



Draft Environmental Assessment

## **RELOCATION OF THE NA-TOOSE CLINIC**

CHIPPEWA CREE TRIBE--ROCKY BOY'S RESERVATION OF MONTANA  
AGENCY ROAD  
BOX ELDER, MONTANA

FEMA 1922-DR-MT  
Project No. RBHC01E and RBHC02G

November 2010



**FEMA**

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## LIST OF ACRONYMS

**44 CFR 10** – FEMA Environmental Considerations Regulations  
**ADT** – Average Daily Traffic  
**aka** – also known as  
**APE** – Area of Potential Effects  
**BIA** – Bureau of Indian Affairs  
**BMP** – Best Management Practices  
**CATEX** – Categorical Exclusions  
**CCCC** – Chippewa-Cree Construction Company  
**CEQ** – Council on Environmental Quality  
**CFR** – Code of Federal Regulations  
**CERCLA** – Comprehensive Environmental Resource Compensation & Liability Act  
**CWA** – Clean Water Act  
**EA** – Environmental Assessment  
**EJView** – Environmental Justice Geographic Assessment Tool  
**EO 11988** – Executive Order of Floodplains  
**EO 11990** – Executive Order of Wetlands  
**EO 12898** – Executive Order of Environmental Justice  
**EPA** – Environmental Protection Agency  
**ESA** – Endangered Species Act  
**FEMA** – Federal Emergency Management Agency  
**FONSI** – Finding of No Significant Impact  
**GPS** – Global Positioning System  
**HWY** – Highway  
**Hz** – Hertz  
**IHCIA** – Indian Health Care Improvement Act  
**Lat** – Latitude  
**Long** – Longitude  
**MDEQ** – Montana Department of Environmental Quality  
**MYA** – million years ago  
**NEPA** – National Environmental Policy Act  
**NHPA** – National Historic Preservation Act  
**NRCS** – Natural Resources Conservation Services  
**NWI** – National Wetland Inventory  
**PA** – Public Assistance  
**RCRA** – Resource Conservation & Recovery Act  
**REO** – Regional Environmental Officer  
**Section 106** – Historic Preservation Consultation  
**SQF** – Square Feet  
**SWPPP** – Stormwater Pollution Prevention Plan  
**THPO** – Tribal Historic Preservation Officer  
**USACE** – United States Army Corps of Engineers  
**USFWS** – United States Fish & Wildlife Services  
**USGS** – United States Geological Service

## **1.0 INTRODUCTION**

### **1.1 Project Authority**

On July 10, 2010, President Obama declared a major disaster due to severe storms resulting in flooding and landslides within the approximately 115,000 acres of Chippewa Cree Tribe of the Rocky Boy's Reservation of Montana (FEMA-1922-DR-MT). This Presidential Declaration provides the authority to make federal aid available to Chippewa Cree Tribe of the Rocky Boy's of Montana (Rocky Boy's) for emergency work and the repair or replacement of facilities damaged by severe storms/flooding and landslides such as the tribe's Na-toose Clinic.

As a direct result of the occurrence of floodwaters and slippage of saturated soils numerous structures, roads, and utilities were damaged beyond repair. The Rocky Boy's has applied to the Federal Emergency Management Agency (FEMA) for funding assistance to reconstruct the Na-toose Clinic facilities to restore medical services for tribal members (project numbers RBHC-01E and -02G). Authority for this proposal is provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5152 *et seq.*). FEMA's Public Assistance Program administers the funds for the restoration or construction of facilities and/or to replace facilities that have sustained damage due to a presidentially declared natural disaster.

In accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 93-288, as amended, and implementing regulations of 44 Code of Federal Regulations (CFR) Part 206, FEMA is required to review the environmental effects of the proposed action prior to making a funding decision. In accordance with 44 CFR, Subpart B, Part 10, FEMA has prepared this Environmental Assessment (EA) to meet the requirements of Section 102 of the National Environmental Policy Act (NEPA) as amended per the President's Council on Environmental Quality (40 CFR § 1500-1508). The purpose of this EA is to analyze the alternatives and assess the potential environmental impacts associated with the proposed construction of a facility to accommodate the Rocky Boy's medical services.

### **1.2 Purpose and Need**

Federal Emergency Management Agency (FEMA) is providing funding through their Public Assistance Program for the design/construction of the Rocky Boy's Na-toose Clinic facility (57,000 square feet (SQF)). Extensive flooding in the summer of 2010 resulted in damage so extensive that the pre-disaster Clinic located at 535 Clinic Road East (Latitude 48.26255, Longitude -109.77618; Figure 1) had to be vacated. The tribe is proposing to reconstruct the Na-toose Clinic on tribal land. This building will serve to provide medical, diagnostic, specialized care (podiatry, audiology, etc.), and emergency services for the Tribe members.

The Na-toose Clinic provides dental and medical services as well as optometry, mental health, physical therapy, diabetes and preventive care services to a population of approximately 5,000 tribal members in an area encompassing approximately 115,000 acres in central North Montana. The Rocky Boy's Reservation lies within the easterly and southwesterly sections of Chouteau and Hill County, respectively. The purpose of the action is to relocate the clinic so that medical services to tribal members can return to their pre-disaster function and capacity as well as continue to provide effective emergency response services. This proposed new location would be sited in an area that is not prone to flooding nor associated with unstable soils, have greater

access to major thoroughfares and to State Highway 87, and would act as an emergency distribution center during the next disaster event.

## **2.0 DESCRIPTION OF ALTERNATIVES**

Rocky Boy's Reservation Public Works Department has prepared and submitted an application for FEMA funding under FEMA's Public Assistance Program being administered in response to FEMA 1922-DR-MT.

### 2.1 Alternatives Analyzed and Dismissed

#### *Original Site (535 Clinic Road East) Alternative–*

This alternative would rebuild the landslide-damaged health clinic at its original location, 535 Clinic Road East (Lat. 48.26255, Long. -109.77618). The Na-toose Clinic facility (57,000 SQF) would be rebuilt so that it replicated the health clinic services' function and capacity that existed at pre-disaster conditions. An evaluation of preliminary information was made regarding advanced construction techniques, specific to unstable soils and flood plain sites, regarding possible use of the original location. Results indicated that even using advanced construction techniques would not prevent the rebuilt structure from being damaged by future landslides and flooding events and that the expense would be significant.

This alternative was eliminated from further consideration due to the landslide- and/or flood-related complications and associated costs.

#### *Interim Clinic Expansion (91 Clinic Road) Alternative–*

Prior to the building of the clinic destroyed in June, 2010 disaster there was a clinic located on 91 Clinic Road, within the traditional agency boundaries. This alternative would refurbish/restore this "historical" medical facility (Lat. 48.26289, Long. -109.78254) as well as the ancillary mobile units that surround the discarded clinic so that approximately 15,000 SQF would initially be available to provide sixty-five percent of the original clinic's medical services function and capacity to tribal members. Although the facility hadn't been functioning as a medical service provider, the building has been regularly maintained to operate as the Rocky Boy's Tribal Council administration offices. Thus the facility and its general vicinity continue to be connected to reservation's existing utilities, roads, and public safety infrastructures. The facility still holds resemblance of a medical clinic with appurtenances such as a helicopter pad and ambulance entrance necessary to provide responsive emergency care to tribal members. There also exists a small gravel parking lot in the front of the building to accommodate approximately thirty-five vehicles.

The historical facility would have to be remodeled vertically in order to expand the structure to a pre-disaster capacity of 57,000 SQF since there is no potential for horizontal growth due to the existing build-out at the site is approximately eighty-five percent of the 9.2 acres. This alternative was eliminated from further consideration because the current build-out would not allow for renovating/reconstructing a 57,000 SQF clinic facility and still allow for parking, ambulance service and ancillary functions similar to the capacity of the original clinic facility.

## 2.2 Alternatives Analyzed and Carried Forward

### *No Action Alternative–*

The No Action alternative would entail no construction of a new health clinic for tribal members. Consequently, members living within the reservation would be without an adequate facility for obtaining sufficient medical and emergency services in a timely manner as mandated by Congress in 1976 per the Indian Health Care Improvement Act (25 USC 1671 *et. seq.*). Currently, tribal agency's Administrative Department buildings have been equipped with medical equipment/contents to act as a temporary health clinic facility for providing limited services until at such time a reconstructed health clinic becomes operational. Until the health clinic becomes operational for those cases where emergency care is required individuals would medi-vac to North Montana Hospital located in Havre, approximately 30 miles from the interim facility (201 Laredo Road). Under the no action alternative it is presumed the aforementioned scenario would continue.

### *6500 Block of Upper Box Elder Road Alternative: Proposed Action –*

The Tribal Council Members have proposed to construct the new Na-toose Clinic on a tract of tribal land comprised of approximately eight (8) acres. This parcel is located within Section 3, Township 29 North, Range 14 East in Chouteau County, Montana (Figure 1). The site's GPS coordinates are as follows:

NW Corner: Latitude 48.29344, Longitude -109.90178

SW Corner: Latitude 48.29219, Longitude -109.90148

SE Corner: Latitude 48.29254, Longitude -109.89676

NE Corner: Latitude 48.29379, Longitude -109.89654

This site is a cultivated field of oats using dry-land farming applications. The parcel is bordered to the east by Agency Road, to the south by Dry Fork Creek, to the west by Duck Creek Road, and the north by Upper Box Elder Road. Tribal lands adjacent to the site are primarily agricultural lands, and the remaining land uses for this rural area include irrigated, forested and tribal commercial/housing developments.

The proposed action is to construct a new health clinic approximately three miles northwest of the original clinic's location so that the tribal's medical services can be returned to its pre-disaster function. This relocation is to provide a centralized location for the Tribe's medical services. The proposed health clinic would be located on approximately an eight (8) acre tract with a complete facility including a parking lot to accommodate both staff and patrons (approximately 125 stalls). It would also include a helicopter pad, ambulance services, and the necessary utilities infrastructure associated with both the new construction of the facility as well as components to hook-up the proposed project to tribal's existing utility infrastructure. Existing utilities are located along Upper Box Elder Creek Road. The structure's proposed design consists of a 57,000 square feet structure which would be placed at grade and includes a concrete foundation. Facility would be constructed per codes/standards e.g., building, fire protection/safety, American Disability Act, etc. regarding facility's building frame, wall and roof systems, and bracing. Construction of this facility and its ancillary supporting elements would

require minor grading, contouring, and trenching. These ground disturbances are expected to be less than one foot deep with the exception of the construction of the foundation and trenching for utilities. In those instances ground disturbance depths will be greater but will not exceed building code's specifications.

In addition, the proposed action includes the replacement of the facility's contents of the damaged structure or its equivalent, insofar as practical, including medical instruments, furniture, heat/HVAC components and miscellaneous systems. The applicant is aware that all additional expenses for this proposed project would be at their expense.

*6300 Block of Upper Box Elder Road Alternative 1 –*

This site is approximately one-half mile west of the proposed project (Figure 1; Lat. 48.28599, Long. -109.92911). The relocation of the health clinic at this site would consist of 17 acres but because of the lack of appropriate acreage necessary to place the planned design in its entirety on one side of Upper Box Elder Road, the construction of the relocated health clinic would need to be split by the arterial. Therefore the health clinic facility would be built on the tribal land south of Upper Box Elder Road whereas the helicopter pad, and staff and patron parking would be constructed on tribal land located on the north side of the arterial.

The 57,000 SQF facility would be constructed with the same design specifications as those previously described in the proposed alternative with the exception of the off-site parking lot and helicopter pad which will be sited on the north side of Upper Box Elder Road.

**3.0 IMPACT SUMMARY**

The following table lists each of the assessment categories (environmental settings) evaluated in the document and a qualitative descriptive describing the level of impact associated with each alternative for a specific category.

<u>ASSESSMENT CATEGORY</u>	<u>ALTERNATIVES</u>		
	<u>NO ACTION</u>	<u>PROPOSED</u>	<u>#1</u>
Land Use	No Impact	Minor (Sec 4.1)	Minor (Sec 4.1)
Geology and Soils	No Impact	Minor (Sec 4.2)	Minor (Sec 4.2)
Seismicity	No Impact	No Impact	No Impact
Prime Farmlands	No Impact	Minor (Sec 4.3)	Minor (Sec 4.3)
Water Resources	No Impact	No Impact	No Impact
Wetlands	No Impact	No Impact	Minor (Sec 4.5)
Floodplain	No Impact	No Impact	No Impact
Environmental Justice	No Impact	No Impact	No Impact
Socio-Economics	Major (Sec 4.8)	No Impact	No Impact
Air Quality	No Impact	No Impact	No Impact
Noise	No Impact	Minor (Sec 4.10)	Minor (Sec 4.10)
Biological Resources	No Impact	No Impact	No Impact
Cultural Resources	No Impact	No Impact	No Impact
Hazardous Materials	No Impact	No Impact	No Impact
Utilities	No Impact	Minor (Sec 4.14)	Minor (Sec 4.14)
Public Health and Services	Major (Sec 4.15)	No Impact	No Impact
Traffic and Transportation	Minor (Sec 4.16)	Minor (Sec 4.16)	Minor (Sec 4.16)

## 4.0 AFFECTED ENVIRONMENT AND IMPACTS

### 4.1 LAND USES

Chippewa Cree Nation of the Rocky Boy's of Montana is located in north-central Montana about 30 miles south of Havre (Figure 1). One-half of the reservation lies on the western slopes of Bear's Paw Mountain and the remaining half is situated in the great plain areas and/or bottom lands of the mountains. Tribal land's topography varies from high mountain peaks (+6,600 ft) with deep valleys to plains areas adjacent to coulees that are suitable for agriculture where the slope is not too steep. There are several small streams originating from the mountains which provide for numerous beneficial uses such as; recreation, cultural ceremonies, economics, the public's water supply, maintaining natural resources, etc.

Rocky Boy's Reservation does not currently have zoning regulations. Figure 2 depicts the current land uses of the Rocky Boy's Reservation. Land uses of tribal land consist of agricultural (both irrigation and dry-land farming types), commercial, undeveloped (forested lands), and mix uses (e.g., tribal facilities, schools, community housing, etc.). The tribal land surrounding the alternative sites are primarily agricultural in nature (dry-land farming) with the exception of several tribal facilities located to the east and west of the proposed location. Stone Child College, Head-Start facility, and tribal community housing (Middle Dry Fork Housing Village) are all located approximately one-mile to the east of the proposed site, whereas the site for the construction of the Justice Center lies between the proposed action and alternative one sites. Tribal land between these facilities and/or /tribal commercial centers consists of agricultural lands.

*No Action Alternative* – Implementation of the no action alternative would have no effects/impacts to parcel's land uses.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would result in a change to the land use of the actual property from agriculture to public facilities. However this change in land use is compatible with the nearby surrounding land use to the east and west which consists of tribal public facilities and community developments on the south side of Upper Box Elder Creek Road. The elimination of this site as agricultural land use would have no significant negative impact because a combination of poor irrigation practices, slowly permeable soils, poor drainage, high concentrations of salt and alkali, and a short growing season makes it difficult to produce crops with high yields.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of the alternative proposed action would result in a change to the land use of the actual property from agriculture to public facilities. However, the land use change is compatible with the nearby surrounding land use to the east which is tribal public facilities and community developments. The elimination of this site as agricultural land use would have no significant negative impact because of the reasons stated in the proposed action alternative.

## 4.2 GEOLOGY

The upper Great Plains were deposited during the Miocene (~24.5 MYA) by aggrading streams flowing eastward out of the Rocky Mountains. During the late Pliocene these streams began to dissect the Great Plains in response to regional uplift. In these time periods for Central Montana the pre-glacial Missouri flowed northeast from Virgelle across Big Sandy to Havre where it followed the present day Milk River (Alden 1932). The Laurentide ice sheet (Pleistocene; 1.8-0.01 MYA) pushed into Montana from the north causing the Missouri to be diverted from its bed. Pleistocene glaciations occurred in several waves however their numbers are currently being debated by geologists. Nonetheless, results from these discussions don't change the current belief that the Missouri River was certainly affected by each glacial advance and the interglacial stages when ice sheets partially receded.

State Highway 87 runs along the Big Sandy Creek Valley where the Missouri once flowed through before the ice age glaciers rerouted it into its present course. Bedrock adjacent to the Highway consists of dark shale and brown sandstone; material that is representative of the original mud and sand deposited in a shallow sea environment during the Cretaceous period. Pegmatite intrusions (alkali rocks; nepheline, syenite, aegirine, and pink-red eudialyte) have also been identified along the valley's sandy beds confirming that deposited materials are indicative of an existing shallow sea. Outcrops are scarce in this general vicinity because of ice sheets depressing the earth's crust therefore causing the displacement of the mantle.

The formation of the present day Bear's Paw Mountain consists of deeply eroded remnants of old volcanic piles consisting of intrusive igneous rock (e.g., granite). Fifty million years ago these tertiary volcanoes (Centennial, Haystack, and Reynolds) were busily erupting Shonkinite magma (i.e., carbonatite; an extreme rare igneous composed of calcite and calcium carbonate). Like other igneous centers in Central Montana, Bear's Paw Mountain stands on a crest of a broad arch of the earth crust (i.e., bear paw lift). The lift is attributed to the deep erosion of the volcano's surrounding sedimentary rocks by either flood waters (the immense south-oriented flood; Beaver Creek Valley) and/or ice sheet's retreating. The arch (Assneyewin Ridge) resulted from the thick accumulation of sandstone along the shores of an existing shallow sea in the Cretaceous period. During the accumulation of this Eagle Sandstone material, natural gas became trapped, and this formation is presently being sought out for the gas resources. Lastly, Square Butte east of Box Elder is a loccolith that formed as a large blister of shonkinite magma pooled between layers of sediment rocks. The top layer of this formation is syenite which is a composite of potassium feldspar.

### 4.2.1 Soils

In addition to the mountainous range, the valleys, plains and coulees give rise to large changes in the topography for the Rocky Boy's Reservation. Elevations range from 2,200 feet to 6,900 feet above mean sea level for Big Sandy Creek plains and Mt Centennial (Bear's Paw Mountain-highest peak), respectively. Coulees also drops in elevation similar to values identified for the plains associated with Big Sandy Creek. Soils for the Rocky Boy's Reservation consist of four parent types: alluvial, glacial, terrace and mountain with the mountain materials covering the majority of the reservation. Alluvial soils (i.e., recently deposited water-born materials thus, B-horizon not developed) are confined in lands adjacent to streams and stream's bottoms

throughout the mountain range. The glacial soils lie in the upland area between the bottom lands and the steeper mountains. These soils are generally high producing soils, suitable for dry land farming if slopes are not too steep (NRCS 2009). Terrace soils (i.e., pre-glacial Missouri deposits) are the most productive regarding irrigation farmlands because these lands are flat. This area occupies the Reservation's northwest section. Lastly, mountain soils (Shonkinite) occur over the majority of tribal land (e.g., central and southern sections). Some areas are suitable for farming, however the limiting factor regarding farm yields is attributed to the short growing season.

#### 4.2.2 Seismicity

Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, applies to the alternative sites. The construction must use appropriate seismic design and construction standards. The 1997 International Building Code (IBC) and American Society of Civil Engineers Standard 7-95 are the only model codes that are equivalent to federal recommendations for new building seismic design and construction.

Review of the United States Geological Services (USGS) Earthquake Hazards Program's Seismic Hazard Map for Montana indicates that the Rocky Boy's Reservation is seismically non-active (USGS 2009; Figure 3). High intensity earthquakes (e.g., intensity VIII or greater per modified Mercalli Scale) are primarily concentrated mostly in the mountainous western third of the State. This zone also includes southeastern Idaho, western Wyoming and central Utah. The only significant shock outside this area was an intensity VI earthquake that occurred on 24th June 1943 where minor damages (i.e., plaster cracks) were reported for towns of Homestead, Redstone and Reserve (southern County).

*No Action Alternative* – Implementation of the no action alternative would have no effects/impacts to the geology, soils properties, topography and seismicity.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would not adversely impact the geology, soils properties, topography and seismicity of the site. In addition there would be no impacts to Bureau of Land Management's Mineral Program's oil and/or gas stand alones from the implementation of this action.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of this alternative would be the same as for the proposed action alternative.

### 4.3 PRIME FARMLANDS

The Farmland Protection Policy Act (P.L. 97-98, Sec. 1539-1549; 7 U.S.C. 4201, *et. seq.*) was enacted in 1981 to minimize the unnecessary conversion of farmland to nonagricultural uses as a result of federal actions. In addition, the Act seeks to assure that federal programs are administered in a manner that will be compatible with state and local policies and programs that have been developed to protect farmland. The policy of the Natural Resources Conservation Service (NRCS) is to protect significant agricultural lands from conversions that are irreversible and result in the loss of an essential food and environmental resource. The Service has developed criteria for assessing the effects of federal actions on converting farmland to other uses,

including a Farmland Conversion Impact Rating form, AD-1006, that documents a site-scoring evaluation process to assess its potential agricultural value.

The Rocky Boy's Reservation consists of arid grassland plains and sparsely timbered foothills of the Bear's Paw Mountains. The ecoregion is classified as Mountain Valley and Foothill Prairie. Cultivated, cropland is concentrated in reservation's lower elevations such as lands adjacent to Highway 87 and tribe's northwest lands. Grazing land is found interspersed among croplands where stock water is available and in Bear's Paw Mountains and Sweet Grass Hills.

*No Action Alternative* – Implementation of the no action alternative would have no effects/impacts to Rocky Boy's reservation's prime farmlands since there would be no conversion of prime farmlands to other uses.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would permanently convert land identified by NRCS as prime farmland to other uses. A Farmland Conversion Impact Rating request was submitted to the NRCS, Helena Field Office, Montana. The impact rating was conducted using a conservative estimate that the majority of the parcel eight acres would be directly impacted by the proposed action. Correspondence received indicated that the scope of conversion was very small and the actual percentage is 0.001 percent of all the prime farmland in Chouteau County. Consequently, implementation of the proposed action would not result in significant losses of prime farmland within the reservation since majority of tribal land reside within Hill County. The NRCS Farmland Conversion Impact Rating Form and associated correspondence are contained in Appendix B.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of the alternative proposed action would permanently convert land identified by NRCS as prime farmland to other uses. A Farmland Conversion Impact Rating request was submitted to the NRCS, Helena Field Office, Montana. The impact rating was conducted using a conservative estimate that the majority of the parcel thirty acres would be directly impacted by proposed action. Correspondence received indicated that the scope of conversion was very small and the actual percentage is 0.003 percent of all the prime farmland in Chouteau County. Consequently, implementation of the proposed action would not result in significant losses of prime farmland in the reservation since the majority of tribal lands reside within Hill County. The NRCS Farmland Conversion Impact Rating Form and associated correspondence are contained in Appendix B.

#### 4.4 WATER RESOURCES

The majority of the Rocky Boy's Reservation is located within the 851 square miles of the Big Sandy Creek hydrologic unit classification (HUC 10050005) with the exception for those tribal lands located in reservation's southeast section (Figure 4). This area's hydrology is a function of the Milk River's Unit (HUC 10050014). Therefore since the hydrological functions of this area do not affect the alternative sites hydrology analysis there will be no further discussions regarding the Milk River watershed from this point on. There are no rivers, lakes, creeks or other waterbodies located in the Big Sandy Creek hydrologic unit classification that are designated as being protected under the Wild and Scenic River Act.

Rocky Boy's relies on the EPA approved water quality standards developed by the State of Montana for compliance of the Clean Water Act (33 USC 1251 et.seq.) goals. A review of Montana Department of Environmental Quality's (MDEQ) Clean Water Act Section 303(d) list identifies Big Sandy Creek as being an impaired waterbody (MDEQ 2002). Excess sediment inputs from accelerated bank erosion and natural bank sloughing alterations are the leading reasons for significant findings of high concentrations of total dissolved solids (TDS) and sulfates in this impaired creek. However, tribal members live primarily along Box Elder Creek, Wolf Creek (i.e., Box Elder's tributary) and Duck Creek.

#### *4.4.1 Surface Waters*

Approximately twenty-three percent of the Big Sandy Creek watershed is comprised by the Rocky Boy's Reservation. Other prominent land management agencies include Bureau of Land Management (BLM) for the Lonesome Lake Management Area (eight percent) and the State of Montana's scattered parcels (six percent) throughout the watershed. The reservation is divided into four main drainage areas: Beaver Creek, Box Elder Creek, Big Sandy Creek and Duck Creek. Combined they constitute about 60 miles of streams. Important water components for maintaining flows of these creeks consist of precipitation (spring rains and infrequent intense summer storms) and runoff from the melting of Sweet Grass Hills and Bear's Paw Mountains' snowpack. Numerous water storage areas are located along Box Elder Creek such as Bonneau, Brown, Twin Forks and Kamalooop reservoirs (Figure 4). These waterbodies are used for irrigation, recreation and the public water supply.

The United States Geological Services (USGS) gauging station (06137400) on Big Sandy Creek at its headwaters in the Bear's Paw Mountains identify maximum stream's flows occurring in late spring months (May and June). When creeks' flows are less than 1 cubic feet per second, the ground waters compose the major portion of creeks total flow.

#### *4.4.2 Groundwater*

The isolated mountain ranges between east of the Rocky Mountain Front and west of the Little Rocky Mountains comprise of Bear's Paw, Sweet Grass Hills, Highwoods, Moccasins and Judiths Mountains. These Montana's mountains have been described as moist islands in a sea of desert because of their important role in providing waters to recharge aquifers within bedrocks including the flat-lying sedimentary deposits (McGuinness 1963). Sedimentary rocks exposed along the flanks of isolated ranges such as the Bear's Paw Mountains trap rainfall and snowmelt generated in the mountains seeps into the deeper bedrocks, where here these flows are then transported away from mountains (Heath 1984). Over time streams have cut down through these glacial deposits and sedimentary materials. The Bear's Paw Mountain's modern day streams (i.e., Big Sandy Creek, Box Elder Creek and Beaver Creek) have accumulated significant deposits of alluvium, and within these stream's alluvial deposits are the most productive sources of ground waters in this area. These shallow aquifers are not federally designated as Sole Source Aquifers.

*No Action Alternative* – Implementation of the no action alternative would have no-effects/impacts on drainage patterns, recharging potential of ground waters, water quality of surface and ground waters.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would not have significant long-term adverse impacts on drainage patterns and water quality of surface and ground waters. The proposed project will obtain potable water from Tribal’s existing municipal water sources therefore there will be no need to drill into ground water sources. Post-construction wastewaters will be discharged into the existing infrastructure. Consequently there would be no point source discharge into Dry Fork Creek’s receiving waters (abutting proposed parcel’s southerly property boundary) from the proposed project.

The property would be graded to direct stormwater away from the construction of the Na-toose Clinic and into proper stormwater conveyances. It is expected that surface disturbance would be less than eight acres. Because of the minor ground disturbances associated with construction work during this period, storm water runoff could carry sediment offsite into Dry Fork Creek’s receiving waters. The potential for adverse impacts to surface water (stormwater) from the construction activities can be mitigated by compliance with the requirements of the EPA General Stormwater Permit for Construction Activities. As part of this permit a Storm Water Pollution Prevention Plan (SWPPP) would be prepared for this large project for implementing erosion/sedimentation counter measures to minimize any detrimental effects to water quality during construction. Documentation related to this permit will be included as part of the permanent project files.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of this alternative would not have significant long-term impacts to surface or ground waters. The acreage of disturbance could be up to 15 acres. The provisions for potable water, discharge, and pollution prevention would be similar as to the proposed action.

#### 4.5 WETLANDS

Executive Order 11990, Protection of Wetlands, requires federal agencies to take actions to minimize the destruction, loss, or degradation of wetlands by considering both indirect and direct impacts to wetlands that may result from federally funded actions. Application of the Eight-Step Decision Making process is required to ensure that federally funded projects are consistent with EO 11990 goals.

Activities disturbing jurisdictional wetlands require a permit from the United State Army Corps of Engineers (USACE), pursuant to Section 404 of the Clean Water Act (CWA). Jurisdictional wetlands are defined as those areas that that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Two types of authorization are available from the USACE for activities regulated under Section 404 of the CWA general permits, which are issued for a specific category of similar activities and includes nationwide permits identified in 33 CFR Part 30, and individual permits issued after individual review of the project, project alternative, and proposed mitigation.

Review of United States Fisheries & Wildlife Services (USFWS) National Wetlands Inventory (NWI) identifies numerous wetland sites adjacent to the four major creeks (i.e., Box Elder, Duck,

Big Sandy and Beaver) flowing through the reservation as well as for their minor tributaries (e.g., Wolf and Dry Fork). Other tribal land classified as wetlands in the NWI include areas associated with tribal dams. All wetlands are classified as freshwater emergent per the Cowardian system (Cowardian 1997). These types of wetlands are highly productive range sites for wildlife habitat and cattle grazing. The Beaver Creek area is one such wildlife habitat where it's a major center for duck and geese wintering area. These wetlands are also viable areas for the continuation of recharging the reservation's ground water sources.

*No Action Alternative* – Implementation of the no action alternative would have no-effects/impacts on wetlands or other waters of the U.S. therefore, no Section 404 permit is needed.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would have no-effects/impacts on wetlands or other waters of the U.S. as determined from a review of NWI mapper (USFWS 2010). Concurrence for no requirement of a USACE Section 404 permit was provided by agency's jurisdictional wetland review correspondence. This USACE correspondence is contained in Appendix C.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of the alternative proposed action would impact wetlands located at the site's southwesterly section therefore, a delineation of wetlands for a Section 404 permit would be required per a USACE correspondence received requesting for a jurisdictional wetland review. The USACE correspondence is contained in Appendix C.

#### 4.6 FLOODPLAINS

Executive Order 11988 (Floodplain Management) requires federal agencies to avoid or minimize development in the floodplain except when there are no practicable alternatives. No base flood elevations or depths have been mapped for the Rocky Boy's Reservation according to the Flood Insurance Rate Map (FIRM) produced by FEMA. However results from FEMA's HAZUS flood module software identify numerous areas of tribal land as having a combination of the following criteria:

- Outside the one percent annual floodway risk;
- One percent risk from the sheet flow annual flooding where average depths are less than one foot;
- One percent risk from stream's annual flooding where the contributing drainage area is less than one square mile; or
- Areas protected from the one percent annual flood risks by levees.

Tribal land identified by one or a combination of any of the previously mentioned criteria is considered to be located within a Flood Zone X per FEMA's Floodplain Management Program. Insurance purchase is not required for parcels located within Zone X.

*No Action Alternative* – Implementation of the no action alternative would have no-effects/impacts on 100-year floodplains in the reservation.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would not have significant adverse impacts to 100-year floodplains since the site for the new construction is not associated with lands having greater than one percent flooding from review of HAZUS flood module results (details in Appendix A).

*6300 Block of Upper Box Elder Road Alternative* – Implementation of this alternative would be the same as for the proposed action alternative.

#### 4.7 ENVIRONMENTAL JUSTICE

On February 11, 1994, President Clinton signed EO 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”. This EO directs federal agencies to focus attention on human health and environmental conditions in minority and/or low-income communities. It’s goals are to achieve environmental justice, fostering non-discrimination in federal programs that substantially affect human health or the environment, and to give minority or low-income communities greater opportunities for public participation in as well as access to public information on matters relating to human health and the environment. Also to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations in the United States.

The EPA Environmental Justice Geographic Assessment Tool, EJView, was used to assess the social and economic conditions within a half mile and one mile radius surrounding the selected alternative sites (EJView 2000). The EJView identifies the population within a half mile radius comprising of approximately 140 individuals, where all of those individuals live below the poverty line (U.S. Census 2000). The population demographics within the one mile radius increases slightly to approximately 177 individuals, and the economic condition for this population does not differ from early results (ibid). The surrounding area within a one mile radius is primarily used for Tribal’s public housing and facilities.

Results from the review of environmental databases (e.g, EPA’s Enviromapper) were used to determine if there were any facilities within the range of a half to one mile radius that could represent adverse environmental impacts to parcels designated for construction of the clinic. There are no Superfund sites, National Priority List (NPL) sites, or Brownfield sites within the one mile radius. There is the tribal landfill and Middle Dry Fork community’s sewage lagoon located east of the alternative sites. However, these facilities do not have any direct vector-borne health impacts (air, noise, acute/chronic toxicity risks, etc.) potential to selected alternative sites because of the implementation of approved practices for the handling and/or management of products produced by these operations.

*No Action Alternative* – Implementation of the no action alternative would have no-effects/impacts regarding discriminating against populations comprised of minority and/or low-income individuals.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would have no disproportionate high and adverse impacts on minority and/or low-income individuals. The proposed action would have a permanent beneficial impact on these individuals.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of this alternative would be the same as for the proposed action alternative.

#### 4.8 SOCIO-ECONOMICS

The Bureau of Indian Affairs estimated the 2005 population of Rocky Boy's Reservation of Hill and Chouteau Counties, Montana as 4,060. Approximately thirty-five percent of the tribal members are comprised of children under the age of sixteen. In addition thirty-five percent of the population is comprised of individuals of the age range 16 – 39 years. The remaining thirty percent of the population is split in half between the age ranges of 40 – 55 years and 56 plus age group.

Rocky Boy's tribal member's 2005 annual average wage as reported by Bureau of Indian Affairs was \$32,006. The unemployment rate for tribal members for the age range of 16 – 64 years was reported as sixty-seven percent (U.S. Bureau of Labor 2008). The majority of tribal members work for the self-governing Rocky Boy's government sector. However, the economy is primarily supported by agriculture and livestock.

*No Action Alternative* – Implementation of the no action alternative would have negative long-term impacts on tribal members, specifically an increased cost for travel to an off-reservation facility. Without an adequate clinic, tribal members would have to travel approximately twenty-five miles to Northern Montana Hospital, Havre, the closest medical provider for obtaining urgent emergency, dental, health care, preventive treatment, physical therapy, etc. services. Although the reservation operates a transit service to and from the reservation-Havre, this service cannot be depended on during life-threatening situations. In addition, many tribal members don't own dependable transportation. These individuals would not have access to those medical treatments and/or even preventive care services as directed by the IHCI Act (25 USC 1671 *et. seq.*). Lastly, the absence of medical services would also negatively affect the professional and non-technical staff numbers thus significantly affecting employment base.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would have no adverse impact on the socio-economic condition. Construction of the clinic would provide short term economic gains to the Rocky Boy's population in terms of employment for both skilled and unskilled laborers and professionals involved in the design and permitting activities. This on-site medical facility would also significantly increase the potential of employing skilled professionals in the medical fields and rehabilitation services, benefiting the tribal socio-economic base.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of this alternative would be the same or similar to the proposed action alternative.

#### 4.9 AIR QUALITY

Rocky Boy's relies upon air quality standards developed by the State of Montana for compliance with federal air quality regulations (42 USC 7401 et. seq.). The Clean Air Act requires Montana State to adopt ambient air quality standards to protect the public from potentially harmful amounts of pollutants. The conformity requirements (Section 176(c) of the 1990 Clean Air Act amendments), require that all federal agencies conform to state implementation plans. The Environmental Protection Agency (EPA) conformity rules require that agencies not cause or contribute to violations of state's air quality standards.

Montana's Department of Environmental Quality (MDEQ) has developed concentrations (mass units-ug/m<sup>3</sup>) for seven air contaminants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter <10um and <2.5um) to protect public health, including the health of sensitive populations such as asthmatics, children, and the elderly. Montana's ambient air quality standards for these seven pollutants are as stringent as or more stringent than the federal standards (MDEQ 2010).

Montana's DEQ has designated areas as meeting the state's ambient air quality standards by their monitoring and modeling program efforts. According to results from state's air quality monitoring the Rocky Boy's Reservation has been identified as currently meeting the state's ambient air quality standards; thus an attainment area (MDEQ 2010).

*No Action Alternative* – Implementation of the no action alternative would have no effects/impacts to air quality.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would result in short-term adverse impacts to the air quality for those properties adjacent to proposed site because of the fugitive dust generated during the land clearing activities and emissions associated with vehicles and/or heavy machinery/equipment. Although the impact will be temporary, implementing the following best management practices during construction activities would minimize impacts to air quality:

- Stabilize construction entrance with gravel, or by using water for dust suppression as needed.
- Regular maintenance of construction equipment to significantly reduce the levels of air pollutants into the area.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of this alternative would result in the same impacts as the proposed action alternative.

#### 4.10 NOISE

The Noise Control Act was enacted in 1972 (P.L. 92-574). Inadequately controlled noise presents a growing danger to the health and welfare of the nation's population, and that the major sources of noise include transportation vehicles and equipment, machinery, appliances, other products used in commerce and/or recreation. Sounds which disrupt normal activities or

otherwise diminish the quality of the environment are designated noise. Designated noise can be stationary or transient, intermittent or continuous.

Sound frequency is measured in terms of hertz (Hz). The normal ear can detect sounds that range in frequency from approximately 20 to 15,000 Hz. Sites where noise levels exceed the day night average sound level of 65 decibels (dB) are considered high noise areas.

The closest noise receptor is a residential area approximately half of mile east and west of proposed site and alternative site, respectively. The properties between the receptor and selected alternative sites are primary agricultural lands with scattered public facilities interspersed among these tribal lands. Therefore, existing ambient noise levels on the reservation is consistent with typical rural traffic noise. There is also intermittent traffic noise from the operation of public transportation services such as tribal school buses and the Rocky Boy Transit's shuttles as well as those traffic noises from vehicles/equipment operated on a seasonal basis (farming, recreational, etc.).

Intermittent helicopter and ambulance noise from emergency patient transport is also associated with the temporary clinic. Such noise would also be present at any of the other alternatives. Ambient noise levels for the reservation are minimally affected by noise generated by helicopters providing emergency response services because of both the low frequency of their presence, approximately ten times per year (liberal estimate), and the helicopter type-B2 is known to have the lowest decibel rating for aircrafts (per communications with Michael Compton Mercy Flight's Lead Rotor-wing Pilot). Since helicopter flight patterns for traveling to and from the Rocky Boy's reservation are dependent on winds, weather, and terrain it is impossible to accurately predict where the minor intermittent noise impacts will occur (ibid).

*No Action Alternative* – Implementation of the no action alternative would have no effects/impacts to noise levels.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would increase noise levels within and nearby properties to the construction site as a result of construction equipment and vehicular traffic. The noise levels generated would be limited to workday daylight hours for the duration of the construction activities. Helicopter noise from emergency patient transport would reach high noise levels, however these would be intermittent and would not result in long-term significant adverse impacts.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of this alternative would be the same as for the proposed action alternative.

#### 4.11 BIOLOGICAL RESOURCES

There is not a high diversity of species existing within the Rocky Boy's Reservation although a variety of habitat types are present; lands to the east of the Bear Paw's Mountain range consist of prairie-grasses whereas vegetation for lands to the west is comprised of Douglas firs, Ponderosa/lodgepole pines, spruces, cottonwoods, junipers, white sage, and foothill grasses/flowers. Riparian forbs and shrubs are also interspersed among the timbers and

foothills/fans-terraces depending upon soils moisture availability (i.e., nearby streams, melting of snow pack, groundwater seeps, etc.).

#### *4.11.1 Fauna (Animal/Wildlife)*

Box Elder Creek, Beaver Creek and Big Sandy Creek supports a diversity of fish species as well as these creek's riparian lands are used as rearing and spawning habitats for walleye, sauger and northern pike (Drewes and Gilge 1986). Other aquatic species such as turtles, frogs, and other reptilians have also been identified as being present in the general vicinity of Bear's Paw Mountain. In the past the Bureau of Sport Fisheries has planted rainbow and brook trout in the reservation's reservoirs but because of program cuts this activity is no longer in effect.

Wildlife consists of the following game variety mule and white tail deer, waterfowl, and upland game birds. Occasional elk and antelope have also been reported roaming within the Bear's Paw Mountain. Other species reported as being sighted include snakes (Hog-nosed and Milksnake), bats, beavers, owls as well as nuisance animals.

Rocky Boy's Reservation also lies just west of the North American Central Migratory Bird Flyway; path of the boreal breeding bird's migration to and from the northern part of the Yucatan Peninsula and the western reach of the boreal forests in Alaska. This territory involves sending hosts of migrants such as; orioles, tanagers, wood ducks, Sandhill cranes, warblers, and many others. Consequently it would not be unusual to see certain species of migratory birds to sporadically occur from time to time on the reservation. However, there have been no reports of migratory overwintering areas occurring on the reservation and it would be more likely to expect migratory birds to continue to remain in those areas already reported as being overwintering grounds.

#### *4.11.2 Flora – Plants*

There's approximately 16,000 acres of wooded lands (firs/pines) scattered along the Bear's Paw Mountain range. Historic large cottonwood, willow, and aspen galleries or other taller shade protecting vegetation such as ash are the dominant vegetation associated with wet soils lands such as floodplains, streambanks and the bottom of coulees. The riparian community is dominated by herbaceous vegetation such as sedges, choke cherry, Hawthornes, and buffalo/June berries. Other herbaceous species include green needlegrass, blue grama, gum weed, rough fescue and sandberg bluegrass to name a few. Review of Montana Natural Heritage Program's (MNHP) database identified that no records of state listed species of concern are associated with Rocky Boy's agricultural lands (MNHP 2009). Rocky Boy's southeast section of the reservation (approximately 32,000 acres) has been set aside as a conservation area to protect the customary use of medicinal plants in accordance with traditional practices. None of the alternative sites are within this conservation area.

#### *4.11.3 Threatened or Endangered Species*

The Endangered Species Act (ESA) of 1973, establishes, a federal program to conserve, protect, and restore threatened and endangered plants and animals and their habitats. ESA specifically charges federal agencies with the responsibilities of using their authority to conserve threatened and endangered species. All federal agencies must ensure any actions they authorize, fund, carry

out is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction of critical habitat for these species.

The following Table lists the federal listed threatened and endangered species of concern for both Chouteau and Hill County since the Rocky Boy’s Reservation lies within both of these counties.

Table 4.11.3  
Federal Listed Threatened and Endangered Species in Chouteau and Hill County (USFWS 2010)

<b>SPECIES</b>	<b>STATUS</b>	<b>COMMENTS</b>
<i>Mustela nigripes</i>	Endangered	No habitat present within reservation
<i>Scaphirhynchus albus</i>	Endangered	No habitat present within reservation
<i>Centrocercus urophasianus</i>	Candidate	No habitat present within reservation
<i>Charadrius montanus</i>	Candidate	No habitat present within reservation

Results from the review of the USFWS critical habitat mapper indicated that there are no designated critical habitats within either Chouteau or Hill County for any of the previously mentioned species.

*No Action Alternative* – Implementation of the no action alternative would have no-effects/impacts on the flora and fauna species (i.e., species would not be displaced/removed from their environment) that currently inhabit the property.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would disrupt the suitable habitat required for the existence of the flora/fauna species associated with the proposed agricultural property. Site visits (September 9 and 15<sup>th</sup>) did not indicate the presence of habitat suitable for the threatened and/or endangered species listed for Hill and Chouteau County. The proposed project would have no-effect on endangered and/or threatened species. USFWS correspondence dated September 21 concurred with FEMA’s no-effects decision. The USFWS correspondence is located in Appendix C.

For inhibiting the introduction of noxious weeds during proposal’s construction and controlling the spread of existing noxious weed infestations, measures listed in Chippewa-Cree Construction Company (CCCC) Noxious Weed Management Plan will be implemented (CCCC 2010). These measures will apply to work activities within the corridor, staging areas, and access roads for the prevention of any further introduction or spread of noxious weeds.

*6300 Block of Upper Box Elder Road Alternative* – Impacts from the implementation of this alternative would be the same as for the proposed action alternative. In addition, use of the Noxious Weed Management Plan measures would be concurrent with the construction of the clinic.

#### 4.12 CULTURAL RESOURCES

The consideration of impacts to cultural resources is mandated under Section 106 of the National Historic Preservation Act (NHPA) as implemented by 36 CFR Part 800. Requirements include the identification of historic properties that may be impacted by the proposed action or alternatives within the project's area of potential effect. Historic properties are defined as districts, sites, buildings, structures, or objects listed in or determined eligible for listing in the National Register of Historic Places. If adverse effects on historic properties are identified, agencies must consider effects of their activities and attempt to avoid, minimize, or mitigate the impacts to these historic properties.

Correspondence was sent by FEMA to the Rocky Boy's Tribal Historic Preservation Office (THPO) requesting any information on potential impacts from the proposal to eligible properties or known historic and/or cultural resources within the Area of Potential Effect (APE), defined here as the area of construction and surrounding staging area. Correspondences received from Mr Alvin Windy Boy, THPO, identified that there are no eligible or identified historic or cultural resources on both the proposed site and alternative site. Correspondences also indicated that there were no known historic or archeological resources on the proposed site or adjacent parcels. These correspondences and the supporting technical materials, reports, reviews associated with correspondences are contained in Appendix D.

*No Action Alternative* – Implementation of the no action alternative would have no effects/impacts on cultural, historical and/or archaeological resources.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would have no significant impacts on the cultural resources of the area. To ensure that the project does not have adverse effects on unknown archeological resources FEMA will require the applicant to implement THPO's recommended measures in the correspondences contained in Appendix D.”

To minimize any possible adverse impacts to cultural resources, the THPO requests an archeological monitor be present during initial ground disturbance. This individual shall be empowered to redirect construction activities away from the area. If additional cultural material is discovered during construction, the THPO should be notified immediately at (406) 395-4092. Any cultural resources discovered as a result of the project must be reinterred on site, as close as possible to the location of discovery. A field report documenting the monitoring and any discoveries will be required at project close-out and will be provided to the THPO and included as part of the permanent project files.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of the alternative proposed action would have no significant impacts on the cultural resources of the area. To ensure that the project does not have adverse effects on unknown archeological resources FEMA will require the applicant to implement THPO's recommended measures in the correspondences contained in Appendix D, including discovery and monitoring during ground disturbance.

#### 4.13 HAZARDOUS MATERIALS

Hazardous wastes, as defined by the Resource Conservation and Recovery Act (RCRA) are defined as “solid wastes or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.” Hazardous materials and wastes are regulated in Montana by a combination of federal and state regulations. Federal regulations governing the assessment and disposal of hazardous wastes include RCRA, Solid Waste Act and the Toxic Substances Control Act.

A review of regulatory environmental databases was conducted via the internet for federal and state agencies. The following is a list of the federal and state databases reviewed for this project: EPA National Priorities List, EPA Comprehensive Environmental Response, Compensation and Liability Information System List, EPA Resource Conservation and Recovery Information System List, and Superfund and Brownsfield Registry. In addition EPA’s Envirofacts multi-system was queried for targeted leaking underground tank sites within the reservation. During multiple site visits over the period of August 31 to September 29, there was identified two gas stations; one located in the agency’s “downtown” area and the other facility is located on the east side of Highway 87 in the town of Box Elder (approximately 300 feet from reservation’s westerly boundary). The reservation’s landfill is located on Upper Box Elder Road and is approximately a mile east of Stone Child College. Tribal has on file a State’s Solid Waste Permit for hauling the debris deposited in dumpsters to the Unified Disposal District Landfill for Chouteau, Hill, and Blaine County. The bio-hazard waste generated by Na-toose Clinic operations are handled and managed through a medical waste contract where this material is transported off the reservation in sealed containers (drums). Solid waste and bio-hazard materials disposal practices would continue for the other alternatives being considered.

*No Action Alternative* – Implementation of the no action alternative would have no-effects/impacts on increasing hazardous materials concentrations.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would not result in any hazardous materials impacts because of existing handling and management of biomedical waste and debris procedures listed in tribal contracts on file at the public health administration office.

Tribe will maintain certifications with respect to the managing, handling, treatment, storage, transport and disposal of hazardous toxic and/or biomedical waste and debris are being conducted in accordance with all applicable federal, state and local regulations both substantive and procedural. All supporting documentation pertaining to adhering to aforementioned hazardous and biomedical waste procedures will be included as part of the permanent project files.

*6300 Block of Upper Box Elder Road Alternative* – Implementation and impacts of this alternative would be the same as for the proposed action alternative.

#### 4.14 UTILITIES

Because of new developments occurring along the Upper Box Elder Road the reservation utilities infrastructures have been built-up using current public health, building, electrical, etc., codes/standards for providing water conveyance, wastewater treatment (sewage lagoons), and electrical services to tribal housing developments, businesses, and public facilities. Utilities existing along the other major thoroughfares and secondary arterials that transect across the reservation are satisfactory in providing the previously mentioned services to tribal facilities and members, however infrastructure upgrades to utilities are planned as funds become available.

The estimate of the wastewater allotment for the clinic would be approximately 5,000 to 7,500 gallons per day (per communications with Ben Marnell, Rocky Boy's Public Works Chief Engineer). Currently, with the existing utilities adjacent to the proposed site that have been built for the Tribal Justice Center and the tribal public facility approximately a half-mile west its expected that the proposal will not exceed design specifications of this utility's infrastructure. The proposal will also not discharge wastewater that would add significant pollutants to the existing sewage treatment system, nor would it be expected that large amounts of potable water would be consumed.

Estimates of clinic's water usage are calculated to be 33,120 gallons per day (per communications with Jay Eagleman, Rocky Boy's Water Resources Director). The existing water supply system along Upper Box Elder is not adequate for meeting both clinic facilities operations and fire safety protection codes. (Details of minimizing for this impact are included in the Public Safety Element)

*No Action Alternative* – Implementation of the no action alternative would have no effects/impacts on the utilities in the area.

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would increase the demand on utilities but remain within the capacities of the current infrastructure for potable water, electrical, wastewater systems. Sufficient fire safety water supply could be provided through separate storage tanks to avoid significant impacts on utilities. A slight disruption in service to adjacent properties could occur when the clinic is connected to the existing infrastructure. However, these impacts would be considered temporary as well as minimally adverse effects.

*6300 Block of Upper Box Elder Road Alternative* – Impacts and conditions from the implementation of this alternative would be the same as for the proposed action alternative.

#### 4.15 PUBLIC HEALTH AND SAFETY

Rocky Boy's public health, safety and emergency services currently consist of a health clinic facility for providing limited general and/or urgent care medical services until such time a

permanent facility becomes operational. Other public safety services consist of fire protection, police, and emergency response operations (a centralized dispatch center, ambulance, and helicopter). Only the fire protection services are operated using volunteers. Nonetheless given the reservation's rural setting emergency response time has not been impeded for providing safety services to tribal members.

Public health care is also provided by White Sky Hope Center (6600 block of Upper Box Elder Road) where on a monthly average approximately 30 drug-dependent individuals (includes repeat offenders) are received for either to obtain an assessment or follow-ups on their progress in implementing the treatment plan. Because of the need for specialized medical services in the implementation of an affected individual's treatment plan staff confer with Na-toose Clinic professionals in which involves driving patients from the rehab center to the Clinic for obtaining medical attention.

Comparison of the number of Na-toose Clinic patient's visits between the summer quarter of 2009 and 2010 identified that although the interim clinic (201 Laredo Road) was not operating at clinic's pre-disaster (post June 15<sup>th</sup>) function and capacity numbers of patient visits were less than five percent lower of the 2009 report for services such as, general (i.e., routine exams, preventive care, wellness check-ups, etc.), lab, pharmacy, dental, and mental health. The following medical services diabetes, optometry, physical therapy, and audiology had reported a reduction of clinic's patient visits of thirty percent or greater (patients requesting diabetes care was down by sixty percent).

*No Action Alternative* – Implementation of the no action alternative would have an adverse impact to public health services for tribal members. Since the temporary facilities can not provide the necessary range of medical care. Although the reservation operates a transit service to and from the reservation-Havre, as well as within the reservation, this service cannot be depended on during those life-threatening situations. In addition, many tribal members don't own dependable transportation because of the current economic conditions of the country thus these individuals would not have access to those medical treatments and/or even preventive care services as directed by the IHCI Act (25 USC 1671 *et. seq.*).

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the alternative proposed action would provide the necessary required medical services, urgent care facilities, preventive/rehabilitation treatments, etc., as described by the IHCI Act (25 USC 1671 *et. seq.*). The closer proximity to the White Sky Hope Center and the future Justice Center will provide overall greater accessibility for the affected population and improve logistics for public health services (e.g., emergency response time, medi-vac transports, patient transfers, professional staff interaction, etc.).

As noted in the utility element there is a lack of sufficient water supply required for fire protection safety measures as directed by code. The design of the facility's fire safety systems would need to include some form of on-site water storage capacity (e.g., 2-20,000 gallon water tanks). Facility design will include water storage and flow adequate to meet Fire Marshall codes.

*6300 Block of Upper Box Elder Road Alternative* – Implementation measures and impacts of this alternative would be the same as for the proposed action alternative.

#### 4.16 TRAFFIC/TRANSPORTATION

Rocky Boy's road infrastructure consists primarily of federal Indian Reservation Roads (IRR) with the exception of State of Montana's Highway 87 (Figure 5). Highway 87 runs adjacent to the reservation until reaching the town of Box Elder where at this point the highway bisects the reservation's northwest section for approximately seven (7) miles. The Tribal public facilities, housing/communities, and retail/businesses extend in a line village pattern because these developments are sited along major rural two-lane thoroughfares (traffic in both directions) that transect tribal land (i.e., Upper/Lower Box Elder, Laredo, Parker School, Duck Creek Roads, etc.). Rocky Boy's has a public transportation service, Rocky Boy Transit, which connects to the North Central Montana Transit. This service consist of a primary route that runs to/from Havre (Walmart) and Rocky Boy's Agency twice daily (morning/ate afternoon), and secondary routes to/from tribal facilities and communities once at mid-day.

Montana Department of Transportation classifies Upper Box Elder Road as a major collector because it transports vehicles in and out of the "downtown" Agency to Highway 87. Because of the accessibility to/from Highway 87 per this arterial Rocky Boy's growth pattern has stretched along the Upper Box Elder Road. Currently there exist numerous residential communities, tribal public facilities and offices (Figure 3). All developments have the necessary set-backs from road's frontage that provide an adequate buffer between structures and the busy corridor.

No traffic lights are associated with thoroughfares, and the only reservation's center left-turn lane is located at the intersection of Mission Taylor Road and Laredo Road where this left lane directs Laredo's southbound traffic onto Mission for eastbound travel. A cursory traffic analysis was conducted in 2005 at the "downtown" Agency's T-intersection (Mission Taylor Road's westerly terminus connector onto Laredo Road (formerly known as Agency Road)). The study, based on area's high traffic volumes and numerous traffic conflicts (poor visibility, ineffective approaches, etc.), identified that the area was a high safety risk to both pedestrians and vehicles as well as did not effectively channel traffic flow (Delta Engineering P.C. 2005). Traffic improvements were recommended for this area.

Traffic management is primarily based on the use of signage (e.g., stop, caution, reduce speed, etc.). Vehicle velocities on the reservation range from 15 miles per hour (mph) to 55 mph for school zones and those open-rural roads lacking sight obstructions, respectively. Speed limits on the reservation are also a function of weather conditions, construction activities and agricultural practices.

A cursory transportation analysis was conducted in 2005 and 2010 for Upper Box Elder Road (aka Route 6). Upper Box Elder Road's average daily traffic (ADT) measurement was reported at 1810 and 2249 vehicles for the year 2005 and 2010, respectively (DOWL HKM 2010). Results indicate that over a five year period traffic volume has increased approximately twenty-five percent. Traffic volume is expected to increase along Upper Box Elder Road after the Justice

Center has been completed however; projected traffic analysis identifies this increase to be insignificant (BIA 2010).

From a review of Clinic's fiscal year 09 (Oct 1, 2008 to Sept 30, 2009) printouts of number of clinic patient's visits, an estimated traffic volume measurement was calculated. Calculations identified that an estimated 120 patient visits per day can be expected at the clinic. In addition, traffic count will increase because of clinic staff travel and service vehicles. A number of variables make an accurate projection difficult (e.g., use of transit, staff size, hours of operations, etc.). However, it is roughly estimated that there would be an increase of between 10 to 15 vehicle trips per hour during daylight hours for the transportation infrastructure associated with clinic operations. This measurement includes both professional and non-technical support staff traveling to the clinic as well as reflects traffic associated with vehicles used to transport medical supplies, ambulance services, and/or other daily transport support (e.g., FedEx, US Postal Service, garbage pickups, etc.).

Figure 6 is a graphic approximation of the density-data for tribal residences and public facilities existing along the Rocky Boy's transportation infrastructure. It was developed using Cen-Com 911 data points (Figure 6; Rocky Boy's 2010). Overall major population centers are associated with Upper Box Elder, Laredo, Mission-Taylor, and Haystack Loop arterials, as well as Duck Creek's easterly terminus connector into the Agency. Although data points have been graphically dispersed for ease of interpretation (removal of overlap), review of this representation of tribal population-density depicts that Upper Box Elder Road lies geocentric to the previously mentioned populated areas for the reservation (Figure 6).

For those residences and/or public facilities located in outlying areas along arterials such as, Camp Creek Road, intersection of Hwy 87 and Laredo Road, and Parker Canyon/S-234 travel distances for reaching Upper Box Elder Road range from approximately six to eight miles with the exception of the Camp Creek Road outlier, where to obtain tribal medical services one would have to drive along Hwy 87 for approximately six miles before even entering into the reservation. The location of any facility will inevitably provide easier access for some portions of the population over others.

*No Action Alternative* – Implementation of the no action alternative would continue to have an adverse effect on transportation per the Agency's T-intersection study (Delta Engineering P.C. 2005).

*6500 Block of Upper Box Elder Road Alternative: Proposed Action* – Implementation of the proposed action would minimally increase the traffic in the area. Construction designs could address traffic flow and vehicular/pedestrian safety such as, caution lights, speed bumps, access/egress into parking lot and emergency vehicle access.

*6300 Block of Upper Box Elder Road Alternative* – Implementation of the proposed action would increase the traffic in the area. The design measures provided in the proposed action would suffice for this alternative too.

## 5.0 CUMULATIVE IMPACTS

Cumulative impacts are those effects on the environment that result from the incremental effect of the action when added to past, present, and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time. The impact of flood waters and resulting landslides from the severe spring storms devastated the Chippewa Cree Nation of the Rocky Boy's Tribe of Montana infrastructures including the Na-toose Clinic. There are numerous other critical facilities projects to repair buildings, roads, recreational facilities, and public utilities to pre-disaster conditions that include upgrades to codes and standards occurring within the reservation. The area surrounding the proposed action is also being built-up using non-FEMA funding. Results from the environmental review of these federal funded facilities identified no significant negative impact either environmentally or socio-economically for the reservation's rural setting.

Rocky Boy's still retains its rural setting even with the build-out existing on Upper Box Elder Road; Stone Child College Complex and the surrounding tribal public facilities with those ancillary public support infrastructures such as White Sky Hope Center, Head-Start, under way Justice Center, etc. The cumulative impact caused by the addition of the clinic to these facilities would not significantly change the rural setting. The elimination of prime agricultural land would have no significant negative impact because the relatively small acreage and the difficulty of this land to produce crops with high yields.

The cumulative impacts to the natural resources, social elements, public's health, and environmental justice from the proposed action would be beneficial. This is due to the synergy from the proximity of the White Sky Hope Center, Justice Center and the Na-toose Clinic. However, the proposed action would increase traffic stress for those areas previously identified as needing improvements to protect public safety and improve traffic flow. The cumulative impacts from making road and utilities improvements would not be so dramatic to change so as to change the rural setting that tribal members appreciate. Transportation improvements could consist of access-egress shoulder lanes or other relatively minor changes (caution lights, speed bumps, etc.) until such time recommended funding becomes available to make transportation improvements for public safety and traffic flow efficiency.

## 6.0 CONDITIONS and PERMITS

**The following mitigation and stipulations upon which this finding is conditioned must be followed by the grant applicant and/or their contractors:**

This review does not address all federal, tribal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, tribal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

The potential for adverse impacts to surface water (stormwater) from the construction activities can be mitigated by compliance with the requirements of the EPA General Stormwater Permit

for Construction Activities. The permit requires that a Stormwater/Pollution Prevention Plan (SWPPP) be developed for the site that includes BMPs designed to minimize the potential for pollutants to enter the storm water from the construction site, and be discharged into surface waters. Documentation related to this permit will be included as part of the permanent project files.

For inhibiting the introduction of noxious weeds during proposal's construction and controlling the spread of existing noxious weed infestations, measures listed in Chippewa-Cree Construction Company (CCCC) Noxious Weed Management Plan will be implemented (CCCC 2010). These measures will apply to work activities within the corridor, staging areas, and access roads for the prevention of any further introduction or spread of noxious weeds.

To minimize any possible adverse impacts to cultural resources, the THPO requests a cultural monitor be present during initial ground disturbance. This individual shall be empowered to redirect construction activities away from the area. If additional cultural material is discovered during construction, the THPO should be notified immediately at (406) 395-4092. Any cultural resources discovered as a result of the project must be reinterred on site, as close as possible to the location of discovery. A field report documenting the monitoring and any discoveries will be required at project close-out and will be included as part of the permanent project files.

Tribe will maintain certifications with respect to the managing, handling, treatment, storage, transport and disposal of hazardous toxic and/or biomedical waste and debris are being conducted in accordance with all applicable federal, state and local regulations both substantive and procedural. All supporting documentation pertaining to adhering to aforementioned hazardous and biomedical waste procedures will be included as part of the permanent project files.

Noise impacts would be short in duration and would be mitigated by limiting noise generation to workday daylight hours for the duration of the construction activities.

Potential impacts to the air quality in the area will be mitigated by the use of water spray as a dust suppressant, as needed, to control the dust in the area being disturbed.

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## **8.0 AGENCIES CONSULTED**

US Environmental Protection Agencies  
US Fisheries & Wildlife Services  
US Army Corps of Engineers  
US Department of Agriculture  
US Department of Interior Bureau of Indian Affairs  
US Department of Bureau of Reclamation  
US Department of Interior Bureau of Land Management  
Montana Department of Wildlife & Fisheries  
Montana Natural Heritage Program  
Montana Department of Environmental Quality  
Chippewa Cree Nation of the Rocky Boy's of Montana

## 9.0 PUBLIC PARTICIPATION

The public was invited to comment on the Draft Environmental Assessment. A notice was posted in the Havre Daily News for five (5) days beginning on November 29, 2010. The Draft Environmental Assessment was made available for review at the Stone Child College library located at 8294 Upper Box Elder Road, Box Elder, Montana and on FEMA's website: (<http://www.fema.gov/plan/ehp/envdocuments/ea-region8.shtm>).

Comments must be received within 30 of the original date of publication. A copy of the notice is attached in Appendix E.

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### *Acknowledgements*

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## 11.0 APPENDICES

Appendix A	Figures, Maps and/or Photographs
	<ul style="list-style-type: none"><li>• vicinity map</li><li>• land use map</li><li>• natural resources map</li><li>• infrastructure map</li></ul>
Appendix B	USDA Farm land Conversion Impact Rating Form
Appendix C	Agency Correspondences
Appendix D	Cultural Resources Correspondences and Supporting Materials
Appendix E	Public Notice