

## **9 ENVIRONMENTAL COMMITMENTS**

Environmental commitments include complying with all federal and state laws and regulations and complying with all project related permits and approvals. ITD also maintains a set of standard specifications that state the requirements and standards for construction of ITD projects. The ITD Standard Specifications (ITD 2011b) and its updates would be used to prepare the contract documents for the construction of the alternative if an Action Alternative is selected.

The ITD Standard Specifications requires that a SWPPP be prepared and implemented for this project. This would include Best Management Practices (BMPs) for protection of wetlands, water quality, floodplains, and other sensitive areas. It requires BMPs for erosion and sediment control, spill prevention, revegetation, and environmental construction compliance monitoring.

ITD standard specifications also include provisions for:

- Unanticipated discovery of cultural resources
- Preparation of a revegetation plan
- Preparation of a Traffic Control Plan
- Use of weed free materials and noxious weed control on the construction site
- Maintain access to all roadways during construction
- Handling and disposal of waste
- Approval of material sources, waste sites, haul routes, staging areas and stockpile sites
- Control of fugitive dust

ITD also maintains a set of standard drawings that provide guidelines for highway design elements. These standard drawings incorporate several measures that would minimize visual impacts of the project including:

- Reseeding exposed soils with native grasses.
- Farming to the bottom of the ditch on slopes of 4:1 or flatter.
- Creating rounded slopes and gradually tying slopes back to blend with the existing terrain.
- Balancing cuts and fills which would reduce the overall scarring of the landscape.

Avoidance and measures to minimize adverse effects are described in Chapter 4, Environmental Consequences. Table 68. Mitigation Measures are measures that will be implemented in order to compensate for unavoidable effects resulting from the Action Alternatives.

**Table 68. Mitigation Measures**

Resource	Mitigation Measure	Mitigation for Alternative		
		W-4	C-3	E-2
Socio-Economic	Maintain access to and from the right-of-way at existing public road connections and existing approaches.	✓	✓	✓
Socio-Economic	Develop a traffic management plan to ensure customer/supplier access and parking for existing businesses during construction.		✓	
Socio-Economic	Coordinate with city, county and university officials to identify scenic turnout locations, including potential signage for the university and Paradise Ridge.	✓	✓	✓
Socio-Economic/ Environmental Justice	Coordinate with the Hidden Village/Benson Mobile Home parks and the Woodland Heights Mobile Home Court residents and owners during final design.		✓	✓
Land Use and Recreation	In accordance with the Latah County Comprehensive Plan the project will provide 6-8 foot shoulders for bicyclists and pedestrians and sidewalks in the curb and gutter section. The project will follow ITD's Access Management Policy for Type IV access standards which will not allow new approaches on US-95. All alternatives would maintain access to Paradise Ridge and other recreational resources.	✓	✓	✓
Farmland	Limit the accesses or approaches on the new US-95 to limit farmland conversion.	✓	✓	✓
Farmland	ITD will work with adjacent landowners and seek to construct farmable slopes that will quickly be converted back to pre-existing uses.	✓	✓	✓
Floodplains	A No Rise Certification will be completed during the permitting process and before construction. In floodplains without designated floodways, the encroachments will not result in more than a one foot rise in base flood elevations or affect beneficial values of the floodplain. Any effects to the floodplains will be mitigated. In the floodways, a No Rise certification will certify that the project will result in no increase to base flood elevations. If W-4 or C-3 are selected a CLOMR and/or LOMR will be completed and submitted to FEMA.	✓	✓	
Floodplains	Floodplain effects will be minimized using engineering solutions such as steepening slopes and constructing culverts to pass a 25 year flood event.	✓	✓	

Resource	Mitigation Measure	Mitigation for Alternative		
		W-4	C-3	E-2
Floodplains	Any constructed fills or structures in floodplains will be designed to result in no more than a one-foot rise in the base flood elevation.	✓	✓	
Wetlands and Tributaries	Effects to tributaries will be mitigated according to the <i>Compensatory Mitigation for Losses of Aquatic Resources; Final Rule</i> (33 CFR 325 and 33 CFR 332, 40 CFR 230). Affected stream channels will be replaced. Mitigation will be implemented during the project construction.	✓	✓	✓
Wetlands and Tributaries	Mitigation will be determined by the appropriate Federal agency during the early design process and project permitting process. Mitigation for wetlands and tributary stream channel fills will be implemented in accordance with the Mitigation Rule [33 CFR Parts 325] and [332 and 23 CFR 777] prior to or concurrent with the wetland impacts. The Mitigation Rule emphasizes a watershed approach in selecting compensatory mitigation project locations. A Compensatory Mitigation Plan will be prepared, submitted for approval from the appropriate agencies and will be implemented. It will contain measurable, enforceable ecological performance standards, monitoring, long-term protection and maintenance. The rule applies equivalent standards to permittee-responsible compensatory mitigation, mitigation banks and in-lieu fee mitigation to the maximum extent practicable.	✓	✓	✓
	There are abundant potential mitigation sites within the Subbasin; however the specific mitigation may include using available credit from the Cow Creek Mitigation Site which has already been constructed for all or partial mitigation, depending on the alternative and the available credit.			
Groundwater	ITD will work with Idaho Department of Water Resources to decommission or restrict well construction within 300 feet of the roadway for the selected alternative.	✓	✓	✓
Vegetation, Fish and Wildlife	ITD and IDFG will implement the stipulations in the Memorandum of Understanding (MOU) which is currently being developed.			✓
Vegetation, Fish and Wildlife	If disturbed, existing water features (ponds, tributaries or wetlands) will be maintained or replaced away from the roadway to benefit of numerous wildlife species.	✓	✓	✓
Vegetation, Fish and Wildlife	Construct and install bat boxes at selected sites to provide bat roosts. See the Bat Conservation International website at <a href="http://www.batcon.org">www.batcon.org</a> or Nongame Wildlife Leaflet No. 11 on bats (Wackenhut and McGraw 1996) for details on building a bat house.			✓

Resource	Mitigation Measure	Mitigation for Alternative		
		W-4	C-3	E-2
Vegetation, Fish and Wildlife	Nuthatch nest boxes will be installed at selected sites near the affected ponderosa pine stands to augment the nesting sites currently available.			✓
Vegetation, Fish and Wildlife	Tree removal will be accomplished during a “work window” provided by the Idaho Department of Fish & Game and the Conservation Data Center designed to minimize effects to resident bird species and to comply with the Migratory Bird Treaty Act and the Eagle Act.	✓	✓	✓
Vegetation, Fish and Wildlife	Overpass structures for county roads and culverts for streams and riparian areas will be constructed with adequate width to provide passage of small terrestrial wildlife. This may include potential retrofitting of existing structures where appropriate.	✓	✓	✓
Vegetation, Fish and Wildlife	Where practicable, culvert designs may include box culverts, bottomless box culverts, and corrugated metal culverts placed at grade or the use of stream simulation designs. This may include potential retrofitting of existing structures where appropriate.	✓	✓	✓
Vegetation, Fish and Wildlife	ITD will develop and implement a weed inventory and control plan during final design to minimize weed establishment adjacent to the roadway and the spread of infestations to adjacent habitats during and after construction. ITD will work with local weed experts during preliminary and final design to develop a project seed mix designed to compete against weed establishment and infestations and to discourage wildlife foraging near the roadway. The seed mix will be used on all appropriate disturbed areas within project limits.	✓	✓	✓
Threatened and Endangered Species	If streams need to be realigned, adequate drainage facilities will be maintained without interruption and prior to construction.	✓	✓	✓
Threatened and Endangered Species	Ground disturbing activities will occur during the dry season to minimize the potential for introducing sediment to ephemeral streams and to control erosion in the Project Area.	✓	✓	✓
Threatened and Endangered Species	Sediment fences will also be installed between areas of disturbance and ephemeral streams, and will be cleaned regularly to maintain function.	✓	✓	✓
Threatened and Endangered Species	Immediately after construction, all disturbed areas adjacent to the highway will be seeded with an approved seed mixture.	✓	✓	✓

Resource	Mitigation Measure	Mitigation for Alternative		
		W-4	C-3	E-2
Threatened and Endangered Species	To minimize the potential for introducing hazardous materials to ephemeral streams in the project area, precautionary measures will be taken to reduce the risk of spills. A spill prevention and contingency plan will be prepared by the construction contractor, approved by ITD prior to construction, and submitted to EPA prior to project implementation.	✓	✓	✓
Threatened and Endangered Species	All staging, fueling, storage, and maintenance areas will be located away from ephemeral streams and adequately buffered from drainage areas by at least 150 feet.	✓	✓	✓
Threatened and Endangered Species	In case of emergency, a hazardous materials spill kit will be kept on site during construction that is appropriate for the solvents involved in operation and maintenance of vehicles and machinery used during the project.	✓	✓	✓
Threatened and Endangered Species	If additional Spalding's catchfly surveys discover the species at any remnant locations that may be affected by selected alternative, ITD will work with the USFWS to establish appropriate vegetation management practices suitable for the location and the species occurrence.	✓	✓	✓
Transportation	ITD will request a Road Closure Maintenance Agreement from the local agency (North Latah Highway District) on any existing roadway that will be abandoned as part of new US-95 alignment. The process will include negotiations with the local agency to bring the old US-95 up to local standards. This would not include widening but may involve some paving. Connectors will be constructed at each end of the road closure for access. Once the agreement has been signed all documents pertaining to that section of roadway (right-of-way plans and descriptions, roadway plans and agreements) will be turned over to the local agency.	✓	✓	✓
Visual Quality	ITD will implement measures to help blend highly visible roadway features with the setting through measures such as use of native grass species, balancing cut and fills, and painting metal beams to blend with the surrounding environment.	✓	✓	✓
Hazardous Materials	A Phase II Hazardous Materials Study will be completed during preliminary and final design to identify sites requiring cleanup and special handling and disposal of hazardous materials. If there are sites requiring hazardous materials cleanup, that work will be accomplished by a qualified contractor specializing in hazardous materials cleanup before or during construction	✓	✓	✓

Resource	Mitigation Measure	Mitigation for Alternative		
		W-4	C-3	E-2
Hazardous Materials	Buildings constructed before 1978 will be tested for asbestos and lead based paint. If determined to be present it will be demolished and waste handled according to applicable laws and regulations.	✓	✓	✓
Cultural Resources/ Section 4(f)	If the W-4 Alternative is selected, a determination of adverse effect and Memorandum of Agreement (MOA) will be prepared and implemented to comply with Section 106 of the NHPA. The MOA will be developed in coordination with the SHPO, the ACHP, ITD and FHWA. It will outline agreed upon stipulations to mitigate effects to the Deesten/Davis farmstead.	✓		

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## **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

# Determination Of Significance And Effect

Idaho Transportation Department – State or Tribal Historic Preservation Office



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

## Determination of Eligibility

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

## 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: <b>Deesten/Davis Farm (Temp Site US95-22)</b>		
<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 &amp; Bond #2 (Temp # US95-21) properties, are located within or abutting the project APE of alignment W-4. The Clyde &amp; 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 Minich</i>		Date <b>December 5, 2006</b>

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 <b>1/2/07</b>

**Determination Of Significance And Effect**

Idaho Transportation Department – State or Tribal Historic Preservation Office



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

**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*

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

**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 Minich*

Date

December 5, 2006

# Determination Of Significance And Effect

Idaho Transportation Department – State or Tribal Historic Preservation Office



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

**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			
<input type="checkbox"/> DTE			
<input type="checkbox"/> MTLs			
<input checked="" type="checkbox"/> EPs			
<input type="checkbox"/> DRI			
<input type="checkbox"/> EST			
<input type="checkbox"/> ADE			
<input type="checkbox"/> RE-A			
<input type="checkbox"/> RE-B			
<input checked="" type="checkbox"/> POE			
<input type="checkbox"/> LRE-TPS			
<input type="checkbox"/> RW			
<input type="checkbox"/> MTCE			
<input type="checkbox"/> MTC FRMN			
<input type="checkbox"/> ALL SHEDS			
<input type="checkbox"/> DBM			
<input type="checkbox"/> ALL SUPV			

# Determination Of Significance And Effect

Idaho Transportation Department – State or Tribal Historic Preservation Office

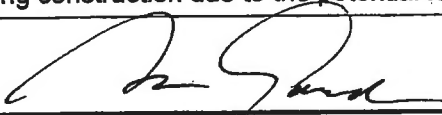


Key Number <b>9294</b>	Project Number <b>DHP-NH-4110(156)</b>	Project Title <b>US-95, Thorn Creek to Moscow, Stage 1 (Alignment E-2)</b>
District <b>2</b>	County <b>Latah</b>	Township/Range/Section <b>refer to AHSR</b>
Clearance Authorized Without Survey <input type="checkbox"/> PA <input type="checkbox"/>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

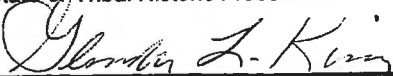
## Determination of Eligibility

	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](http://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,

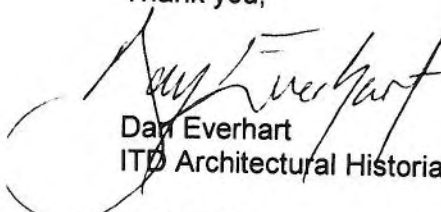
On December 5, 2006, the Idaho Transportation Department (ITD) submitted an Archaeological and Historic Survey Report (AHSR) for the above captioned project to the Idaho State Historic Preservation Office (SHPO) along with three Determination of Significance and Effect (ITD Form 1502) documents – one 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](mailto:dan.everhart@itd.idaho.gov) or 334-8479.

Thank you,

  
Dan Everhart  
ITD Architectural Historian

Enclosure



March 8, 2012

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) 514-2310  
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 Archeological 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  
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

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**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 Archeological 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

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Boise, Idaho 83712-8254  
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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  
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](mailto: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.**

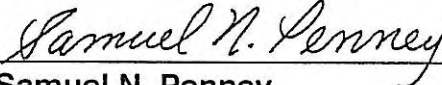
1. Set the date, time, and place for the quarterly consultation meeting, and other consultations as mutually agreed to.
2. At least one week prior to the quarterly consultation meeting, prepare an agenda identifying specific questions, issues of concern, and ongoing or proposed cooperative programs to 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**

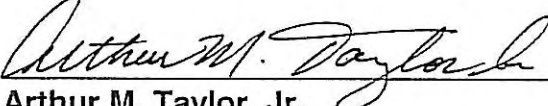
- A. Direct contacts between the ITD and the TRIBE are in no way limited by this MOU. Such contacts are essential to promote more effective communication, coordination and consultation. The Parties recognize that each party reserves all rights, powers, and remedies now or hereafter existing in law or 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

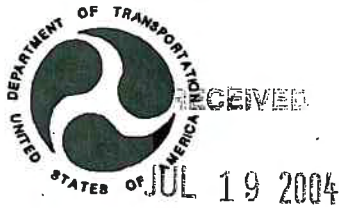


### NEZ PERCE TRIBE CONTACT LIST

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

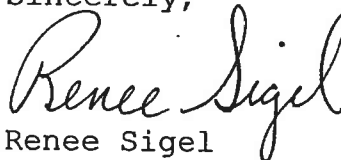
Native American Traditional Cultural Properties (TCPs) and Sacred Sites that are within or in close proximity to the project area is required. We are very interested in input from the Tribe regarding any concerns for TCPs or Sacred Sites in this project area.

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  
08/11

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](mailto: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**

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>12/3/06</b>	4. Sheet <u>1</u> of <u>1</u>	
1. Name of Project <b>Thomcreek Rd. to Moscow ph 2</b>		5. Federal Agency Involved <b>FHWA</b>		
2. Type of Project <b>Transportation</b>		6. County and State <b>Latah County, Idaho</b>		
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>11/20/06</b>	2. Person Completing Form <b>Ed Haagen</b>	
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 <b>0</b>
5. Major Crop(s) <b>Winter Wheat</b>		6. Farmable Land in Government Jurisdiction Acres: _____ % _____		7. Amount of Farmland As Defined in FPPA Acres: <b>266,300</b> % <b>38</b>
8. Name Of Land Evaluation System Used <b>LESA</b>		9. Name of Local Site Assessment System		10. Date Land Evaluation Returned by NRCS <b>11/27/06</b>

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor <b>W4</b>	Corridor <b>C3</b>	Corridor <b>E2</b>	Corridor
A. Total Acres To Be Converted Directly	<b>159</b>	<b>102</b>	<b>158</b>	
B. Total Acres To Be Converted Indirectly, Or To Receive Services	<b>0</b>	<b>0</b>	<b>0</b>	
C. Total Acres In Corridor	<b>159</b>	<b>102</b>	<b>158</b>	

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	<b>47</b>	<b>25</b>	<b>51</b>	
B. Total Acres Statewide And Local Important Farmland	<b>105</b>	<b>70</b>	<b>95</b>	
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	<b>0</b>	<b>0</b>	<b>0</b>	
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	<b>0</b>	<b>0</b>	<b>0</b>	

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)				
	<b>79</b>	<b>79</b>	<b>79</b>	

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	14
2. Perimeter in Nonurban Use	10	9	8	10
3. Percent Of Corridor Being Farmed	20	19	17	11
4. Protection Provided By State And Local Government	20	20	20	20
5. Size of Present Farm Unit Compared To Average	10	10	10	10
6. Creation Of Nonfarmable Farmland	25	10	13	17
7. Availability Of Farm Support Services	5	5	5	5
8. On-Farm Investments	20	20	20	20
9. Effects Of Conversion On Farm Support Services	25	0	0	0
10. Compatibility With Existing Agricultural Use	10	3	2	4
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>110</b>	<b>109</b>	<b>111</b>

PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	<b>100</b>	<b>79</b>	<b>79</b>	<b>79</b>
Total Corridor Assessment (From Part VI above or a local site assessment)	<b>160</b>	<b>110</b>	<b>109</b>	<b>111</b>
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>189</b>	<b>188</b>	<b>190</b>

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"/>
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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](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](mailto: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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<input type="checkbox"/> TSEA - DESIGN	<input type="checkbox"/>	<input type="checkbox"/>
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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 83501

RECEIVED  
NOV 06 2007  
DIV. OF HIGHWAYS  
LEWISTON, IDAHO

INFO	D2	ACT	SIG
DE	DTE	MTLS	EPS
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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.<sup>1</sup> 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.

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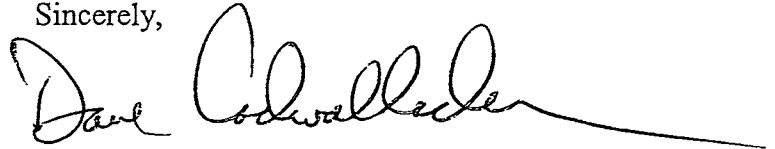
<sup>1</sup> The values were calculated based on an approximate average current selling price of \$2600 per acre for prime agricultural land in Latah County in the vicinity of the project. Based on our research of current real estate values, recent sales, and other agencies' calculations for purchase 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*

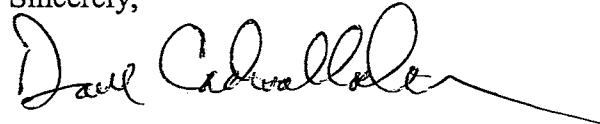


Fish and Game has big game survey data for the project area; however, we have not collected data to determine whether crossing structures are required by the effects of the Thorncreek project or whether crossing structures recommended by Melquist would be used by wildlife. If you wish, IDFG would be 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 dark 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 16<sup>th</sup> 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  
ACE/D  
ENV (Clark)  
DE2  
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EPS  
TPS2

**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	DE		
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MTLS	MTLS		
EPS	EPS		
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LRE-TPS	LRE-TPS		
RW	RW		
MTOE	MTOE		
MTC FRMN	MTC FRMN		
ALL SHEDS	ALL SHEDS		
DBM	DBM		
ALL SUPV	ALL SUPV		

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

**APPENDIX 2. LIST OF PREPARERS AND REVIEWERS**

Name	Responsibility/Role	Education	Experience
<b>US DEPARTMENT OF TRANSPORTATION - Federal Highway Administration (FHWA), Idaho Division</b>			
Ross Blanchard	Project Review	B.S. Civil Engineering	18 years
Kyle Holman	Project Review	B.S. Civil Engineering	6.5 years
John Perry	Project Review	B.S. Civil Engineering	21 years
Paul Ziman	Project Review	B.S. Civil Engineering	24 years
Brent Inghram	Project Review	B.S. Environmental Planning/Management; M.S. Geological Engineering	30 years
<b>IDAHO TRANSPORTATION DEPARTMENT (ITD)</b>			
Ken Helm	Project Management	A.S. Drafting Technology	35 years
Zach Funkhauser	Project Management / NEPA Review	B.S. Biology	12 years
Shawn Smith	Project Management / NEPA Review	B.S. Biology	10 years
Curtis Arnzen	Project Development Engineer / Safety	B.S. Civil Engineering	14 years
Dave Couch	Traffic Control / Safety	B.S. Civil Engineering	24 years
Ron Perkins	Professional Land Surveyor/GIS	2.5 years Civil Engineering Education	16 years
Mark Munch	Cultural Resource Review	M.A. Anthropology	16 years
Paul Frei	Traffic Control / Safety	A.S. Drafting Technology	23 years
Manny Todhunter	Floodplain Assessment	B.S. Civil Engineering	40 years
Dave Ellis	Highway Design	A.S. Drafting Technology	36 years
Dan Everhardt	Architectural History Review	B.A. Museum Studies and History	9 years
Vicky Jewell Guerra	NEPA Review	B.S. Environmental, M.B.A	23 years
<b>US ARMY CORPS OF ENGINEERS (USACE)</b>			
Nicholle Braspenickx	NEPA Review/Wetland and Water of US	B.S. Biology	22 years
<b>ANDERSON ENVIRONMENTAL CONSULTING LLC</b>			
Michelle Anderson	NEPA Review/EIS Technical Writer	B.A. Biology	18 years
Suzanne Pattinson	EIS Technical Writer/GIS Analyst	B.S. Natural Resources	7 years

Name	Responsibility/Role	Education	Experience
<b>TECHNICAL REPORT AUTHORS</b>			
Russell Qualls; ID State Climatologist	Weather Report	Ph.D. Civil and Environmental Engineering	24 years
Ed Haagen; Private Consultant	Farmland Report	B.S. Agricultural Soils	35 years
Shelly Gilmore; Resource Planning Unlimited	Wetlands Technical Reports	B.S. Natural Resource Administration	20 years
Miguel Gaddi HDR	Community Impact Assessment Technical Reports	M.S. Urban and Regional Planning	15 years
Kris Horton Bionomics	Traffic Noise Report	B.S. Animal Science	10 years
David Aizpitarte Bionomics	Traffic Noise Report	B.S. Bacteriology, MBA	25 years
Juanita Lichthardt	Rare Plant Inventory Report / Biological Assessment	B.A. Biology, M.A. Biology	26 years
Wayne Melquist	Wildlife Inventory Report / Biological Assessment	B.S. Biology, M.S. Zoology Ph.D. Wildlife Resources	42 years
William Ruediger	Wildlife Report	B.S. Wildlife Management M.S. Forest Management	40 years
Hall Sawyer	Wildlife Report	B.S. Wildlife Biology M.S. Zoology Ph.D. Zoology and Physiology	17 years
Stan Gough	Archaeological / Architectural Report	B.A. Anthropology M.S. Geology	35 years
Ann Sharley	Archaeological / Architectural Report	B.A. Anthropology M.A. Historic Preservation	20 years
Rosemary Curtain; RBCI Incorporated	Public Involvement	B.S. Economics and Political Science M.A. Public Policy	14 years



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

#### ***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/](http://www.itd.idaho.gov/Projects/D2/) and select "US-95 Thorncreek to Moscow Phase I."

List of agencies, organizations and persons to whom copies of the statement are sent:

Department of Interior

Office of Environmental Policy &  
Compliance

Main Interior Building, MS 2342  
1849 C Street NW;  
Washington, DC 20240

Carla Fromm

Environmental Protection Agency  
1435 North Orchard Street  
Boise, ID 83706

Elaine Somers

US Environmental Protection Agency  
1200 Sixth Street  
Seattle WA 98101

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

Nez Perce Tribal Executive Committee  
Nez Perce Tribe  
P.O. Box 365  
Lapwai, ID 83540

Clay Fletcher

U.S. Fish & Wildlife Service  
1387 S. Vinnel Way, Suite 368  
Boise, ID 83709

Idaho Department of Fish & Game  
3316 16<sup>th</sup> Street  
Lewiston ID 83501

Idaho State Historic Preservation Officer  
210 West Main Street  
Boise, ID 83702-7264

Advisory Council on Historic  
Preservation  
1100 Pennsylvania Ave NW, Suite 809  
Washington, DC 20004

Cindy Barrett  
Idaho Department of Environmental  
Quality  
1118 "F" Street  
Lewiston ID 83501

City of Lewiston  
P.O. Box 617  
Lewiston ID 83501

City of Moscow  
P.O. Box 9203  
Moscow, ID 83843

City of Genesee  
P.O. Box 38  
Genesee, ID 83832

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.