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July 7, 2015

**CATEGORICAL EXCLUSION**  
**For**  
**Pleasant Valley Road Relocation**  
**MT FLATHEAD 543(1)**

The Western Federal Lands Highway Division of the Federal Highway Administration (WFLHD), US Fish and Wildlife Service (USFWS) and Flathead County, plan to relocate and construct 3.03 miles of Pleasant Valley Road. The selected course of action is described as the Preferred Alternative in the *Lost Trail National Wildlife Refuge Pleasant Valley Road Relocation and Stream and Wetland Restoration Project Environmental Assessment* (USFWS June, 2015). A Finding of No Significant Impact (FONSI) was concluded by USFWS on July 2, 2015.

The Federal Lands Access Program (FLAP) of the Moving Ahead for Progress in the 21st Century Act (MAP-21) authorizes FHWA to provide funding for specific projects. The Program Decision Committee (PDC), consisting of FHWA, the State of Montana, and an organization representing the local agencies of the state, is designated to jointly decide upon projects funded in the state. The PDC has decided to provide FLAP funding for the development of this project for construction in FY 2016 under the Montana State Federal Lands Access Program.

Pleasant Valley Road traverses for approximately 6.6 miles through the Lost Trail National Wildlife Refuge (NWR or Refuge). It provides general access to the refuge as well as a cross linkage route between several county roads. There exists a 2-mile segment of Pleasant Valley Road located within the historic migration channel of Pleasant Valley Creek as well as a series of wetlands. This segment of road was constructed from the dredge materials from the creek and wetlands when ditches were constructed to drain the wetlands and creek. The road is subject to seasonal saturation resulting from high ground water and spring flooding of Pleasant Valley Creek. During most years, flood waters overtop and inundate the road surface. The road is a substandard driving surface containing potholes, washboards, exposed subgrade and loose gravel. The Proposed Action would relocate and construct 3.03 miles of new road, relocated from the valley bottom to upland areas, and apply safety improvements such as improved sight lines, signs, uniform road widths, and increased culvert capacity. The re-location of the existing Pleasant Valley Road constitutes the first phase of a multi-phase project aimed to remove the Road from the valley of Pleasant Valley Creek in order to allow for the full restoration of almost six miles of Pleasant Valley Creek and over 200 acres of associated wetlands, floodplain and riparian corridor – which will occur in a follow-on phase of the project, after Pleasant Valley Road is re-located.

Prior to implementation of the road construction activities, a new right-of-way would be acquired by US Fish & Wildlife Service to encompass the new roadway (approximately 4.63 miles) for the portion of road that goes through Montana Department of Natural Resources and Conservation (DNRC) land. This easement would then be deeded to Flathead County. The County would then be responsible for the maintenance of the road. Prior to road removal and relocation commencing, the Refuge would coordinate required easements with the Montana DNRC. The legal tasks for easement creation would require deeds to be signed by all affected parties and would be filed with the Flathead County Clerk and Recorder.

## **PURPOSE AND NEED**

Pleasant Valley Road traverses for approximately 6.6 miles through the Lost Trail National Wildlife Refuge. It provides general access to the refuge as well as a cross linkage route between several county roads. There exists a 2-mile segment of Pleasant Valley Road located within the historic migration channel of Pleasant Valley Creek as well as a series of wetlands. This segment of road was constructed from the dredge materials from the creek and wetlands when ditches were constructed to drain the wetlands and creek. The road is subject to seasonal saturation resulting from high ground water and spring flooding of Pleasant Valley Creek. During most years, flood waters overtop and inundate the road surface. The Proposed Action would relocate and construct 3.03 miles of new road, relocated from the valley bottom to upland areas, and apply safety improvements such as improved sight lines, signs, uniform road widths, and increased culvert capacity. The re-location of the existing Pleasant Valley Road constitutes Phase 1 of a multi-phase project aimed to remove the Road from the valley of Pleasant Valley Creek in order to allow for the full restoration of almost six miles of Pleasant Valley Creek and over 200 acres of associated wetlands, floodplain and riparian corridor – which will occur in a follow-on phase of the project, after Pleasant Valley Road is re-located.

## **PROPOSED ACTION**

Stream and wetland restoration within the Refuge is dependent upon the removal and relocation of 3.03 miles of Pleasant Valley Road to the uplands above Pleasant Valley Creek floodplain and wetland areas. Specific actions under this Categorical Exclusion:

- Apply traffic control signing the entire road length through the Refuge.

### Segment 1: Mile Post 19.70 to Mile Post 19.18

- Add six inches crushed aggregate surface;
- Reconstruct flat bottom ditches (turnpike); and
- Replace existing undersized culvert with stream simulation culvert to improve stream conveyance capacity and fish passage conditions.

### Segment 2: Mile Post 19.18 to Mile Post 17.53

- Relocate road to north slope outside of sensitive wetland areas;
- Design road to AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (2001) {ADT≤400} standards including 24 foot top width and aggregate surface (12 inch select borrow base and 6 inch crushed aggregate surfacing);
- Install cross culverts;
- Relocate utilities underground, adjacent to the new road alignment;

- Install vehicle turnouts;
- Widen and apply crushed aggregate surfacing to a portion of 1019 Road;
- Replace existing undersized culverts with stream simulation culverts (or equivalent) to improve stream conveyance capacity and fish passage conditions;
- Construct Refuge Headquarters access road (north of the headquarters); and
- Decommission existing road and coordinate removal with restoration planning to ensure both actions support a desired restoration outcome.

Segments 3 and 4: Mile Post 17.53 to Mile Post 13.07

- Add up to six inches of crushed aggregate surfacing.

The proposed actions would be completed in 2016, prior to the implementation of stream and wetland restoration work.

## **ENVIRONMENTAL ACTIVITIES**

WFLHD is the lead agency in addressing National Environmental Policy Act (NEPA) compliance for this road improvement project.

### **MATERIAL, DISPOSAL AND STAGING AREAS**

There are no government provided materials, staging or storage areas.

### **ANCILLARY SITES**

There may be some construction activities that will take place outside the construction limits that will require ground disturbance, occupation, clearing, or could result in some environmental impacts. Such activities may be material extraction, material wasting, water retrieval, staging, etc. These activities will take place at either commercial or non-commercial sources. Commercial sources are established, have provided material to public and private entities on a regular basis over the last two years, have appropriate state and local permits, and do not require expansion outside their currently established and permitted area.

### **USDOT ACT of 1966 - SECTION 4(f)**

Section 4(f) of the Department of Transportation Act of 1966 states that “the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless: (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreation areas, wildlife and waterfowl refuge, or historic sites resulting from such use.”

Under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFTEA-LU), Section 4(f) was modified to include a new subsection to Section 4(f), which authorizes the FHWA to approve projects that use a Section 4(f) resource without analysis of

feasible and prudent avoidance alternatives. However, FHWA must make a finding that such uses would have de minimis impacts upon the Section 4(f) resource.

Impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be de minimis if:

- 1) The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- 2) The officials with jurisdiction over the property are informed of FHWA's intent to make the de minimis impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- 3) The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

FHWA has determined the proposed project will have No Adverse Impact on the 4(f) resource. The Lost Trail NWR Refuge Manager concurred with FHWA's finding in a concurrence letter dated July 6, 2015. The 4(f) document was an attachment to the Environmental Assessment (EA) for the Lost Trail NWR Road Relocation and Stream/Wetland Restoration Project. Public input was solicited (public notice with 30-day comment period) via the EA public comment process. No comments were received on the project relative to Section 4(f) of the USDOT Act of 1966.

### **ENDANGERED SPECIES ACT**

The Lost Trail NWR biologists conducted inter-agency Section 7 ESA consultation with the Ecological Services branch of USFWS. Under Section 7 of the Endangered Species Act, USFWS determined that the project will have *no effect* to the following listed species: Canada lynx (*Lynx Canadensis*) and bull trout (*Salvelinus confluentus*). The project was determined to *may affect, not likely to adversely affect*, grizzly bear (*Ursus arctos horribilis*) and Spalding's catchfly (*Silene spaldingii*). The U.S. Fish and Wildlife Service formally concurred with this determination June 22, 2015.

### **NATIONAL HISTORIC PRESERVATION ACT SECTION 106**

The current roadbed of Pleasant Valley Road was a railway grade built by Great Northern Railway in 1892. The Haskell Pass line ran from Kalispell to Marion, then alongside Little Bitterroot lake, looping up on a high trestle over Herrig Creek, then through a 1425 foot long tunnel, emerging high on the mountains above Pleasant Valley. The railroad gently descended to the valley floor (the undertaking's segment). In 1904 this line was abandoned in favor of a line which bypassed Kalispell. In 1908 the track along this segment was torn up and the open grade became an ad hoc local roadway. Through time, portions of the roadway were incorporated into the county road system.

As the lead agency for Section 106 the USFWS reviewed the project and area of potential effect. Segments of the railway branch have been evaluated by different authors as being eligible for listing

under criteria A, B, C, and even D. The field inventory found no cultural resource features associated with the railroad. The original railroad bed, no longer has integrity as the track was removed, re-graded, and made into a county road. As a result, USFWS recommend a “no adverse effect” for this undertaking as described. On February 26, 2015 Montana State Historic Preservation Office (SHPO) concurred with this finding.

A 1.8 mile extension of the road relocation was not surveyed for cultural resources during the June 2014 field review. A pedestrian survey of the proposed re-alignment corridor was conducted on July 1, 2015 and found no evidence of pre-contact or historic artifacts within the survey area. A report will be prepared of the field survey and will be submitted to Montana SHPO for concurrence.

### **EXECUTIVE ORDER 11990 PROTECTION OF WETLANDS**

In accordance with Executive Order 11990, each federal agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities. Wetlands within the Refuge have been extensively modified by historical land use practices: railroad and road infrastructure, and land modifications for cattle ranching, grazing, and haying operations. Implementing the proposed road relocation and culvert replacements will allow for the follow on phase of work; which would include restoration of over 220 acres of wetland and almost 6 miles of stream channel.

### **EXECUTIVE ORDER 13112 INVASIVE SPECIES**

E.O. 13112 was issued to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. Noxious weeds present at the project area include Canada thistle (*Cirsium arvense*), musk thistle (*Carduus nutans*), spotted knapweed (*Centaurea maculosa*), sulfur cinquefoil (*Potentilla recta*), tansy ragwort (*Jacobaea vulgaris*), houndstongue (*Cynoglossum officinale*), common toadflax (*Linaria vulgaris*), oxeye daisy (*Leucanthemum vulgare*), and meadow buttercup (*Ranunculus acris*). Conservation measures have been identified to prevent and control the spread of noxious weeds. In addition, USFWS Lost Trail NWR has an active noxious weed management program.

### **EXECUTIVE ORDER 11988- FLOODPLAIN MANAGEMENT**

EO 11988 directs all federal agencies to refrain from conducting, supporting or allowing actions in floodplains unless it is the only practicable alternative. The FHWA requirements for compliance are outlined in 23 CFR 650 Subpart A. The project is not within a designated FEMA mapped floodplain.

### **WILDERNESS ACT OF 1964**

The act created a legal definition of wilderness of the United States, and protects 9.1 million acres of federal land. The project is not located in a designated Wilderness Area.

## **WILD AND SCENIC RIVERS ACT**

Selected rivers in the United States are preserved for possessing outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. Rivers, or sections of rivers, so designated are preserved in their free-flowing condition and are not dammed or otherwise impeded. The project is not located within designated Wild and Scenic River.

## **MIGRATORY BIRD TREATY ACT OF 1918**

The Migratory Bird Treaty Act makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. The proposed project would have minimal effects for migratory birds, however, the follow on phase that will restore over 220 acres of wetland and almost 6 miles of stream will have a major beneficial effect on waterfowl populations and song birds at the Refuge.

## **PERMITS**

The following permits are forecasted for this project:

- A Section 404 permit issued by the regulatory branch of the Army Corps of Engineers under the Clean Water Act of 1977, for impacts to waters of the U.S.
- A Section 318 permit for short-term water quality standard exceedance for turbidity related to construction issued by Montana Department of Environmental Quality
- National Pollutant Discharge Elimination System (NPDES) general permit is required. Montana has a state MPDES that replaces the NPDES.

## **MITIGATION MEASURES**

The following mitigation measures would minimize the degree and/or severity of adverse effects and would be implemented during the project:

### **Water Resources, Fisheries and Aquatic Organisms**

- Prior to soil disturbing activities, install temporary sediment control down-slope of all disturbed areas. Install temporary sediment control around any material stockpiles.
- Locate areas for fuel storage, refueling or servicing of construction equipment in an upland location at least 100 feet from any waterway. Provide for secondary fuel containment.
- No green or uncured concrete shall come in contact with active flow of the creek or surface run off into the creek.
- Post construction, when removing the diversion for the in-stream isolation, begin at the downstream end first to allow stream flow to back flow into the isolation area before removing the upstream end of the diversion.
- Sediment and erosion control measures would be implemented throughout construction to provide for soil stability and prevent movement of soils during rain events.

Wildlife

- Work crews would be trained on appropriate behavior in the presence of wildlife and on proper storage of food, garbage, and other attractants.

Cultural Landscapes

- If any cultural resources are discovered during construction, work in the area shall halt immediately, the NPS must be contacted, and the materials evaluated by an archaeologist or historian meeting the Secretary of the Interior’s Professional Qualification Standards (48 FR 22716, September 1983).

There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified.

**CONCLUSION**

WFLHD has confirmed that the proposed project; 1) will not have a significant effect on the human environment, and 2) falls within the category of actions covered by FHWA’s categorical exclusion regulations, and therefore meets the categorical exclusion definition contained in 40 CFR 1508.4. WFLHD finds this work constitutes an action covered under the National Listings of Categorical Exclusions, 23 CFR 771.117(d) because: 1) the action will not induce significant impacts to planned growth or land use for the area; 2) the action will not require the relocation of any people; 3) the action will not have a significant impact on any natural, cultural, recreational, historic, or other resource; 4) the action will not involve significant air, noise, or water quality impacts; 5) the action will not have significant impacts on travel; and 6) the action will not otherwise, either individually or cumulatively, have any significant environmental impacts. Furthermore, WFLHD finds this work to constitute an action within the National Listings of Categorical Exclusions, 23 CFR 771.117(d)(26). The proposed project does not include any unusual circumstances as listed in 23 CFR 771.117(b) that would make the CE classification improper.

**RECOMMENDED BY:**

\_\_\_\_\_  
Steve Morrow  
Environmental Protection Specialist

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July 7, 2015  
Date

**APPROVED BY:**

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Heather Wills  
Environmental Manager

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Date