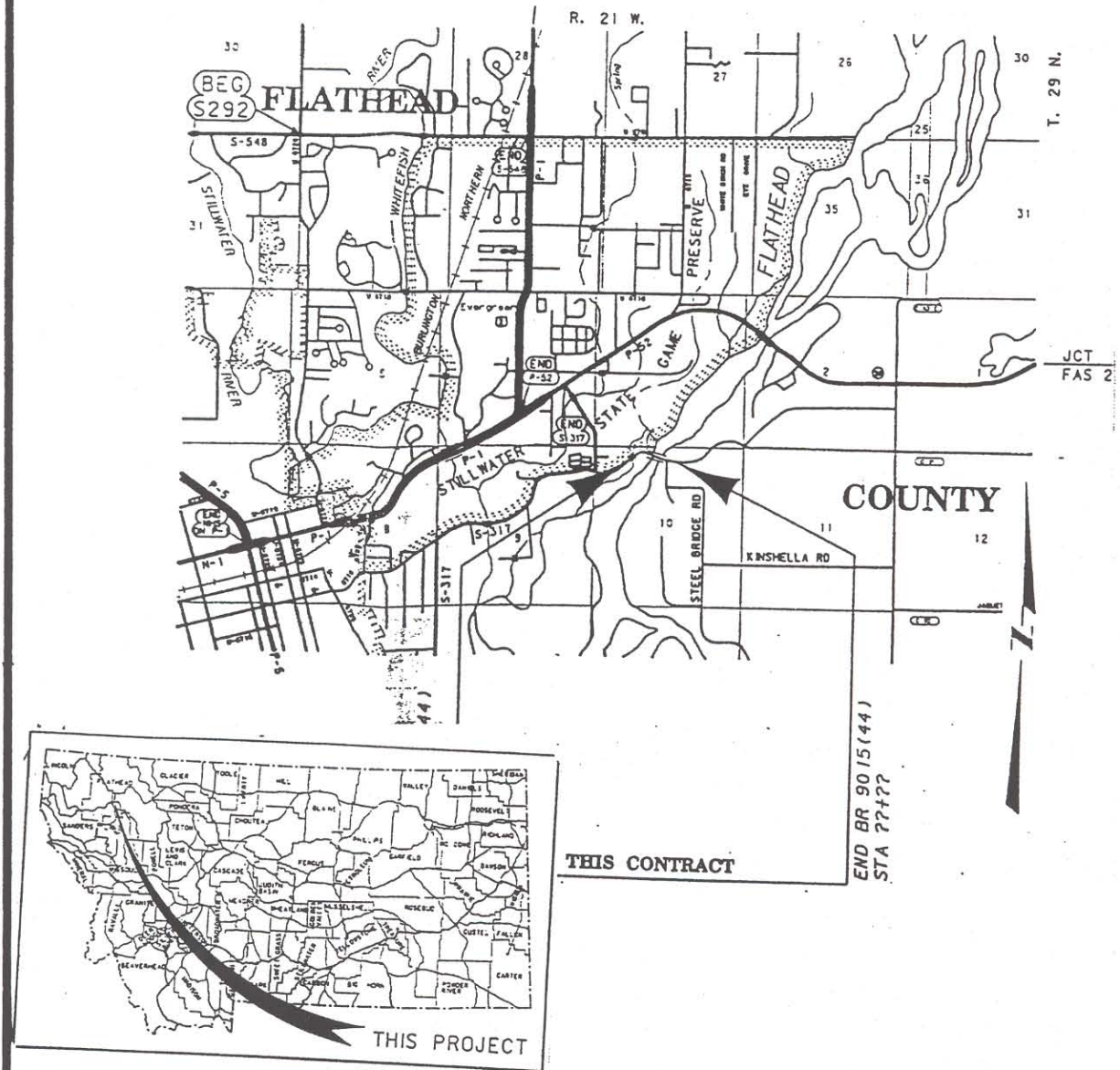


Figure 1. The MDT's Flathead River - Kalispell project area.

alternative, its poor structural condition (especially the substructure) may preclude it being left in-place and “adopted” at its existing location.

### **Project Effect**

There would be an **Adverse Effect** to the NRHP-eligible Old Steel Bridge (24FH463). The preferred alignment for the new bridge (see below) would bypass the old structure. Access to the old bridge would be terminated on the southeast bank of the Flathead River. The proposed new bridge would be located just downstream of the existing structure. Although the existing bridge would be bypassed, there is no guarantee that a new owner could be found to adopt the structure in place. The existing bridge has serious structural deficiencies that may preclude any interest in preserving the structure in-place for the amount of money that would be available to them (\$54,000 demolition cost). If the existing bridge is adopted and removed from the site, it would likely include the adoption of individual spans and not the structure as a whole. The integrity of the structure would not be left intact with the close proximity of the proposed bridge or if the structure is relocated. The setting of the site would also change with the addition of the new bridge through a portion of the adjacent Montana Department of Fish, Wildlife & Parks’ Fishing Access Site. The bridge’s association with that historically significant crossing of the Flathead River would also be compromised by the structure’s removal.

### **Alternates**

Four alternatives were initially considered for this project. Alternative #1 was chosen as the preferred alternative for this project. This proposed alignment would require the least amount of new Right-of-Way (R/W) and would have less impact on existing wetlands adjacent to the bridge. It would also bypass the existing bridge. This is also the alternative preferred by local landowners, FWP, and Flathead County as determined at a public hearing held on May 8, 2001.

Alternative #1. The proposed bridge would be located on a new alignment slightly downstream of the existing bridge. The southeast approach of the proposed bridge would be located at the existing bridge abutment and pivot to the west. This alternative would include the construction of 394± feet of approach work on Holt Stage Road and 460± of approach work on Steel Bridge Road. Approximately 800± of work would be required on the northwest approach to the proposed bridge and would include a significant impact to the Montana Department of Fish, Wildlife & Parks’ Steel Bridge Fishing Access Site. This alternative, however, would bypass the existing historic bridge.

Alternative #2. This proposed alternative (Figure 3) would utilize the existing bridge crossing alignment. A significantly new alignment would be constructed on the northwestern approach. Approximately 1,378± feet of approach road would be constructed on the northwest before tying back in to Steel Bridge Road. The existing approaches on the southeast would be perpetuated with 328± feet on Holt Stage Road and 460± feet on Steel Bridge Road constructed to tie in to the new bridge.

Alternative #3. This alternative (Figure 4) would construct a new bridge about 40± feet upstream of the existing bridge. The proposed alignment suggested for the northwest approach on Alternative #2 would be utilized for this alternative. Holt Stage Road would be realigned on



the southeast to intersect with Steel Bridge Road about 82± feet southeast of the existing intersection.

Alternative #4. The No-Build Alternative was not considered because of the serious structural deficiencies of the bridge and its inability to efficiently handle the early 21<sup>st</sup> century traffic demands currently placed on it by subdivision growth in the area.

### **Mitigation**

The MDT proposes to mitigate the adverse effect to the Old Steel Bridge (24FH463) by conducting Historic American Engineering Record (HAER) recordation of the structure. The MDT will also install a historic marker at the adjacent Montana Department of Fish, Wildlife & Parks' Old Steel Bridge Access Site that describes the bridge's history and significance to the early development of Kalispell. The MDT will also seek a new owner for the bridge under the department's Adopt-A-Bridge Program. The MDT will work with the Northwest Montana Historical Society and private individuals in developing a plan to preserve, if possible, the old bridge in-place. The bridge would be preserved for bicycle/pedestrian use and closed to motor vehicles. If the plan does not come to fruition, then the MDT will then advertise the bridge through the Adopt-A-Bridge Program.



10/5/07/01  
 12:33:28 PM  
 DRAWN BY: NLA  
 APPROVED BY: U8669  
 REVISED BY:

4229\rd\4229r\app01.dgn



# ALIGNMENT OPTION 2



$PI=4+63.65$   
 $\Delta = 27^{\circ} 16' 04''$  (LT)  
 $R_c = 125$  m  
 $L_c = 50.00$  m  
 $\Delta_c = 11^{\circ} 27' 33''$   
 $T_c = 55.49$  m  
 $L_c = 55.49$  m  
 $E_c = 41.48$  m

$PI=7+13.83$   
 $\Delta = 90^{\circ} 00' 00''$  (RT)  
 $R_c = 85$  m  
 $L_c = 45.00$  m  
 $\Delta_c = 15^{\circ} 10' 00''$   
 $T_c = 59^{\circ} 40' 01''$  (RT)  
 $L_c = 108.44$  m  
 $E_c = 88.52$  m  
 $E_c = 36.61$  m

$PI=0+60.41$   
 $\Delta = 15^{\circ} 32' 07''$  (RT)  
 $R = 190$  m  
 $T = 25.92$  m  
 $L = 51.52$  m  
 $E = 11.76$  m

$PI=10+01.91$   
 $\Delta = 22^{\circ} 58' 48''$  (LT)  
 $R = 125$  m  
 $L = 23.41$  m  
 $T = 50.13$  m  
 $E = 21.56$  m

**Flathead River/Old Steel Bridge (24FH463)**

Existing/proposed Centerline

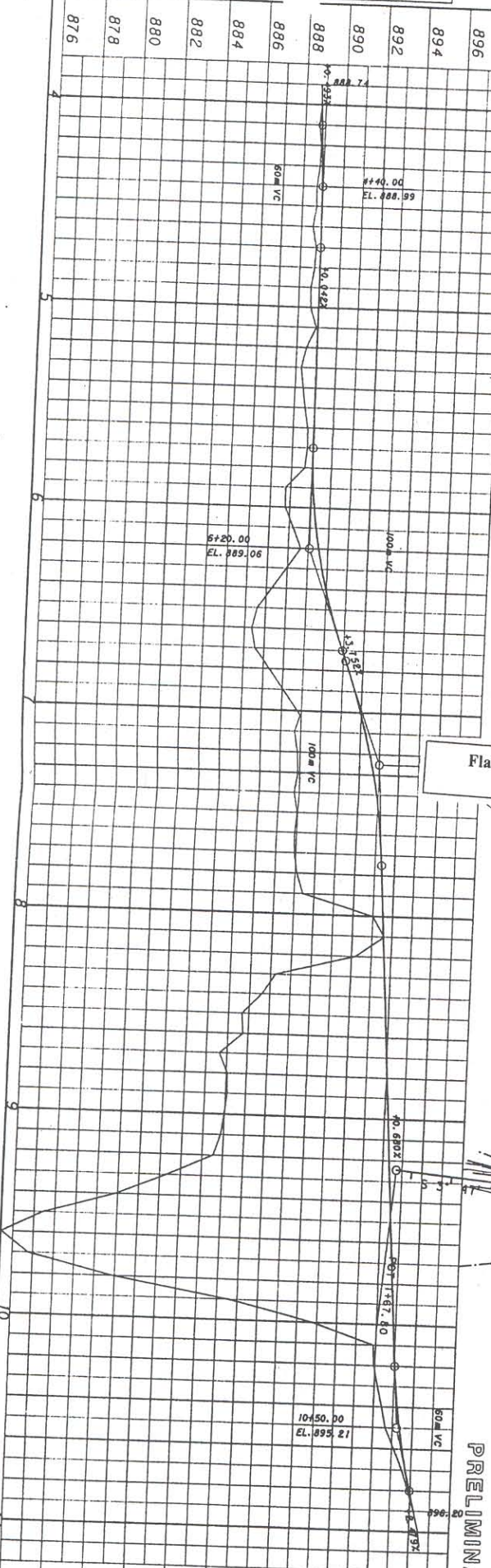


Figure 3. Alternative #2

STATE	PROJECT NUMBER	SHEET NO.
MONTANA	RM 9015(44)	
CSF - 0.89847887		

876	878	880	882	884	886	888	890	892
-----	-----	-----	-----	-----	-----	-----	-----	-----

# ALIGNMENT OPTION 3

PI=4+98.57  
 Δ=27° 16' 02" (LT)  
 R<sub>c</sub>=125 m  
 L<sub>s</sub>=50.00 m  
 Δ<sub>c</sub>=11° 27' 33"  
 T<sub>s</sub>=55.49 m (LT)  
 L<sub>e</sub>=9.49 m  
 E<sub>s</sub>=4.48 m

PI=7+48.20  
 Δ=89° 31' 43" (RT)  
 R<sub>c</sub>=85 m  
 L<sub>s</sub>=45.00 m  
 Δ<sub>c</sub>=15° 10' 00"  
 T<sub>s</sub>=101.73 m  
 L<sub>e</sub>=81.82 m  
 E<sub>s</sub>=36.11 m

PI=10+75.94  
 Δ=67° 01' 33" (RT)  
 R<sub>c</sub>=85 m  
 T<sub>s</sub>=56.29 m  
 L<sub>e</sub>=99.43 m  
 E<sub>s</sub>=16.95 m

PI=0+65.53  
 Δ=51° 10' 12" (RT)  
 R<sub>c</sub>=100 m  
 T<sub>s</sub>=47.88 m  
 L<sub>e</sub>=89.31 m  
 E<sub>s</sub>=10.87 m

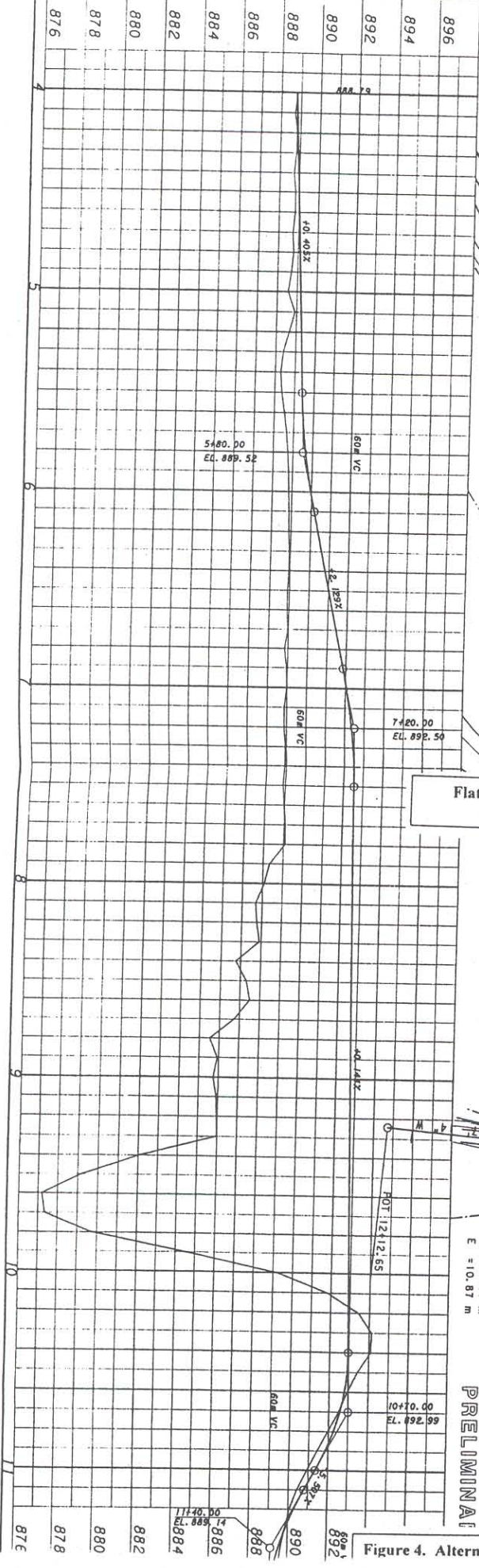
Flathead River/Old Steel Bridge  
(24FH463)

Proposed Centerline

PRELIMINARY

Figure 4. Alternative #3

STATE	PROJECT NUMBER	SHEET NO.
MONTANA	BR 9015(44)	
CSF - 0.09847387		



DRAFT

**MEMORANDUM OF AGREEMENT  
FLATHEAD RIVER – KALISPELL  
FLATHEAD COUNTY, MONTANA  
BR 9015(44)  
Control No. 4229**

WHEREAS the Federal Highway Administration (FHWA) proposes to assist the Montana Department of Transportation (MDT) in funding the Flathead River – Kalispell bridge replacement project.

WHEREAS FHWA has determined that the undertaking will have an effect on the Flathead River Bridge (24FH463), a property eligible for inclusion in the National Register of Historic Places. 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);

WHEREAS MDT participated in the consultation and have been invited to concur in this amended Memorandum of Agreement;

NOW, THEREFORE; FHWA and the Montana SHPO agree that the undertaking 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) The MDT shall contact the Historic American Building Survey/Historic American Engineering Record (HABS/HAER) to determine what level and kind of recordation is required for the Flathead River Bridge (24FH463). Unless otherwise agreed to by HABS/HAER, MDT shall ensure that all documentation is completed and accepted by HABS/HAER prior replacement of the historic bridge. MDT shall ensure that copies of this documentation are provided to SHPO, Montana State University, and the Northwest Montana Historical Society in Kalispell.
- 2) The MDT will attempt to find a new owner for the Flathead River Bridge (24FH463). The bridge will be advertised for adoption through the Kalispell *Daily Inter Lake* and the Columbia Falls *Hungry Horse News*. Public Service Announcements will also be aired on southeastern Montana AM and FM radio station concerning the availability of the bridge for adoption. The bridge will also be advertised through the MDT's Internet Home Page. The bridge will be advertised for adoption for 45 days beginning on October 5, 2001.
- 3) The bridge will be adopted in accordance with the MDT's Adopt-A-Bridge policy (see Attachment 1).

- 4) The MDT will install an interpretive marker at the Montana Department of Fish, Wildlife & Parks' Old Steel Bridge Fishing Access Site adjacent to the location of the Flathead River Bridge in Kalispell. The marker will describe the history and significance of the bridge to the community and include either a drawing or photograph of the bridge on the marker.
  
- 5) If a dispute arises regarding the implementation of this Agreement, FHWA shall consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA shall request the further comments of the Advisory Council on Historic Preservation 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 Flathead River – Kalispell bridge replacement project and its affects on historic properties, and that FHWA has taken into account the effect of the Undertaking on historic properties.

\_\_\_\_\_  
 Federal Highway Administration

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Montana State Historic Preservation Office

\_\_\_\_\_  
 Date

Concurring Party:

\_\_\_\_\_  
 Montana Department of Transportation

\_\_\_\_\_  
 Date



RECEIVED

OCT 23 2001

Montana Department of Transportation

ENVIRONMENTAL  
Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

David L. ...  
Julie Martin ...

JOSEF  
MDT

October 2, 2001

2001100410

Dr. Mark Baumler  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

Subject: BR 9015(44)  
Flathead River Bridge - Kalispell  
Control No. 4229

Enclosed is the cultural resource report, CRABS, and site form for the above project in Flathead County. One historic site, the Flathead River Bridge (24FH463), was located within the project area/Area of Potential Effect on Steel Bridge Road east of Kalispell. The project area encompassed the Montana Department of Fish, Wildlife & Parks' Steel Bridge Fishing Access Site. The bridge was determined eligible for listing on the National Register of Historic Places in 1985. We request your concurrence.

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

*Jon Axline*  
Jon Axline, Historian  
Environmental Service

CONCUR  
MONTANA SHPO

DATE 2/20/2001 SIGNED

cc: Loran Frazier, P.E., Missoula District Administrator  
Joe Kolman, P.E., Bridge Engineer  
Gordon Stockstad, Resources Bureau  
Paul Valle, FWP

w/attachment

# APPENDIX D: Comments Received on the Draft Section 4(f) Evaluation





**Montana Fish,  
Wildlife & Parks**

RECEIVED

DEC 06 2004

ROBERT PECCIA  
& ASSOCIATES

1420 East Sixth Avenue  
P.O. Box 200701  
Helena, MT 59620  
November 15, 2004

RECEIVED

NOV 17 2004

ENVIRONMENTAL

MASTER FILE  
COPY

Jean A. Riley, PE  
Bureau Chief, Environmental Services  
Montana Department of Transportation  
P O Box 201001  
Helena, MT 59620-1001

RE: Old Steel Bridge Project [BR 9015 (44)/Control No. 4229]

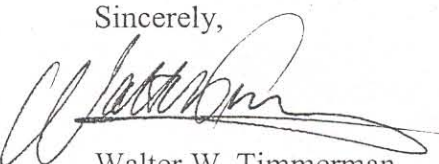
Dear Ms. Riley:

Montana Fish, Wildlife & Parks (FWP) concurs with the Montana Department of Transportation (MDT) and its conclusions about the potential effects to the Old Steel Bridge Fishing Access Site (FAS) and the mitigation measures proposed, as outlined in your letter of November 4, 2004, with the following two exceptions.

1. FWP would prefer a firmer commitment to perform the traffic study necessary for the installation of pedestrian crosswalks, associated signing, and pavement markings after the bridge replacement. FWP continues to be concerned that increased traffic volumes resulting from the bridge replacement will result in safety issues for pedestrians. Furthermore, due to county road budget constraints, FWP is concerned that these impacts will result in additional costs, post construction, to both FWP and Flathead County to improve the safety situation resulting from the project.
2. In the section that discusses the Section 6(f) mitigation, it is important to state that this mitigation measure is still subject to approval by the National Park Service and the FWP Commission as noted in the *Right-of-Way Agreement* between FWP and MDT. This change should also be noted in the Section 6(f) Impacts segment of the environmental document.

FWP appreciates the efforts MDT has made to coordinate this important project.

Sincerely,

  
Walter W. Timmerman  
Parks Recreation Bureau Chief

c: Shane Mintz, Right of Way, MDT  
Allan Kuser, FWP FAS Coordinator  
Marty Watkins, FWP Region I Parks Manager  
Darlene Edge, FWP Lands Section

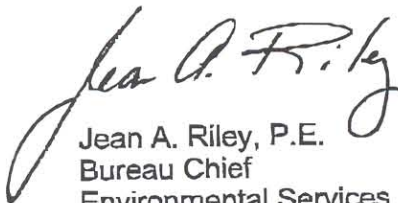
**Montana Department of Transportation**2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001David A. Galt, Director  
Judy Martz, Governor

November 4, 2004

Montana Department of Fish, Wildlife & Parks  
1420 East Sixth Avenue  
PO Box 200701  
Helena, MT 59620-0701**Subject: FLATHEAD RIVER - 3 KM EAST OF KALISPELL**  
BR 9015 (44)  
Control No. 4229

Enclosed are two copies of a letter requesting your Concurrence with Section 4(f) Evaluation and Mitigation Measures regarding the Old Steel Bridge FAS. If you concur with our conclusions about the potential effects to the Old Steel Bridge FAS and the mitigation measures proposed, please sign both originals on the appropriate lines and return one original to my office. If you do not agree or believe other measures should be implemented as mitigation, please provide me with a written response outlining your reasons so we can further coordinate this project and its effects with you or other representatives of your agency.

We would appreciate your prompt response since FWP's concurrence is needed prior to completion of the Final Section 4(f) Evaluation and the environmental document for this project. If you have any questions, please contact Susan Kilcrease at (406) 523-5842, E-mail [skilcrease@state.mt.us](mailto:skilcrease@state.mt.us). or Jean Riley at 444-9456, E-mail [jriley@state.mt.us](mailto:jriley@state.mt.us).



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

JAR:SMK

cc: Loran Frazier, P.E. - Missoula District Administrator  
Paul R. Ferry, P.E. - Highways Engineer  
Kent M. Barnes, P.E. - Bridge Engineer  
John Horton - Right-of-Way Bureau Chief  
Susan Kilcrease, Environmental Services  
Marty Watkins, FWP, Regional Parks Manager (Kalispell)  
Walt Timmerman - FWP, Recreation Bureau Chief (Helena)  
Alan Kuser - FWP, Fishing Access Site Coordinator (Helena)  
Deborah Dils - FWP, Lands Section Supervisor (Helena)  
Adam Brooks - FWP, Federal Aid Program Manager  
Dan Norderud - Robert Peccia & Associates  
Project file



**Montana Department of Transportation**

David A. Galt, Director  
Judy Martz, Governor

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

November 4, 2004

Montana Department of Fish, Wildlife & Parks  
1420 East Sixth Avenue  
PO Box 200701  
Helena, MT 59620-0701

Subject: **FLATHEAD RIVER - 3 KM EAST OF KALISPELL**  
BR 9015 (44); Control No. 4229  
Concurrence with Section 4(f) Evaluation and Mitigation Measures

The Montana Department of Transportation (MDT), on behalf of Flathead County, has undertaken a project to replace the existing bridge over the Flathead River located about 3 kilometers (1.9 miles) east of the City of Kalispell on Kiwanis Lane and Holt Stage Road. The project will require new right-of-way from the Old Steel Bridge Fishing Access Site (FAS), a site owned and administered by the Montana Department of Fish, Wildlife & Parks (FWP). Through previous coordination, the FWP's Parks Division has determined that the Old Steel Bridge FAS is a significant public recreation site. As such, the property is subject to the provisions of Section 4(f) of the *U.S. Department of Transportation Act (49 U.S.C. 303)*. This means MDT is obligated to evaluate feasible and prudent alternatives to the use of land from the FAS and to include all possible planning to minimize harm to the FAS from the highway use.

As you may know, MDT prepared and distributed a Draft Section 4(f) Evaluation for this project last October. The Draft Section 4(f) Evaluation included: an alternatives evaluation and identification of a preferred alternative; a detailed description of the anticipated impacts to the FAS; and a description of proposed actions to minimize harm to the FAS and its use. Based on our evaluation, the impacts listed below are apparent from this project:

- The conversion of about 1.07 hectares (2.64 acres) of land from the recreation site to transportation use would be necessary due to the realignment of the river crossing. Because the FAS was acquired and/or developed with federal funds administered through the *Land and Water Conservation Fund (LWCF) Act (16 U.S.C. 460)* and *Federal Aid in Sport Fisheries Restoration Act* (also known as the *Dingell-Johnson Act*) (16 U.S.C. 777), the conversion of land from recreational use to highway purposes requires MDT to provide acceptable replacement land. The replacement land must be of reasonably equivalent usefulness and location and of at least comparable value to the converted land in the FAS.
- Some existing vegetation, fencing, and signing within the FAS would be impacted due to the realignment of the west approach to the new bridge.
- Approach construction would require the removal of the existing toilet on the west side of the FAS.
- Access to and the parking area for the present boat ramp would be affected by the reconstruction of the west approach to the new bridge.

MT. Fish Wildlife & Park  
November 4, 2004  
Page 2 of 5

- Removal of the caissons for the old bridge may allow the channel to migrate westward requiring a change in the location of the boat ramp.
- Changes in traffic volumes and travel speeds on Holt Stage Road and Kiwanis Lane in the vicinity of the FAS may occur due to the provision of a two-lane bridge for the first time.
- The ability for river users to put-in or take out boats from the west side of the FAS would be lost during construction of the new bridge.
- Bridge construction activities may inconvenience recreational floaters and eliminate some fishing opportunities near the old bridge during the construction period.
- Closure of the Flathead River crossing will affect traffic circulation on the local road system during the construction period.
- Portions of the FAS would be used as staging areas for construction activities.

Since the distribution of the Draft Section 4(f) Evaluation, MDT has refined the originally proposed mitigating measures for these impacts into a list of specific actions to be implemented with this project. The mitigating actions were developed based on: input and discussions with FWP and MDT bridge and road design staff; preliminary design concepts for future revisions to the layout of the FAS provided by FWP; a meeting between MDT and FWP staff held on August 10, 2004; and additional coordination between MDT and FWP regarding the actions proposed at the August 10 meeting.

As a result of the coordination efforts with FWP, the following measures to minimize adverse impacts to the features, facilities, and use of the Old Steel Bridge FAS are proposed:

- 1) **MDT will reestablish landscaping and fencing disturbed by construction.** FWP will be consulted to identify desirable vegetative species for reseeding or native bushes for replanting disturbed areas of the FAS. FWP will also identify locations where impacted wooden fencing will be reinstalled.
- 2) **MDT will reset and/or replace existing informational signing for the FAS disturbed by construction.** FWP will be consulted to identify where impacted signs need to be reset or replaced.
- 3) **MDT will replace existing metal guardrail and concrete "jersey" barriers at various locations in the FAS with large rocks to control traffic and site access.** FWP will identify a local source(s) for the large rocks and locations where large rocks will be installed. MDT will pay for the rocks and their placement. Contract documents for the project will specify the size and shape of the large rocks to be installed by MDT's contractor.
- 4) **MDT will provide and install a new single unit vault toilet and pathway provisions to access the toilet at a site specified by FWP.** MDT will offer FWP the opportunity to review the specifications for a new vault toilet included in MDT's contract documents. MDT's contractor will remove the existing toilet as part of the project's activities.
- 5) **MDT will design and construct a new approach and access road connecting Kiwanis Lane to the existing Shady Lane Pond parking area located west of the present bridge.** The new road will serve as the main access to a new boat ramp and have an alignment and

MT. Fish Wildlife & Park  
November 4, 2004  
Page 3 of 5

length similar to that shown on FWP's preliminary concept drawing for the Old Steel Bridge FAS. The new road will be 7.2 meters (m) (approximately 24 feet) wide and have a gravel surface. MDT's contractor will also apply a dust palliative to the aggregate surfacing on the access road. FWP agrees to permit MDT to undertake this construction on its property.

- 6) **In conjunction with the new access road described in item 5) above, MDT will design and construct a short loop road providing a "host pad" area for the seasonal placement of a caretaker's trailer at the FAS.** The loop road will be developed at a location between the new access road and Kiwanis Lane. The loop road will be about 6 m (20 feet) wide and have a gravel surface. FWP agrees to permit MDT to undertake this construction on its property.
- 7) **MDT will design and construct a gravel-surfaced parking area for the boat ramp in the FAS.** MDT will consult with FWP to determine the location and dimensions of the area to be graded and surfaced for parking. FWP agrees to permit MDT to undertake this construction on its property.
- 8) **MDT and FWP agree to equally share the anticipated cost of materials and labor for the installation of a new boat ramp at the FAS.** FWP estimates the costs associated with installing a new boat ramp to be about \$30,000. MDT agrees to this estimated cost and will contribute \$15,000 to FWP for the installation of a new boat ramp in the FAS.
- 9) **MDT will install two conduits under the reconstructed section of Kiwanis Lane to facilitate future installations of water lines and/or electrical lines within the FAS.** The conduits will have a minimum diameter of about 250 millimeters (10 inches) in diameter and be installed at locations identified by FWP.
- 10) **MDT will design and install a new sidewalk for FAS users.** The sidewalk will be provided along east side of Kiwanis Lane between the west end of the new bridge and a new approach to the riverside day use parking area. Sidewalk will also be provided along on the south side of Holt Stage Road between the east end of the new bridge and Steel Bridge Road. These sidewalks will connect to pedestrian facilities provided on the downstream (south) side of the new bridge deck.
- 11) **MDT will steepen and bench the riprap slope beneath the east end of the new bridge to perpetuate wildlife movements along the riverbank.**
- 12) **At the request of Flathead County, MDT will review average daily traffic volumes on Kiwanis Lane and pedestrian activity within the FAS to determine if warrants for the installation of a pedestrian crosswalk and associated signing and pavement markings are met.** MDT acknowledges the possible need for and benefits of installing pedestrian warning signs for motorists using Kiwanis Lane. However, Kiwanis Lane is a county road and efforts to investigate or install pedestrian signing or crossing provisions must be initiated by Flathead County, the local government with jurisdiction over the roadway. FWP is encouraged to ask Flathead County to install pedestrian warning signs along the roadway or to have the County request MDT to perform a pedestrian crossing study. It would be most appropriate to review traffic and pedestrian activity after the bridge replacement project has been completed and full recreational use of the FAS has resumed. FWP can also install

MT. Fish Wildlife & Park  
November 4, 2004  
Page 4 of 5

signing on its own property indicating entry into the FAS and advising motorists passing through the FAS to proceed with caution due to pedestrian activity on or near the roadway.

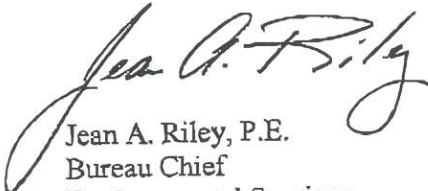
- 13) **MDT will provide traffic control measures necessary at a temporary river access within the FAS.** FWP will provide a temporary river access on the east side of the Flathead River south of the new bridge. MDT's contractor will provide and remove guardrail and/or other barriers needed to direct users to the temporary boat ramp and prevent trespassing on adjoining private lands. FWP will maintain management and enforcement responsibilities for the use of the temporary river access.
- 14) **With the exception of occasions when construction activities for the new bridge dictate temporary closures for safety reasons, MDT will perpetuate recreational floating through the work zone.** MDT's contractor will follow the procedures and requirements described in Standard Special Provision BR 201.24 "Waterway Passage and Signing" (3/14/03) to ensure safe passage for river users through the work zone for the bridge. This specification provides for a 6 m (20 feet) wide by 2 m (6 feet) high opening in the contractors work bridge, warning signs installed on the upstream banks of the river, the use of buoys to mark a navigation channel, and public notice of the waterway restrictions in the area of the project.
- 15) **MDT will obtain and comply with necessary permits (i.e. 404, 124SPA, and MPDES Stormwater Permits) for permanent structures associated with the bridge replacement to protect water quality and aquatic resources in the project area.** MDT's contractor(s) may have their own permitting requirements for the project.
- 16) **MDT's contractor will install a temporary traffic signal at the intersection of Montana Highway 35 and Fairmont Road.** The temporary signal should benefit traffic operations along a likely detour route during the construction period for the new bridge.
- 17) **FWP will identify locations within the Old Steel Bridge FAS to be avoided by MDT's contractor(s) during the staging of construction activities.**

In accordance with the provisions of Section 6(f)(3) of the LWCF Act, MDT will provide replacement land for the FAS land converted from recreational use. On September 15, 2004, MDT and FWP finalized a Right-of-Way Agreement securing replacement land at the Shady Lane Pond property, a 5.47-acre parcel located immediately west of the Old Steel Bridge FAS. Under the agreement, MDT will pay the FWP the entire purchase amount (\$70,000) for the Shady Lane Pond property. In return, FWP agreed to accept the Shady Lane Pond property as: 1) replacement land mitigation for the impacts of this proposed bridge project; 2) a 6(f) bank site to serve as replacement property mitigation for unidentified future impacts to FWP lands that may result from other MDT highway projects; and 3) mitigation for outstanding 6(f) obligations to FWP associated with two other MDT projects.

If you concur with our conclusions about the potential effects to the Old Steel Bridge FAS and the mitigation measures proposed, please sign both originals on the appropriate lines below and return one original to my office. If you do not agree or believe other measures should be implemented as mitigation, please provide me with a written response outlining your reasons so we can further coordinate this project and its effects with you or other representatives of your agency.

MT. Fish Wildlife & Park  
November 4, 2004  
Page 5 of 5

We would appreciate your prompt response since FWP's concurrence is needed before we can complete the Final Section 4(f) Evaluation and the environmental document for this project. If you need additional information concerning the proposed project, please contact me at 444-9456. Thank you for your continued cooperation and assistance.



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

Concur: \_\_\_\_\_ Date: \_\_\_\_\_

Montana Department of Fish, Wildlife & Parks

cc: Loran Frazier, P.E. - Missoula District Administrator  
Paul R. Ferry, P.E. - Highways Engineer  
Kent M. Barnes, P.E. - Bridge Engineer  
John Horton - Right-of-Way Bureau Chief  
Susan Kilcrease, Environmental Services  
Marty Watkins, FWP, Regional Parks Manager (Kalispell)  
Walt Timmerman - FWP, Recreation Bureau Chief (Helena)  
Alan Kuser - FWP, Fishing Access Site Coordinator (Helena)  
Deborah Dils - FWP, Lands Section Supervisor (Helena)  
Adam Brooks - FWP, Federal Aid Program Manager  
Dan Norderud - Robert Peccia & Associates  
Project file



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

FEB 9 2004

ER 03/936

Ms. Janice W. Brown  
Division Administrator  
Federal Highway Administration  
2880 Skyway Drive  
Helena, Montana 59602

Dear Ms. Brown:

Thank you for the opportunity to comment on the Draft Section 4(f) Evaluation for the **Old Steel Bridge [BR 9015 (44); CN 4229] over the Flathead River, 3 Kilometers East of Kalispell, Flathead County, Montana**. The Department of the Interior has reviewed the document, and offers the following comments.

Overall, the document is thorough, organized, and well-written. The Department also recognizes and appreciates the extent of public and agency participation initiated by the Montana Department of Transportation with affected parties on this project, including various Federal and state agencies and the general public. We are pleased that most of these agencies including Montana Fish, Wildlife and Parks and the Montana State Historic Preservation Office concur with your findings. In addition to these agencies, affected Native American tribes should be consulted on all Federal undertakings. (This may have already been conducted and documented in the environmental analysis for this project.)

We appreciate that impacts to all Section 4(f) and 6(f) resources have been considered early in the planning stage. We acknowledge that the proposed project will impact 1) the Old Steel Bridge Fishing Access Site which qualifies as both a Section 4(f) and 6(f) property, and 2) the historic Flathead River Bridge which is eligible for the National Register of Historic Places. We recognize that a number of alternatives were considered to avoid or minimize impacts to Section 4(f) resources, and that specific mitigation measures will be employed to reduce adverse effects to these properties. In particular, we support the effort to supply similar replacement property for the impacted portions of the Old Steel Bridge Fishing Access Site and the rails-to-trails program being developed for the historic Flathead River Bridge. We note that the draft Memorandum of Agreement for the Shady Lane replacement property will be finalized prior to project implementation and that the Memorandum of Agreement for the historic bridge, in consultation with the Montana State Historic Preservation Office, has already been finalized.



Following our review of the Draft Section 4(f) Evaluation, we concur that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all measures have been taken to minimize harm to these resources.

For further information concerning these matters, please contact Cheryl Eckhardt, National Park Service, Denver, CO 80225, on 303/060-2851.

Sincerely,

A handwritten signature in black ink that reads "Willie R. Taylor". The signature is written in a cursive style with a large initial "W" and "T".

Willie R. Taylor  
Director, Office of Environmental Policy  
and Compliance

**RECEIVED**

DEC 22 2003

**ENVIRONMENTAL****Montana Fish,  
Wildlife & Parks**

490 N. Meridian Road  
Kalispell, MT 59901  
(406) 752-5501  
FAX (406) 257-0349  
December 19, 2003  
REF:DV220-03

**MASTER FILE  
COPY**

Jean A. Riley, P.E.  
Montana Department of Transportation  
Environmental Services  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620-1001

RE: Draft Section 4(f) Evaluation  
Flathead River – 3 km E of Kalispell  
BR 9015 (44); CN 4229

The Region 1 FWP staff has reviewed the Draft Section 4(f) Evaluation for replacement of a bridge over the Flathead River near Kalispell known as the "Old Steel Bridge" (Project BR 9015(44); CN 4229). This project will affect the FWP Old Steel Bridge Fishing Access Site (FAS). We offer the following comments:

Page 21, F.1. Replacement land for 6(f) property

FWP hopes to consummate purchase of the Shady Lane Pond within the next few months. MDT has identified participation in this purchase as partial mitigation for loss of 6(f) land and needs to contact the FWP Lands Section (444-4042) to coordinate on the purchase.


Page 22. Replace facilities . . .

1<sup>st</sup> bullet: "Construction of a gravel-surfaced" parking area access road . . ." The existing road is paved and needs replacement in kind.

Page 24, 1<sup>st</sup> ¶: "MDT proposed making payment to MFWP for an amount sufficient to cover cost of materials and labor to install a new boat ramp . . ." Since the location of the boat ramp may not be determined for several years and the location will determine costs, we need to ensure the agreement ultimately covers all costs.

Thank you for the opportunity to comment.

Sincerely,



Dan Vincent  
Regional Supervisor

*Flathead County*  
**Board of Commissioners**

(406) 758-5503

Howard W. Gipe  
Gary D. Hall  
Robert W. Watne

**RECEIVED**

NOV 17 2003

**ENVIRONMENTAL**



November 14, 2003

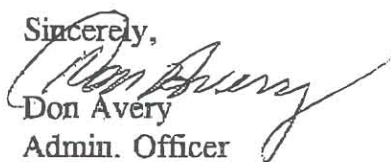
Jean A. Riley, P.E.  
Montana Dept. of Transportation  
Environmental Services  
2701 Prospect Ave.  
P.O. Box 201001  
Helena, MT. 59620



RE: Draft Section 4(f) Evaluation  
Flathead River - 3km E of Kalispell  
BR 9015 (44); CN 4229

The Flathead County Commissioners have reviewed your draft evaluation for the replacement of the old steel bridge and concur with your findings. We found the study to be thorough and well done.

Sincerely,

  
Don Avery  
Admin. Officer