

APPENDIX 1. KEY AGENCY CORRESPONDENCE AND FORMS

- ITD 1502 Forms
- SHPO Concurrence Letters
- Tribal MOU
- Tribal Correspondence
- USFWS Concurrence Letters
- NRCS-CSA Farmland Conversion Forms
- EPA Scoping Letter
- IDFG Correspondence
- USACE Correspondence

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Determination Of Significance And Effect

Idaho Transportation Department – State or Tribal Historic Preservation Office



Key Number 9294	Project Number DHP-NH-4110(156)	Project Title US-95, Thorn Creek to Moscow, Stage 1 (Alignment W-4)
District 2	County Latah	Township/Range/Section refer to AHSR
Clearance Authorized Without Survey <input type="checkbox"/> PA <input type="checkbox"/> ER <input type="checkbox"/> Review		Field Notes Archaeological and Historical Services (AHS)

Determination of Eligibility

	Site Numbers	Comments
<input type="checkbox"/> No Sites		
<input checked="" type="checkbox"/> Not Eligible	Temp # US95-21	Clyde & Bond Property #2
<input checked="" type="checkbox"/> Eligible	Temp # US95-22	Deesten/Davis Farmstead

Determination of Effect

	Rationale	Sites/Comments
<input type="checkbox"/> No Historic Properties Affected	<input type="checkbox"/> They are outside the project area	
	<input type="checkbox"/> They are outside impact zones	
	<input type="checkbox"/> Final project plans will avoid them	
	<input type="checkbox"/> NR character will not be changed	
<input type="checkbox"/> No Adverse Effect to Historic Properties	Sites will be affected (See Comments section below or attached explanation)	
<input checked="" type="checkbox"/> Adverse Effect to Historic Properties	Sites will be affected: Deesten/Davis Farm (Temp Site US95-22)	
<p>Comments: ITD District 2 proposes to improve US-95 from approximately MP 336.5 near Thorn Creek Road to MP 343.8 just south of Moscow. Plans call for realignment of the northern portion of the 7.5 mile long highway segment and widening of the southern portion. ITD District 2 has proposed three alignment options: W-4, C-3, and E-2. This Determination of Eligibility and Effect applies only to Alignment W-4.</p> <p>An intensive-complete cultural resources survey has been completed and cultural resources identified. Two sites, the Deesten/Davis Farm (Temp # US95-22) and Clyde & Bond #2 (Temp # US95-21) properties, are located within or abutting the project APE of alignment W-4. The Clyde & Bond Property #2 has been determined Not Eligible for the NRHP. The Deesten/Davis Farmstead has been determined Eligible for the NRHP and proposed project actions will result in an Adverse Effect to this historic property. If alternative W-4 is selected ITD District 2 will mitigate for the adverse effect of their actions to the Deesten/Davis Farmstead following consultation with the Idaho SHPO. With compliance to that stipulation it is recommended that this project be allowed to proceed as planned.</p>		
<input type="checkbox"/> Project will be monitored during construction due to the potential for cultural resources		
Transportation Archeologist's Signature <i>Maria Munch</i>		Date December 5, 2006

SHPO or THPO 106 Comment: I have reviewed the documentation and recommendations provided by ITD and

<input checked="" type="checkbox"/> I agree with the above determination of eligibility and effect and with the conditions of compliance.
<input type="checkbox"/> I agree with the above determinations of eligibility and effect given stipulations explained below or in the attached letter.
<input type="checkbox"/> I disagree with the above determinations of eligibility and effect as explained below or in the attached letter.
State or Tribal Historic Preservation Officer's Signature <i>Gloria L. King</i>
Date 1/2/07

Determination Of Significance And Effect

Idaho Transportation Department – State or Tribal Historic Preservation Office



Key Number 9294	Project Number DHP-NH-4110(156)	Project Title US-95, Thorn Creek to Moscow, Stage 1 (Alignment W-4)
District 2	County Latah	Township/Range/Section refer to AHSR
Clearance Authorized Without Survey <input type="checkbox"/> PA <input type="checkbox"/> ER <input type="checkbox"/> Review		Field Notes Archaeological and Historical Services (AHS)

SHPO or THPO 4(f) De minimis Comment (applies only when a determination of effect results in a *No Historic Properties Affected* or *No Adverse Effect* determination under Section 106):

De minimis impacts related to historic sites are defined as the determination of either "no adverse effect" or "no historic properties affected" in compliance with Section 106 of the National Historic Preservation Act (NHPA).

☒ I understand that the FHWA Division Administrator or FTA Regional Administrator may make a *de minimis* impact finding for one or more Section 4(f) resources based on Section 106 findings in this document.

Site Temp # US95-22

State or Tribal Historic Preservation Officer's Signature

Shonda L. King

Date

1/2/07

RECEIVED

JAN 08 2007

DIV. OF HIGHWAYS
LEWISTON, IDAHO

INFO	D2	ACT	SIG
<input checked="" type="checkbox"/>	DE		
<input checked="" type="checkbox"/>	DTE		
<input checked="" type="checkbox"/>	MTLS		
<input checked="" type="checkbox"/>	EPS		
<input checked="" type="checkbox"/>	DRI		
<input checked="" type="checkbox"/>	EST		
<input checked="" type="checkbox"/>	ADE		
<input checked="" type="checkbox"/>	RE-A		
<input checked="" type="checkbox"/>	RE-B		
<input checked="" type="checkbox"/>	PDE		
<input checked="" type="checkbox"/>	LRE-TPS		
<input checked="" type="checkbox"/>	RW		
<input checked="" type="checkbox"/>	MTCE		
<input checked="" type="checkbox"/>	MTC FRMN		
<input checked="" type="checkbox"/>	ALL SHEDS		
<input checked="" type="checkbox"/>	DBM		
<input checked="" type="checkbox"/>	ALL SUPV		

Determination Of Significance And Effect

Idaho Transportation Department – State or Tribal Historic Preservation Office



Key Number 9294	Project Number DHP-NH-4110(156)	Project Title US-95, Thorn Creek to Moscow, Stage 1 (Alignment C-3)
District 2	County Latah	Township/Range/Section refer to AHSR
Clearance Authorized Without Survey <input type="checkbox"/> PA <input type="checkbox"/> ER <input type="checkbox"/> Review		Field Notes Archaeological and Historical Services (AHS)

Determination of Eligibility

	Site Numbers	Comments
<input type="checkbox"/> No Sites		
<input checked="" type="checkbox"/> Not Eligible	57-13693; 57-13694; 57-13695; 57-13697; 57-13696; 57-13698; 10LT245; 57-13687; 57-13689; 10LT244; 57-13688	Benson House; Clyde Farm; Geffre House; Renfrew Farm; Sinclair Residence; Deeston Farm; North-South Hwy.; Carpenter Farm; Reisenauer Farm; Paulson Memorial; Jensen Farm
<input checked="" type="checkbox"/> Eligible	57-13692	Snow Farm (house & garage)

Determination of Effect

	Rationale	Sites/Comments
<input checked="" type="checkbox"/> No Historic Properties Affected	<input type="checkbox"/> They are outside the project area	
	<input type="checkbox"/> They are outside impact zones	
	<input type="checkbox"/> Final project plans will avoid them	
	<input checked="" type="checkbox"/> NR character will not be changed	57-13692 Snow Farm (house & garage)

☐ No Adverse Effect to Historic Properties Sites will be affected (See Comments section below or attached explanation)

☐ Adverse Effect to Historic Properties Sites will be affected:

Comments: ITD District 2 proposes to improve US-95 from approximately MP 336.5 near Thorn Creek Road to MP 343.8 just south of Moscow in Latah County. Plans call for realignment of the northern portion of this highway segment and widening of the southern portion. ITD District 2 proposes three alignment options: W-4, C-3, and E-2. This Determination of Eligibility and Effect applies only to alignment C-3.

An intensive-complete cultural resources survey of alignment C-3 has been completed and cultural resources identified. The house and garage at the Snow Farm (57-13692), was determined Eligible for the NRHP. However, proposed project actions will result in No Effect to the Snow Farm.

Nine other properties were recorded and determined Not Eligible for the NRHP. Two historic sites, North-South Hwy (10LT245) and the Paulson Memorial (10LT244) were previously determined Not Eligible by the SHPO in 2001. One previously eligible property, the Jensen Farm (57-13688), was re-evaluated in 2006 and determined to be Not Eligible based on an ITD Architectural Historian site visit and subsequent SHPO consultation.

☐ Project will be monitored during construction due to the potential for cultural resources

Transportation Archeologist's Signature

Mark Minch

Date

December 5, 2006

Determination Of Significance And Effect

Idaho Transportation Department – State or Tribal Historic Preservation Office



Key Number 9294	Project Number DHP-NH-4110(156)	Project Title US-95, Thorn Creek to Moscow, Stage 1 (Alignment C-3)
District 2	County Latah	Township/Range/Section refer to AHSR
Clearance Authorized Without Survey <input type="checkbox"/> PA <input type="checkbox"/> ER <input type="checkbox"/> Review		Field Notes Archaeological and Historical Services (AHS)

SHPO or THPO 106 Comment: I have reviewed the documentation and recommendations provided by ITD and

- ☒ I agree with the above determination of eligibility and effect and with the conditions of compliance.
- ☐ I agree with the above determinations of eligibility and effect given stipulations explained below or in the attached letter.
- ☐ I disagree with the above determinations of eligibility and effect as explained below or in the attached letter.

State or Tribal Historic Preservation Officer's Signature

Glenda L. King

Date

1/2/07

RECEIVED

JAN 08 2007

DIV. OF HIGHWAYS
LEWISTON, IDAHO

2

INFO	D2	ACT	SIG
<input checked="" type="checkbox"/>	DE		
	DTE		
	MTLS		
<input checked="" type="checkbox"/>	EPB		
	DRI		
	EST		
	ADE		
	RE-A		
	RE-B		
<input checked="" type="checkbox"/>	POE		
	LRE-TPS		
	RW		
	MTCE		
	MTC FRMN		
	ALL SHEDS		
	DBM		
	ALL SUPV		

Determination Of Significance And Effect

Idaho Transportation Department – State or Tribal Historic Preservation Office

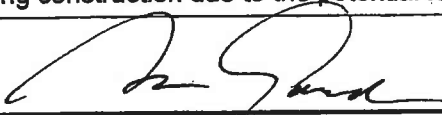


Key Number 9294	Project Number DHP-NH-4110(156)	Project Title US-95, Thorn Creek to Moscow, Stage 1 (Alignment E-2)
District 2	County Latah	Township/Range/Section refer to AHSR
Clearance Authorized Without Survey <input type="checkbox"/> PA <input type="checkbox"/> ER <input type="checkbox"/> Review		Field Notes Archaeological and Historical Services (AHS)

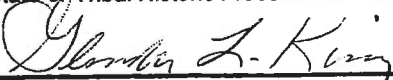
Determination of Eligibility

	Site Numbers	Comments
<input type="checkbox"/> No Sites		
<input checked="" type="checkbox"/> Not Eligible	Temp # US95-11; Temp # US95-1; 10LT242;	Benson Property; Fleiger Property; Trash Scatter #3
<input type="checkbox"/> Eligible		

Determination of Effect

	Rationale	Sites/Comments
<input type="checkbox"/> No Historic Properties Affected	<input type="checkbox"/> They are outside the project area	
	<input type="checkbox"/> They are outside impact zones	
	<input type="checkbox"/> Final project plans will avoid them	
	<input type="checkbox"/> NR character will not be changed	
<input type="checkbox"/> No Adverse Effect to Historic Properties		Sites will be affected (See Comments section below or attached explanation)
<input type="checkbox"/> Adverse Effect to Historic Properties		Sites will be affected:
<p>Comments: ITD District 2 proposes to improve US-95 from approximately MP 336.5 near Thorn Creek Road to MP 343.8 south of Moscow. Plans call for realignment of the northern portion of the 7.5 mile long highway segment and widening of the southern portion. ITD District 2 has proposed three alignment options: W-4, C-3, and E-2. This Determination of Eligibility and Effect applies only to alignment E-2.</p> <p>An intensive-complete cultural resources survey of alignment E-2 has been completed and cultural resources identified. Two historic properties, the Benson Property and the Fleiger Property, were recorded and determined Not Eligible for the NRHP. One historic feature, 10LT242, was previously determined Not Eligible by the SHPO in 2001. If alignment E-2 is selected the proposed project actions will result in No Effect to historic properties. In the event that cultural resources are encountered during construction, work will cease at that location and ITD HQ Cultural Resources staff will be notified immediately.</p>		
<input type="checkbox"/> Project will be monitored during construction due to the potential for cultural resources		
Highway Archeologist's Signature 		Date December 5, 2006

SHPO or THPO 106 Comment: I have reviewed the documentation and recommendations provided by ITD and

<input checked="" type="checkbox"/> I agree with the above determination of eligibility and effect and with the conditions of compliance.	
<input type="checkbox"/> I agree with the above determinations of eligibility and effect given stipulations explained below or in the attached letter.	
<input type="checkbox"/> I disagree with the above determinations of eligibility and effect as explained below or in the attached letter.	
State or Tribal Historic Preservation Officer's Signature 	Date 12/29/06



IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 7129
Boise ID 83707-1129

(208) 334-8000
itd.idaho.gov

December 20, 2011

Mr. Travis Pitkin
Compliance Archaeologist
Idaho State Historical Society
State Historic Preservation Office
Statehouse Mail

**RE: Project No.: DHP-NH-4110(156), Key No.: 9294
US-95, Thorn Creek to Moscow, Stage 1**

Dear Travis,

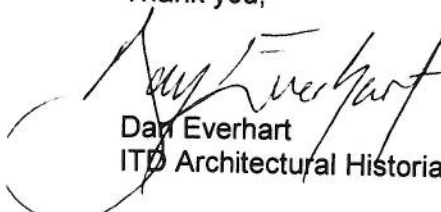
On December 5, 2006, the Idaho Transportation Department (ITD) submitted an Archaeological and Historic Survey Report (AHSR) for the above captioned project to the Idaho State Historic Preservation Office (SHPO) along with three Determination of Significance and Effect (ITD Form 1502) documents – one for each proposed potential project alignment. The 1502s were signed by SHPO on December 29, 2006 and concurred with ITD's finding of No Effect for alignments C-3 and E-2, and Adverse Effect for alignment W-4. At the time, ITD noted that no final alignment had been chosen for the project and therefore it was decided to wait for that decision prior to drafting and implementing a Memorandum of Agreement (MOA) for the W-4 alternative.

As the 2006 AHSR only recorded historic properties constructed in 1959 or before, it was recently decided to update the survey by recording all properties constructed between 1960 and 1970. Field work completed this summer resulted in the recordation of three (3) additional sites that fall within that date range – see attached. None were determined Eligible for listing in the National Register of Historic Places. During the same investigation, the consultant mapped, photographed, and inventoried all properties within or adjacent to the three alignment corridors constructed after 1970 – see attached.

A final alignment has yet to be identified for the project. Once chosen, that alignment will be reported to SHPO and the completion of the Section 106 process can take place. In the meantime, ITD requests the review of the attached site recordings and a letter acknowledging SHPO's concurrence with ITD's determination of National Register eligibility.

If you have any questions, please feel free to contact me at dan.everhart@itd.idaho.gov or 334-8479.

Thank you,


Dan Everhart
ITD Architectural Historian

Enclosure



June 10, 2015

C.L. "Butch" Otter
Governor of Idaho

Janet Gallimore
Executive Director

Administration
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2682
Fax: (208) 334-2774

Membership and Fund
Development
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2682
Fax: (208) 334-2774

Historical Museum and
Education Programs
610 North Julia Davis Drive
Boise, Idaho 83702-7695
Office: (208) 334-2120
Fax: (208) 334-4059

State Historic Preservation
Office and Historic Sites
Archaeological
Survey of Idaho
210 Main Street
Boise, Idaho 83702-7264
Office: (208) 334-3861
Fax: (208) 334-2775

Statewide Sites:
• Franklin Historic Site
• Pierce Courthouse
• Rock Creek Station and
• Stricker Homesite

Old Penitentiary
2445 Old Penitentiary Road
Boise, Idaho 83712-8254
Office: (208) 334-2844
Fax: (208) 334-3225

Idaho State Archives
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2620
Fax: (208) 334-2626

North Idaho Office
112 West 4th Street, Suite #7
Moscow, Idaho 83843
Office: (208) 882-1540
Fax: (208) 882-1763

Dan Everhart
Architectural Historian
Idaho Transportation Department
Boise, Idaho

**Re: Project No.: DHP-NH-4110(156), Key No.: 9294
US-95, Thorn Creek to Moscow, Stage 1 – Addendum A
Idaho SHPO Review No.: 2007-98**

Dear Dan,

On April 22, 2015, the Idaho State Historic Preservation Office (SHPO) received an Addendum from the Idaho Transportation Department (ITD) for the project mentioned above. In 2006, ITD and SHPO concurred that alignments C-3 and E-2 would have result in no effect to historic properties, and alignment W-4 would have result in an adverse effect to historic properties. Now, the project proposes changes to realign a segment of the W-4 alignment to avoid the eligible historic properties and therefore avoid an adverse effect determination. ITD suggests the proposed new alignment of W-4 to have a No Effect to Historic Properties determination. ITD also proposes that if alignment W-4 is chosen the appropriate archaeological investigations will be conducted before any ground disturbing activities commence.

The SHPO concurs and finds a determination of **No Effect to Historic Properties** for this addendum; *overall, the project will have No Effect to Historic Properties.* Please, consider this letter the official Idaho SHPO Section 106 comment for this addendum.

If you have any further questions or comments, please contact me at jamee.fiore@ishs.idaho.gov or (208) 334-3861 x 101.

Thank you for consulting with us,

Jamee N. Fiore, MHP
Historic Preservation Review Officer
Idaho State Historic Preservation Office





March 8, 2012

C.L. "Butch" Otter
Governor of Idaho

Janet Gallimore
Executive Director

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Boise, Idaho 83702-7264
Office: (208) 334-3861
Fax: (208) 334-2775

Statewide Sites:
• Franklin Historic Site
• Pierce Courthouse
• Rock Creek Station and
• Stricker Homesite

Old Penitentiary
2445 Old Penitentiary Road
Boise, Idaho 83712-8254
Office: (208) 334-2844
Fax: (208) 334-3225

Idaho State Archives
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2620
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Moscow, Idaho 83843
Office: (208) 882-1540
Fax: (208) 882-1763

Dan Everhart
Architectural Historian
Idaho Transportation Department
Statehouse Mail

RE: Goodman Oil (HR 02); US-95, Thorn Creek to Moscow, Stage 1;
DHP-NH-4110(156), Key 9294.

Dear Dan,

This letter is in response to your email requesting further comment about our recent determination of eligibility for the Goodman Oil Company gas station above. I have discussed our eligibility assessment for the property with our architectural historians and we offer the following in support of our determination.

In essence, the building meets Criterion C as an excellent example of "mid-century modern" architectural design – the octagonal/round form, the large glass exposure, flat roof, metal components, and cinderblock walls all are distinctive characteristics of the type, period, and method of construction of the genre. Furthermore, although a comprehensive survey of gas stations has not yet been conducted in Idaho, it is clear that this example appears to be a rare survivor of the property type (no other similar examples are known or recorded in the state inventory).

We appreciate your cooperation. If you have any further questions, please contact us.

Sincerely,

Travis Pitkin, M.S.
Archaeologist





January 23, 2012

C.L. "Butch" Otter
Governor of Idaho

Janet Gallimore
Executive Director

Administration
2205 Old Penitentiary Road
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Fax: (208) 334-2774

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Statewide Sites:
• Franklin Historic Site
• Pierce Courthouse
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Moscow, Idaho 83843
Office: (208) 882-1540
Fax: (208) 882-1763

Dan Everhart
Architectural Historian
Idaho Transportation Department
Statehouse Mail

RE: US-95, Thorn Creek to Moscow, Stage 1
DHP-NH-4110(156), key 9294

Dear Dan,

Thank you for sending additional information regarding the project referenced above. Three additional properties were recorded that were not addressed in the previous 2006 cultural resources survey report.

We agree the Ziegler House (HR 01) and the 2305 S. Main St. property (HR 16) are both Not Eligible. However, we do feel the 1963 commercial structure on the Goodman Oil Company property (HR 02) is National Register Eligible under Criterion C (Consideration g.). We feel the structure is of exceptional significance exhibiting a very rare design for Idaho.

The Goodman Oil Company property (HR 02) appears to be situated near the northern confluence of the C3, E2, and W4 alignment corridors. The location of this property may require a change in project finding for C3 or E2 alternates. The W4 alternate has previously been determined to adversely affect historic properties. We understand a final alignment has not yet been identified, and look forward to receiving additional information regarding project actions when an alignment is chosen.

We appreciate your cooperation. If you should have any questions regarding these comments please feel free to contact me at 208-334-3847 or travis.pitkin@ishs.idaho.gov.

Sincerely,

Travis Pitkin, M.S.
Archaeologist



January 28, 2002

Mr. Rob Roy Smith
Staff Attorney/Policy Analyst
Nez Perce Tribal Executive Committee
P.O. Box 305
Lapwai, ID 83540-0305

Re: Nez Perce Tribe/ITD MOU

Dear Mr. Smith:

Enclosed is the fully executed original Memorandum of Understanding between the Nez Perce Tribe and the Idaho Transportation Department for your records. We have retained copies of the MOU for our Lewiston and Boise offices.

Sincerely,

ORIGINAL SIGNED BY:

JOAN THOMPSON
District Business Manager

JT:jw\2-0039\Z:\Admin\OMWRDFILES\ADM\Nez Perce Tribe MOU.doc
Enclosure

bcc: LEGAL w/enc.
~~DE~~ w/enc.
File w/enc.



Nez Perce

RECEIVED
JAN 17 2002

ITD
LEGAL SECTION

TRIBAL EXECUTIVE COMMITTEE
Office of Legal Counsel

P.O. BOX 305 • LAPWAI, IDAHO 83540-0305 • (208) 843-7355
FAX (208) 843-7377

January 15, 2002

Tim Thomas, Esq.
Idaho Transportation Legal Department
PO Box 7129
Boise, Idaho 83707

RE: Nez Perce Tribe/ ITD MOU

Dear Tim:

Enclosed is a signed original copy of the *Memorandum of Understanding Between the Nez Perce Tribe and the Idaho Transportation Department*. As per our conversation, it is my understanding that you will have the appropriate individuals sign and subsequently distribute copies of the MOU.

It has been a pleasure working with both you and Mr. Bywater in finalizing this agreement. The Tribe looks forward to continuing our positive working relationship with the Idaho Transportation Department.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rob Roy Smith", with a long horizontal line extending to the right.

Rob Roy Smith
Staff Attorney/ Policy Analyst

MEMORANDUM OF UNDERSTANDING

between

THE NEZ PERCE TRIBE

and

THE IDAHO DEPARTMENT OF TRANSPORTATION

for

COORDINATION AND CONSULTATION ON TRANSPORTATION PROJECTS AND RESOURCE MANAGEMENT ISSUES

This Memorandum of Understanding ("MOU") is made between the Nez Perce Tribe ("TRIBE"), a federally recognized sovereign Indian Tribe, and the Idaho Department of Transportation ("ITD").

ARTICLE I. GOVERNMENT-TO-GOVERNMENT CONSULTATION

A. Purpose.

The purpose of this Agreement is to establish a procedure under which the TRIBE and the ITD will consult concerning construction, repair or maintenance projects ("projects") undertaken by the ITD within the Nez Perce Reservation, ceded territories and traditional use areas (collectively "Reservation"). For the purposes of this MOU, consultation is a multi-step process involving the TRIBE and ITD, leading to informed decision-making that adequately addresses the legitimate rights and interests of the TRIBE and the interests, needs and obligations of ITD. A first step towards meaningful consultation includes open, two-way information sharing early in the decision-making process and the opportunity for technical, legal and policy review and input. Consultation incorporates such input into the decision-making process in a manner that addresses the legitimate rights and interests of both parties.

B. Responsible officials.

1. The District Engineer for District 2 of the ITD shall be the responsible official for the purpose of consulting with the TRIBE on a government-to-government level for ITD projects within the Reservation. A representative from the State Transportation Board may attend such consultations when available.

2. The Chairman of the Nez Perce Tribal Executive Committee or his designee shall be the responsible Tribal government official for the purpose of consulting with ITD on a government-to-government level with respect to ITD projects.

3. The District Engineer shall designate ITD representatives responsible for maintaining contact and free flow of information in a continuing working relationship with the Tribe.

4. The Chairman of the Nez Perce Tribal Executive Committee shall designate the Tribal representative and key staff responsible for maintaining a continuing working relationship with ITD.

C. Consultation between responsible officials.

1. The parties shall initiate consultation at least once every three (3) months: (a) to discuss all proposed and ongoing projects within the Reservation, (b) to identify potential effects on tribal interests, and (c) to resolve other transportation or resource management issues of concern to either party.

2. Either party may initiate consultation for the purposes of entering into additional cooperative agreements with respect to specific projects.

3. The District Engineer shall initiate consultation when significant changes to projects that the Tribe has already commented on are being considered.

4. Consultation for other purposes may be initiated by either party.

ARTICLE II. PROJECT PLANNING AND COORDINATION

A. ITD responsibilities.

1. The District Engineer or his designee shall enter into discussions with the TRIBE to determine the level of coordination appropriate for specific projects within the Reservation at the commencement of planning with respect to the project.

2. Solicit comments from the TRIBE for projects within the Reservation.

3. Provide the TRIBE with a reasonable opportunity to review and comment on all projects proposed within the Reservation.

4. Work with the TRIBE on the proposed project before the project is opened to comments from the general public to alleviate tribal concerns prior to the comment phase.

5. Solicit comments from the TRIBE to help identify any potential impacts of ITD projects on natural resources, cultural resources or sacred sites, as well to help develop any plans to avoid or mitigate such adverse impacts; and incorporate the comments of the Tribe to the fullest extent practicable as they relate to the protection or mitigation of adverse impacts to such resources and sites.

B. TRIBE responsibilities.

1. Identify tribal representatives to work on an on-going basis with ITD representatives concerning ITD projects within the Reservation and distribute ITD project announcements to appropriate tribal staff.
2. Provide review comments to the ITD within 30 calendar days from the date of receipt of the notice, as otherwise specified in the notice, or as agreed.
3. Assist in resolving conflicts or potential effects identified during the tribal review of the proposal notices.
4. Inform the ITD of any activities on tribal lands that could affect or influence initiation or implementation of an ITD project.
5. Identify projects of mutual interest and coordinate with other entities to seek cooperative agreements.

C. Mutual responsibilities.

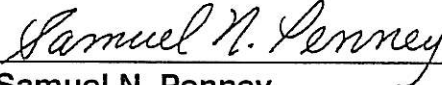
1. Set the date, time, and place for the quarterly consultation meeting, and other consultations as mutually agreed to.
2. At least one week prior to the quarterly consultation meeting, prepare an agenda identifying specific questions, issues of concern, and ongoing or proposed cooperative programs to be addressed.
3. Where appropriate, prepare and submit for review prior to the meeting draft cooperative agreements for discussion, negotiation and signature at the meeting.
4. Diligently work toward reaching mutually agreeable solutions in cases of conflict.
5. Work cooperatively to find creative solutions and secure tribal participation in projects, where appropriate.

ARTICLE III. GENERAL TERMS AND CONDITIONS

- A. Direct contacts between the ITD and the TRIBE are in no way limited by this MOU. Such contacts are essential to promote more effective communication, coordination and consultation. The Parties recognize that each party reserves all rights, powers, and remedies now or hereafter existing in law or equity, by statute, treaty or otherwise. Nothing in this MOU shall be construed as a waiver of sovereign immunity of the TRIBE or the State of Idaho. By entering into this MOU, the Parties reserve, and do not waive, any jurisdictional or other claims authorized by law. This MOU is intended solely for the purpose of facilitating intergovernmental cooperation between the Parties and creates no rights in third parties or the right to judicial review.
- B. Failure of the TRIBE to respond to any notification above shall in no way be considered a waiver or abandonment of any treaty or treaty-related right with respect to the activity or project referred to in the notification.
- C. Amendments, supplements or revisions to this MOU may be proposed by any Party to the agreement and shall become effective upon formal approval by both Parties.
- D. This agreement will become effective on the date of the latest signature as evidenced below.
- E. Either party may terminate this agreement by providing written notice to the other party. The agreement will terminate thirty (30) days after a party receives such written notice.

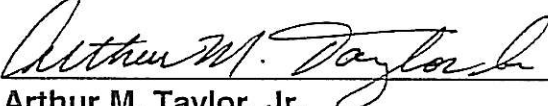
Nez Perce Tribe

By:



Samuel N. Penney
Chairman

1-14-02
(date)




Arthur M. Taylor, Jr.
Secretary

01-14-02
(date)


Idaho Department of Transportation

By:


Jim Carpenter
District Engineer, ITD District Two

1/23/02
(date)

Approved as to form:


Stephen A. Bywater
Deputy Attorney General
Idaho Transportation Department

NEZ PERCE TRIBE CONTACT LIST

Issue	Name	Telephone
Cultural Resources	Kevin Cannell	(208) 843-7313
Water Quality	Bobby Hills	(208) 843-7368
Noxious Weeds/Land Ownership	Jack Bell	(208) 843-7392
Transportation Planning	Della Cree	(208) 843-7324
Fishery Habitat/Restoration	Emmit Taylor	(208) 843-7144
Forestry Issues	John DeGroot	(208) 843-7328
Wildlife	Keith Lawrence	(208) 843-7372
General Issues	Rob Roy Smith	(208) 843-7377

Zach Junkhouser

File:DHP-NH-4110(156)



U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
IDAHO DIVISION
3050 LAKEHARBOR LANE, SUITE 126
BOISE, IDAHO 83703-6217
208-334-1843
Idaho.FHWA@fhwa.dot.gov

July 14, 2004

DIV. OF HIGHWAYS
LEWISTON, IDAHO

RECEIVED

Reply To: HFO-ID.1

Mr. Samuel Penney
Tribal Chair
Nez Perce Tribe
PO Box 365
Lapwai, ID 83540

ID. TRANS. DEPT.

Idaho Division Routing	
<input type="checkbox"/>	DIV ADMIN
<input type="checkbox"/>	ASST DIV ADMIN
<input type="checkbox"/>	TRANSP ENG
<input type="checkbox"/>	ENV MGR
<input type="checkbox"/>	BR/SAFETY ENG
<input type="checkbox"/>	FINAN MGR
<input type="checkbox"/>	FINAN SPEC
<input type="checkbox"/>	FINAN ASST
<input type="checkbox"/>	STAFF ASST
<input type="checkbox"/>	SUPP SERV CLK
<input type="checkbox"/>	COMP SPEC
<input checked="" type="checkbox"/>	FIELD OPS ENG
<input checked="" type="checkbox"/>	OPS ENG 1
<input checked="" type="checkbox"/>	OPS ENG 2
<input checked="" type="checkbox"/>	OPS ENG 3
<input checked="" type="checkbox"/>	OPS ENG 4
<input type="checkbox"/>	PDP

RE: Project DHP-NH-4110(156), Key #9294; US-95, Thorn Creek Road to Moscow

Dear Mr. Penney:

The above referenced project is being developed to improve the level of service and safety of US-95 from MP 337.2 at Thorn Creek Road, north of Genesee, to MP 344.0 south of Moscow in Latah County. The Idaho Transportation Department (ITD) District 2 Office in Lewiston is developing the project in cooperation with the Federal Highway Administration (FHWA). The project location is shown on the enclosed maps.

The purpose of this letter is to initiate a government-to-government relationship with the Nez Perce Tribe and to gain your input regarding this project. The FHWA's guidance on consultation with Tribal Governments on Federal-aid projects is based on the November 6, 2000 Executive Order: Consultation and Coordination with Indian Tribal Governments.

We are aware that Mr. Jim Carpenter, ITD District 2 Engineer, meets with you on a quarterly basis to brief you on projects that may be of interest to you. We would be pleased to have an FHWA representative accompany Mr. Carpenter to a forthcoming meeting to formalize our government-to-government relationship with the Tribe.

ITD District 2 is beginning the development of an Environmental Impact Statement (EIS) for this project. An archeological and historical inventory of the project area will be conducted. Under the Federal regulations of Section 106, Section 4(f) and NEPA, consideration of the possible effect of the project on

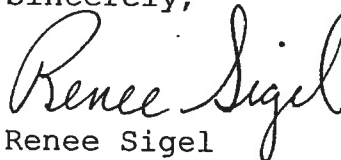
Native American Traditional Cultural Properties (TCPs) and Sacred Sites that are within or in close proximity to the project area is required. We are very interested in input from the Tribe regarding any concerns for TCPs or Sacred Sites in this project area.

For day-to-day activities and normal consultations with the Tribe, FHWA relies on ITD District 2 in Lewiston. ITD is responsible for working with the Tribe to develop information on Tribal project concerns. Mr. Jim Carpenter, ITD District 2 Engineer, may be contacted at (208) 799-4200.

Since FHWA is ultimately responsible for ensuring compliance with Federal law, including Tribal coordination, please contact Edwin Johnson, FHWA Operations Engineer, at (208) 334-9180, ext. 116, if you have any specific questions or concerns, and if you would like to meet with an FHWA representative at your quarterly meeting with ITD District 2. Please furnish us the name and telephone number of the Tribe's designated contact person for this project.

Thank you for your attention to this matter.

Sincerely,



Renee Sigel
Assistant Division Administrator

Enclosure

Hard Copy cc: Mr. Jim Carpenter, ITD District 2 Engineer,
Mr. Dennis Clark, ITD Environmental Program Manager,
Mr. Zach Funkhouser, District 2 Sr. Environmental Planner

ebj(1et)-Project DHP-NH-4110(156), Key #9294.doc



File

February 23, 2012

Mr. Brooklyn Baptiste, Chair
Nez Perce Tribe Executive Committee
P.O. Box 305
Lapwai, ID 83540

Re: March 1, 2012, Quarterly MOU Meeting
Between the Nez Perce Tribe (NPT) and
The Idaho Transportation Department (ITD)

Dear Chair Baptiste:

In accordance with the provisions of our MOU, I am forwarding you the items that we would like to have placed on the agenda:

**Federal and State Funded Projects/
Government to Government Coordination**

Projects under contract on the Reservation:

	<u>Award or Bid Opening</u>	<u>Prime Contractor</u>
• US-95, S. of Cottonwood to S. of Ferdinand	10/18/11	Poe Asphalt Paving
• US-95 Lapwai Cr. Bridges	04/05/11	Wadsworth Brothers, Inc.
• SH-162, Nezperce to Four Corners	08/30/11	Knife River Construction
• US-95, Spaulding Br. Rehab	09/26/11	Penhall Construction
• SH-162, Four Corners to MP 13.1	11/08/11	Knife River Construction
• US-12 Orofino to Greer	01/10/12	Valley Paving, Inc.
• SH- 162, Red Rock Rd to Kamiah	03/06/12	TBD

Projects under construction near the Reservation:

	<u>Award</u>	<u>Prime Contractor</u>
• US-95, FY12 Rockfall Mitigation	08/02/11	Midwest Rockfall, Inc.

Continued...

05/11
08/30/11

Brooklyn Baptiste, Chair
Nez Perce Tribe Executive Committee
February 23, 2012
Page Two

Projects being developed within the Reservation:

Complete Design

- | | |
|---|------|
| • US-95, End of Concrete to Ferdinand | 2016 |
| • SH-162 MP 13 to Redrock Road | 2013 |
| • US-95, Turn bays (Division & Old SH-7) | 2013 |
| • SH-7, Gilbert Grade | 2014 |
| • SH- 64, Kamiah Grade | 2014 |
| • US-12 Greer to Kamiah, Rockfall | 2014 |
| • SH-11, Greer Bridge Painting | 2013 |
| • US-95, Spaulding Bridge, Scour Mitigation | 2014 |
| • US-95 Concrete Slab Repair | 2014 |

Projects being developed near the Reservation:

- | | |
|------------------------------------|------|
| • MP 81 to Syringa, US-12 | 2013 |
| • Thorn Cr. Rd to Moscow, US-95 | 2016 |
| • Crooked Fork River Bridge, US-12 | 2013 |

Discussion Items:

- Programmatic Agreement on Cultural Clearances
- Left Turn bay Study
- Clearwater River Casino Interchange
- Joint Rest Area in Winchester

If you have any questions on these subjects or would like us to be prepared to address additional topics, please call me at 799-5090. We look forward to another productive and informative meeting with the NPT.

Sincerely,

ORIGINAL SIGNED BY:

JAMES F. CARPENTER, P.E.
District Engineer

JFC:kr/Z:\ADMIN\OM\WRDFILES\Office\nez perce tribe 2-23-12.docx

cc: Ms. Jan Vassar, Idaho Transportation Board
Ms. Rachel Edwards, Nez Perce Tribe

bcc: DE2 DEM2 PDE2 DTE2 RE2 A RE2 B EPS TPS2
SHA (Münch)

file

December 19, 2006

Mr. Kevin Cannell, THPO
Nez Perce Tribe
P.O. Box 365
Lapwai, ID 83540

Re: Project No. DHP-NH-4110(156); Key No. 9294
Throncreek Road to Moscow
Archeological and Historic Survey Report

Dear Mr. Cannell:

As per your request, enclosed is the referenced report for the Idaho Transportation Department's Throncreek Road to Moscow project.

If you have questions or concerns regarding this report, please feel free to contact me at 799-5090.

Sincerely,

ORIGINAL SIGNED BY:

ZACHARY A. FUNKHOUSER
Environmental Planner Senior

ZAF:ss/z:\Admin\OM\WRD\FILES\ADM\cannell\9294\hist.survey.doc
Enclosure

bcc: ENV (CLARK) DE2 PDE2 EPS

FW: Thorncreek to Moscow and Silene

From : Shawn Smith <Shawn.Smith@itd.idaho.gov>
Subject : FW: Thorncreek to Moscow and Silene
To : Michelle Anderson <anderenv@q.com>

Thu, Apr 12, 2012 10:06 PM

FYI

From: Clay_Fletcher@fws.gov [mailto:Clay_Fletcher@fws.gov]
Sent: Thursday, April 12, 2012 2:23 PM
To: Shawn Smith
Subject: Thorncreek to Moscow and Silene

Hi Shawn - I'm a little confused about the confusion! Yes, Zach proposed the mitigation for the Top of Lewiston Hill to Genesee Silene incident. He also saw the proposed actions as a conservation action under sec 7(a)(1) for the Thorncreek to Moscow project. Specifically, in his Addendum to the BA for this Lewiston Hill project in Proposed Mitigation Item #4, he states :

"In addition to completing mitigation actions for the impact to a Spalding's catchfly location within the project boundaries of the Top of Lewiston Hill to Genesee project, ITD also intends to acknowledge this project as mitigation for the Thorncreek Road to Moscow project under Section 7(a)(1) of the ESA. The location of Renfrew easement area is within the study area for the Thomcreek Road to Moscow project and the Jensen site is adjacent to the action area. This would complete mitigation actions planned for the Spalding's catchfly impact at the Mervyn Farm's site."

As far as the Service is concerned, there was no required mitigation for the Thorncreek project. The mitigation was for the Lewiston Hill mishap but was going to be implemented in the "study area" for the Thorncreek project. In my letter of concurrence for the Thorncreek project, I included the Zach's proposed "mitigation" because it would benefit Spalding's. The NLAA determination would stand without the "mitigation."

ITD has made a good faith effort to accomplish the proposed mitigation even though the results were not quite all that we were hoping for. We are still hoping additional protective measures for Spalding's can be accomplished through formal or informal conservation easements when the opportunity is available.

If it would help for Mark and me to have a conversation about this with FHWA, please let me know.

Thanks and let me know if you have questions or need anything additional.


Clay

U.S. Fish and Wildlife Service
1387 S. Vinnell Way, Room 368
Boise, ID 83709
(208) 378-5256; fax (208) 378-5262
clay_fletcher@fws.gov

FW: FWS File 912.0301 2007-I-0368 Concurrence Letter

From : Ken Helm <Ken.Helm@itd.idaho.gov>
Subject : FW: FWS File 912.0301 2007-I-0368 Concurrence Letter
To : 'anderenv@q.com' <anderenv@q.com>

Wed, Dec 07, 2011 09:05 AM

 1 attachment

[This was the response back from FWS. Ken](#)

From: Clay_Fletcher@fws.gov [mailto:Clay_Fletcher@fws.gov]
Sent: Friday, December 02, 2011 8:59 AM
To: Shawn Smith
Cc: Mark_Robertson@fws.gov; Sue Sullivan; kyle.holman@dot.gov; Victoria Jewell Guerra; Ken Helm
Subject: Re: FWS File 912.0301 2007-I-0368 Concurrence Letter

Hi Shawn - Given that you describe no changes to the project or anticipated effects to the Spalding's catchfly as detailed in your original project BA, the Service agrees with the ITD's conclusion that our 2007 letter of concurrence remains valid. Reinitiation of consultation is not warranted at this time. However, if your proposed action is modified, environmental conditions change, or additional information becomes available regarding potential effects on listed species, you should verify that your conclusions are still valid.

In addition, our 2007 consultation included commitments by the ITD to proactively work towards the conservation of Spalding's catchfly and mitigate damage to an existing population (Mervyn Farm site) that occurred during construction activities associated with the Top of Lewiston Hill to Genesee project. These commitments included acquiring a conservation easement on the Renfrew property (within the Thorncreek to Moscow action area) to protect a small catchfly population and growing out and transplanting catchfly plants on the Jensen property (adjacent to the Thorncreek to Moscow action area), the Renfrew property, and the Mervyn Farm site (after rehabilitating and fencing the site). I assisted with seed collection in 2007 and know seeds were germinated at the Palouse Land Trust facility, but haven't heard anything additional in quite some time. Could you please provide me with an update on the status of these conservation efforts?

Thank you.

Clay

U.S. Fish and Wildlife Service
1387 S. Vinnell Way, Room 368
Boise, ID 83709
(208) 378-5256; fax (208) 378-5262
clay_fletcher@fws.gov

Shawn Smith
<Shawn.Smith@itd.idaho.gov>

12/01/2011 03:43 PM

To:"Mark Robertson (Mark_Robertson@fws.gov)"
<Mark_Robertson@fws.gov>, Sue Sullivan
<Sue.Sullivan@itd.idaho.gov>
cc:"kyle.holman@dot.gov" <kyle.holman@dot.gov>, Victoria
Jewell Guerra <Victoria.JewellGuerra@itd.idaho.gov>, Ken
Helm <Ken.Helm@itd.idaho.gov>
Subject:FWS File 912.0301 2007-I-0368 Concurrence Letter

Re: US-95Thorncreek Road to Moscow Highway Construction Project
(Key #9294)-- Latah County, Idaho-- Concurrence
File #912.0301 2007-I-0368

Dear Mark,

In anticipation of submittal of a Draft Environmental Impact Statement (DEIS) for the above referenced project, ITD is currently reviewing and updating the previous ESA consultation for the above referenced project. Concurrence on the original Biological Assessment for the project was received from your office April 12, 2007 that the project is not likely to adversely affect Spalding's catchfly (*Silene spaldingii*)

As of the latest United States Fish and Wildlife Service Species list dated August 17, 2011 the only changes to listed species within Latah County, ID is the removal of the Gray wolf, (*Canis lupus*) which was listed as experimental non-essential.

At the time of this writing the Idaho Transportation Department has not changed the original proposed highway design and are still evaluating the three proposed alignments your office consulted on in 2007. Based on this information and the lack of substantive species change there should be no difference in the level of effect to listed species determined from the original B.A. for this project. All other components of the existing consultation remain the same and therefore, ITD believes the determination for Spalding's catchfly of "not likely to adversely affect" is still valid as originally intended and reinitiating consultation is not warranted at this time.

Shawn W. Smith



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Snake River Fish and Wildlife Office
1387 S. Vinnell Way, Room 368
Boise, Idaho 83709
Telephone (208) 378-5243
<http://IdahoES.fws.gov>



RECEIVED

Dennis Clark
Environmental Section Manager
Idaho Transportation Department
P.O. Box 7129
Boise, Idaho 83707-1129

APR 16 2007

APR 12 2007

DIV. OF HIGHWAYS
LEWISTON, IDAHO

Subject: US-95 Thorncreek Road to Moscow Highway Construction Project (Key #9294)—Latah County, Idaho—Concurrence
File #912.0301 2007-I-0368

Dennis
Dear Mr. Clark:

This letter transmits the Fish and Wildlife Service's (Service) concurrence on the effects of the Thorncreek Road to Moscow Highway Construction Project on species listed under the Endangered Species Act of 1973, as amended. In a letter dated and received by the Service on March 16, 2007, the Idaho Transportation Department (Department) requested concurrence with the determination, documented in your Biological Assessment (Assessment), that the project is not likely to adversely affect Spalding's catchfly (*Silene spaldingii*).

The Department proposes to widen and straighten US-95, from approximately one mile south of Moscow to approximately eight miles north of Genesee, encompassing 6.5 miles of the existing highway corridor. Three alternate alignments are proposed within the two mile wide project area. None of the proposed alignments is further than 1.5 miles away from the existing US-95 right-of-way. The Department has not chosen a final alignment from among those proposed, so the action area for section 7 purposes is equivalent to the project area (i.e., encompasses all three proposed alignments).

The Department proposes to widen the existing two-lane highway to a four-lane divided highway, and realign the road as necessary to meet a 70 miles per hour design speed criteria within the project area. Standard best management practices and design criteria will be used to minimize resource impacts. Refer to the Assessment for a complete project description including design criteria.

Our concurrence that the project is not likely to adversely affect Spalding's catchfly is based on the following rationales as presented in the Assessment.

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 12/3/06	4. Sheet <u>1</u> of <u>1</u>	
1. Name of Project Thomcreek Rd. to Moscow ph 2		5. Federal Agency Involved FHWA		
2. Type of Project Transportation		6. County and State Latah County, Idaho		
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 11/20/06	2. Person Completing Form Ed Haagen	
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form).		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 0
5. Major Crop(s) Winter Wheat		6. Farmable Land in Government Jurisdiction Acres: _____ % _____		7. Amount of Farmland As Defined in FPPA Acres: 266,300 % 38
8. Name Of Land Evaluation System Used LESA		9. Name of Local Site Assessment System		10. Date Land Evaluation Returned by NRCS 11/27/06
PART III (To be completed by Federal Agency)		Alternative Corridor For Segment		
		Corridor W4	Corridor C3	Corridor E2
A. Total Acres To Be Converted Directly		159	102	158
B. Total Acres To Be Converted Indirectly, Or To Receive Services		0	0	0
C. Total Acres In Corridor		159	102	158
PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland		47	25	51
B. Total Acres Statewide And Local Important Farmland		105	70	95
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		0	0	0
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		0	0	0
PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)		79	79	79
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))		Maximum Points		
1. Area in Nonurban Use		15	14	14
2. Perimeter in Nonurban Use		10	9	10
3. Percent Of Corridor Being Farmed		20	19	17
4. Protection Provided By State And Local Government		20	20	20
5. Size of Present Farm Unit Compared To Average		10	10	10
6. Creation Of Nonfarmable Farmland		25	10	13
7. Availability Of Farm Support Services		5	5	5
8. On-Farm Investments		20	20	20
9. Effects Of Conversion On Farm Support Services		25	0	0
10. Compatibility With Existing Agricultural Use		10	3	4
TOTAL CORRIDOR ASSESSMENT POINTS		160	110	109
PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)		100	79	79
Total Corridor Assessment (From Part VI above or a local site assessment)		160	110	109
TOTAL POINTS (Total of above 2 lines)		260	189	188
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
5. Reason For Selection: See Attached Remarks For Each Alternative				

Signature of Person Completing this Part:
Ed Haagen

DATE
12/3/06

NOTE: Complete a form for each segment with more than one Alternate Corridor

preservation of ecological connectivity (see explanation below). This can best be achieved using avoidance and minimization of impacts – which are the first and second priorities for mitigating impacts – through sensitive planning, alternatives analysis, siting and design. Compensatory mitigation is appropriate only for truly unavoidable impacts that cannot be further addressed through improved siting and design when an action alternative is selected.

We anticipate that avoidance of sensitive, rare, and/or high value terrestrial and aquatic habitats will be the most significant environmental need for this proposed project. Maintaining habitat connectivity and providing for safe and effective movement of wildlife and aquatic species will be a necessity.

Ecological connectivity. The roadway alternatives will, to varying degrees, potentially fragment habitats, create a barrier to wildlife movement, result in wildlife roadkill, and sever other aspects of ecological connectivity in the project area. The EIS should provide an analysis of the alternatives with respect to ecological connectivity needs and impacts, and include adequate mitigation measures to avoid and minimize the impacts. The EIS should include this analysis and propose mitigation for both terrestrial and aquatic ecosystem processes, habitats, and species in consultation with the resource agencies.

For terrestrial species, this will involve identifying habitat linkages (movement corridors) that need to be preserved or re-established, safe wildlife crossings/structures under or over the roadway that accommodate the species residing in the area, and fencing that effectively prevents wildlife entry onto the roadway and that funnels them to safe crossing locations/structures. These actions provide for the safety of both wildlife and motorists.

Ecological connectivity is a broader concept, however, than wildlife movement in the landscape. It includes the connections and interactions between land and water, the transfer of water, wood, soil, nutrients, genes, species, and so on. For example, ecological connectivity is impaired when a stream is channelized and separated from its flood plain; when shoreline structures or bank armoring block sediment flows and shoreline enrichment processes; when dams are built or culvert installation block fish passage; when wetland fills or impervious surface prevent ground water aquifer recharge; when hillslope cuts breach seepage areas, springs, or underground aquifers; when aquatic habitat hydrological alterations and development interfere with surface water/ground water interactions and riverine hyporheic zones; and so on. Environmental impact assessments need to focus much more on identifying these connections and the consequences of severing them; project design should incorporate the means to preserve them.

Aquatic resources. Road construction may affect aquatic resources: (1) additional human use in and around streams as well as construction of and additional runoff from impermeable road surfaces will adversely impact water quality; (2) wetlands and riparian areas located adjacent to the road may be encroached upon and their hydrologic function altered; and (3) road encroachment may degrade the habitat for fish and other aquatic biota. For any impacts that cannot be avoided through siting and design, the NEPA document should describe the types, location, and estimated effectiveness of best management practices (BMPs) applied to minimize and mitigate impacts to aquatic resources.

To meet the requirements of the Clean Water Act, the NEPA document must identify all water bodies likely to be impacted by the project, the nature of the potential impacts, and the specific pollutants likely to impact those waters. If there are Clean Water Act 303(d)-listed waterbodies, the NEPA document must additionally state whether a Total Maximum Daily Load (TMDL) has been developed for the streams and the pollutant(s) of concern. Provisions for antidegradation of water quality apply to streams where water quality standards are presently being met.

Wetlands and riparian areas. The proposed road construction may affect the functions, structure, and hydrologic flow of any impacted riparian areas and wetlands. The NEPA document should describe riparian areas, including widths, types of vegetation, and functional values and integrity. The document should provide wetland determinations, estimated acreage, types, and ecological functions of wetlands in the planning area. Also, the document should address in detail the potential loss of riparian and wetland functions and diminished water quality under each of the action alternatives.

The proposed activities may require a CWA Section 404 permit, both for in-stream and wetland alterations. For wetlands, section 404(b)(1) guidelines state that impacts to wetlands are to be (1) avoided, (2) minimized, and (3) mitigated. The NEPA document should discuss in detail how planning efforts conform with decision-making direction specified in Section 404(b)(1) guidelines. FHWA must show, under Section 404, that they have avoided impacting the wetlands to the extent possible. The NEPA document should discuss alternatives that would not impact wetlands before proceeding to minimization/mitigation measures. Wetland mitigation measures should be designed to replace wetland functions lost as a result of the project. Wetland functional assessments should be used to demonstrate the adequacy of the wetland mitigation efforts.

Endangered, threatened, candidate, sensitive species. If the proposed project activities could affect species listed under the Endangered Species Act as threatened or endangered, the NEPA document should include the Biological Assessment and the associated FWS or NMFS Biological Opinion or formal concurrence for the following reasons:

- NEPA requires public involvement and full disclosure of all issues upon which a decision is to be made.
- The CEQ Regulations for Implementing NEPA strongly encourage the integration of NEPA requirements with other environmental review and consultation requirements (40 CFR 1502.25).
- The Endangered Species Act (ESA) consultation process can result in the identification of mandatory, reasonable, and prudent alternatives that can significantly affect project implementation.

Since both the Biological Assessment and the NEPA document must evaluate the potential impacts of the project on listed species, they can jointly assist in analyzing the effectiveness of project alternatives and mitigation measures. EPA recommends that the final NEPA decision document not be completed prior to the completion of ESA consultation. If the

consultation process is treated as a separate process, the federal agency risks FWS and/or NMFS identification of additional significant impacts, new mitigation measures, or changes to the preferred alternative. If these changes have not been evaluated in the original NEPA document, a supplement to the document would be necessary.

In addition to federally listed endangered and threatened species, there may also be state listed species, candidate state or federal species, and other sensitive or declining plant and animal species and their habitats in the project area. We recommend that the state Natural Heritage Program, the state and federal fish and wildlife agencies, and other appropriate authorities on the conservation of biological diversity be contacted to identify these species and their habitats. The EIS should disclose these sensitive species and habitats, and the alternatives presented should reflect all possible measures to avoid and minimize disturbance or harm to them.

Invasive species. Ground disturbing activities create opportunity for establishment of non-native invasive species. In compliance with NEPA and with the Executive Order 13112, analysis and disclosure of these actions and their effects, as well as any mitigation to prevent or control such outbreaks should be included. We urge that disturbed areas be revegetated using native species, including a native grass and forb mixture to ensure adequate coverage to prevent establishment of invasive plants, and that there be ongoing maintenance (wholly or primarily non-chemical means) to prevent establishment of invasives in areas disturbed by project activities.

Indirect/secondary, and cumulative effects. In addition to the direct impacts to the natural and human environment, secondary and cumulative impacts should be analyzed and disclosed. Examples include increased and induced vehicle miles traveled (VMT); induced growth and development and its associated terrestrial and aquatic habitat losses, fragmentation, and alterations, water and air quality effects, fish and wildlife mortality and disturbance effects, and other impacts that are likely to result. The affected environment for each resource category should be adequately described to establish past impacts, and existing baseline conditions and stresses to those resources, so that the added effects can be discerned.

Cultural resources. The intact, high value habitats in the project area may also have significant cultural value for Native Americans, such as the Nez Perce, Colville, and Coeur d'Alene Tribes. Impacts to tribal cultural resources and historic and archeological resources need to be disclosed in the EIS.

Under NEPA, the scope of cultural resource analysis should include direct and indirect impacts to traditional resource rights, historic buildings, historic districts, archeological sites, Native American traditional places, sacred sites, environmental justice issues, and traditional ways of life. The following is a list of specifics that we believe should be addressed in the EIS for a complete analysis of cultural resources:

- sacred sites (see Executive Order 13007);
- traditional cultural properties or landscapes;
- hunting, fishing, gathering areas (including impacts to ecosystems that support animals and plants that are or once were part of the tribes' traditional resource areas);

- access to traditional and current hunting, fishing, and gathering areas and species (berries, root foods, basket weaving materials, fire wood, elk, deer, trout, and any other species of concern to the tribes);
- changes in hydrology or ecological composition of springs, seeps, wetlands, and streams, that could be considered sacred or have traditional resource use associations;
- travel routes that were historically used, and travel routes that may be currently used;
- historic properties, districts, or landscapes;
- cultural uses of the natural environment, the built environment, and human social institutions;
- unique characteristics of the geographic area such as proximity to historic or cultural resources (40 CFR 1508.27(b)(3));
- the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8) in accordance with the National Historic Preservation Act (NHPA);
- Potential disproportionate or adverse environmental impacts to low income and minority populations (see E.O. 12898); such impacts may be cultural, for example, impacts on a culturally important religious, subsistence, or social practice should be addressed;
- impacts to Indian Sacred Sites. E.O. 13007 requires that federal agencies minimize damage to sacred sites on federal land, and avoid blocking access to such sites by traditional religious practitioners.

EPA recommends conducting ethnographic interviews and compiling ethnohistoric information about the area. EPA also recommends close consultation with the tribes (see E.O. 13175), and the appropriate State Office for archaeology and historic preservation.

We recommend that NHPA Section 106 review be conducted during the preparation of the DEIS and that consultation be initiated with affected and potentially affected tribes and Native American descendants. Consultation to resolve adverse effects should be coordinated with public comment on the DEIS, with the results reported in the Final EIS. Any Memorandum of Agreement (MOA) developed under Section 106, or the final comments of the Advisory Council on Historic Preservation (ACHP), should be addressed in the ROD. The Section 106 MOA should be fully executed before the ROD is issued, and the ROD should provide for implementation of the MOA's terms.

Social/cultural effects and Environmental Justice. We recommend conducting community impact assessments for communities that are most affected by the proposed project. The Federal Highway Administration (FHWA) publication, *Community Impact Assessment: A Quick Reference for Transportation* [publication No. FHWA-PD-96-036, HEP-30/8-96(10M)P], is available as guidance, and pertinent websites can also provide information. Historic resources and the full range of tribal treaty resources, as discussed above, should be addressed. Formal consultation should be conducted regarding both their natural and cultural resources affected by the proposed project. Useful references include:

- <http://www.npi.org/nepa/index.html> regarding NEPA and cultural resources;
- http://www.epa.gov/compliance/resources/publications/ej/ips_consultation_guide.pdf includes the document, *Guide on Consultation and Collaboration with Indian Tribal Governments and the Public Participation of Indigenous Groups and Tribal Members in*

Environmental Decision Making.

Executive Orders:

- E.O. 13175, Consultation and Coordination with Tribes;
- E.O. 13007, Indian Sacred Sites;
- E.O. 12898, Environmental Justice.

In compliance with NEPA and with E.O. 12898 on Environmental Justice, actions should be taken to conduct adequate public outreach and participation that ensures the public and Native American tribes truly understand the possible impacts to their communities and trust resources. Environmental Justice communities and tribes must be effectively informed, heard, and responded to regarding the project impacts and issues affecting their communities and natural and cultural resources. The information gathered from the public participation process and how this information is factored into decision-making should be disclosed in the EIS.

The U.S. has a unique relationship with tribal governments, which requires that federal government plans, projects, programs and activities assess impacts on tribal trust resources. Agencies shall assess all impacts to tribal trust resources and include those impacts in the agencies' environmental documents. In accord with the Executive Memo of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments, each federal agency shall consult to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally-recognized tribal governments.

Air Toxics. There is heightened concern for human health from projects that result in air toxics emissions and particulate matter from mobile sources, particularly diesel exhaust. The EIS should disclose the human health effects of air toxics and particulate matter from mobile sources, and identify any sensitive receptor locations for the project. For receptor locations, we recommend that hotspot analysis be conducted for these pollutants, and that construction mitigation measures be included. We have enclosed a list of potential mitigation measures to reduce emissions during construction.

We appreciate the opportunity to offer these comments and look forward to working collaboratively on the project with FHWA and all interested and affected parties. Please contact me at 206/553-2966 or somers.elaine@epa.gov, if you have questions or would like to discuss these comments.

Sincerely,



Elaine Somers
NEPA/309 Environmental Review
Geographic Unit

Enclosure

December 21, 2010

Mr. Dave Cadwallader
Clearwater Regional Supervisor
Idaho Department of Fish & Game
3316 16th Street
Lewiston, ID 83501

Re: Project No. DHP-NH-4110(156); Key No. 09294
Transmittal of *Assessment of Potential Big Game Impacts and Mitigation Associated with Highway Alternatives from Thorncreek Road to Moscow*

Dear Mr. Cadwallader:

The Idaho Transportation Department ("ITD") appreciates the past assistance provided by the Idaho Department of Fish and Game ("IDFG") to assess potential wildlife impacts relating to the US-95 Thorncreek Road to Moscow project.

In follow-up to prior discussions with and comments received from IDFG, ITD transmits herewith the report prepared by Western Ecosystems Technology entitled *Assessment of Potential Big Game Impacts and Mitigation Associated with Highway Alternatives from Thorncreek Road to Moscow*. The enclosed report concludes that "[g]iven the marginal quality habitat and limited observations of moose and elk in the area, there is no evidence that suggests the E-2 alternative would have measurable impacts on either species. Accordingly, mitigation for direct habitat loss, indirect habitat loss, or loss of connectivity for moose or elk is not warranted." However, the Report recommends future monitoring of vehicular-wildlife collisions to determine whether future mitigation might be warranted in Sections of E-2 (in the event E-2 is selected as the preferred alignment). ITD also transmits ITD's *Safety Evaluation*, which explains implementation of the monitoring recommendation.

Thank you again for your assistance. Please feel free to contact me at (208) 799-5090, should you have any questions.

Sincerely,

ORIGINAL SIGNED BY:

KENNETH G. HELM, Project Manager
Thorncreek Road to Moscow

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Enclosure

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bcc: DE2 ~~PDE2~~ DTE2 EP



#9294

IDAHO DEPARTMENT OF FISH AND GAME
CLEARWATER REGION3316 16th Street
Lewiston, Idaho 83501C.L. "Butch" Otter/Governor
Cal Groen/Director

October 26, 2007

Mr. James Carpenter, District Engineer
Idaho Transportation Department
District 2
P.O. Box 837
Lewiston ID 83501RECEIVED
NOV 06 2007
DIV. OF HIGHWAYS
LEWISTON, IDAHO

INFO	D2	ACT	SIG
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ALL SUPV			

Dear Jim:

In December or 2006, at your request, IDFG submitted to you a Wildlife Assessment for the proposed US95 Thorncreek to Moscow highway improvement project. Clearwater Region IDFG staff prepared this report in the spirit of interagency cooperation and to enhance protection of fish and wildlife in our region.

Furthermore, at ITD's request, our Wildlife Assessment recommended mitigations for impacts of the proposed highway on wildlife and wildlife habitat. Our recommendations were not an exhaustive list of the potential options available for mitigation, and were not intended to be limiting. Instead, our goal was for our recommendations to stimulate considerable thought and discussion between our agencies that would ultimately lead to appropriate and effective protections and enhancements for wildlife as part of the Thorncreek to Moscow highway project.

In May, we received a request from ITD for additional information regarding the Wildlife Assessment and our recommended mitigations (ITD, Funkhouser letter, May 3, 2007). IDFG responded to your request (IDFG, Cadwallader letter, June 23, 2007). Then, Dave Cadwallader, IDFG Region 2 Supervisor, and Ray Hennekey, Region 2 Environmental Staff Biologist, met with yourself, and ITD's Zack Funkhouser and Ken Helm on August 2 to further discuss our mitigation recommendations and attempt to resolve differences in outlook and approach to mitigation.

ITD informed us at the meeting that most of the mitigations we had recommended in the Wildlife Assessment were acceptable to ITD. However, there were two glaring exceptions: First, ITD was concerned about the cost of, and not convinced of the need to construct passage structures for big game, as recommended by Melquist in an independent contract report to ITD. IDFG had offered support for Melquist's recommendations in the Wildlife Assessment.

Second, and apparently most problematic from ITD's perspective, was IDFG's recommended mitigation to replace wildlife habitat that would be lost to the highway footprint. Our recommendation in the Wildlife Assessment, which included a 300 meter disturbance zone on either side of the highway, was for

Keeping Idaho's Wildlife Heritage

replacement of habitat at a 1:1 (acres replacement/acres lost) ratio for the central and western alignments and at a 2:1 ratio for the eastern alternative, where both direct and indirect wildlife impacts will be greatest. In our August meeting, you made it very clear that ITD does not feel that it has any responsibility to mitigate for wildlife or habitat unless ESA species are involved. Furthermore, you stated that replacement of lost habitat at the rates we recommended would stymie the project because of the added cost of purchasing land or easements for wildlife habitat. In essence, ITD rejected this mitigation recommendation out of hand.

IDFG acknowledged the potential cost of the recommended mitigation and, though we believe mitigation is necessary and appropriate, stated our shared interest in completing the US95 improvements. Therefore, in lieu of the habitat replacement ratios we initially proposed, IDFG offered to develop a baseline funding proposal for a "bank" or trust to be funded by ITD as mitigation for habitat loss. The proposed fund would be used to provide funding for purchases of easements or habitat, for habitat improvements in the Palouse region, or for other activities that would benefit wildlife. IDFG also agreed that wildlife passage structures for big game were not necessary and might not be effective. At the August meeting, ITD accepted those offers and agreed to consider a baseline funding proposal that IDFG would prepare. Therefore, we submit the following,

IDFG's alternative mitigation proposal:

ITD will deposit \$500,000 for the western alignment (W4, 185 acres at 1:1) or \$325,000 for the central alignment (C3, 125 acres at 1:1) or \$750,000 for the eastern alignment (E2, 185 acres at 1.5:1) into a fund that will be used to acquire, protect or enhance wildlife habitat or to fund other activities to benefit wildlife in the Palouse Ecoregion (ecoregion as defined in the Idaho CWMS). The fund will be administered by IDFG.¹ Other details (e.g., where the fund will be housed, etc.) will be made pending ITD acceptance of this recommendation.

IDFG believes this to be a very reasonable alternative to our original mitigation proposal – we think the bank can be used to provide meaningful protection for wildlife and habitat at less than 1 percent of the total project cost and at a fraction of what the original IDFG mitigation proposal would have cost ITD. In addition, we made several substantive concessions to arrive at this alternative proposal. These include:

- calculating the value based only on the actual new highway footprint – we did not include the 300 meter disturbance zone we included in our previous recommendations;
- calculating alternative E2 acres replacement at 1.5:1 acre lost, instead of 2:1 as originally proposed; and
- IDFG withdrew support for construction of the 2-3 big game passage structures recommended by Melquist.

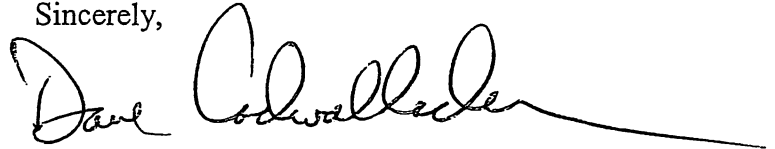
¹ The values were calculated based on an approximate average current selling price of \$2600 per acre for prime agricultural land in Latah County in the vicinity of the project. Based on our research of current real estate values, recent sales, and other agencies' calculations for purchase for easement, the selling price for prime farmland is approximately \$2600/acre. Non-prime agricultural land in the project, which sells for slightly less, makes up a very small percentage of the total area effected and was calculated at the same rate. Also, differences expected from including lesser value non-prime land at the same rate is more than compensated by using a median value that did not include the current development value of farmland, which was determined to be approximately \$4500/acre. Also, more costly residential land values were not included. All development value and residential property was included in the total at the \$2600/acre rate. An additional compensation was to round up to a nice even number to arrive at the amounts identified.

In closing, we feel it is important to repeat one additional mitigation recommendation we have made in the Wildlife Assessment and at every other opportunity: We recommend avoidance of the eastern alignment. It has been IDFG's position from the start – a position supported by recommendations from the other resource agencies – that the eastern alternative will have the greatest direct and indirect impacts to wildlife and other resources. Avoidance of impact is the primary mitigation tool available. We recommend avoidance of alternative alignment E2.

Please consider these recommendations in the spirit of cooperation in which we offer them. We make this proposal as a good faith effort to engage ITD in continuing negotiations to develop meaningful and effective mitigations for impacts of the US95 Thorncreek project to wildlife. We hope you give this proposal serious consideration.

Please contact me or Ray Hennekey at the Clearwater Regional Office if you have any questions regarding this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Cadwallader", with a long horizontal flourish extending to the right.

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/cs

C: Bart Butterfield, NRPB

RECEIVED

ACTION # 07-0351



JUN 28 2007

DIV. OF HIGHWAYS
LEWISTON, IDAHO

IDAHO DEPARTMENT OF FISH AND GAME
CLEARWATER REGION
3316 16th Street
Lewiston, Idaho 83501

June 23, 2007

C.L. "Butch" Otter / Governor
Cal Groen / Director

Mr. James Carpenter, District Engineer
Idaho Transportation Department
District 2
P.O. Box 837
Lewiston ID 83501

Dear Mr. Carpenter:

INFO	D2	ACT	SIG
✓	DE		
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This is in response to your May 3, 2007 letter requesting additional information related to the General Wildlife Assessment for the proposed US95 Thorncreek to Moscow highway improvement project prepared by IDFG Region 2 for ITD.

At ITD's request, Fish and Game's Wildlife Assessment recommended mitigations for impacts from the proposed highway on wildlife and wildlife habitat. Your May 3 letter asks IDFG to provide examples of other projects for which the Department has determined mitigations were necessary to offset impacts to wildlife.

The most recent example of mitigation for highway impacts to wildlife is from ITD's US95 Copeland to Canada highway project. Mitigation for that project included three wildlife underpasses and more than \$100,000 for pre- and post construction monitoring of wildlife. In addition, habitat lost to new highway footprint was mitigated by a cash payment which will be used to benefit wildlife; for instance, to purchase an easement.

Mitigation for lost wildlife habitat is also received for projects other than highway development. For example, recently negotiated mitigations for the Hells Canyon Complex include a minimum of 24,000 acres for terrestrial mitigation, representing a habitat replacement ratio of 2 acres replaced for each acre lost.. The Department also routinely recommends mitigation for housing developments. One recently completed negotiation in Ada County resulted in replacement of habitat lost to a housing development at an approximately 2:1 ratio, including permanent habitat protection easements within the project boundary and a conservation easement nearby and in similar habitat.

As you can see, mitigation for impacts to wildlife habitat is not at all uncommon; expressing mitigation as a ratio of habitat lost vs. habitat replaced is typical; and the mitigation ratios we have recommended for the US95 Thorncreek to Moscow Project are consistent with mitigation received for other projects.

Your second request was for Fish and Game to provide deer, elk and moose data to support or suggest that crossing structures adjacent to Paradise Ridge would (a) be required by the effects of the project, or (b) be used by wildlife in the corridor. You also asked for data IDFG might have to support Wayne Melquist's recommendations for wildlife crossing structures.

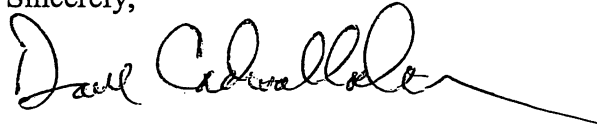
Keeping Idaho's Wildlife Heritage

Fish and Game has big game survey data for the project area; however, we have not collected data to determine whether crossing structures are required by the effects of the Thorncreek project or whether crossing structures recommended by Melquist would be used by wildlife. If you wish, IDFG would be pleased to discuss an arrangement with ITD that would allow us to collect new data geared specifically to answer those questions.

IDFG's mitigation recommendations in the US95 Thorncreek to Moscow Project Wildlife Assessment were not an exhaustive list of the potential options for mitigation. There are many mitigations that could be used to ameliorate the effects of the project on wildlife. It was Fish and Game's intention from the outset to provide recommendations that would stimulate considerable thought and discussion between our agencies that would lead to effective protections and enhancements for wildlife as part of the Thorncreek to Moscow highway project.

We invite you to meet with us at the Clearwater Regional Office on July 26, from 8-4 to begin to identify a suite of wildlife mitigations for the US95 Thorncreek to Moscow Project that will satisfy both our agencies' needs. Please contact me to confirm your availability for that date or to set another date if you have a conflict. I suggest that it would be best if you can provide us with alternative mitigation proposals at least a week in advance of that meeting so that our conference can be as productive as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Cadwallader", with a long horizontal flourish extending to the right.

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/

c: Tracey Trent
Dennis Clark, ITD Boise

May 3, 2007

Mr. Dave Cadwallader, Regional Supervisor
Idaho Department of Fish and Game
3316 16th Street
Lewiston, ID 83501

Re: Project No. DHP-NH-4110(156); Key No. 9294
Thorncreek Road to Moscow
General Wildlife Assessment

Dear Mr. Cadwallader:

The Idaho Transportation Department has received the General Wildlife Assessment prepared by Ray Hennekey dated December 14, 2006. The assessment recommends several mitigations identified by the IDFG report and the Large Ungulate Report prepared by Wayne Melquist. Both have been reviewed by ITD District Two, Headquarters and our Legal Section, as well as the Federal Highway Administration. ITD feels this process may set precedent for future ITD/IDFG interaction and for this reason, we would like to involve our ITD and your IDFG headquarters offices. Please have your headquarters office review your report and discuss it with Dennis Clark, Environmental Section Supervisor for ITD. Dennis can be reached at (208) 334-8203.

To consider our response to the recommendations made by the IDFG assessment and to document our decision making process, ITD would like to request additional information:

- Please provide information regarding the development of conservation easement mitigation ratios applied to the Thorncreek Road to Moscow project. We are specifically seeking other IDFG projects or reports where this method has been applied or other development or infrastructure projects in which a similar method was used for mitigation development and implementation. Also, any data or information regarding completed projects including mitigation results.
- Please provide any deer, elk or moose population data that supports or suggests that crossing structures adjacent to Paradise Ridge would be required by the effects of the project or utilized by species that exist within the corridor. The Melquist ungulate report identifies crossings as recommended, but not required by population effects of the U.S. 95 project. Please provide any data IDFG has which supports the recommendation for wildlife crossing structures.

Continued...

Mr. Dave Cadwallader, Regional Supervisor
Idaho Department of Fish and Game
May 3, 2007
Page Two

Thank you for your attention to this letter, we look forward to working with IDFG in addressing these issues.

Sincerely,

ORIGINAL SIGNED BY:

ZACHARY A. FUNKHOUSER
Environmental Planner Senior

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bcc:: CE
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ENV (Clark)
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**IDAHO FISH & GAME**

CLEARWATER REGION
1540 Warner Avenue
Lewiston, Idaho 83501-5699

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

RECEIVED**JUN 22 2005****DIV. OF HIGHWAYS
LEWISTON, IDAHO**

June 20, 2005

Mr. Zachary Funkhouser, Environmental Planner
Idaho Department of Transportation
PO Box 837
Lewiston, Idaho 83501

INFO	D2	ACT	SIG
DE	DTL	MTLS	EPS
	DRI	BST	
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	PDE	LRE-TPS	RW
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Dear Zach:

Re: BIOLOGICAL EVALUATION OF POTENTIAL IMPACTS OF CORRIDOR ALTERNATIVES
FROM THORNCREEK ROAD TO MOSCOW ON LARGE UNGULATES.

Thank you for the opportunity to review the Biological Evaluation of the Potential Impacts of Corridor Alternatives from Thorncreek Road to Moscow on Large Ungulates (BE). The BE evaluates and compares potential impacts of various construction alternatives for US Route 95 to deer, elk and moose.

The report (BE) has limited value as a tool for selecting construction alternatives based on impacts to large ungulates. The BE is based on a cursory assessment of available habitat and a largely windshield survey of the possible presence and use of potentially effected habitat by deer, elk and moose in the vicinity of three selected alternative alignments. The BE is also based on a review of the literature regarding deer, elk and moose biology and potential impacts of highways on those species.

Based on our own knowledge and experience, the general observations in the BE about big game presence in the study area are probably accurate, and we generally support the recommendations for mitigation. We tend to agree that impacts would range, in declining order of impact to large ungulates, from the eastern-most alternative to the western-most alternative. On the same basis, we can generally accept the recommendations for mitigation in the BE, although we'll look forward to working with ITD to develop specific mitigations, locations for wildlife passage structures, etc. when alternatives are narrowed down and more detailed plans can be developed.

We have some concerns about the BE and some of the conclusions reached regarding impact to deer, elk and moose.

First, the BE would be markedly improved by providing a more rigorous and scientifically sound evaluation of current deer, elk and moose in the project area to support conclusions and recommendations. The evaluation would be greatly enhanced with actual site-specific data to support conclusions. (Please note that the BE states that population data is not available for deer, moose and elk. IDFG has conducted elk surveys in the vicinity of the project and can provide

data on elk in subunits where populations may be affected by the project. Moose are not a focus during aerial surveys, but incidental observations of moose are recorded as well.)

The BE concludes that the project will not have population level impacts on deer, elk or moose. This tends to minimize potential impacts to large ungulates as a result of the highway and to infer that mitigation would have limited value. We are inclined to agree that population level impacts are unlikely, at least for large ungulates. However, less than population level impacts are important and should be assessed in a BE. Further, we wish to emphasize that population level impacts are not a prerequisite for mitigation. Any impacts that affect moose, deer or elk or otherwise diminish the resource deserve mitigation.

The BE states that a cumulative impacts analysis was done, then draws conclusions about project impacts and potential mitigation based on that analysis. However, the BE provides no evidence that the kinds of data on which such an analysis would depend was reviewed and evaluated (e.g., current/projected land ownership, current projections for and potential changes in residential growth and development as a result of new highway construction, cumulative impacts of retaining existing portions of the highway in addition to new construction, etc.). Therefore, it appears that a cumulative effects analysis was not done. Conclusions in the BE that the project will not have long-term population-level impacts are highly suspect as a result.

We were disturbed by the inference in the BE that the impacts from the highway project are acceptable because future residential development would eventually destroy habitat and displace big game even if the road is not constructed. Anticipated future impacts to wildlife from residential development in no way minimize impacts from the highway project or make impacts from the highway merely acceptable. Similarly, it is inappropriate to imply that mitigation for the highway might be unnecessary or ineffective because of potential impacts from future development. Anticipated residential growth in the region in no way reduces ITD's obligation to mitigate for both immediate and long-term impacts from the highway, including mitigation for projected changes or increases in residential development to which the highway improvements will contribute.

Because future residential growth is likely to be unavoidable, we repeat our original recommendation to purchase of easements or fee-title of key existing habitats for wildlife as partial mitigation for the project, regardless of alternative selected.

Thanks again for the opportunity to review and comment on this BE and to be involved so early in the process. We look forward to continuing to work with you to develop similar evaluations of US 95 Thorncreek Road to Moscow project impacts to fish, wildlife and habitat.

Sincerely,



Cal Groen
Clearwater Regional Supervisor

CG/rh/ss

IDAHO FISH & GAME/ITD MEETING FOR KEY NO. 9294 - THORNCREEK ROAD TO MOSCOW
MAY 29, 2014, 10:00 - 12:30 PST @ ITD District 2 Map Room Conference Room

Attendees:

David B. Kuisti, PE, D2 District Engineer
Ray Hennekey, IDFG Acting Regional Supervisor
Ken Helm, D2 Senior Transportation Planner
Shawn Smith, D2 Senior Environmental Planner
Michelle Anderson, Anderson Environmental Consulting
Curtis Arnzen, PE, D2 Project Development Engineer

Meeting Minutes:

1. Introductions
2. Purpose of Meeting:
 - a. To discuss ITD responses to IDFG DEIS comment letter dated March 25, 2013.
 - b. To respond to meeting request in IDFG letter dated June 27, 2013
 - c. To discuss potential mitigation measures to be considered in the Final EIS.
3. Discussion on IDFG DEIS Comments:
 - a. Response Letter to IDFG DEIS Comments.
See attached preliminary letter from ITD showing ITD Responses to IDFG Comments on the DEIS for US-95 Thorncreek to Moscow project.

Michelle Anderson and ITD referred to the sections of the IDFG DEIS comment letter and discussed the preliminary responses presented in ITD's response letter. Feedback regarding various sections in the letter was solicited.

Michelle Anderson explained that ITD and FHWA met with USFWS, Latah County Conservation District, and NRCS regarding the restoration projects planned for the area. As acknowledged by IDFG, all alternatives avoid directly impacting the Palouse Prairie remnants but would have indirect effects to the remnants. Michelle explained that ITD and the noted agencies are trying to coordinate restoration efforts to be as far from the alignments as possible and would be concentrated up on the ridge. Weed control mitigation measures were described.

Regarding the Mitigation MOU, IDFG and ITD agreed that a MOU is not necessary. Mitigation items will be clearly described in the FEIS. ITD will not make any commitment to monitor wildlife crashes beyond what is currently done. ITD also indicated that wildlife crash collisions would be monitored after the project is complete using the same method that wildlife crashes are monitored today.

OBK PWS

Several topics in the comment letter and responses which referred to semantics, corrections to references to the General Wildlife Assessment and citations (use of indicator species versus representative species, habitat generalists and other topics noted in the letter), were touched upon lightly, but not discussed in great depth. These clarifications are made in the FEIS and will be reviewed in greater detail by IDFG.

The group discussed the rationale for emphasis on the Sawyer Report, and that additional explanation is presented in the FEIS. Michelle noted that additional detail regarding indirect effects to wildlife, including fragmentation, noise, and cumulative effects are included in Chapter 6 of the FEIS.

In response to the comments regarding wildlife collisions, Michelle and Curtis explained that the existing US-95 would have lower crash rates because traffic volumes would be reduced to a tenth of the existing volumes resulting in fewer wildlife collisions. Severity of wildlife crashes versus intersection related crashes was also briefly discussed by ITD. Curtis explained that the Safety Analysis was revised to include the analysis of the existing US-95. The cumulative crash predictions on both the proposed alternative and the portion of existing US-95 that will remain after the construction of a proposed alternative will be presented in the revised safety analysis and the FEIS.

Ray suggested IDFG review the relevant sections of the FEIS to determine if the modifications sufficiently addressed their concerns and to ensure mitigations were adequately developed and described. That would also give ITD and IDFG a chance to resolve questions or concerns about mitigation prior to submittal of the FEIS. Ray suggested that IDFG be afforded an opportunity to preview applicable sections of the FEIS prior to its official submittal and ITD agreed to his request.

b. Mitigation Items:

The potential mitigation measures shown in the IDFG's DEIS comment letter and the ITD response to comments were discussed.

Regarding culverts and passage structures: The group discussed that passage structures for big game were suggested early in the project development but were determined not to be warranted for this project. At the time, it was a newly emerging concept. Since then, studies on statewide priorities and the effectiveness of these structures have been released.

Michelle explained that there are mitigation measures from Rudiger's study on oversizing culverts that have been added. Ken explained that all the culverts will

be much larger than existing culverts. The group discussed sizing and general locations.

It was agreed that ITD will add a commitment to the FEIS to consult with the IDFG before final design about specific design details as they pertain to wildlife, including size and location of the culvert or passage structure. Other wildlife mitigation measures described below will also be included in this consultation. Specific decisions on design detail cannot be made until final design information is known about the selected alternative.

Regarding Short-Eared Owls: The ITD will commit to consulting with the IDFG about possible installation of special reflective posts or delineators near the highway.

Regarding Bats: IDFG clarified that the intent of their bat mitigation comment was to discourage bats from roosting under bridges and other highway structures not to encourage them to roost in these locations. ITD had misunderstood the comment so the clarification will be made in the response letter. Roosting facilities will be installed as far away from the highway as possible to help prevent bat and car collisions.

Michelle also briefly reviewed the last miscellaneous comments regarding surveys and quality of tributaries. Shawn discussed the Cow Creek Mitigation site, which will replace the functions and values of the wetlands impacted by the project and will include several different habitat features. Ray stated that there are general wildlife habitat impacts due to the footprint of the new alignment and the indirect effects to wildlife. The group discussed that the E-2 alternative would affect better habitat (such as the pine stand) than the other alternatives, and the mitigation measures should reflect that. Michelle explained that the table in Chapter 9 lists specific measures only applicable to the E-2 Alternative and there are many specific to E-2. More mitigation items have also been added to the table (culvert sizing, owl reflective posts, etc). IDFG was not able to discuss any of the added mitigations because they have not had an opportunity to review them.

4. Discussion on the June 27, 2013 IDFG letter:

Ray Hennekey stated IDFG is no longer seeking establishment of a Palouse ecoregion trust fund to mitigate for wildlife impacts as a result of the Thorncreek to Moscow Project.

Ray also emphasized that IDFG still prefers Alternative C3 because that alternative would have the least impact to resources.

ITD indicated that the ITD Study with Utah State University regarding wildlife-vehicle collisions would be forwarded to IDFG once it is complete.

5. What is next:

ITD will revise the FEIS to eliminate mention of the MOU and will list and describe the mitigation measures. A mitigation measure will be added that ITD will coordinate with IDFG during the design process, when an action alternative has been selected. ITD will work with IDFG regarding the selection, design and location of wildlife mitigation measures (such as passage structures, culverts, owl reflectors and bat roosts etc).

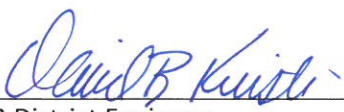
ITD will compile notes from this meeting and forward a signed copy to Ray Hennekey for his review. ITD will ask Ray to sign the meeting notes to indicate that he reviewed the minutes once he agrees with the minutes.

ITD will provide Ray Hennekey with a draft copy of the relevant sections of the FEIS for his review.

ITD will continue completing the final requirements of the FEIS and submit it for FHWA review when ready. This is anticipated in the near future.

6. Closing/Wrap-up

Reviewed By:  6/11/14
Ray Hennekey, Acting Regional Supervisor, IDFG Clearwater Region Date

Reviewed By:  6-19-14
David B. Kuisti, PE, D2 District Engineer Date

Shawn Smith <Shawn.Smith@itd.idaho.gov>

May 15, 2014 12:45 PM

To: Dave Ellis <Dave.Ellis@itd.idaho.gov>, Ken Helm <Ken.Helm@itd.idaho.gov>

Cc: Michelle Anderson <anderenv@q.com>

FW: US 95, Cow Creek Mit Site - TLH2M EIS and subsequent construction projects (UNCLASSIFIED)



FYI.

-----Original Message-----

From: Braspennickx, Nicholle M NWW [mailto:Nicholle.M.Braspenn@usace.army.mil]

Sent: Thursday, May 15, 2014 12:40 PM

To: Shawn Smith; Victoria Jewell Guerra

Subject: US 95, Cow Creek Mit Site - TLH2M EIS and subsequent construction projects (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Hello !

Many months ago - perhaps even a year ago? ITD D2 asked the Corps to confirm whether the Cow Creek Mitigation site (deemed successful as meeting its success criteria by the Corps Regulatory Division (RD) on August 19, 2010)... would suffice to also provide compensatory mitigation for the remaining ThCr2M Project(s).

The Corps RD scoured all our files... NWW No. 2004-0600013, KN 7769, and NWW No. 2004-0600046, KN 09294. We also scoured the pre-application information (original mitigation plans), the monitoring plans, and other information.

As far as the Corps RD can determine, the Cow Creek Mitigation Site is to serve as compensatory mitigation for all projects involved w/ US 95, Top of Lewiston Hill to Moscow, including the remaining US 95, Thorn Creek to Moscow, EIS portion of the project.

In conversations w/ Mr. Shawn Smith - we both agree that should the Corps determine a shortfall in compensatory mitigation at the time of permitting for the remaining project(s).... perhaps ITD could then avail itself of a local mitigation bank for the difference.

Yours Truly,

Nicholle Braspennickx
Regulatory Project Manager
208-345-2287

Classification: UNCLASSIFIED

Caveats: NONE

APPENDIX 2. LIST OF PREPARERS AND REVIEWERS

Name	Responsibility/Role	Education	Experience
US DEPARTMENT OF TRANSPORTATION - Federal Highway Administration (FHWA), Idaho Division			
Ross Blanchard	Project Review	B.S. Civil Engineering	20 years
Kyle Holman	Project Review	B.S. Civil Engineering	8.5 years
John Perry	Project Review	B.S. Civil Engineering	23 years
Paul Ziman	Project Review	B.S. Civil Engineering	26 years
Brent Inghram	Project Review	B.S. Environmental Planning/ Management M.S. Geological Engineering	32 years
IDAHO TRANSPORTATION DEPARTMENT (ITD)			
Ken Helm	Project Management	A.S. Drafting Technology	37 years
Zach Funkhauser	Project Management / NEPA Review	B.S. Biology	14 years
Shawn Smith	Project Management / NEPA Review	B.S. Biology	12 years
Curtis Arnzen	Project Development Engineer / Safety	B.S. Civil Engineering	16 years
Dave Couch	Traffic Control / Safety	B.S. Civil Engineering	26 years
Ron Perkins	Professional Land Surveyor/GIS	2.5 years Civil Engineering Education	18 years
Mark Munch	Cultural Resource Review	M.A. Anthropology	18 years
Paul Frei	Traffic Control / Safety	A.S. Drafting Technology	25 years
Manny Todhunter	Floodplain Assessment	B.S. Civil Engineering	42 years
Dave Ellis	Highway Design	A.S. Drafting Technology	38 years
Dan Everhart	Architectural History Review	B.A. Museum Studies and History	11 years
Vicky Jewell Guerra	NEPA Policy, Process and Review	B.S. Environmental M.B.A Environmental Emphasis	25 years
US ARMY CORPS OF ENGINEERS (USACE)			
Nicholle Braspennickx	NEPA Review/Wetland and Water of US	B.S. Biology	24 years
ANDERSON ENVIRONMENTAL CONSULTING (AEC) LLC			
Michelle Anderson	NEPA Review/EIS Primary Technical Writer	B.A. Biology	20 years
Suzanne Pattinson	EIS Technical Writer/GIS Analyst	B.S. Natural Resources	9 years
TECHNICAL REPORT AUTHORS			
Russell Qualls ID State Climatologist	Weather Report	Ph.D. Civil and Environmental Engineering	26 years
Ed Haagen	Farmland Report	B.S. Agricultural Soils	37 years

Name	Responsibility/Role	Education	Experience
Private Consultant			
Shelly Gilmore Resource Planning Unlimited	Wetlands Technical Reports	B.S. Natural Resource Administration	22 years
Miguel Gaddi HDR	Community Impact Assessment Technical Reports	M.S. Urban and Regional Planning	17 years
Kris Horton Bionomics	Traffic Noise Report	B.S. Animal Science	12 years
David Aizpitarre Bionomics	Traffic Noise Report	B.S. Bacteriology, MBA	27 years
Juanita Lichthardt	Rare Plant Inventory Report/ Biological Assessment	B.A. Biology, M.A. Biology	28 years
Wayne Melquist	Wildlife Inventory Report / Biological Assessment	B.S. Biology, M.S. Zoology Ph.D. Wildlife Resources	44 years
William Ruediger	Wildlife Report	B.S. Wildlife Management M.S. Forest Management	42 years
Hall Sawyer	Wildlife Report	B.S. Wildlife Biology M.S. Zoology Ph.D. Zoology and Physiology	19 years
Stan Gough	Archaeological / Architectural Report	B.A. Anthropology M.S. Geology	37 years
Ann Sharley	Archaeological / Architectural Report	B.A. Anthropology M.A. Historic Preservation	22 years
Dale Ralston	Hydrogeologic Report	B.S. Civil Engineering M.S. Hydrology Ph.D. Civil Engineering -Water Resources	51 years
Rosemary Curtain RBCI Incorporated	Public Involvement	B.S. Economics and Political Science M.A. Public Policy	16 years

APPENDIX 3. LIST OF AGENCIES, ORGANIZATIONS AND PERSONS RECEIVING THE DEIS AND FEIS

The FEIS has been transmitted to persons, organizations, and agencies that made substantive comments on the DEIS or requested a copy. A notice of availability was published in the Federal Register and local newspapers. The FEIS is available for public review at the following locations.

Public Viewing Locations

The following are locations where hard copies of the DEIS may be viewed:

Federal Highway Administration Idaho Division 3050 Lakeharbor Lane, Suite 126 Boise, ID 83703	Idaho Transportation Department Headquarters 3311 W. State St. Boise, ID 83703
-	
Genesee Public Library 140 East Walnut Street Genesee, ID 83832	Latah County Library 110 South Jefferson St. Moscow, ID 83843
-	
Idaho State Library Main Office 325 W State St. Boise, ID 83702	Lewiston Library 428 Thain Rd. Lewiston, ID 83501
-	
Idaho State Library Northern Field Office 1420 S. Blaine Ste. B Moscow, ID 83843	Moscow Chamber of Commerce 411 S. Main Street Moscow, ID 83843
-	
Idaho Transportation Department District 2 2600 Frontage Rd. Lewiston, ID 83501-0837	Moscow City Hall 206 East Third Street Moscow, ID 83843
-	
	Moscow Public Library 110 South Jefferson St. Moscow, ID 83843
	-

The document and technical reports may also be downloaded or viewed electronically through project website at: www.itd.idaho.gov/Projects/D2/ and select "US-95 Thorncreek to Moscow Phase I."

In addition, the following agencies have also received a copy:

Department of Interior Office of Environmental Policy & Compliance Main Interior Building, MS 2342 1849 C Street NW; Washington, DC 20240	Idaho State Historic Preservation Officer 210 West Main Street Boise, ID 83702-7264
Carla Fromm Environmental Protection Agency Region 10- Idaho Office 950 W. Bannock St., Suite 900 Boise, ID 83702	Advisory Council on Historic Preservation 1100 Pennsylvania Ave NW, Suite 809 Washington, DC 20004
Elaine Somers US Environmental Protection Agency 1200 Sixth Street Seattle WA 98101	Cindy Barrett Idaho Department of Environmental Quality 1118 "F" Street Lewiston ID 83501
US Environmental Protection Agency Office of Federal Activities, EIS Filing Ariel Building; South Oval Lobby Mail Code 2252-A 1200 Pennsylvania Avenue, NW Washington DC 20460	City of Lewiston P.O. Box 617 Lewiston ID 83501
Nez Perce Tribal Executive Committee Nez Perce Tribe P.O. Box 365 Lapwai, ID 83540	City of Moscow P.O. Box 9203 Moscow, ID 83843
Clay Fletcher U.S. Fish & Wildlife Service 1387 S. Vinnel Way, Suite 368 Boise, ID 83709	City of Genesee P.O. Box 38 Genesee, ID 83832
Idaho Department of Fish & Game 3316 16th Street Lewiston ID 83501	Ronald Wittman Nez Perce County Commissioner P.O. Box 896 Lewiston, ID 83501
	Tom Strochein Latah County Commissioner P.O. Box 8068 Moscow, ID 83843

APPENDIX 4. SPECIES OF GREATEST CONSERVATION NEED; CONSERVATION RANKING DESCRIPTIONS

Global Rank (GRANK) and State Rank (SRANK) - Idaho Natural Heritage Program

The network of Natural Heritage Programs and Conservation Data Centers--which currently consists of installations in all 50 states, several Canadian provinces, and several Latin American and Caribbean countries--ranks the rangewide (GRANK or global rank) and state (SRANK or state rank) status of plants, animals, and plant communities on a scale of 1 to 5. The rank is primarily based on the number of known occurrences, but other factors such as habitat quality, estimated number of individuals, narrowness of range of habitat, trends in populations and habitat, threats to the element, and other factors are also considered. The ranking system is meant to exist alongside national and state rare species lists because these lists often include additional criteria (e.g., recovery potential, depth of knowledge) that go beyond assessing threats to extinction.

Components of Ranks:

G = Global rank indicator; denotes rank based on rangewide status.

T = Trinomial rank indicator; denotes global status of infraspecific taxa.

S = State rank indicator; denotes rank based on status within Idaho.

1 = Critically imperiled because of extreme rarity or because some factor of its biology makes it especially vulnerable to extinction (typically 5 or fewer occurrences).

2 = Imperiled because of rarity or because other factors demonstrably make it very vulnerable to extinction (typically 6 to 20 occurrences).

3 = Rare or uncommon but not imperiled (typically 21 to 100 occurrences).

4 = Not rare and apparently secure, but with cause for long-term concern (usually more than 100 occurrences).

5 = Demonstrably widespread, abundant, and secure.

U = Unrankable.

H = Historical occurrence (i.e., formerly part of the native biota; implied expectation that it might be rediscovered or possibly extinct).

X = Presumed extinct or extirpated.

Q = Indicates uncertainty about taxonomic status.

? = Uncertainty exists about the stated rank.

NR = Not ranked.

NA = Conservation status rank is not applicable.

Examples of Use:

G4T2 = Species is apparently secure rangewide, but this particular subspecies or variety is imperiled.

S2S3= Uncertainty exists whether the species or subspecies should be ranked S2 or S3.

State Ranks Specific to Long Distance Migrants (Bats and Birds):

A = Accidental (occurring only once or a few times) or casual (occurring more regularly although not every year) in Idaho; a few of these species might have bred on one or more of the occasions when they were recorded.

B = Breeding population.

M = Only applies when migrant occurs in an irregular, transitory, and dispersed manner.
Occurrences cannot be defined from year-to-year.

N = Nonbreeding population.

Examples of Use:

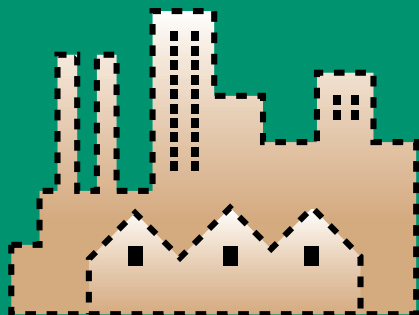
S4N = Fairly common winter resident.

S1B,S5N = Rare breeder but a common winter resident.

S2B,SMN = Rare breeder and uncommon spring and fall transient with lesser numbers remaining as local and irregular (in location) winter residents.

Sources: Accessed April 24, 2012.

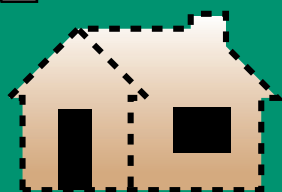
APPENDIX 5. UNIFORM RELOCATION ACT SUMMARY



RIGHT OF WAY

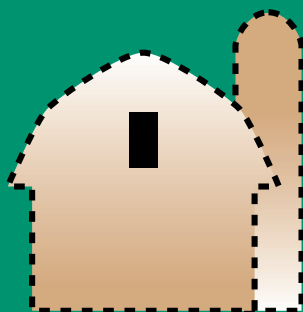
RELOCATION

SERVICES



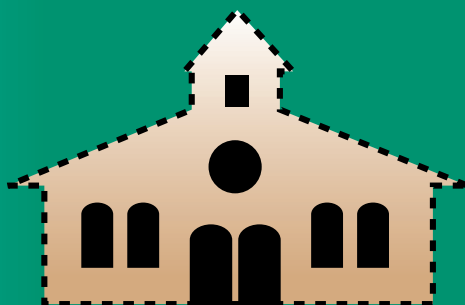
Business

Residential



Farm

Non-Profit



The Idaho Transportation Department (ITD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ITD assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ITD service, program, or activity. The department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

Dear Fellow Idahoans:

The following tells you about the relocation program benefits available if you have to move from the path of a federally funded project. To ease the problems of finding a new place to live, to do business or to farm, the Idaho Transportation Department provides two programs:

THE RELOCATION ASSISTANCE PROGRAM **THE RELOCATION PAYMENTS PROGRAM**

This booklet is a general description of these programs. It explains who is eligible for the benefits available and how they may be obtained. Please become familiar with the parts that apply to you; it may save time and possible misunderstandings later.

If you are to be displaced, you will be personally contacted by a Relocation Agent. The programs will be fully explained and you will be advised how to utilize them to your best advantage. You will be supplied with the forms needed to claim your payments and offered assistance in filling them out. It is the responsibility of the Relocation Agent to assist you and give you complete, factual relocation information.



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DECLARATION OF POLICY

Department of Transportation Policy: The United States Secretary of Transportation stated in the Department's "Replacement Housing Policy" in DOT Order 5620.1 dated 6/24/70, the following guidelines:

It is the policy of the Department of Transportation that no person shall be displaced by the Department's federal and federally-assisted construction projects unless and until adequate replacement housing has already been provided for or is built. To accomplish this policy, the following three principal points must be carried out:

- a. Specific written assurance that adequate replacement housing will be available or provided for (built if necessary) will be required before the initial approval of endorsement of any project.
- b. Construction will be authorized only upon verification that replacement housing is in place and has been made available to all affected persons.
- c. All replacement housing must be fair housing—open to all persons regardless of race, color, religion, sex, or national origin. This is in addition to the requirement that replacement housing must be offered to all affected persons regardless of their race, color, religion, sex, or national origin.

If you feel that the housing is not fair housing, then you should register a complaint with the Human Rights Commission, Statehouse, Boise ID 83720, Phone Number 208-334-2873.

SOME IMPORTANT DEFINITIONS

Displaced Person: A “displaced person” is any person (individual, family, corporation, partnership, or association) who moves and /or moves personal property as the result of the acquisition of the real property, or as the result of a written notice from the Idaho Transportation Department to vacate the real property that is needed for a project. In the case of a partial acquisition, the Idaho Transportation Department shall determine if a person is displaced as a direct result of the acquisition. Relocation benefits will vary upon the type and length of occupancy.

Relocation Claim: A formal application for relocation assistance payment is required, using forms provided by the Relocation Agent. The claim form must be received by the Idaho Transportation Department no more than 18 months after the displacement date or when payment is received from the State whichever is later.



Business: Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other person property; or for the sale of services to the public; or solely for the purpose of this Act, an outdoor advertising display or displays, when the display(s) must be moved as a result of the project; or a legal entity purposefully engaged in a legal, not-for-profit activity (“nonprofit organization”).

Farm: Any lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities including timber for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Nonprofit Organization: A “business” that is licensed and/or registered, when required by local or federal authority, for operation on a not-for-profit basis and exempt from federal income taxes.

Comparable Replacement Dwelling: A comparable replacement dwelling must be “decent, safe, and sanitary,” and should be functionally equivalent to your present dwelling.

Functionally Equivalent: The term functionally equivalent means that the comparable replacement dwelling performs the same function, provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present.

THE RELOCATION ASSISTANCE & PAYMENT PROGRAM

What it does: The Idaho Transportation Department will give you assistance in finding a new place to live or in which to do business. A Relocation Agent is assigned to each highway project for this purpose. The Relocation Agent will have lists of properties being offered for sale or rent that are in suitable condition, price, or rental range for you and your family. Information concerning available properties, typical real estate purchase and leasing costs, available public housing and the services offered by other agencies in the area will also be available.

How Soon Will I Have to Move? You will receive at least ninety (90) days notice in writing of the date you have to move. This notice usually will not be given until the State has acquired the property.

What is the Relocation Payments Program? The Relocation Payments Program is designed to help pay the expenses encountered in moving when homes, businesses, farms, and nonprofit organizations must be relocated to make room for a highway project. Two different kinds of payments are involved:

1. Moving Expenses

Most owners and tenants of homes, mobile homes, businesses, farms, and nonprofit organizations displaced by a project will be eligible to receive payment for their actual and reasonable expenses in moving themselves, their family, business, farm operation, or other personal property, and in searching for a replacement business or farm location. Also, payment will be made for actual direct losses of tangible personal property as a result of moving or discontinuing a business, farm operation, or nonprofit organization.

2. Replacement Housing Payments (R.H.P.)

a. Replacement Housing Supplements

Long term owner-occupants of homes, unable to purchase comparable replacement housing at price levels equal to what they received from the State for their homes, may be eligible to receive a *Supplemental Payment*.

b. Rent Supplements

Tenants and short-term owner-occupants of residential units, unable to rent comparable residential units at price levels equal to the rent they are paying at the time they move, may be eligible to receive a *Supplemental Payment*.

Payments received under the Relocation Assistance Program will not be considered as income for the purpose of any income tax; nor as income or resources for the purpose of determining eligibility for assistance from the State Department of Health and Welfare. Nor are such payments considered as income for the purpose of determining the eligibility of any person for assistance under the Social Security Act or any other Federal law.

The following pages explain these payments in greater detail. If you have any questions not covered here, please feel free to ask. Copies of the rules and regulations governing the administration of the Relocation Assistance Program may be obtained from the Idaho Transportation Department, Right of Way Section, P.O. Box 7129, Boise, Idaho, 83707-1129.

MOVING EXPENSES – RESIDENTIAL

What are Moving Expenses? Moving costs or moving expenses include the costs of:

1. Transportation of displaced person and personal property
2. Dismantling
3. Disconnecting
4. Crating, Uncrating
5. Packing, Unpacking
6. Loading
7. Insuring
8. Temporary Storage
9. Unloading
10. Reinstalling of personal property, including service charges in connection with such reinstalling; temporary lodging while being moved; and transportation of eligible persons.
11. Replacement value of personal property lost, stolen, or damaged.



Moving expenses do not normally include any addition, improvements, alterations or other physical changes in or to any structure in connection with moving personal property, except when required by law.

Who May Receive Moving Expenses? Dwelling occupants, business and farm operators, and nonprofit organizations may be eligible to claim these expenses.

Moving Expenses-Limit on Distance: Payments for moving are limited to a straight-line distance of 50 miles. Any additional mileage charges must be paid by the person being moved.

Storage and Temporary Lodging Costs-Limit on Time: If it is necessary for a person to store personal property or obtain temporary lodging, the Idaho Transportation Department will pay reasonable and necessary storage charges for no more than twelve (12) months and reasonable temporary lodging costs while goods are in transit.

The Relocation Agent must approve plans for storage and temporary lodging **IN ADVANCE**. Be sure to make this contact before moving.

Can I Move in Advance of Purchase of My Dwelling or Place of Business?
Do Not Move In Advance. In order to be eligible for any benefits described in this brochure, you must be in lawful occupancy at the start of negotiations for the property to be acquired by the State, or have been ordered in writing to vacate your present residence or business.

If you own or rent a residential dwelling, you may be eligible for a fixed payment based on “Room Count,” or the “Actual Cost” of moving your household goods. You may choose the best method for you.

Option 1: What Does Fixed Payment “Room Count” Mean? The “Room Count” method has nothing to do with actual costs of moving and requires no proof of expenses. It is particularly suitable for occupants who wish to move themselves. The payments are based on the number of rooms of furniture or personal belongings. If you are the owner of a dwelling or are renting an unfurnished dwelling (you own the furniture) and:

If the Certified Number of Rooms is:	Your Moving Payment will be:
1.....	\$400
2.....	\$550
3.....	\$700
4.....	\$850
5.....	\$950
6.....	\$1050
7.....	\$1150
8.....	\$1250
For Each Additional Room Add:	\$100

If you are renting a furnished house, apartment or sleeping room (you do not own the furniture) your payment will be \$300 for the first room and \$50 for each additional room.

How to Claim the “Room Count” Payment: A few days before you move, you must notify your Relocation Agent so the agent can count and certify the number of rooms for which you can be paid.

Which Claim Form to Use for “Room Count” Payment?

- 1. After you have moved, fill out the claim form provided by the Relocation Agent. Your Relocation Agent will assist you in completing the form if needed.
- 2. Mail the form to the Idaho Transportation Department, Right of Way Section, P.O. Box 7129, Boise, ID 83707-1129

When to Claim Payment: You should file a claim for your “Room Count” moving costs as soon as you have moved. The claim must be filed within eighteen (18) months after you vacate the displacement dwelling.

Option 2: What does “Actual Cost” mean? Instead of the “Room Count” method, you may choose the “Actual Cost” method which provides for payment of actual reasonable expenses of moving up to 80 kilometers (50 miles), by a licensed commercial mover.

If you choose the “Actual Cost” method, your Relocation Agent will give you a letter authorizing the move and you must do the following:

1. Contact a licensed commercial mover;
2. Move, pay the mover, and get receipted bills;
3. Fill out the claim form provided. Attach the paid bills from the moving company and others to the claim form. Your Relocation Agent will assist you, if needed;
4. Mail to the Idaho Transportation Department, Right of Way Section, P.O. Box 7129, Boise, ID 83707-1129.

When to Claim “Actual Cost” move Expenses: You should file your claim as soon as you have moved and paid the mover. The claim must be filed within eighteen (18) months after you complete your move.



When May I Expect payment? You should receive payment within thirty (30) days after your moving cost claim is approved.

What About Mobile Home Residents in an Established Mobile Home Park or Elsewhere? Owner-Occupants may be eligible for the “Actual Cost” of moving such homes to new sites.

Tenants of mobile homes or owner-occupants who move only their personal property will be allowed moving payments the same as occupants of other dwellings.

If the displaced person owns some or all of the furniture, Option 1 will apply with the room count based on quantities of household furniture, equipment, and personal property “common” to a permanent dwelling.

A few days before you move, your Relocation Agent must certify the number of rooms to be moved.

1. After you have moved, fill out the claim form provided.
2. Mail the form to the Idaho Transportation Department, Right of Way Section, P.O. Box 7129, Boise, Idaho, 83707-1129.
3. The claim must be filed within eighteen (18) months after you move.

REPLACEMENT HOUSING PAYMENTS

Owner-occupants and tenants who are displaced from houses, apartments, mobile homes, or sleeping rooms may be eligible for a Replacement Housing Payment in addition to moving costs.

There are three (3) kinds of payments:

1. Housing Supplement
2. Rent Supplement
3. Down Payment Supplement

These supplemental payments are to assure that all displaced persons will have enough money to buy or rent replacement housing which is at least as good as they had before and which also meets Decent, Safe, and Sanitary (D.S.& S.) standards.

• Housing Supplement

What is a Housing Supplement? An owner-occupant of a dwelling may be eligible to receive a payment representing the difference, if any, between the price the Idaho Transportation Department paid for the displacement dwelling and the price to purchase a functionally equivalent dwelling. This is not extra compensation for the improvement acquired by the Department, but a supplement to assist in purchasing a substitute home.

Who is Eligible for a Housing Supplement? To be eligible for a Housing Supplement, a displaced person must:

1. Have actually owned and occupied the displacement dwelling for at least one hundred-eighty (180) days before the Idaho Transportation Department made its first offer; and
2. Purchase and occupy a Decent, Safe, and Sanitary dwelling within one (1) year after receiving final payment for the displacement dwelling unit acquired by the Idaho Transportation Department.

How Will the Amount of This Payment be Determined?

1.) — A study will be made by the Idaho Transportation Department to find the market selling price of a Decent, Safe, and Sanitary dwelling functionally equivalent to your own.

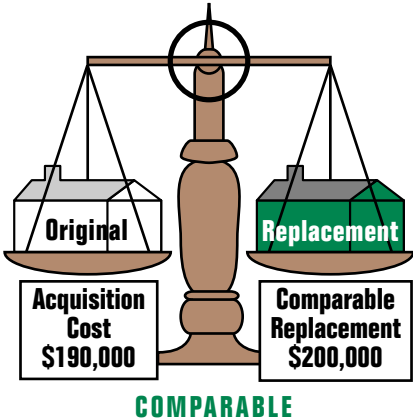
If the price paid to you for your dwelling is lower than the price found by the study, the difference is the maximum Housing Supplement. The final amount of the supplement will be computed from the amount actually paid for the replacement home but normally not more than the maximum.

2.) — If the dwelling you owned and occupied was mortgaged for not less than one hundred-eighty (180) days before the State's first offer to purchase, you may be entitled to an increased interest payment if the mortgage on the replacement dwelling has a higher rate of interest than the mortgage on the displacement dwelling.

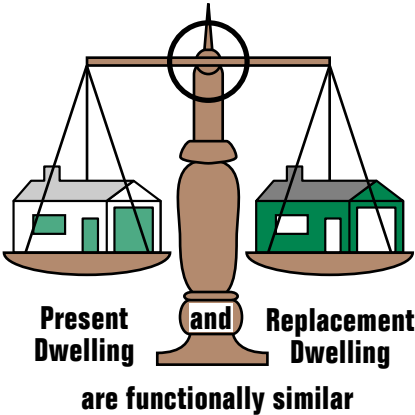
3.) — You may also receive reimbursement for reasonable expenses incurred for title search, recording fees, and other closing costs connected with the purchase of the replacement dwelling, but not including prepaid expenses.

The total supplemental payment for replacement housing (the total of 1, 2 & 3 above) normally cannot exceed \$22,500.

A written statement of the maximum amount of the housing supplement, if any (Part 1 of this payment), will be given to you at the time the Idaho Transportation Department purchases your property. The amount for Parts 2 and 3, if any, will depend on the details of the purchase of a replacement home. The total cannot normally exceed \$22,500.



Price Differential Payment may be any amount up to \$10,000



What is Meant by Comparable Replacement Dwelling? A comparable replacement shall be “functionally equivalent” to the displacement dwelling, providing the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling the principal features must be present.

Be Careful! The Idaho Transportation Department is required by law to certify that the home you purchase and occupy is Decent, Safe, and Sanitary in order for you to be eligible for the supplement.

On request, the Idaho Transportation Department will inspect any dwelling you may wish to purchase to determine whether or not it qualifies you for supplemental payments.

When Can I File a Claim? You may file a claim for the supplement payment any time after you have purchased and occupied a Decent, Safe, and Sanitary dwelling. However, you must file your claim no later than eighteen (18) months after the date on which you were required to vacate the displacement dwelling.

If You Prefer to Rent Rather Than Buy: If you are a displaced home owner who is qualified for a Housing Supplement but plan to rent rather than buy, you may qualify for a Rent Supplement payment.

How Will the Amount of the Rent Supplement be Determined? The Rent Supplement which normally cannot exceed \$5,250, will be forty-two (42) times the difference between:

1. The amount necessary to rent a Decent, Safe, and Sanitary replacement dwelling functionally equivalent to the displacement dwelling; and
2. The fair rental value of the displacement dwelling.

• Rent Supplement

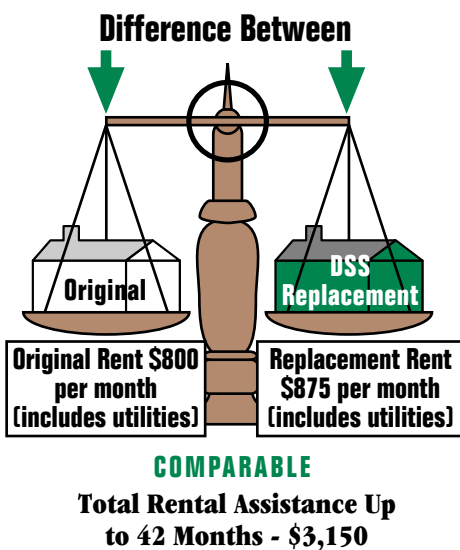
What Are Rent Supplements? Eligible tenants and short-term owner-occupants who choose to rent rather than to buy may qualify for a Rent Supplement if the fair rental value of the displacement dwelling is less than the amount required to rent an available, functionally equivalent, Decent, Safe, and Sanitary replacement dwelling.

How Will the Amount of the Payment be Determined? The Rent Supplement, which normally cannot exceed \$5,250, will be forty-two (42) times the difference between:

1. The base rent for a replacement dwelling; and
2. The base rent for your current dwelling.

The amount of rent used in 1 above shall be the lesser of:

1. The amount computed by the State as necessary to rent a replacement dwelling; or
2. The rent the displaced person actually pays for a replacement dwelling.



Such Rental Supplements, when added to your present rent payments, will enable you to rent qualifying housing for up to forty-two (42) months.

What Must I Do to Qualify? You must rent and occupy a Decent, Safe, and Sanitary dwelling within one year after you vacate the displacement dwelling acquired by the State.

On request, the Idaho Transportation Department will have an inspection made of any dwelling you may wish to rent to determine whether it qualifies you for supplemental rent payments.

Who Determines the Amount of the Rent Supplement? The amount necessary to rent Decent, Safe, And Sanitary accommodations functionally equivalent to the displacement dwelling will be determined by the Idaho Transportation Department from a study of available accommodations in your community or surrounding area.

When Can I File a Claim? You may file a claim for the supplement payment any time after you have rented and occupied a Decent, Safe, and Sanitary dwelling. However, you must file your claim no later than eighteen (18) months after the date on which you vacate the displacement dwelling.

• Down Payment Supplement

What Are Down Payment Supplements?

Eligible tenants and short-term owner-occupants who choose to buy rather than to rent may receive a Down Payment Supplement. The payment, not to exceed \$5,250, will be the amount normally required as a down payment on a comparable dwelling if such purchase were financed by a conventional mortgage.



The Down Payment Supplement will be limited to the lesser of:

1. Required down payment for a comparable dwelling; or
2. Required down payment for a replacement dwelling; or
3. Amount computed as rent supplement; or
4. Actual down payment made on a replacement dwelling.

Subject to the above limits, your payment may include reimbursement for reasonable expenses incurred for title search, recording fees, and other closing costs connected with the purchase of the replacement dwelling.

What Must I Do to Qualify? To receive a Down Payment Supplement, you must purchase and occupy a Decent, Safe, and Sanitary dwelling within one (1) year after:

1. *For a Tenant*, the date you vacate the acquired dwelling; or
2. *For an Owner-Occupant*, the latter of:
the date you receive final payment or
the date you vacate the acquired dwelling.

DECENT, SAFE, AND SANITARY DWELLING

What is Meant by a Decent, Safe, and Sanitary Dwelling? A qualifying house, apartment, or mobile home is one that meets Decent, Safe, and Sanitary standards which are described as follows:

1. Conforms to local housing, and occupancy codes for existing structures;
2. Has continuing and adequate supply of potable water;
3. Has kitchen with hot and cold water and sink with sewage connections. Must have areas for stove and refrigerator with available utility connections;
4. Has adequate heating system which will maintain a minimum temperature of 21°C (70°F) in the living area under normal weather conditions;
5. Has a separate, well-lighted and ventilated bathroom that provides privacy to the user; contains a sink, bathtub or shower stall, and a toilet; all in good working order and properly connected to appropriate sources of water and sewage drainage system;
6. Has an adequate and safe wiring system for lighting and other electrical services;
7. Is structurally sound, weather tight, in good repair and adequately maintained;
8. Has a safe unobstructed exit leading to a safe open space at ground level;
9. Meets the following standards of habitable floor space:
 - a. 14 square meters (150 square feet) for the first occupant; and
 - b. At least 9 square meters (100 square feet) for each additional occupant, or 7 square feet (70 square feet) if a mobile home.

Habitable floor space means the part used for sleeping, living, cooking, and dining, and does not include closets, pantries, bathroom, service or utility rooms, hallways, foyers, unfurnished attics, storage spaces, cellars, and similar spaces. In addition, the floor space must be divided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated.

A qualifying sleeping room is one which is located in a building which meets the minimum requirements of items 1,4,6,7, and 8 listed above and meets the following additional requirements:

1. Has 9 square meters (100 square feet) of floor space for the first occupant and 5 square meters (50 square feet) of floor space for each additional occupant;
2. Has available lavatory and toilet facilities that provide privacy, including a door that can be locked, if facilities are separate from the room.

Who May Be Eligible? A *long-term owner-occupant* is one who has owned and occupied a dwelling for at least one hundred-eighty (180) days before the State made its first written offer. As a long-term owner-occupant, you may be eligible for a Housing Supplement if you buy or a Rent Supplement if you rent.

A short-term owner-occupant is one who has owned and occupied a dwelling for less than one hundred-eighty days, but not less than ninety (90) days from the State's first written offer. As a short-term owner-occupant, you may be eligible for a Down Payment Supplement if you buy or a Rent Supplement if you rent.

A *tenant* who has legally occupied a dwelling for not less than ninety (90) days before the State's written offer to purchase the property, may be entitled to a Down Payment Supplement if the tenant buys, or a Rent Supplement if the tenant rents.

CLAIMING SUPPLEMENTAL PAYMENTS

How to Claim Payment for Replacement Housing Supplement or Rent Supplement:

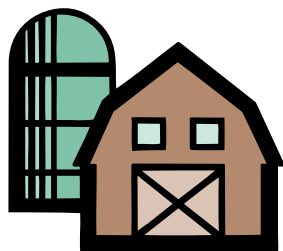
You will be advised personally of the benefits for which you may be eligible under the Relocation Assistance Program.

1. A form letter will also notify you of the amount of either of the foregoing supplements to which you may be entitled. Fill out the claim forms provided. Your Relocation Agent will assist you if needed.
2. Mail to: Idaho Transportation Department, Right of Way Section, P.O. Box 7129, Boise, Idaho, 83707-1129. Remember: The time limit for filing a claim is eighteen (18) months after you vacate the displacement dwelling.
3. Upon receipt of your claim, your Relocation Agent will certify that you have moved to a Decent, Safe, and Sanitary dwelling and submit your claim for processing.

When May I Expect Payment of Either Claim? You should receive payment within thirty (30) days after your claim is approved.

MOVING EXPENSES—BUSINESS, FARM, OR NONPROFIT

If you are a Business Operator, Farm Operator, or Nonprofit Organization, you may be eligible for an "Actual Cost" moving payment or an "Agreed Self Move" expense payment, or a "Displaced Business" (Farm Operation or Nonprofit Organization) payment depending upon the particular circumstances of your case. You may choose the method best for you.



What is a “Business Operator”? The term business operator means any person involved in any lawful activity, except a farm operation, conducted primarily:

1. For the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or
2. Primarily for the sale of services to the public; or
3. By a nonprofit organization

Some moving and related expenses may be payable when outdoor advertising displays are required to be moved.

What is a “Farm Operator”? A farm operator is any person who conducts any activity solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and in sufficient quantity as to contribute materially to the operator’s support. This means that the farm operation contributes at least one-third of the operator’s income.

What if Only Part of My Business or Farm Operation Must be Moved?

If only part of your business or farm must be moved, you may be eligible to receive the actual cost of moving personal property of the business or farm out of the area required for the highway.

● **“Actual Costs” Move**

Most displaced businesses, farms, or nonprofit organizations can claim:

1. Actual reasonable and necessary costs of moving inventory, machinery, office equipment, and similar business related personal property, up to a distance of 80 kilometers (50 miles). There is no dollar limit on this amount, but every dollar claimed must be supported by a receipted bill.
2. Actual direct loss of tangible personal property as a result of moving or discontinuing a business, farm operation, or nonprofit organization, but not to exceed the cost of moving the item.
3. Purchase of substitute personal property subject to certain limitations.
4. Actual reasonable expenses in looking for a replacement business or farm site, not to exceed \$2,500.
5. Certain actual reestablishment expenses, not to exceed \$10,000.

When to Claim Actual Moving Costs: You should file your claim as soon as you have moved and paid the mover. The claim must be filed within eighteen (18) months after removal of the personal property, or the date the business operation vacated the premises, whichever is later.

How to Claim Payment for Your Moving Costs: Fill out the claim form provided. Your Relocation Agent will assist you if needed. Attach the paid bills from the moving company and any others to the claim form. Mail to: Idaho Transportation Department, Right of Way Section, P.O. Box 7129, Boise, Idaho, 83707-1129.

If you choose the “Actual Cost” method, you must do the following:

1. Prepare the certified inventory of the items to be moved;
2. Have your Relocation Agent obtain two estimates from licensed moving companies;
3. Provide your Relocation Agent with reasonable advance written notice of the approximate move date;
4. Move, pay the mover, get receipted bills;
5. Prepare the certified inventory of the items that were moved;
6. Fill out the claim form provided. Attach the paid bills from the moving company and any others to the claim form. Your Relocation Agent will assist you if needed.
7. Mail to: Idaho Transportation Department, Right of Way Section, P.O. Box 7129, Boise, Idaho, 83707-1129.



When May I Expect Payment? You should receive payment within thirty (30) days after your moving cost claim is approved.

Instead of “Actual Cost” payments, some businesses, farms, or nonprofit organizations may elect to receive an “Agreed Self Move” payment or a “Displaced Business (Farm Operation or Nonprofit Organization)” payment.

• Agreed Self Move

What is the “Agreed Self Move Expense”? This is an alternate procedure applicable only to businesses, farms, or nonprofit organizations who wish to move through their own efforts and utilizing their own equipment. It is an amount negotiated between the State and the business, farm, or nonprofit organization, not to exceed the lower of two estimates obtained by the State.

How Does the “Agreed Self Move” Payment Work?

1. *Before you are ready to move*, advise your Relocation Agent, you are interested in a Self Move. Prepare a certified inventory of the items to be moved.
2. The State will obtain two estimates from licensed moving companies and/or specialists (depending on the nature of the items to be moved).
3. You will then be contacted for the purposes of negotiating an agreed amount to cover the cost of moving through your own efforts. Upon reaching an agreement, you will be authorized to move.

4. Upon completion of your move, prepare a certified inventory of the items that were moved. Then advise your Relocation Agent you have moved. Fill out the claim form provided. It must be filed within eighteen (18) months after the move is completed. Your Relocation Agent will assist you, if needed.
5. Your claim will be reviewed and approved on the basis upon which you and the State previously agreed.

● **Fixed Payment (“in lieu”)**

What is a “Fixed Payment” for Moving Expenses (in lieu)? Instead of “Actual Cost” or the “Agreed Self Move” moving expense payments, and Re-establishment expense payment, you may ask to be paid an amount equal to the average annual net earnings of the business or farm. Expect that such payment shall not be less than \$1,000 nor more than \$20,000. Nonprofit organizations are also eligible for a fixed payment. However, such payment is calculated differently than business and farm operations. Contact your Relocation Agent for more specific information.

What qualifies a Business for the Fixed Payment (“in lieu”)? For a business to be eligible, the Idaho Transportation Department must determine that:

1. The business owns or rents personal property which must be moved in connection with such displacement, and for which an expense would be incurred in such move, and the business vacates or relocates from its displacement site; and
2. The business cannot be relocated without substantial loss of patronage, as measured by a substantial decrease in the dollar volume of business; and
3. The business is not part of a commercial enterprise having at least three other establishments which are not being acquired and which are engaged in the same or similar business; and
4. The business contributes materially to the income of the displaced owner; and
5. The business is not operated at a displacement dwelling for the purpose of renting such dwelling or site to others.

What qualifies a Farm Operation for the Fixed Payment? For a farm to be eligible to choose this option:

1. The farm operator must have discontinued or relocated his entire farm operation at the present location; or
2. The partial acquisition caused a substantial change in the nature of the farm operation.

What Are Average Annual Net Earnings? Average annual net earnings are one-half of any net earning of the business or farm operation, before Federal, State or Local income taxes, during the two taxable years immediately preceding the taxable year in which the business or farm operation is displaced.

How Are Average Annual Net Earnings Determined? You may support earnings by submitting copies of State or Federal income tax returns or a certified financial statement.

For the purposes of this allowance, these net earnings will include compensation paid by the business or farm to the owner or the owner's family during the two-year period. In the case of a corporation, net shall include compensation paid to the spouse or dependents of the owner of a majority interest in the corporation.

Example:	2002	2003	2004
	Annual Net Earnings	Annual net Earnings	Year Displaced
	\$25,000.00	\$28,000.00	
Average -	\$26,500.00 = Fixed Payment		

How to Claim a “Fixed Payment” Moving Expense: Fill out the claim form provided. Your Relocation Agent will assist you, if needed.

Mail to: Idaho Transportation Department, Right of Way Section,
P.O. Box 7129, Boise, Idaho, 83707-1129.

When May I Expect Payment? You should receive payment within thirty (30) days after your claim is approved.

● **Re-Establishment Expenses**

What is a Re-establishment Expense? A business, farm, or non-profit organization may be eligible to receive up to \$10,000 for certain kinds of actual expenses necessary to re-establish the business or farm operation. Eligible expenses must be reasonable and necessary. The agency will determine the limits of the various kinds of expenses. The expenses may include, but are not limited to the following:

- Repairs or improvements to the replacement property as required by code or ordinance.
- Modification to the replacement property to accommodate the business operation.
- Construction and installation costs for exterior signing.
- Advertisement of replacement location.
- Estimated increased costs of operation during the first two (2) years at the replacement site.

• Some Ineligible Relocation Expenses:

1. The cost of moving items not considered to be personal property.
2. Loss of good will, profits, or trained employees.
3. Personal injury.
4. Legal fees for any appeal of your relocation benefits.
5. Costs for storage on property already owned by you.

ADVERTISING SIGNS

If you have a sign that has to be moved from the right of way, the Relocation Agent will obtain two bids from licensed sign companies. The bids will contain the depreciated reproduction cost of the sign and estimated cost of moving the sign. The lesser of the two is the amount of compensation you will receive to move your sign.

How to Claim a Sign Moving Expense: Fill out the claim form provided. Your Relocation Agent will assist you, if needed.



Mail to: Idaho Transportation Department, Right of Way Section, P.O. Box 7129, Boise, Idaho, 83707-1129.

When May I Expect Payment? You should receive payment within thirty (30) days after your claim is approved.

APPEAL

What if a Person is Denied a Payment or Believes it Should be Greater?

If you have been denied a payment or eligibility for assistance you believe you should receive, you should write to the District Engineer at the District Office address shown on page 20. You must make your appeal within sixty (60) days from the date you received notice of the State's initial determination. Your letter should state all the facts as to why you disagree with the State's determination. The District Engineer will promptly and carefully review the facts of the case and notify you of the decision within a few days.

If you are still dissatisfied after this first review of your case, you may appeal to the Chief Engineer of the Idaho Transportation Department, the address is: Idaho Transportation Department, P.O. Box 7129, Boise, Idaho, 83707-1129.

This appeal must be made within thirty (30) days after receiving the decision from the District Engineer. The Chief Engineer will set up an appeal hearing to review all pertinent facts. You have the right to be represented by legal counsel at the hearing solely at your expense. You also have the right to review and copy all non-confidential material pertinent to your appeal. The Chief Engineer will notify you in writing of the appeal results.

An alien not lawfully present in the United States shall not be eligible to receive relocation payments or any other assistance provided under 49 CFR Part 24 of the Uniform Act.

IDAHO TRANSPORTATION DEPARTMENT DISTRICT OFFICES

District No. One

600 West Prairie

Coeur d'Alene, ID

83815-8767

Phone: (208) 772-1200

District No. Two

PO Box 837

(2600 North and South Highway)

Lewiston, ID

83501-0837

Phone: (208) 799-5090

District No. Three

PO Box 8028

(8150 Chinden Blvd.)

Boise, ID

83707-2028

Phone: (208) 334-8300

District No. Four

PO Box 2-A

(216 Date Street)

Shoshone, ID

83352-0820

Phone: (208) 886-7800

District No. Five

PO Box 4700

(5151 South 5th Street)

Pocatello, ID

83205-4700

Phone: (208) 239-3300

District No. Six

PO Box 97

(206 North Yellowstone)

Rigby, ID

83442-0097

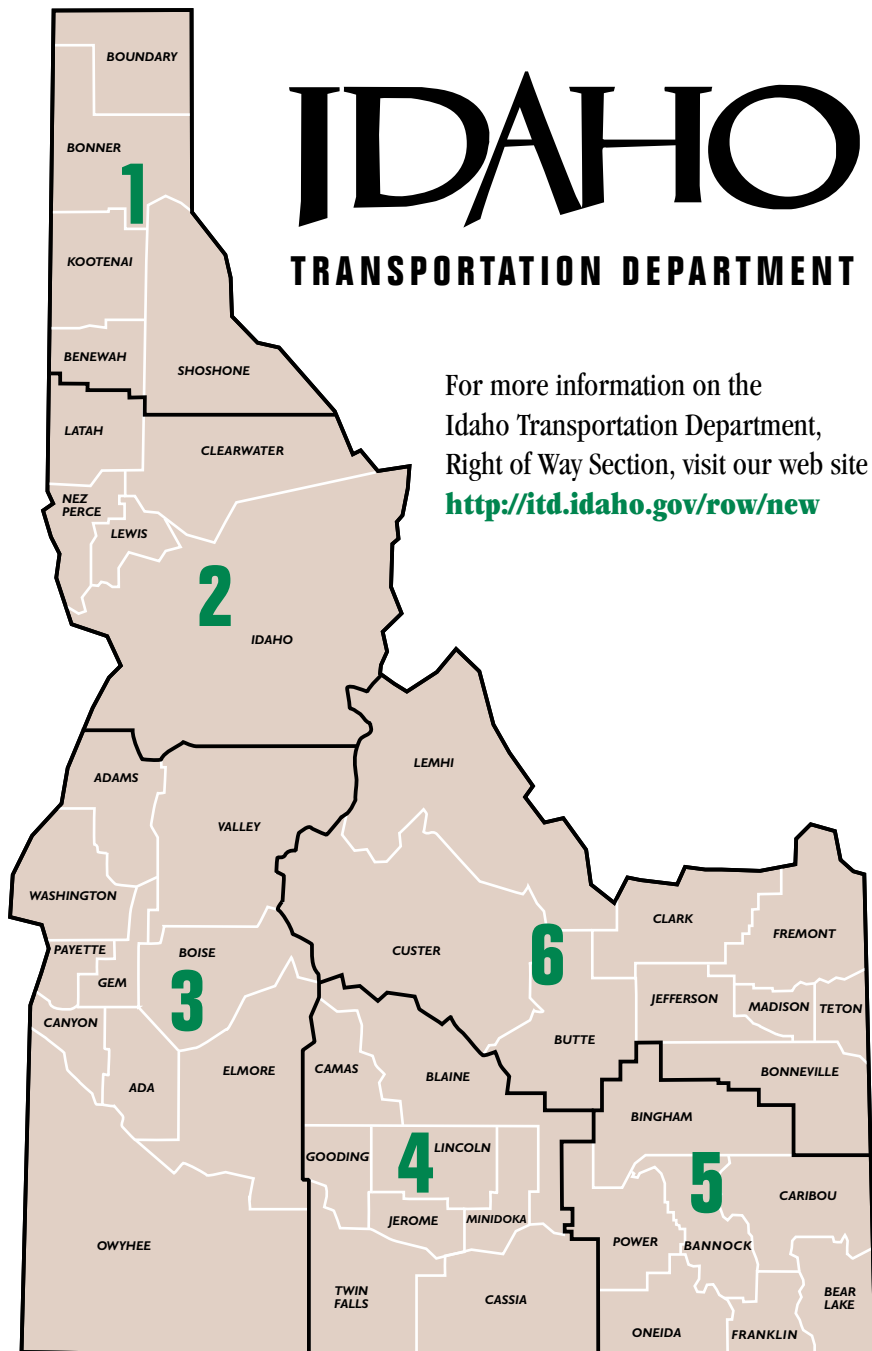
Phone: (208) 745-7781

Administrative District Boundaries

IDAHO

TRANSPORTATION DEPARTMENT

For more information on the
Idaho Transportation Department,
Right of Way Section, visit our web site at:
<http://itd.idaho.gov/row/new>





APPENDIX 6. HORIZONTAL AND VERTICAL ALIGNMENT CALCULATIONS

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ALIGNMENT ALTERNATE W-4

VERTICAL ALIGNMENT

THORNCREEK TO MOSCOW

BEGIN ALIGNMENT W-4	Station: 43+71.58 – Elevation 2770.92
Grade:	1.32% (Station 43+71.58 – Station 70+00.00)
Length of Grade (Feet):	2624.43
Vertical PC:	Station 70+00.00 – Elevation 2806.30
Vertical PT:	Station 80+00.00 – Elevation 2830.37
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)
Grade:	3.49% (Station 80+00.00 – Station 93+00.00)
Length of Grade (Feet):	1300.00
Vertical PC:	Station 93+00.00 – Elevation 2875.83
Vertical PT:	Station 113+00.00 – Elevation 2861.80
Vertical Curve Length (Feet):	2000.00 (Crest Vertical Curve)
PEAK ELEVATION FOR W-4 – APPROX. STATION 101+30 – ELEVATION 2890.39.	
Reisenauer Hill - Approx. Station 105+00.	
Grade:	-4.90% (Station 113+00.00 – Station 150+00.00)
Length of Grade (Feet):	3700.00
Vertical PC:	Station 150+00.00 – Elevation 2680.50
Vertical PT:	Station 160+00.00 – Elevation 2646.00
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)
Eid Road - Approx. Station 156+00.	
Grade:	-2.00% (Station 160+00.00 – Station 177+00.00)
Length of Grade (Feet):	1700.00
Vertical PC:	Station 177+00.00 – Elevation 2612.00
Vertical PT:	Station 187+00.00 – Elevation 2598.07
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)
Grade:	-0.79% (Station 187+00.00 – Station 205+00.00)
Length of Grade (Feet):	1800.00
Jacksha Road - Approx. Station 195+00	
Vertical PC:	Station 205+00.00 – Elevation 2583.93
Vertical PT:	Station 215+00.00 – Elevation 2590.97
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)
Leave Existing US-95 - Approx. Station 210+00	

ALIGNMENT ALTERNATE W-4

VERTICAL ALIGNMENT

THORNCREEK TO MOSCOW

Grade:	2.19% (Station 215+00.00 – Station 233+00.00)
Length of Grade (Feet):	1800.00

Vertical PC:	Station 233+00.00 – Elevation 2630.45
Vertical PT:	Station 243+00.00 – Elevation 2647.66
Vertical Curve Length (Feet):	1000.00 (Crest Vertical Curve)

Grade:	1.25% (Station 243+00.00 – Station 245+00.00)
Length of Grade (Feet):	200.00
<i>Structure over Snow Road – Approx. Station 244+00.</i>	

Vertical PC:	Station 245+00.00 – Elevation 2650.16
Vertical PT:	Station 255+00.00 – Elevation 2642.30
Vertical Curve Length (Feet):	1000.00 (Crest Vertical Curve)

Grade:	-2.82% (Station 255+00.00 – Station 265+00.00)
Length of Grade (Feet):	1000.00

Vertical PC:	Station 265+00.00 – Elevation 2614.10
Vertical PT:	Station 275+00.00 – Elevation 2617.00
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)

Grade:	3.40% (Station 275+00.00 – Station 310+00.00)
Length of Grade (Feet):	3500.00

Vertical PC:	Station 310+00.00 – Elevation 2736.00
Vertical PT:	Station 330+00.00 – Elevation 2736.14
Vertical Curve Length (Feet):	2000.00 (Crest Vertical Curve)

Grade:	-3.39% (Station 330+00.00 – Station 375+00.00)
Length of Grade (Feet):	4500.00

Vertical PC:	Station 375+00.00 – Elevation 2583.78
Vertical PT:	Station 385+00.00 – Elevation 2562.55
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)

Grade:	-0.86% (Station 385+00.00 – Station 397+17.35)
Length of Grade (Feet):	1217.35
<i>Tie into Existing US-95 (Near Grain Elevators) – Approx. Station 387+00</i>	
END ALIGNMENT W-4:	Station: 397+17.35 – Elevation 2555.50

ALIGNMENT ALTERNATE W-4

HORIZONTAL ALIGNMENT

THORNCREEK TO MOSCOW

BEGIN ALIGNMENT W-4	Station: 43+71.58
Bearing Direction:	N 18° 53' 53" W
Length (Feet):	161.28 (Station 43+71.58 – Station 45+32.85)
PC:	Station 45+32.85
PT:	Station 50+77.35
Curve Radius (Feet):	4550.00
Degree of Curve (Feet):	1° 15' 33"
Curve Length (Feet):	544.50
Bearing Direction:	N 12° 02' 29" W
Length (Feet):	2588.49 (Station 50+77.35 – Station 76+65.84)
PC:	Station 76+65.84
PT:	Station 86+51.95
Curve Radius (Feet):	2910.00
Degree of Curve (Feet):	1° 58' 08"
Curve Length (Feet):	986.11
Bearing Direction:	N 7° 22' 28" W
Length (Feet):	1225.25 (Station 86+51.95 – Station 98+77.20)
PC:	Station 98+77.20
PT:	Station 117+49.72
Curve Radius (Feet):	2040.00
Degree of Curve (Feet):	2° 48' 31"
Curve Length (Feet):	1872.52
<i>Reisenauer Hill - Approx. Station 105+00.</i>	
Bearing Direction:	N 45° 13' 02" W
Length (Feet):	716.48 (Station 117+49.72 – Station 124+66.20)
PC:	Station 124+66.20
PT:	Station 137+68.97
Curve Radius (Feet):	2040.00
Degree of Curve (Feet):	2° 48' 31"
Curve Length (Feet):	1302.77
Bearing Direction:	N 8° 37' 39" W
Length (Feet):	599.66 (Station 137+68.97 – Station 143+68.63)

ALIGNMENT ALTERNATE W-4

HORIZONTAL ALIGNMENT

THORNCREEK TO MOSCOW

PC:	Station 143+68.63
PT:	Station 154+97.79
Curve Radius (Feet):	2040.00
Degree of Curve (Feet):	2° 48' 31"
Curve Length (Feet):	1129.16

Bearing Direction:	N 40° 20' 29" W
Length (Feet):	755.62 (Station 154+97.79 – Station 162+53.41)
<i>Eid Road - Approx. Station 156+00.</i>	

PC:	Station 162+53.41
PT:	Station 173+05.69
Curve Radius (Feet):	4550.00
Degree of Curve (Feet):	1° 15' 33"
Curve Length (Feet):	1052.28

Bearing Direction:	N 53° 35' 32" W
Length (Feet):	1460.53 (Station 173+05.69 – Station 187+66.22)

PC:	Station 187+66.22
PT:	Station 246+96.55
Curve Radius (Feet):	5580.00
Degree of Curve (Feet):	1° 01' 37"
Curve Length (Feet):	5930.33
<i>Jacksha Road - Approx. Station 195+00.</i>	
<i>Leave Existing US-95 - Approx. Station 210+00.</i>	
<i>Structure over Snow Road – Approx. Station 244+00.</i>	

Bearing Direction:	N 7° 18' 03" E
Length (Feet):	5575.80 (Station 246+96.55 – Station 302+72.35)

PC:	Station 302+72.35
PT:	Station 343+72.04
Curve Radius (Feet):	4550.00
Degree of Curve (Feet):	1° 15' 33"
Curve Length (Feet):	4099.70

Bearing Direction:	N 58° 55' 34" E
Length (Feet):	3465.78 (Station 343+72.04 – Station 378+37.82)

PC:	Station 378+37.82
PT:	Station 387+22.32
Curve Radius (Feet):	1040.00
Degree of Curve (Feet):	5° 30' 33"
Curve Length (Feet):	884.50
<i>Tie into Existing US-95 (Near Grain Elevators) – Approx. Station 387+00.</i>	

**ALIGNMENT ALTERNATE W-4
HORIZONTAL ALIGNMENT
THORNCREEK TO MOSCOW**

Bearing Direction:	N 10° 11' 50" E
Length (Feet):	995.04 (Station 387+22.32 – Station 397+17.35)
END ALIGNMENT W-4:	STATION 397+17.35

ALIGNMENT ALTERNATE C-3

VERTICAL ALIGNMENT

THORNCREEK TO MOSCOW

BEGIN ALIGNMENT C-3	Station: 43+71.58 – Elevation 2770.92
Grade:	1.23% (Station 43+71.58 – Station 60+50.00)
Length of Grade (Feet):	1678.42
Vertical PC:	Station 60+50.00 – Elevation 2791.53
Vertical PT:	Station 65+50.00 – Elevation 2798.65
Vertical Curve Length (Feet):	500.00 (Sag Vertical Curve)
Grade:	1.62% (Station 65+50.00 – Station 71+00.00)
Length of Grade (Feet):	550.00
Vertical PC:	Station 71+00.00 – Elevation 2807.54
Vertical PT:	Station 79+00.00 – Elevation 2827.69
Vertical Curve Length (Feet):	800.00 (Sag Vertical Curve)
Grade:	3.42% (Station 79+00.00 – Station 97+00.00)
Length of Grade (Feet):	1800.00
Vertical PC:	Station 97+00.00 – Elevation 2889.32
Vertical PT:	Station 107+00.00 – Elevation 2882.50
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)
<i>PEAK ELEVATION FOR C-3 – APPROX. STATION 101+20 – ELEVATION 2896.46.</i>	
<i>Reisenauer Hill – Approx. Station 105+00.</i>	
Grade:	-4.79% (Station 107+00.00 – Station 120+00.00)
Length of Grade (Feet):	1300.00
Vertical PC:	Station 120+00.00 – Elevation 2820.28
Vertical PT:	Station 130+00.00 – Elevation 2773.07
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)
Grade:	-4.66% (Station 130+00.00 – Station 155+00.00)
Length of Grade (Feet):	2500.00
Vertical PC:	Station 155+00.00 – Elevation 2656.68
Vertical PT:	Station 165+00.00 – Elevation 2645.33
Vertical Curve Length (Feet):	1000.00 (Crest Vertical Curve)
<i>Eid Road – Approx. Station 156+00.</i>	
<i>Leave Existing US-95 – Approx. Station 165+00.</i>	
Grade:	2.39% (Station 165+00.00 – Station 185+00.00)
Length of Grade (Feet):	2000.00

ALIGNMENT ALTERNATE C-3

VERTICAL ALIGNMENT

THORNCREEK TO MOSCOW

Vertical PC:	Station 185+00.00 – Elevation 2693.07
Vertical PT:	Station 195+00.00 – Elevation 2693.10
Vertical Curve Length (Feet):	1000.00 (Crest Vertical Curve)

Grade:	-2.38% (Station 195+00.00 – Station 207+50.00)
Length of Grade (Feet):	1250.00

Vertical PC:	Station 207+50.00 – Elevation 2663.35
Vertical PT:	Station 217+50.00 – Elevation 2656.45
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)

Grade:	1.00% (Station 217+50.00 – Station 222+50.00)
Length of Grade (Feet):	500.00
<i>Structure over Zeitler Road – Approx. Station 220+00.</i>	

Vertical PC:	Station 222+50.00 – Elevation 2661.45
Vertical PT:	Station 232+50.00 – Elevation 2677.45
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)

Grade:	2.20% (Station 232+50.00 – Station 240+00.00)
Length of Grade (Feet):	750.00

Vertical PC:	Station 240+00.00 – Elevation 2693.99
Vertical PT:	Station 250+00.00 – Elevation 2726.94
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)

Grade:	4.39% (Station 250+00.00 – Station 265+00.00)
Length of Grade (Feet):	1500.00

Vertical PC:	Station 265+00.00 – Elevation 2792.76
Vertical PT:	Station 275+00.00 – Elevation 2789.70
Vertical Curve Length (Feet):	1000.00 (Crest Vertical Curve)

Grade:	-5.00% (Station 275+00.00 – Station 295+00.00)
Length of Grade (Feet):	2000.00
<i>Tie into Existing US-95 (Clyde Hill) – Approx. Station 285+00.</i>	

Vertical PC:	Station 295+00.00 – Elevation 2689.70
Vertical PT:	Station 305+00.00 – Elevation 2646.20
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)

Grade:	-3.70% (Station 305+00.00 – Station 310+00.00)
Length of Grade (Feet):	500.00

ALIGNMENT ALTERNATE C-3 **VERTICAL ALIGNMENT** **THORNCREEK TO MOSCOW**

Vertical PC:	Station 310+00.00 – Elevation 2627.70
Vertical PT:	Station 320+00.00 – Elevation 2599.20
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)

Grade:	-2.00% (Station 320+00.00 – Station 325+00.00)
Length of Grade (Feet):	500.00

Vertical PC:	Station 325+00.00 – Elevation 2589.20
Vertical PT:	Station 335+00.00 – Elevation 2574.20
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)

Grade:	-1.00% (Station 335+00.00 – Station 343+00.00)
Length of Grade (Feet):	800.00

Vertical PC:	Station 343+00.00 – Elevation 2566.20
Vertical PT:	Station 347+00.00 – Elevation 2562.93
Vertical Curve Length (Feet):	400.00 (Sag Vertical Curve)

Grade:	-0.63% (Station 347+00.00 – Station 351+00.00)
Length of Grade (Feet):	400.00

Vertical PC:	Station 351+00.00 – Elevation 2560.40
Vertical PT:	Station 355+00.00 – Elevation 2557.47
Vertical Curve Length (Feet):	400.00 (Crest Vertical Curve)

Grade:	-0.83% (Station 355+00.00 – Station 357+37.06)
Length of Grade (Feet):	237.063
END ALIGNMENT C-3:	Station: 357+37.06 – Elevation 2555.50

ALIGNMENT ALTERNATE C-3

HORIZONTAL ALIGNMENT

THORNCREEK TO MOSCOW

BEGIN ALIGNMENT C-3	Station: 43+71.58
Bearing Direction:	N 18° 53' 53" W
Length (Feet):	161.28 (Station 43+71.58 – Station 45+32.86)

PC:	Station 45+32.86
PT:	Station 50+77.36
Curve Radius (Feet):	4550.00
Degree of Curve (Right):	1° 15' 33"
Curve Length (Feet):	544.50

Bearing Direction:	N 12° 02' 29" W
Length (Feet):	2588.49 (Station 50+77.36 – Station 76+65.85)

PC:	Station 76+65.85
PT:	Station 86+51.96
Curve Radius (Feet):	2910.00
Degree of Curve (Right):	1° 58' 08"
Curve Length (Feet):	986.11

Bearing Direction:	N 7° 22' 28" E
Length (Feet):	1225.25 (Station 86+51.96 – Station 98+77.21)

PC:	Station 98+77.21
PT:	Station 117+49.73
Curve Radius (Feet):	2040.00
Degree of Curve (Left):	2° 48' 31"
Curve Length (Feet):	1872.52
<i>Reisenauer Hill - Approx. Station 105+00.</i>	

Bearing Direction:	N 45° 13' 02" W
Length (Feet):	716.48 (Station 117+49.73 – Station 124+66.21)

PC:	Station 124+66.21
PT:	Station 137+68.98
Curve Radius (Feet):	2040.00
Degree of Curve (Right):	2° 48' 31"
Curve Length (Feet):	1302.77

Bearing Direction:	N 8° 37' 39" W
Length (Feet):	599.66 (Station 137+68.98 – Station 143+68.64)

ALIGNMENT ALTERNATE C-3

HORIZONTAL ALIGNMENT

THORNCREEK TO MOSCOW

PC:	Station 143+68.64
PT:	Station 154+97.80
Curve Radius (Feet):	2040.00
Degree of Curve (Left):	2° 48' 31"
Curve Length (Feet):	1129.16

Bearing Direction:	N 40° 20' 29" W
Length (Feet):	548.84 (Station 154+97.80 – Station 160+46.65)
<i>Eid Road - Approx. Station 156+00.</i>	

PC:	Station 160+46.65
PT:	Station 174+58.06
Curve Radius (Feet):	2040.00
Degree of Curve (Right):	2° 48' 31"
Curve Length (Feet):	1411.41
<i>Leave Existing US-95 - Approx. Station 165+00.</i>	

Bearing Direction:	N 0° 42' 01" W
Length (Feet):	4905.32 (Station 174+58.06 – Station 223+63.38)
<i>Structure over Zietler Road – Approx. Station 220+00.</i>	

PC:	Station 223+63.38
PT:	Station 237+01.43
Curve Radius (Feet):	4550.00
Degree of Curve (Right):	1° 15' 33"
Curve Length (Feet):	1338.05

Bearing Direction:	N 16° 08' 57" E
Length (Feet):	3920.44 (Station 237+01.43 – Station 276+21.87)

PC:	Station 276+21.87
PT:	Station 284+14.21
Curve Radius (Feet):	7660.00
Degree of Curve (Left):	0° 44' 53"
Curve Length (Feet):	792.34

Bearing Direction:	N 10° 13' 21" E
Length (Feet):	7322.85 (Station 284+14.21 – Station 357+37.06)
<i>Tie into Existing US-95 (Clyde Hill) - Approx. Station 285+00.</i>	
END ALIGNMENT C-3:	STATION 357+37.06

ALIGNMENT ALTERNATE E-2

VERTICAL ALIGNMENT

THORNCREEK TO MOSCOW

BEGIN ALIGNMENT E-2	Station: 43+71.58 – Elevation 2770.92
Grade:	1.32% (Station 43+71.58 – Station 67+50.00)
Length of Grade (Feet):	2378.42
Vertical PC:	Station 67+50.00 – Elevation 2803.01
Vertical PT:	Station 82+50.00 – Elevation 2843.44
Vertical Curve Length (Feet):	1500.00 (Sag Vertical Curve)
Grade:	4.08% (Station 82+50.00 – Station 100+00.00)
Length of Grade (Feet):	1750.00
Vertical PC:	Station 100+00.00 – Elevation 2914.76
Vertical PT:	Station 130+00.00 – Elevation 2909.83
Vertical Curve Length (Feet):	3000.00 (Crest Vertical Curve)
<i>Reisenauer Hill and leave Existing US-95– Approx. Station 108+00.</i>	
Grade:	-4.40% (Station 130+00.00 – Station 133+00.00)
Length of Grade (Feet):	300.00
Vertical PC:	Station 133+00.00 – Elevation 2896.62
Vertical PT:	Station 141+00.00 – Elevation 2875.38
Vertical Curve Length (Feet):	800.00 (Sag Vertical Curve)
Grade:	-0.96% (Station 141+00.00 – Station 144+00.00)
Length of Grade (Feet):	300.00
<i>Structure over Eid Road – Approx. Station 142+00.</i>	
Vertical PC:	Station 144+00.00 – Elevation 2872.66
Vertical PT:	Station 152+00.00 – Elevation 2882.99
Vertical Curve Length (Feet):	800.00 (Sag Vertical Curve)
Grade:	3.49% (Station 152+00.00 – Station 160+50.00)
Length of Grade (Feet):	850.00
Vertical PC:	Station 160+50.00 – Elevation 2912.66
Vertical PT:	Station 185+50.00 – Elevation 2930.19
Vertical Curve Length (Feet):	2500.00 (Crest Vertical Curve)
Grade:	-2.09% (Station 185+50.00 – Station 192+50.00)
Length of Grade (Feet):	700.00

ALIGNMENT ALTERNATE E-2

VERTICAL ALIGNMENT

THORNCREEK TO MOSCOW

Vertical PC:	Station 192+50.00 – Elevation 2915.58
Vertical PT:	Station 212+50.00 – Elevation 2927.17
Vertical Curve Length (Feet):	2000.00 (Sag Vertical Curve)

Grade:	3.25% (Station 212+50.00 – Station 220+00.00)
Length of Grade (Feet):	750.00

Vertical PC:	Station 220+00.00 – Elevation 2951.53
Vertical PT:	Station 260+00.00 – Elevation 2929.74
Vertical Curve Length (Feet):	4000.00 (Crest Vertical Curve)
PEAK ELEVATION FOR E-2 – APPROX. STATION 237+20 – ELEVATION 2979.34.	

Grade:	-4.34% (Station 260+00.00 – Station 340+00.00)
Length of Grade (Feet):	8000.00
East / West Power Line – Approx. Station 261+50.	

Vertical PC:	Station 340+00.00 – Elevation 2582.78
Vertical PT:	Station 350+00.00 – Elevation 2557.60
Vertical Curve Length (Feet):	1000.00 (Sag Vertical Curve)
Tie into Existing US-95 (Near Grain Elevators) – Approx. Station 347+00.	

Grade:	-0.70% (Station 350+00.00 – Station 352+99.57)
Length of Grade (Feet):	299.57
END ALIGNMENT E-2:	Station: 352+99.57 – Elevation 2555.50

ALIGNMENT ALTERNATE E-2

HORIZONTAL ALIGNMENT

THORNCREEK TO MOSCOW

BEGIN ALIGNMENT E-2	Station: 43+71.58
Bearing Direction:	N 18° 53' 53" W
Length (Feet):	163.02 (Station 43+71.58 – Station 45+34.60)
PC:	Station 45+34.60
PT:	Station 50+76.68
Curve Radius (Feet):	4550.00
Degree of Curve (Feet):	1° 15' 33"
Curve Length (Feet):	542.08
Bearing Direction:	N 12° 04' 19" W
Length (Feet):	2307.60 (Station 50+76.68 – Station 73+84.27)
PC:	Station 73+84.27
PT:	Station 80+99.50
Curve Radius (Feet):	2910.00
Degree of Curve (Feet):	1° 58' 08"
Curve Length (Feet):	715.22
Bearing Direction:	N 2° 00' 37" E
Length (Feet):	2031.16 (Station 80+99.50 – Station 101+30.66)
PC:	Station 101+30.66
PT:	Station 121+65.81
Curve Radius (Feet):	5580.00
Degree of Curve (Feet):	1° 01' 37"
Curve Length (Feet):	2035.15
<i>Reisenauer Hill and leave Existing US-95– Approx. Station 108+00.</i>	
Bearing Direction:	N 22° 54' 27" E
Length (Feet):	636.48 (Station 121+65.81 – Station 128+02.29)
PC:	Station 128+02.29
PT:	Station 142+81.31
Curve Radius (Feet):	5580.00
Degree of Curve (Feet):	1° 01' 37"
Curve Length (Feet):	1479.02
<i>Structure over Eid Road – Approx. Station 142+00.</i>	
Bearing Direction:	N 7° 43' 15" E
Length (Feet):	9913.03 (Station 142+81.31 – Station 241+94.34)

ALIGNMENT ALTERNATE E-2 HORIZONTAL ALIGNMENT THORNCREEK TO MOSCOW

PC:	Station 241+94.34
PT:	Station 257+09.49
Curve Radius (Feet):	4550.00
Degree of Curve (Feet):	1° 15' 33"
Curve Length (Feet):	1515.15

Bearing Direction:	N 11° 21' 31" W
Length (Feet):	2989.28 (Station 257+09.49 – Station 286+98.77)
<i>East / West Power Line – Approx. Station 261+50.</i>	

PC:	Station 286+98.77
PT:	Station 300+75.36
Curve Radius (Feet):	5580.00
Degree of Curve (Feet):	1° 01' 37"
Curve Length (Feet):	1376.60

Bearing Direction:	N 25° 29' 37" W
Length (Feet):	3698.50 (Station 300+75.36 – Station 337+73.86)

PC:	Station 337+73.86
PT:	Station 348+69.75
Curve Radius (Feet):	1760.00
Degree of Curve (Feet):	3° 15' 20"
Curve Length (Feet):	1095.89
<i>Tie into Existing US-95 (Near Grain Elevators) – Approx. Station 347+00.</i>	

Bearing Direction:	N 10° 10' 57" E
Length (Feet):	429.82 (Station 348+69.75– Station 352+99.57)
END ALIGNMENT E-2:	STATION 352+99.57