

Deer Lodge MT with Bridges/Sites of Interest



FEDERAL EMERGENCY MANAGEMENT AGENCY

FINDING OF NO SIGNIFICANT IMPACT
Cottonwood Creek Bridge Replacement and Channel Improvement Project
Deer Lodge, Powell County, Montana
February 9, 2006

BACKGROUND

Powell County, Montana has applied for funding through the Department of Homeland Security, Federal Emergency Management Agency's (FEMA) Hazard Mitigation and Pre-Disaster Mitigation grant programs for a project to reduce the risk of flooding and damages along Cottonwood Creek in Deer Lodge.

Deer Lodge has a well-documented history of flooding as recorded in 1908, 1916, 1928, 1948, 1964, 1975 and 1981. The 1981 flood is considered the most significant flood event with a record discharge of 1,820 cfs, a near 500-year event. Hundreds of structures were impacted and fire, ambulance and power services were crippled. Fifteen road bridges and several walking bridges span the Cottonwood Creek channel within the City limits. Some of the bridges are undersized and cause constriction of the channel. Most flooding occurs during the late spring when the thawing action of heavy, warm rain melts the winter snow-pack.

The study area documented in the environmental assessment (January, 2006) is the NW ¼, SE ¼, SE 1/4 of Section 33, Township 8 North, Range 9 West, Powell County, in the town of Deer Lodge, beginning west of the culverts that pass under I-90 and running along Cottonwood Creek downstream to the Clark Fork River. The purpose of the proposed action is to return the stream channel to previously disrupted historical patterns; provide protection to the 50-year flood event with partial protection to the 100-year event; and reduce sediment and limit debris entering Cottonwood Creek and ultimately the Clark Fork River, an EPA superfund site.

DESCRIPTION

The proposed action would remove four undersized bridges and replace them with bridges that have larger spans and carrying capacity. The four bridges are located at 4th Street, Clark Street, Clagett Street and Main Street. Adjacent sidewalks would be removed as well as three concrete alley bridges between Clagett and 4th streets. Approximately 3,000 feet of stream channel improvements would take place where development encroaches within a 13-block area of Deer Lodge.

MITIGATION AND STIPULATIONS

The resulting mitigation and stipulations upon which this finding is conditioned are:

1. A floodplain development permit to cover the entire scope of work must be obtained prior to construction.

FEDERAL EMERGENCY MANAGEMENT AGENCY

FONSI-Deer Lodge – February 9, 2006

2. A Department of the Army 404 permit must be obtained prior to construction; all conditions of the permits must be followed.
3. A Montana Stream Protection Act permit (SPA 124) from Montana Fish, Wildlife and Parks must be obtained prior to construction.
4. Coordination with the Montana Department of Environmental Quality is required prior to construction to obtain a Short-Term Water Quality Standard for Turbidity (318) authorization; if possible the proposed action would be constructed during low water periods.
5. All mitigation measures outlined in the Cottonwood Creek Bridge Memorandum of Agreement dated July, 2005 must be carried out by all the signatories within two years or by September of 2007.
6. The applicant must provide additional engineering activities prior to construction to determine adequate protection for mitigating the Grant-Kohrs Ranch property boundary:
 - Complete a detailed Land Survey of the channel between the two railroad bridges such that the hydraulic capacity of the stream channel as estimated in the Technical Memorandum dated September 22, 2005 and attached to the EA can be confirmed.
 - Generate a new stream bottom and bank configuration that will adequately pass the 100-year storm event in the area between the railroad bridges.
 - Design the new stream and bank configuration using a Professional Engineer in Montana with review and concurrence on the design from the NPS hydrologist.
7. Debris would be disposed of in a manner approved by the Powell County Sanitation Department.
8. All disturbed areas would be re-vegetated or re-surfaced once construction has been completed.
9. Bridge and road construction activities would be performed in existing road right-of-ways.
10. The County must apply to FEMA for a LOMAR within six-months after project construction.
11. If cultural resources are encountered during construction, work would be stopped until appropriate coordination has been completed with FEMA and the Montana State Historic Preservation Officer.

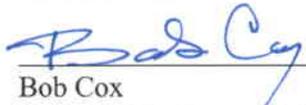
FEDERAL EMERGENCY MANAGEMENT AGENCY

FONSI-Deer Lodge – February 9, 2006

FINDINGS

Based upon the information contained in the attached Final Environmental Assessment completed in accordance with the National Environmental Policy Act, FEMA's regulations (44 CFR Part 10) for environmental considerations, and Executive Orders (EO) addressing Floodplains (EO 11988), Wetlands (EO 11990), and Environmental Justice (EO 12898), it is found that the Proposed Action with the prescribed mitigation measures and stipulations will have no significant adverse impact on the human environment. As a result of this Finding of No Significant Impact, an Environmental Impact Statement will not be prepared, and the Proposed Action with the associated mitigation measures and stipulations as described in the attached Environmental Assessment may proceed.

APPROVAL



Bob Cox
Regional Environmental Officer



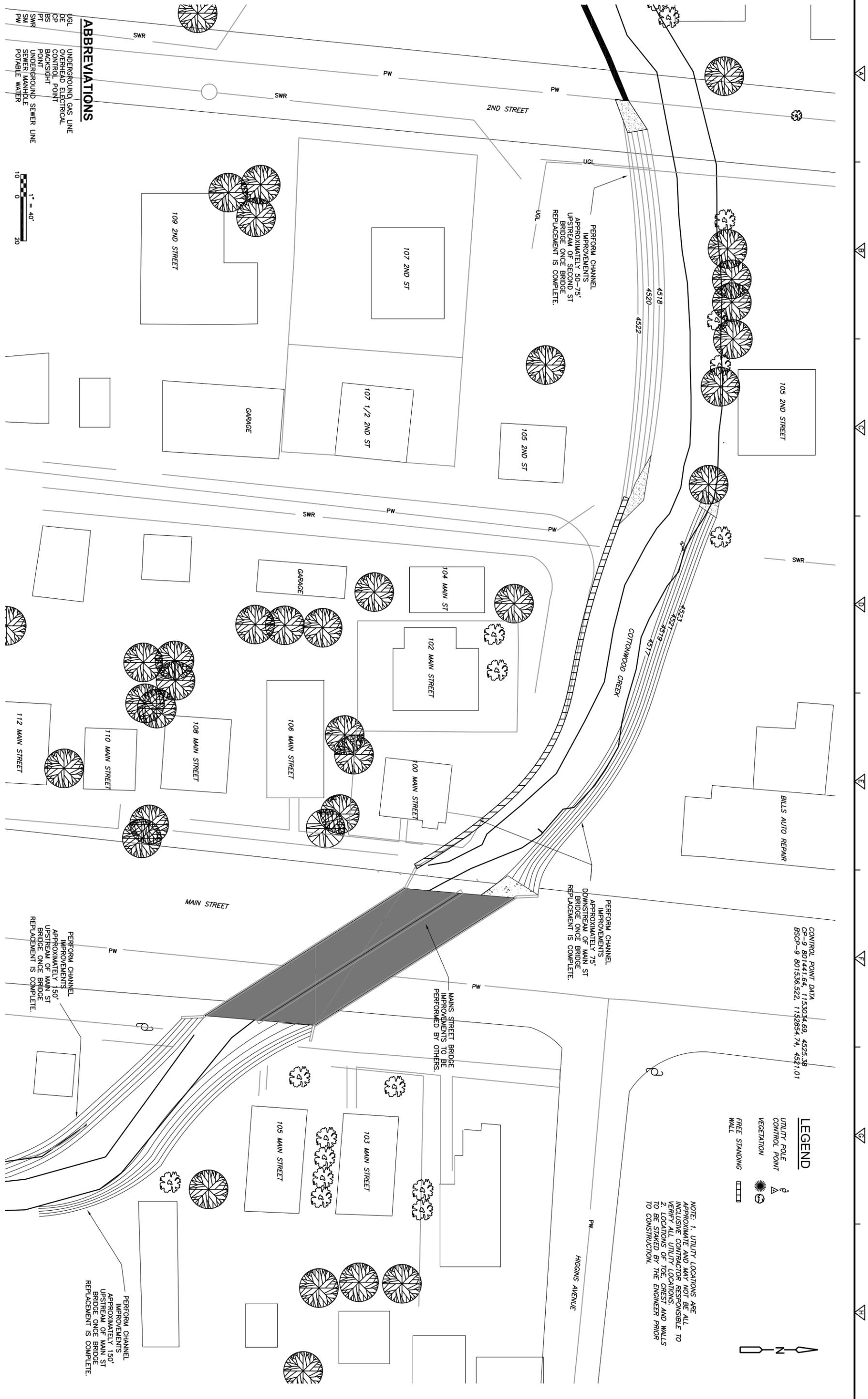
Date

REV. NO.	DATE	DRAWN	CHKD	REMARKS

DESIGNED BY: JASON KNAPP
 DRAWN BY: K. HUFFSMITH
 SHEET CHK'D BY: _____
 CROSS CHK'D BY: _____
 APPROVED BY: R. HUFFSMITH
 DATE: MAY 2008

CDM
 CDM DESIGN & ENGINEERING
 501 Main Street
 Helena, MT 59601
 Tel: (406) 441-1400
 consulting • engineering • construction • operations

POWELL COUNTY
COTTONWOOD CREEK
 PROPOSED FLOOD CONTROL MEASURES
 PROJECT NO. 33291-53287
 FILE NAME: CSTPL202
 SHEET NO.
FIGURE 2



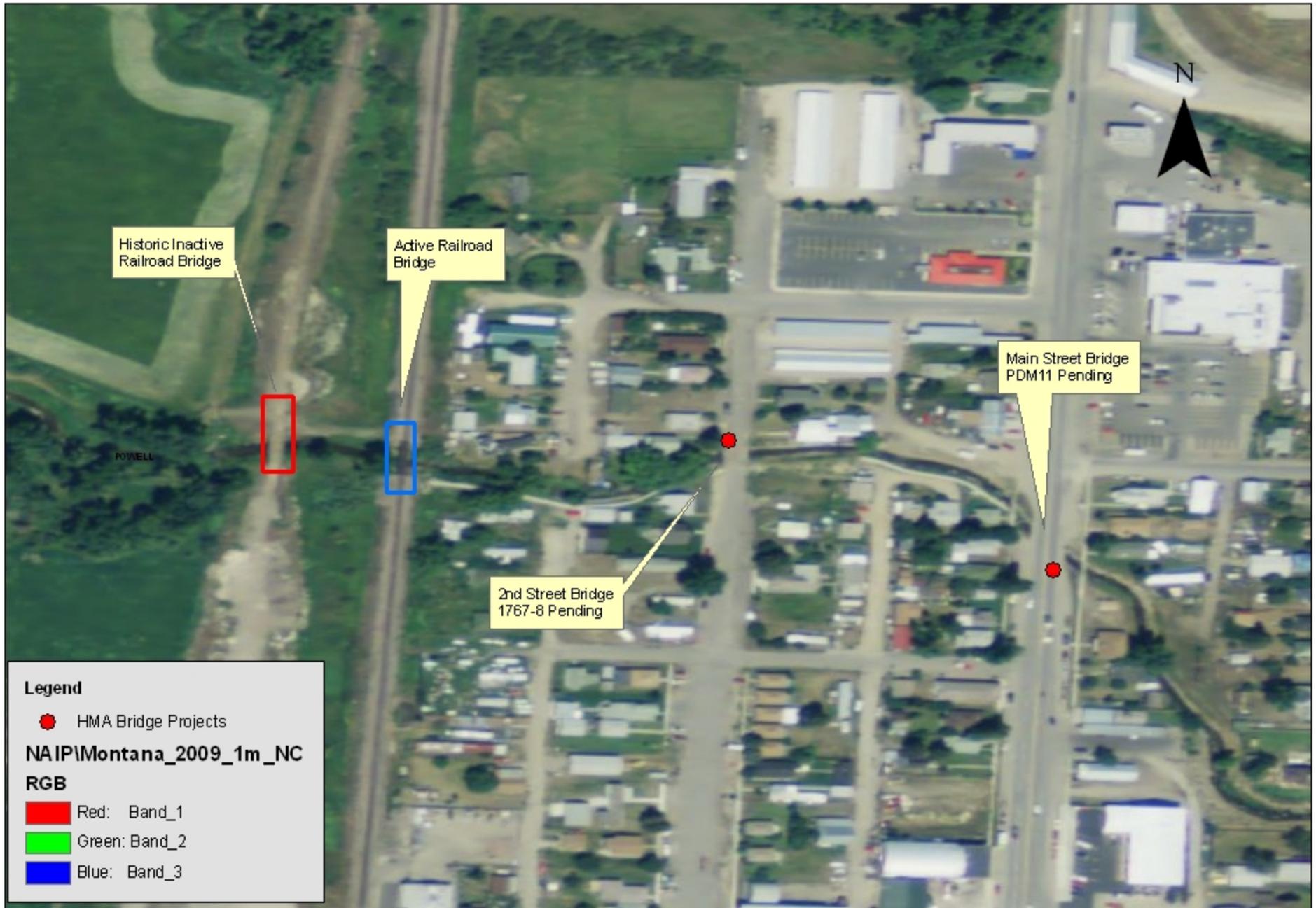
CONTROL POINT DATA
 CP-9 801441.64, 7153034.69, 4525.38
 BSCP-9 801536.522, 7152854.74, 4521.01

LEGEND

UTILITY POLE	⊕
CONTROL POINT	△
VEGETATION	☼
FREE STANDING WALL	▬▬▬

NOTE: 1. UTILITY LOCATIONS ARE APPROXIMATE AND MAY NOT BE ALL INCLUSIVE. CONTRACTOR RESPONSIBLE TO VERIFY ALL UTILITY LOCATIONS AND WALLS TO BE STAKED BY THE ENGINEER PRIOR TO CONSTRUCTION.

Main Street Bridge / 2nd Street Bridge Railroad Bridges, Deer Lodge, MT



LEGEND

- UTILITY POLE
- EXISTING CONTOUR
- CONTROL POINT
- VEGETATION
- WALL
- FREE STANDING WALL

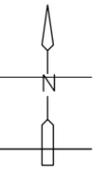
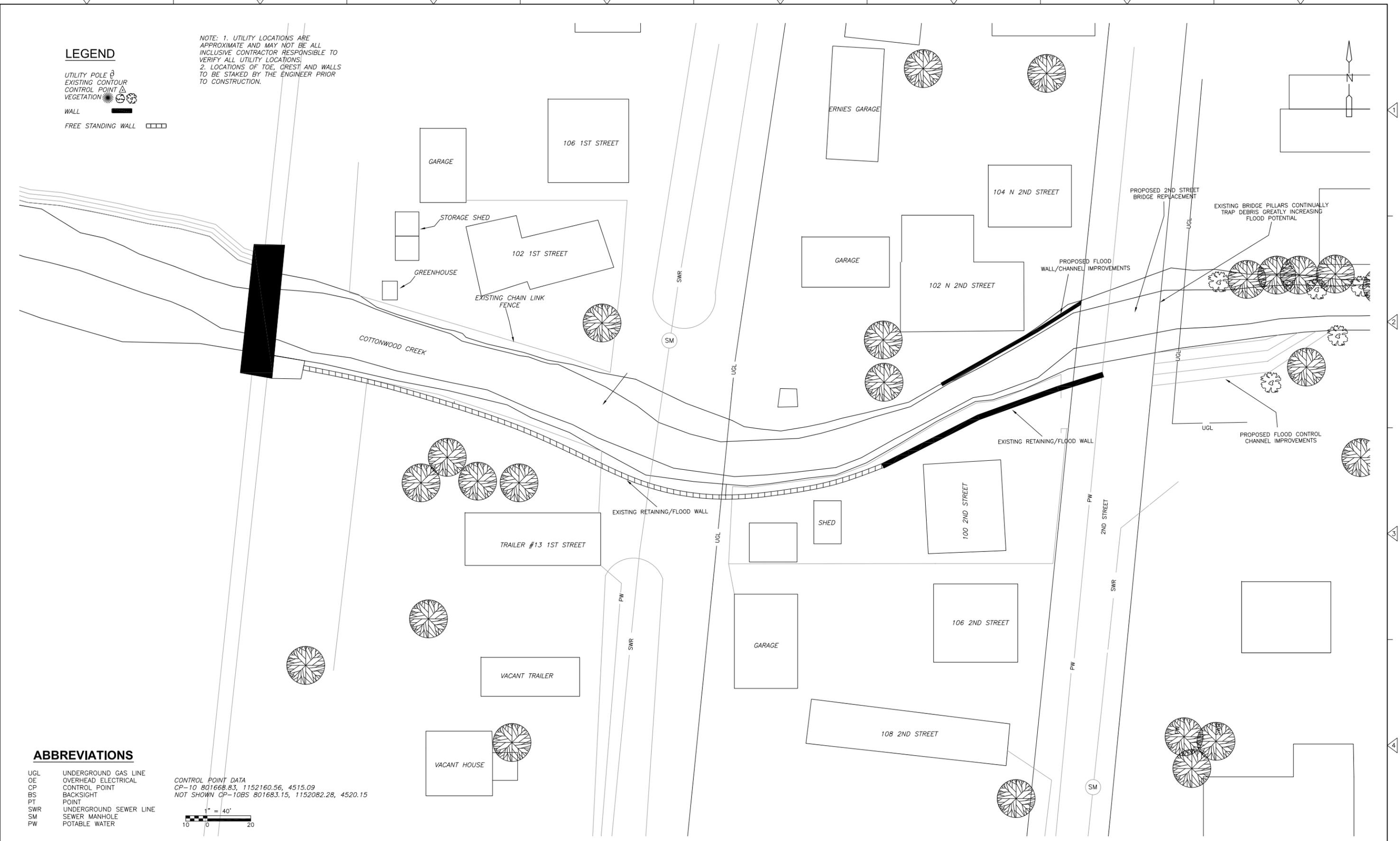
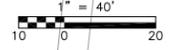
NOTE: 1. UTILITY LOCATIONS ARE APPROXIMATE AND MAY NOT BE ALL INCLUSIVE CONTRACTOR RESPONSIBLE TO VERIFY ALL UTILITY LOCATIONS.
 2. LOCATIONS OF TOE, CREST AND WALLS TO BE STAKED BY THE ENGINEER PRIOR TO CONSTRUCTION.

K:\53287\Cottonwood\DWG\PROPOSED FLOOD CONTROL MEASURES.dwg SAVED:11/25/08 PRINTED:11/25/08 BY:HUFFSMITHKM

ABBREVIATIONS

- UGL UNDERGROUND GAS LINE
- OE OVERHEAD ELECTRICAL
- CP CONTROL POINT
- BS BACKSIGHT
- PT POINT
- SWR UNDERGROUND SEWER LINE
- SM SEWER MANHOLE
- PW POTABLE WATER

CONTROL POINT DATA
 CP-10 801668.83, 1152160.56, 4515.09
 NOT SHOWN CP-10BS 801683.15, 1152082.28, 4520.15



REV. NO.	DATE	DRAWN	CHKD	REMARKS

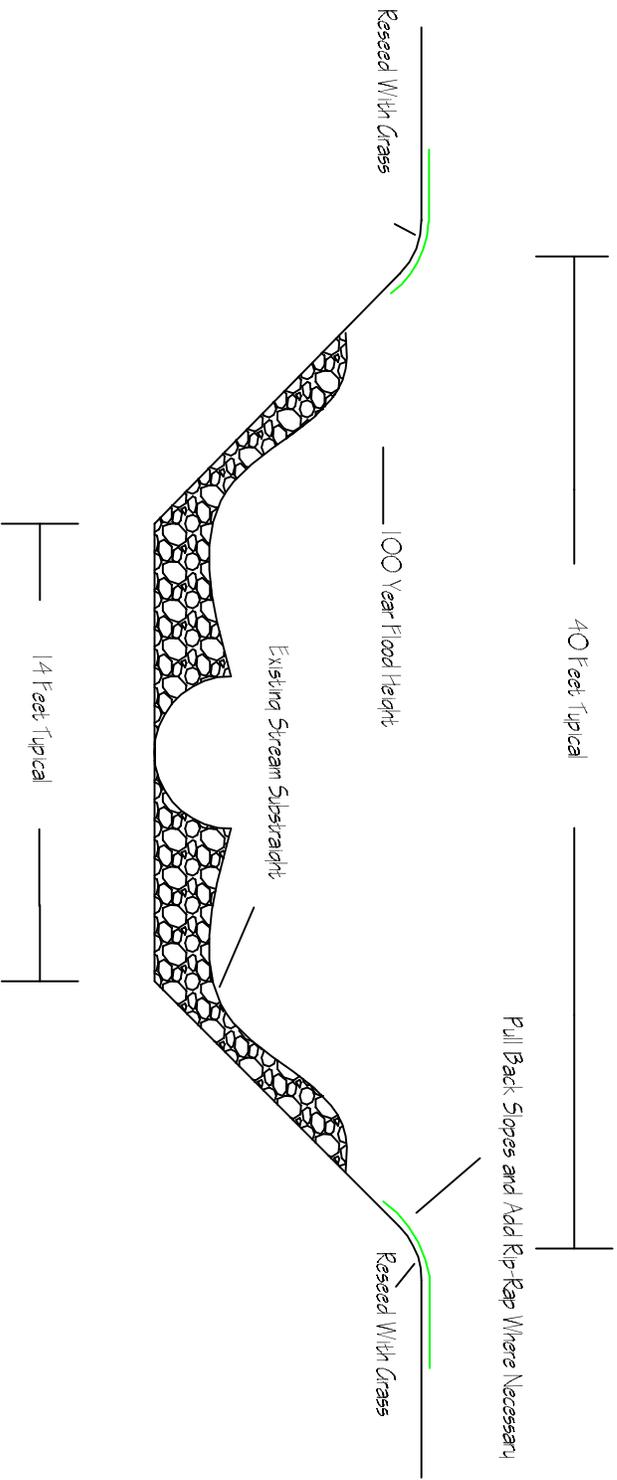
DESIGNED BY: JASON KNAPP
 DRAWN BY: K. HUFFSMITH
 SHEET CHK'D BY: _____
 CROSS CHK'D BY: _____
 APPROVED BY: R. HUFFSMITH
 DATE: NOVEMBER 2008

CDM
 Camp Dresser & McKee Inc.
 50 West 14th Street Suite 200
 Helena, MT 59601
 Tel: (406) 441-1400
 consulting • engineering • construction • operations

POWELL COUNTY
 COTTONWOOD CREEK

PROPOSED FLOOD CONTROL MEASURES

PROJECT NO. 33291-53287
 FILE NAME: CSTPL201
FIGURE 1



<p>Kirk Environmental, L.L.C.</p>	<p>Drawn By: Tina Huffsmith Checked By: Randy Huffsmith</p>	<p>Cottonwood Creek Natural Channel Typical For Areas With Available Space</p>	<p>Cottonwood Creek 2-28-05</p>
--	---	--	-------------------------------------

FINAL MOA
COTTONWOOD CREEK BRIDGE

MEMORANDUM OF AGREEMENT

between the Federal Emergency Management Agency,
Montana State Historic Preservation Officer,
Montana Department of Transportation,
Powell County Commission, Montana,
Deer Lodge Preservation Commission, and
Montana Division of Disaster and Emergency Services (concurring),
submitted to the Advisory Council on Historic Preservation
regarding the replacement of the Main Street Bridge also known as the
Cottonwood Creek Bridge, located in
the City of Deer Lodge, Powell County, Montana

WHEREAS, the Federal Emergency Management Agency (FEMA) proposes to administer Federal disaster assistance under Disaster numbers 1350 and 1377 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, to Powell County, Montana (Applicant), through the Montana Division of Disaster and Emergency Services (DES), under the Hazard Mitigation Grant Program (HMGP), as well as funding through the Pre-Disaster Mitigation (PDM) Grant Program for the replacement of the Cottonwood Creek Bridge (24PW607) located on Main Street in the City of Deer Lodge, Powell County, Montana (Undertaking):

WHEREAS, FEMA has determined the above-described property is eligible for listing in the National Register for Historic Places, and has determined this Undertaking will adversely effect said property, and has consulted with the Montana State Historic Preservation Officer (SHPO) pursuant to 36 CFR § 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470); and

WHEREAS, FEMA has consulted with the Montana Department of Transportation (MDT), Powell County (Applicant), and the Deer Lodge Preservation Commission regarding the effects of the Undertaking on the aforementioned historic property; and

WHEREAS, FEMA has consulted with the DES regarding the effects of the Undertaking on the aforementioned historic property and has invited them to sign this MOA as a concurring party; and

WHEREAS, in accordance with 36 CFR § 800.6 (a)(1), FEMA has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination with specified documentation, and the Council has chosen not to participate in the consultation pursuant to 36 CFR § 800.6 (a)(1)(iii);

NOW, THEREFORE, FEMA, the SHPO, the MDT, the Applicant, and the Deer Lodge Preservation Commission agree that the Undertaking shall be

FINAL MOA
COTTONWOOD CREEK BRIDGE

implemented in accordance with the following stipulations in order to take into account the adverse effect on the historic property:

STIPULATIONS

To the extent of its authority, and in coordination with the SHPO, the MDT, the Applicant, and the Deer Lodge Preservation Commission, FEMA shall insure the following measures are implemented:

I. Replicate Features on Replacement Bridge

The applicant and its contractor(s) will insure the final design will provide that both side panels of the replacement bridge will have a similar architectural look as the original bridge. Before construction of the replacement bridge, the final design will be reviewed and approved by FEMA, the SHPO, the MDT, and the Deer Lodge Preservation Commission. Budgeted dollars set aside in the HMGP and PDM project applications will be used to fund the mitigation measures described above for the replication of the bridge side panels on the Cottonwood Creek Bridge.

II. Lamp Posts

The applicant and its contractor(s) will insure the final design will include either the re-use of the four (4) existing lamp posts or replacement of the four lamp post with those that closely replicate the existing ones. Prior to construction of the replacement bridge the final design for the re-use of the four existing lamp posts, or the final design for the replacement of the four existing lamp posts will be reviewed and approved by FEMA, the SHPO, the MDT, and the Deer Lodge Preservation Commission. Budgeted dollars set aside in the HMGP and PDM project applications will be used to fund the mitigation measures described above for the lamp posts located on the Cottonwood Creek Bridge.

III. Off-Site Mitigation

The MDT will work with the Deer Lodge Preservation Commission to perform the evaluation, including photography, of approximately 51 historic properties for the proposed Deer Lodge Main Street Historic District. The MDT will contribute \$5,000 and coordinate, in consultation with the Deer Lodge Preservation Commission, the nomination of the Deer Lodge Historic Main Street District to the National Register of Historic Places. A draft nomination will be submitted to the Montana SHPO for its review and comment by December 31, 2006. The final nomination will be submitted to SHPO by June 30, 2007. The Powell County Commission will also contribute \$5,000 toward implementation of the above-described off-site mitigation. FEMA will be notified in writing by either the MDT or the Deer Lodge Preservation Commission when the off-site mitigation is

FINAL MOA
COTTONWOOD CREEK BRIDGE

completed so that our files can be documented and all parties to the MOA can be informed.

IV. Duration.

This agreement shall be null and void if its terms are not carried out within two years from the date of its execution. Prior to such time, FEMA may consult with the other signatories to reconsider the terms of the agreement and amend in accordance with Stipulation VIII below.

V. Post-Review Discoveries.

If previously unidentified historic properties or archaeological resources are discovered, or unanticipated effects on historic properties are found during ground-disturbing work related to the Undertaking, the Applicant shall stop that portion of the project immediately, contact FEMA, the SHPO and DES, and satisfy the requirements of 36 CFR Section 800.13.

VI. Dispute Resolution.

If an objection or dispute should arise within the timeframe provided by this MOA to any actions provided for review pursuant to this MOA, FEMA shall consult further with the objecting party to seek resolution. If FEMA determines that the dispute cannot be resolved, FEMA shall forward to the Council all documentation relevant to the dispute, in accordance with 36 CFR § 800.2(b)(2), including FEMA's proposed resolution of the dispute. Within 30 calendar days after receipt of all pertinent documentation, the Council shall either:

- A. Advise FEMA that it concurs with FEMA's resolution of the dispute; or
- B. Provide FEMA with recommendations, which FEMA will take into account in reaching a final decision regarding the dispute; or
- C. Notify FEMA that it will comment pursuant to 36 CFR Sec. 800.7 (c). Any Council comment provided will be taken into account by FEMA in accordance with 36 CFR Sec. 800.7 (c) with reference to the subject of the dispute.
- D. Any recommendation or comment provided by Council will be understood to pertain only to the subject of the dispute, and FEMA's responsibility to fulfill all actions that are not subject of the dispute will remain unchanged.
- E. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, FEMA may render a decision regarding the dispute. In reaching its decision, FEMA will take into account all comments regarding the dispute from the parties to the MOA.

Failure to fulfill the terms of this MOA requires that FEMA again request Council's comments in accordance with 36 CFR § 800.6(c)(8). If FEMA

FINAL MOA
COTTONWOOD CREEK BRIDGE

cannot fulfill the terms of this MOA, it shall not take or sanction any action or make any irreversible commitment that would result in an adverse effect with respect to eligible or designated historic properties covered by this MOA, or would foreclose Council's consideration of modifications or alternatives to the Undertaking that could avoid or mitigate the adverse effect until the comment process has been completed.

VII. Amendments and Non-Compliance.

If any of the signatories to this MOA believe that the terms of the MOA cannot be adhered to, or that an amendment to the terms of this MOA must be made, that signatory shall immediately consult with the other signatories to develop amendments to this MOA. The process of amending this MOA shall be the same as that exercised in creating the original MOA. If an amendment cannot be agreed upon, the dispute resolution process set forth in Stipulation VI will be followed.

VIII. Anticipatory Demolition.

FEMA agrees that it will not grant assistance to an Applicant who, with intent to avoid the requirements of this MOA or the National Historic Preservation Act, intentionally causes a significant adverse effect to the historic property listed in this MOA, or having legal power to prevent it, allows a significant adverse effect to occur. FEMA may, after consultation with Council, determine that circumstances justify granting such assistance despite the adverse effect created or permitted by the Applicant. FEMA shall specifically advise the SHPO and the Applicant of this requirement.

IX. Execution.

Execution of this MOA by FEMA, the SHPO, the Applicant, MDT, and the Deer Lodge Preservation Commission, and DES, the concurring party, its subsequent acceptance by the Council, and the implementation of its terms, constitute evidence that FEMA has afforded the Council an opportunity to comment on the Powell County bridge replacement project and its effects on the historic property, and that FEMA has taken into account the effects of the Undertaking on the historic property.

This MOA may be executed in parts, with a separate page for each signatory, and FEMA will ensure that each party is provided with a copy of the fully executed MOA. This MOA will become effective on the date the signed MOA is received by the Council.

FINAL MOA
COTTONWOOD CREEK BRIDGE

FEDERAL EMERGENCY MANAGEMENT AGENCY

By:


David I. Maurstad, Regional Director

Date: 7/27/2005

FINAL MOA
COTTONWOOD CREEK BRIDGE

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: Mark Baumler
Mark Baumler

Date 8/5/2005

Post-it® Fax Note	7671	Date	5 Aug 05	# of pages	1
To	Donna Tucker	From	Josef Warhank		
Co./Dept.	FEMA	Co.	MT SHPO		
Phone #		Phone #	(406) 444-0388		
Fax #	(303) 235-4849	Fax #	(406) 444-6575		

FINAL MOA
COTTONWOOD CREEK BRIDGE

POWELL COUNTY COMMISSION, MONTANA

By Dwight O'Hara

Date 7/28/05

*By Paul Jones
Vice-Chairman
Board of County Commissioners*

FINAL MOA
COTTONWOOD CREEK BRIDGE

DEER LODGE PRESERVATION COMMISSION

By:



David Beaver, Historic Preservation Officer

Date:

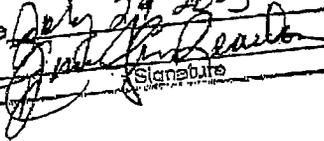
7/25/05

FINAL MOA
COTTONWOOD CREEK BRIDGE

MONTANA DEPARTMENT OF TRANSPORTATION

By 
Jim Lynch, Director

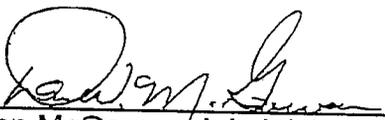
Date 8/8/05

APPROVED FOR
LEGAL CONTENT
Date July 29 2005
By 
Signature

FINAL MOA
COTTONWOOD CREEK BRIDGE

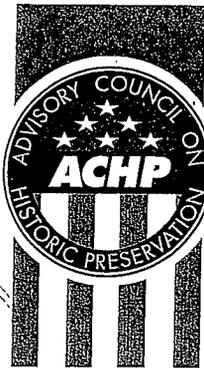
Concur:

MONTANA DIVISION OF DISASTER AND EMERGENCY MANAGEMENT

By: 

Dan McGowan, Administrator

Date: 7/25/05



Preserving America's Heritage

May 20, 2005

Donna Tucker
Mitigation Programs Environmental Coordinator
FEMA, Region VIII
Denver Federal Center
P.O. Box 25267
Denver, CO 80225-0267

REF: *Historic Bridges, Deer Lodge, MT.*

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

Thank you for providing us with your notification of adverse effect. If you have any questions, please contact Lee Keatinge at 303/969-5110 or via email at lkeatinge@achp.gov.

Sincerely,

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

RECEIVED
MAY 23 2005

ADVISORY COUNCIL ON HISTORIC PRESERVATION

12136 West Bayaud Avenue, Suite 330 • Lakewood, Colorado 80228
Phone: 303-969-5110 • Fax: 303-969-5115 • achp@achp.gov • www.achp.gov

U.S. Department of Homeland Security
Region VIII
Denver Federal Center, Building 710
P.O. Box 25267
Denver, CO 80225-0267



FEMA

R8-FIMD

August 18, 2005

Mr. Don L. Klima, Director
Office of Planning and Review
Advisory Council of Historic Preservation
12136 West Bayaud Avenue, Suite 330
Lakewood, CO 80226

Re: Memorandum of Agreement regarding the Cottonwood Creek Bridge in Deer Lodge, Montana

Dear Mr. Klima:

Pursuant to 36 CFR 800.6(b)(1)(iv) enclosed for your review and acceptance is a copy of the executed Memorandum of Agreement (MOA) along with supporting documentation specified in Section 800.11(f). The adverse effect involves removing the Cottonwood Creek Bridge located in Deer Lodge, Montana, which is eligible for listing in the National Register for Historic Places.

On May 13, 2005 we sent your agency a letter inviting the Council to participate in adverse effect consultation on the proposed undertaking. We received a letter date May 20, 2005 advising that your office did not elect to join in consultation and we proceeded with consultation and development of an MOA.

Please call me at 303/235-4750 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Tucker".

Donna Tucker
Mitigation Program Environmental Coordinator

Enclosures

cc: Bob Cox
Wade Nofzinger

U.S. Department of Homeland Security
Region VIII
Denver Federal Center, Building 710
P.O. Box 25267
Denver, CO 80225-0267



FEMA

R8-FIM

August 18, 2005

Consulting Parties on Cottonwood Creek Bridge, Deer Lodge, Montana

Mark Baumler -State Historic Preservation Officer
Josef Warhank -Section 106 Compliance Officer-SHPO
David Beaver -Deer Lodge Historical Preservation Officer/Park Services/CLG
Jon Axline -MDT
Ron Hanson
Larry Akers -SHMO

Re: Section 106 Consulting and Resultant Memorandum of Agreement

Dear Gentlemen:

Enclosed for your records is a copy of the fully executed Memorandum of Agreement (MOA) on the Cottonwood Creek Bridge for the FEMA-funded bridge replacements and channel improvement project in Deer Lodge, Montana. Also enclosed is a copy of the letter indicating FEMA filed a copy of the MOA with the Advisory Council on Historic Preservation, therefore concluding FEMA's requirements under the National Historic Preservation Act and the section 106 process.

On behalf of FEMA, I wish to thank all of the parties for their participation in completing this process. Please call me at 303/235-4750 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Tucker", written in a cursive style.

Donna Tucker
Mitigation Program Environmental Coordinator

Enclosures

cc: Bob Cox
Wade Nofzinger

*JOEFF -
6026 WITH
2004073015
FEMA = lead federal agency
- mark*

U.S. Department of Homeland Security
Region VIII
Denver Federal Center, Building 710
P.O. Box 25267
Denver, CO 80225-0267



FEMA

R8-FIM

August 4, 2004

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
PO Box 201202
Helena, MT 59620-1202

CONCUR
MONTANA SHPO
DATE 5 Aug 04 SIGNED [Signature]

Re: Environmental Review, Deer Lodge Bridge Replacement Project, SHPO No. 2001101205

Dear Dr. Baumler:

Powell County, Montana has applied to the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) for project funding to reduce flooding and damage along Cottonwood Creek in the City of Deer Lodge.

The County submitted information to your office in October 2001 for comment on their proposed project. Originally, the County planned to replace only Clagett Street Bridge, but currently the proposed project has been expanded to include seven bridges spanning Cottonwood Creek. The proposed project would replace the 4th Street, Clark Street, Clagett Street and Main Street bridges, remove three alley bridges between Clagett Street and 4th Street, and rehabilitate the stream channel in six locations. Construction would be implemented in phases, beginning with the replacement of the 4th Street and the Clark Street Bridge and the removal of three alley bridges. As project funding becomes available, the Clagett Street Bridge would be replaced, and ultimately the Main Street Bridge would be replaced. Rehabilitation of the stream channel is proposed to take place during a later phase of the project.

Following discussions with staff at your office, FEMA requested that the Montana Department of Transportation assess all seven bridges identified in the proposed project, and provide FEMA and your office with recommendations regarding the historic significance of these bridges. Jon Axline, Historian, Montana Department of Transportation, prepared a cultural resource report "Bridge Replacement Project Over Cottonwood Creek, Deer Lodge, Montana" on July 28, 2004.

Based on the findings of this report, FEMA has determined that the replacement of the Clagett Street Bridge, Clark Street Bridge, 4th Street Bridge, and the removal of three alley bridges between Clagett Street and 4th Street would not adversely affect any known cultural resources. The Main Street Bridge (also known as the Cottonwood Creek Bridge) was determined to be eligible for the National Register of Historic Places. Therefore, when funding becomes available and Powell County is ready

File: FEMA/2004

RECEIVED

AUG 10 2004

8/4/04

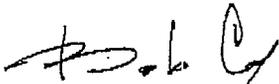
Page 2

to move forward with the replacement of the Main Street Bridge, it will be the responsibility of the County to follow up on this issue with the Montana Historical Society and the Montana Department of Transportation.

If any cultural materials are discovered during project construction, the project would be halted and FEMA and SHPO would be immediately contacted.

FEMA requests concurrence from your office regarding this determination. Your comments are valuable to us and your earliest response would be greatly appreciated. Please address your comments to Gail Shands, Environmental Specialist 303-235-4809, FAX 303-235-4849.

Sincerely,



Bob Cox
Regional Environmental Officer

Cc: Jon Axline, MDOT
David Beaver, Deer Lodge Historic Preservation Specialist

U.S. Department of Homeland Security
Region VIII
Denver Federal Center, Building 710
P.O. Box 25267
Denver, CO 80225-0267



FEMA

R8-FIM

7/22/2004

Jon Axline, Historian
Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

Dear Mr. Axline:

Powell County, Montana has applied to the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) for project funding to reduce flooding and damage along Cottonwood Creek in the City of Deer Lodge.

The proposed project would replace the 4th Street, Clark Street, Claggett Street, and Main Street bridges, remove three alley bridges between Claggett Street and Fourth Street, and rehabilitate the stream channel in six locations. Construction would be implemented in phases, beginning with the replacement of the 4th Street and the Clark Street Bridge and the removal of three alley bridges. As project funding becomes available, the Claggett Street Bridge would be replaced, and ultimately the Main Street Bridge would be replaced. Rehabilitation of the stream channel is proposed to take place during a later phase of the project. Engineering design for the 4th Street Bridge and the Clark Street Bridge is currently being completed, and is available through Dan McCauley, PE, Branch Manager, Entranco, Helena, MT 406-449-8627.

In order for FEMA to comply with the National Environmental Policy Act and Executive Orders, the agency must review environmental impacts of the proposed project. In compliance with Section 106 of the National Historic Preservation Act, FEMA contacted Montana Historical Society for comments regarding potential impacts of this project on the existing bridges, or unknown or unrecorded cultural properties. Following discussions with Damon Murdo, Cultural Records Manager, Montana Historical Society, Josef Warhank, Compliance Officer, Montana Historical Society, and David Beaver, Deer Lodge Historic Preservation Specialist, FEMA is requesting that your office conduct an assessment of all seven bridges identified in the proposed project, and provide FEMA and the State Historical Preservation Officer (SHPO) with your recommendations regarding the historic significance of these bridges, as well as any recommendations for mitigating potential adverse effects of this project on cultural resources, if present.

We greatly appreciate your assistance and look forward to receiving your assessment and recommendations.

Sincerely,

Bob Cox
Regional Environmental Officer

2011062408
RECEIVED
JUN 24 2011
BY: SHPO

U.S. Department of Homeland Security
Region VIII
Denver Federal Center, Building 710
P.O. Box 25267
Denver, CO 80225-0267



FEMA

• Josef
• FEMA
• MAIN St. +
2nd St
Bridge Replace
Cottonwood ckr
Deer Lodge

EHP-8

June 21, 2011

State Historic Preservation Officer
P.O. Box 201202
Helena, MT 59620-1202

Attn: Josef Warhank

Re: Bridge Replacement and Channel Improvements

Project Site Name: Main Street and 2nd Street Bridge Replacements
Location: Cottonwood Creek, Deer Lodge, Powell County, Montana

Dear Mr. Warhank:

Thank you for your response to our letter regarding projects being considered for FEMA funding in Deer Lodge, Montana.

Main Street Bridge

According to your letter of June 8, 2011, your office has accepted the drawings and information on bridge panels and light poles provided by Great West Engineering for the Main Street Bridge as meeting Stipulations 1 and 2 in the Memorandum of Agreement (MOA) finalized on March 27, 2008; and the August 2008 listing of the Deer Lodge Central Business Historic District on the National Register of Historic Places (NRHP # 08000767) as meeting Stipulation 3 in the MOA. This ends the consultation required by Section 106 of the National Historic Preservation Act, as amended, for the Main Street Bridge.

2nd Street Bridge

Your letter also indicates that the Montana Department of Transportation (MDOT) submitted an eligibility finding for the 2nd Street Bridge and your office concurred with their determination that the bridge is not eligible for listing on the NRHP.

FEMA agrees, and believes that background research and the information provided by MDOT and your office represents a reasonable and good faith effort to carry out appropriate identification efforts as stated in §800.4(b)(1). In accordance with Section 106 Review Procedures for Federal Undertakings, under the National Historic Preservation Act, as implemented under 36 CFR Part § 800.4(d)(1), FEMA has determined that there will be 'no historic properties affected' as a result of the proposed action.

Deer Lodge MT

RECEIVED
June 21 2011
JUL 26 2011
BY: _____

FEMA respectfully requests your concurrence with this determination and has included concurrence and non concurrence lines below to expedite the review process. If you have any questions or comments, please do not hesitate to contact me by telephone at (303) 235-4926 or by email at richard.myers@dhs.gov.

Sincerely,



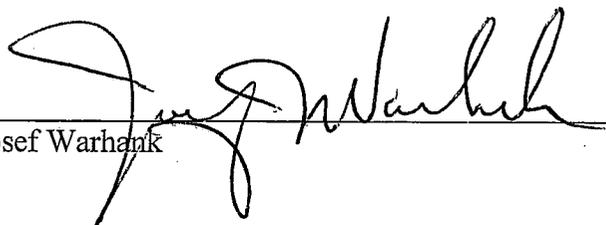
Richard Myers
Deputy Regional Environmental Officer
FEMA Region VIII

I concur that there will be 'no historic properties affected' as a result of the proposed action, pursuant to Section 106 of the National Historic Preservation Act.

I do not concur with your findings for the following reason:

Signed: _____

Josef Warhank



Date: _____

18 July 2011



FEMA

May 6, 2011

R. Mark Wilson
Field Supervisor
U.S. Fish and Wildlife Service
Montana Field Office
100 N. Park, Suite 320
Helena, MT 59601

Request for Concurrence under the Endangered Species Act of 1973, Bald and Golden Eagle Protection Act, Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, and the National Environmental Policy Act

Project Site Name: Bridge Replacements and Channel Improvements,
Location: Cottonwood Creek; Deer Lodge, Powell County, Montana

Dear Mr. Wilson:

The Federal Emergency Management Agency (FEMA) has determined under the Endangered Species Act of 1973, Bald and Golden Eagle Protection Act, Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, and the National Environmental Policy Act that a series of flood mitigation measures along Cottonwood Creek in Deer Lodge, Montana "may affect, but are not likely to adversely affect" federally listed threatened or endangered species or critical habitat. FEMA is requesting U.S. Fish and Wildlife Service (USFWS) concurrence with this determination. Project details are outlined below and in **Attachment A**.

Main Street Bridge (aka SR 275) (46.4019, -112.7351): Powell County and the City of Deer Lodge (sub-applicants) are requesting FEMA Flood Hazard Mitigation funds for the replacement of a bridge along Montana Department of Transportation (MDT) Route S275, which is also designated as the I-90 Business Loop.

The replacement structure would utilize a three-span, cast-in-place concrete slab as the superstructure and a cast in place spread footing as the substructure at each abutment with driven piling foundations at both intermediate bent locations. New wing walls would be approximately six feet tall and six feet long. The new structure would be skewed at 43-degrees, have total width of 65-feet and a span of 23-feet. The width would provide two 12-foot lanes, one 14-foot lane, two 8-foot shoulders, two five-foot raised pedestrian paths, and an allowance for a concrete bridge rail on each side of the structure. The proposed structure would be constructed in the same location as the existing structure – located in a 100-foot section of State right-of-way along Main Street.

The roadway and sidewalks adjacent to the bridge would be improved for a total length of 200-feet to provide an appropriate transition length to the new bridge, with a 2% crown. Demolition of the bridge

and associated road repair would impact approximately 60 linear feet on both the east and west banks of the Cottonwood Creek at the bridge site. The new Main Street Bridge would require little maintenance, increase public safety, increase hydraulic capacity, and have a useful life of approximately 75 years.

This portion of the flood mitigation project was previously approved by your office (along with bridges along Clagett, 4th, and Clark Streets in Deer Lodge) on March 25, 2002 – with the recommendation of clear spanning the stream channel (refer to **Attachment B**). Bridges along Clagett, 4th, and Clark Streets were completed by the sub-applicant. The Main Street Bridge work was not commenced because of funding issues, but the sub-applicant is now re-requesting FEMA grant monies for the bridge replacement.

2nd Street Bridge (46.4025, -112.7365): Powell County and the City of Deer Lodge (sub-applicants) are requesting FEMA Hazard Mitigation Grant Program (HMGP) funding for the replacement of a bridge structure along 2nd Street, which is downstream of Main Street. The replacement structure would utilize four 35-foot long concrete trideck beams on a driven pile foundation at an 11-degree skew to match the creek alignment. It will be elevated approximately 1.3-feet to accommodate a 900 cfs flood event, and include new abutments to match recent channel reconstruction. The proposed structure would be constructed in the same location as the existing structure, in the City of Deer Lodge's established 70-foot right-of-way along 2nd Street.

The roadway adjacent to the bridge would be improved for a length of 200-feet to provide an appropriate transition length to the new bridge. The new 2nd Street Bridge would require little maintenance, increase public safety, increase hydraulic capacity, and have a useful life of approximately 75 years.

This structure was previously reviewed by the USFWS on April 7, 2008. In that correspondence, the Service recommended a single-span/clear-span bridge and included measures to protect the bull trout (refer to **Attachment C**). The proposed project scope of work does include a new concrete, free-span structure.

Associated Improvements: In addition to the various thoroughfare bridge replacements, this flood mitigation project includes widening approximately of the Cottonwood Creek channel (0.8 miles have been completed, and previously-approved by the USFWS) (refer to **Attachment D**). Related actions include **elevation of an embankment** between two railroad bridges (one active: 46.4024, -112.7382, one inactive: 46.4024, -112.7388) a few-hundred feet downstream of the 2nd Street Bridge.

Review of USFWS threatened and endangered species and critical habitat data, obtained from the USFWS Montana Field Office website in April 2011, indicates Powell County contains the following listed species: Grizzly Bear, Canada Lynx, Gray Wolf, Sprague's Pipit, Wolverine, and Bull Trout.

Grizzly Bears are primarily located in areas identified as Recovery Zones (in Powell County, that includes the "U.S.A. experimental non-essential" zone and the "Cabinet-Yaak Recovery Zone Population"). Canada Lynx prefer boreal forest landscapes near snowshoe hares; abundant large, woody debris piles; and/or areas where winter snow conditions are generally deep and fluffy. Gray Wolves flourish in a wide range of habitat including: temperate forests, mountains, tundra, taiga, and grasslands. Sprague's Pipits thrive in grassland habitat for both breeding and wintering. Wolverines occur within a wide variety of habitats, primarily boreal forests, tundra, and western mountains.

Bull Trout are a cold-water fish of relatively pristine stream and lake habitats. Previously-identified recommendations for protection of the Bull Trout include: the use of a single/clear-span bridge to facilitate long-term fish passage, and to minimize disturbance to the stream channel during construction. The proposed project scope of work does include a new concrete, free-span structure.

Because of the preferred habitat of these species and the biological profiles of the proposed project area, as well as the use of single-span structures, FEMA has determined the projects "may affect, but are not likely to adversely affect" listed species.

In order to review for cumulative impacts, and accounting for any changes in listed species and treatment measures, FEMA and it's sub-applicants respectfully request an updated concurrence with our NLAA determination.

Please see attached map(s), plans, and photos for more information regarding the specific engineering and location of these structures and improvements.

Your attention to this request is greatly appreciated. If you have any questions, please don't hesitate to conact me.

Sincerely,



Richard Myers
Deputy Regional Environmental Officer
DHS/FEMA Region VIII

Enclosures



United States Department of the Interior

FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
585 SHEPARD WAY
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

M.12 FEMA

September 2, 2011

Richard Myers
Deputy Regional Environmental Officer
FEMA Region VIII
DFC, Building 710, Box 25267
Denver, CO 80225-0267

Dear Mr. Myers:

This is in response to your May 6, 2011 request from the Federal Emergency Management Agency (FEMA) for concurrence with your effects determinations on federally listed species and critical habitat affected by the proposed Cottonwood Creek bridge replacements and channel improvements project, in Powell County, Montana. The purpose of this project is to replace two existing bridges and implement flood hazard mitigations through widening segments of the Cottonwood Creek channel. The project would replace the existing single-span Main Street Bridge in Deer Lodge with a three-span, 65-foot wide by 53-foot long bridge, with associated improvements to the adjacent roadway and sidewalks for a total length of 200 feet to provide an appropriate transition length to the new bridge. Additionally, the project would replace the existing Deer Lodge 2nd Street Bridge with a single-span structure that would be elevated to accommodate a 900 cfs flood event, and include new abutments to match recent channel reconstruction. The adjacent roadway would also be improved for a length of 200 feet to provide an appropriate transition to the new bridge. In addition to the bridge replacements, the project would also widen approximately 350 feet of the Cottonwood Creek channel to transition in and out of the new bridges, and elevate an embankment between two railroad bridges downstream of the 2nd Street Bridge for flood mitigation. This letter addresses only project-related effects to listed species and critical habitat that may occur in the project vicinity in accordance with the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), and does not address the overall environmental acceptability of the proposed action.

We have reviewed the biological assessment for the proposed project and concur with your determinations that the project is not likely to adversely affect grizzly bears (*Ursus arctos horribilis*), Canada lynx (*Lynx canadensis*), designated lynx critical habitat, and bull trout (*Salvelinus confluentus*) and bull trout critical habitat. We also concur with your determination

that the proposed action is not likely to jeopardize the existence of the Sprague's pipit (*Anthus spragueii*) and wolverine (*Gulo gulo luscus*), which are candidate species. Gray wolves (*Canis lupus*) were delisted on May 5, 2011. Because gray wolves were removed from the Federal list of threatened and endangered wildlife, no further section 7 consultation is required for this species relative to this project. We base our concurrences on the information and analysis provided to us in the biological assessment you provided along with your request, and on the project design and construction activities being conducted as described in FEMA's biological assessment.

This concludes informal consultation pursuant to regulations 50 CFR 402.13 implementing the Act. This project should be re-analyzed if new information reveals effects of the action that may affect federally-listed species or critical habitat, or if the project is modified in a manner that causes an effect not considered in this consultation.

If you have questions about this letter, please contact Mike McGrath of my staff, at (406) 449-5225, extension 201.

Sincerely,



R. Mark Wilson
Field Supervisor