

Appendix A

Agency Correspondence

APPENDIX A – AGENCY CORRESPONDENCE

Agency Comments on the DEIS

United States Department of the Army, Corps of Engineers, February 24, 2006
Environmental Protection Agency, February 24, 2006
Idaho Department of Fish and Game, February 24, 2006

Agency Correspondence Since DEIS

United States Forest Service, August 15, 2006
United States Department of the Interior Fish and Wildlife Service, June 1, 2006
United States Department of the Army, Corps of Engineers, March 9, 2006
Idaho Transportation Department to Shoshone-Bannock Tribal Council, April 26, 2006
United States Department of the Interior Fish and Wildlife Service
90-Day Species List Update, December 3, 2007

Additional Community Letter

City of Ketchum, March 15, 2007

Agency Correspondence in DEIS

United States Department of the Interior Fish and Wildlife Service, June 9, 2005
United States Department of Agriculture, Sawtooth National Forest,
Sawtooth National Recreation Area, May 10, 2005
United States Department of the Army, Corps of Engineers, January 7, 2005
Idaho Transportation Department to Shoshone-Bannock Tribal Council, May 22, 2002
Idaho State Historical Society (5 letters dated October 31, 2005, September 19, 2005, April
27, 2005, September 7, 2004, April 28, 2004)
United States Department of the Interior Fish and Wildlife Service
90-Day Species List Update, September 1, 2005
United States Department of Transportation, Federal Highway Administration, April 17,
2003
Idaho Department of Fish and Game, February 20, 2002

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5820
February 24, 2006

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Regulatory Division

SUBJECT: NWW No. 012300180, ITD Key No. 3077

Mr. Charles Carnohan
Idaho Transportation Department, District 4
PO Box 2-A
Shoshone, Idaho 83352-0820

Dear Mr. Carnohan:

This is in response to your letter requesting our comments on the Draft Environmental Impact Statement for the proposed SH-75 Timmerman to Ketchum project. Based on our review of the information provided with your December 16, 2005 letter, the project will have no effect on navigation, flood control, or any Federal projects administered by the Corps of Engineers.

Regarding our regulatory responsibilities, Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States. Based on the information provided, it appears the proposed project will involve work in areas subject to our jurisdiction and a Department of the Army permit will be required. On January 7, 2005, we provided a copy of our approved jurisdictional determination for the proposed project indicating that the project area contains waters of the United States regulated under Section 404 of the Clean Water Act. We reviewed the October 6, 2004 wetland delineation map entitled "Timmerman" prepared by Shapiro & Associates and determined the map accurately delineates the extent of waters of the United States, including wetlands for the project corridor. The jurisdictional areas indicated on the map include 2.48 acres of wetlands, creeks, and irrigation canals which are hydraulically connected to the Big Wood River. However, the delineation for the proposed Boulder Flats mitigation site has yet to be verified.

With regard to proposed impacts to waters of the U.S., including wetlands, we have reviewed the seven phases of the project and concur with your analysis of impacts. Overall, we believe impacts to waters of the U.S. are minimal. However, if and when a permit application is submitted for Phase 7, "South Bellevue to US-20 Timmerman Junction," we may require more detailed information to make a more thorough analysis of alternative alignments for Phase 7 related to impacts to waters of U.S. We have reviewed the proposed compensatory wetland mitigation plan at Boulder Flats and believe it could potentially compensate unavoidable wetland losses. This also may need to be evaluated more thoroughly when a permit application is submitted for the project.

OPTIONAL FORM 99 (7-90)

2/24/06

FAX TRANSMITTAL

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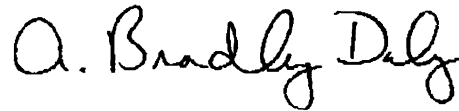
To	Corn Smith	From	Nicholas R.
Dept./Agency		Phone #	
Fax #		Fax #	

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A copy of this letter is being sent to Mr. Ed Johnson, Federal Highway Administration, 3050 Lakeharbor Lane, Suite 126, Boise, Idaho 83703 and Ms. Diana Atkins, Parsons Brinckerhoff, Quade & Douglas, Inc., 488 East Winchester Street, Suite 400, Murray, Utah 84107. If you have any questions concerning these regulatory matters, please contact Ms. Nicholle M. Rowell at 208-345-2287, fax 208-345-2968.

Sincerely,



A. Bradley Daly
Chief, Regulatory Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

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February 24, 2006

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Reply to

Attn Of: ETPA-088

Ref: 00-053-DOT

Mr. Ed Johnson
Federal Highway Administration
3050 Lakeharbor Lane, #126
Boise, Idaho 83703

Dear Mr. Johnson:

The U.S. Environmental Protection Agency (EPA) has reviewed the draft Environmental Impact Statement (EIS) for the **SH-75 Timmerman to Ketchum** project (CEQ No. 20050530) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we evaluate the document's adequacy in meeting NEPA requirements.

The proposed project would improve and widen 27 miles of SH-75 from US-20 to Saddle Road in Ketchum, Idaho. The purpose is to accommodate existing peak-hour traffic and year 2025 traffic, and increase safety. Two action alternatives (Alternative 2 and Alternative 3), which are identical in the constructed outcome, are proposed. Both alternatives include reconstruction and widening of SH-75 (primarily from two lanes to four lanes with a center turn lane and eight-foot shoulders), intersection improvements, two bridge replacements, improved at-grade and grade-separated pedestrian crossings, and bus transit pull-outs. Alternative 3 would provide for the operation of a peak hour High Occupancy Vehicle (HOV) lane between the Cities of Hailey and Ketchum.

We are impressed by the amount and quality of interactions between the project proponents and the affected public for this project. It is apparent that the citizens of unincorporated Blaine County and the cities along the route (Bellevue, Hailey, Ketchum, and Sun Valley) have been active in shaping the current proposal and the alternatives considered. However, the involvement of Native American tribes that may be affected or interested in the project is less apparent, and we recommend that the NEPA process include consultation with them as well. Our detailed comments, which follow, provide more information about tribal consultation.

Our main concerns pertain to the limited range of alternatives under consideration, and the secondary effects of induced travel demand and land use change that are likely to occur as a result of the transportation improvements. We also have a number of specific comments regarding aquatic resources, ecological connectivity and habitat permeability for wildlife, and air toxics. Accordingly, we have rated the draft EIS as EC-2 (Environmental Concerns, Insufficient

Information). An explanation of this rating is enclosed following our detailed comments. A summary of our comments will be published in the *Federal Register*.

If you have questions, or would like to discuss these comments, please feel free to contact Elaine Somers of my staff at 206-553-2966, or John Olson at our Idaho Operations Office in Boise at 208-378-5756. Thank you for the opportunity to provide comments. We look forward to working with you further on this project.

Sincerely,

/S/

Christine B. Reichgott, Manager
NEPA Review Unit

Enclosures

SH-75 Timmerman to Ketchum Draft EIS
U.S. Environmental Protection Agency
Detailed Comments

Purpose and need, range of alternatives. The purpose of the proposed project is to increase capacity and improve safety. The proposed capacity increases are based primarily on future projections of continued increases in peak hour travel. With respect to safety, there are no identified high accident locations (HALs), although statewide accident averages are exceeded in three locations. Overall, the corridor-wide improvements as described in Alternative 2 would result in a peak hour travel time savings of approximately 11 minutes (the morning and evening peaks are each defined as one hour in duration). No level of service deficiencies were identified for non-peak hours.

Alternatives 2 and 3, which are equal in terms of the constructed facility, provide many improvements for pedestrian, bicycle, and transit movement, and would improve stream crossing locations for wildlife movement. The Alternative refinements are responsive to the needs of individual communities along SH-75 and the project would be built in seven phases, subject to funding and the need to minimize traffic disruptions. These are all desirable aspects. We would recommend consideration of an additional alternative that includes high priority components but is less than the full 27-mile corridor widening. Such an alternative could still supply the most desired improvements. For example, an alternative that addresses pedestrian, bicycle, transit movements, improves safety at the three specified locations that exceed statewide accident averages, provides site specific turning and passing lanes, and accommodates safe wildlife movement across the roadway corridor could be constructed in phases as needed. We recommend developing and including such an alternative if practicable.

Secondary and cumulative impacts. The draft EIS indicates that secondary effects would likely occur as a result of the proposed project, particularly with respect to travel time savings and ultimately land use. For example, the document states:

- p. 5-3: The rate of growth in population for any geographic area within the Wood River Valley may be affected by travel times from homes to work locations.
- p. 5-4: The distribution of growth could be changed by Alternative 2.
- p. 5-166: There will be no impact to land use plans, but the project may influence the rate of development.
- p. 5-167: Alternatives 2 and 3 in combination with a strong regional economy and high real estate values, may have the secondary impact of increased pressure to convert farmland to other uses.

These statements indicate that the project is expected to induce travel demand. We understand induced travel demand to be any increase in travel resulting from improved travel conditions (Hunt, 2002). In most contexts, "improved travel conditions" refers to reduced travel times or improved reliability of travel times. There are both short term effects (more trips, longer trips), and long term effects (land use change) from induced travel demand.

Land in the Wood River Valley is primarily in private ownership, subject to local land use ordinances and policies such as city and county land use plans. This proposed project has potential for inducing development and land use change. Consequently, we believe that the EIS would benefit from a more systematic, in-depth, and specific analysis of secondary and cumulative impacts with respect to induced travel demand and land use change, and the resulting effects of land use changes on key resources. Tools available for analysis include such things as traffic models to calculate induced travel effects, combined with a Delphi/expert panel process to evaluate existing land use plans, the trends in growth and changes to the land use plans, the land available for development, and so on. There are other methodologies as well, many of which are listed on the FHWA website.

Wetlands, aquatic resources, and Section 404 permitting.

Section 3.13, Wetlands. We recommend that this section include valuable, relevant information available in the Conservation Data Center report (Jankovsky-Jones, M. 1997. *Conservation Strategy for Big Wood River Basin Wetlands*. Conservation Data Center, Idaho Department of Fish and Game. 33 pp and appendices) concerning relative abundance of wetland communities within the watershed and relative scarcity of specific wetland plant communities. Specific plant community descriptions per the above referenced document and hydrologic regimes for the natural wetlands should be included.

Section 3.13.2, SH-75 Corridor Wetlands. The identification system for the “irrigation-dependent” wetlands uses both “I-D” and “NJ” interchangeably in site identification. The identification prefix should be consistent in the text and tables, preferable using “I-D”.

Section 5.9.2.1, Hydrology (Drainage). We support the project proponent’s plan to replace the 36 inch pipe culverts at both Willow Creek and the unnamed tributary with much larger natural bottom metal-plate arch culverts. These new arch culverts will allow better connectivity between the upstream and downstream aquatic communities.

We also support the plan to replace the box culvert at the Trail Creek crossing with a bridge. This bridge will allow better connectivity through this stream reach.

We are concerned about the specific design that is described for the Big Wood River Bridge north of St. Luke’s Hospital. The bridge is described to be wider and longer than the existing bridge. Pier locations in the channel are also described. However, there is not sufficient information at this time to determine that the specific bridge design is an alternative that complies with the Section 404(b)(1) Guidelines, a requirement of any Section 404 permit. Additional information will need to be provided at the time of a Section 404 permit application to evaluate specific impacts of the proposed bridge design and alternatives to minimize these impacts. Alternative designs might include an even longer bridge, longer spans, and/or a narrower bridge.

Section 5.9.2.5, Floodplains, Big Wood River Floodplain. As described above, additional information is needed regarding the specific bridge design at this river crossing to evaluate the impact to all floodplain functions, including connectivity.

Section 5.9.3, Mitigation of Water Resource Impacts. NPDES permits in Idaho are issued by EPA, not IDEQ (line 12).

For clarification, the permitting process under Section 404 of the Clean Water Act does not ensure that federal and state agencies “would have the opportunity to comment on the permits and provide recommendations (lines 14-16). The notification process used by the Corps of Engineers is dependent on the type of permit that is necessary for the project. If the activity requires a Section 404 individual permit, then the Corps provides the opportunity for public comment as well as comment from resource agencies. If the activity would be authorized by a Section 404 general permit, the Corps might or might not seek agencies’ comments.

The project needs to comply with the requirements established in the approved Total Maximum Daily Load (TMDL) for the Big Wood Subbasin. Pollutant loads from point sources permitted through NPDES permits must be accounted in the TMDL. The statement that “any degradation in surface water or groundwater quality from project construction or operation is not expected to impair existing beneficial uses or result in any additional water quality standard violations” (lines 36-38) needs to be supported by demonstration that the project will comply with the TMDL.

Section 5.11.2.4, Wetlands, McKercher Boulevard to Elkhorn Road. As discussed in previous comments regarding the specific design that is described for the Big Wood River Bridge north of St. Luke’s Hospital, additional information is needed to evaluate alternative bridge designs that could minimize impacts to palustrine forested wetlands. As documented in this draft EIS, this wetland community supports highly rated wetland functions and values. More information about the extent of this wetland community along the Big Wood River, the past losses of this habitat, and the reasonably foreseeable future losses are needed in order to support the statement that the loss of 0.18 acres of this important wetland community is not considered substantial. Most forested wetlands in rapidly developing parts of Idaho are at substantial risk as floodplain development and restrictions to channel movement limit the dynamic nature of these rivers. Dynamic processes in alluvial rivers that modify the stream channel, that create new overflow channels, that deposit bedload in new locations on the floodplain, and that erode vegetation while creating new substrate for new vegetation are fundamental to the health of the aquatic ecosystem. Because the location and design of the new bridge will continue to limit river processes at this location, a careful evaluation of the forested wetland impacts will be needed.

Section 5.11.3, Wetlands, Executive Order 11990. We support the efforts the project proponent has made to reduce impacts to natural wetlands on this project, especially in the southern portion between the project’s terminus near Timmerman Junction and Baseline Road. Narrowing the width of the highway substantially reduced the wetland impacts in this area.

Section 5.11.5, Wetlands, Wetland Mitigation Concept Plan. As we indicated at an interagency meeting regarding wetland mitigation for this project on March 10, 2004, we believe that the proposed wetland mitigation site provides an excellent opportunity for restoring wetlands and floodplain connectivity and functionality. This is exactly the type of wetland mitigation effort that we believe provides the best chance of success and functional gains. However, we believe this section of the document needs to be strengthened to document that there would be no net

loss of wetland functions and values and that the wetland mitigation effort would also compensate for riparian and aquatic habitat losses (Section 5.11.4). The assertion that there will be no net loss of wetland functions and values seems to be based on meeting the described mitigation ratios. However, there is no documentation about the rationale for using these mitigation ratios, nor is there evidence presented that such mitigation ratios in fact result in no net loss of wetland functions and values. Fortunately, information was developed using a wetland functional assessment for both the impact areas and the mitigation site. This tool should be used to determine the adequacy of the proposed mitigation instead of relying on fixed and arbitrary mitigation ratios. Using this methodology would account for differences in wetland functions and values and would also provide credit for restoring floodplain connectivity to existing wetlands as well as removing the existing road fill to restore wetlands.

Line 17-19 are repeated but with different acreage in lines 20-21.

At a concept level, the wetland mitigation plan seems appropriate provided the wetland functional assessment described above demonstrates that there are no net loss of wetland functions and values. Additional details will need to be provided to complete an acceptable final wetland mitigation plan. These additional details would include:

- Timing of the mitigation work (should be concurrent or earlier than any authorized impacts).
- Description of removal of artificial streambank structures, such as bank riprap and berms or levees, to remove stream and floodplain restrictions.
- Development of performance standards for the wetland mitigation site, including specific wetland vegetation, soils, and hydrology criteria. Monitoring would need to occur for at least five years or until the performance standards are met.
- Description of the legal means to ensure permanent protection of the mitigation site.

Section 5.22.2.10, Secondary and Cumulative Impacts, Wetlands. While Section 404 of the Clean Water Act has slowed the loss of wetlands, there continue to be direct wetland losses as a result of activities and/or wetlands that are not regulated by Section 404, as well as unauthorized losses. Indirect effects also cause losses of wetland functions and values. Policies are in place to provide wetland mitigation, but at this point they are not requirements. Furthermore, there is no information in Idaho to demonstrate that such mitigation efforts are resulting in no net loss of wetland functions and values. Reliance on the federal regulatory program under Section 404 is not adequate to ascertain cumulative wetland impacts. Analyses of municipal and county development plans should be made to determine the likely extent of wetland impacts from the induced development of this project.

Habitat permeability/wildlife roadkill. The barrier effect and wildlife mortality caused by the existing roadway would be exacerbated with the proposed widening. We highly commend the project proponents for addressing these impacts to wildlife habitat permeability, and for

proposing means to mitigate these impacts. We urge project proponents and resource agencies to continue their efforts to find workable solutions.

The maps of wildlife roadkill “hotspots” and forage opportunities are helpful (Figures 3.14-1 through 3.14-4). We ask that the final EIS add to these figures the available wildlife crossing sites being proposed, i.e., the pedestrian underpasses and the four stream crossings, in order to illustrate where these potential crossings coincide and where opportunities for providing connectivity are still needed. To increase permeability along the 27-mile corridor for low mobility species, small and medium mammals, we ask that you consider installing appropriately sized culverts or other suitable structures under the roadway, spaced at appropriate intervals/locations, such as approximately every 800 to 900 feet.

As stated in the draft EIS, some pedestrian underpasses are located within roadkill hotspots. Some wildlife may use the human pedestrian underpasses and, if so, this is most likely to occur during the night or early morning hours. However, human presence and activities can be a deterrent to wildlife. In spite of flat topography, pedestrian underpasses have been installed and more would be constructed as part of the proposed project. Thus, it seems that dedicated wildlife underpasses could also be constructed. We understand that the fencing limitations due to numerous access points to SH-75 may discourage installation of wildlife underpasses. However, we suggest fencing to the extent possible, even if it is discontinuous, might be tried together with planting/revegetating to establish native vegetation corridors (as is proposed in the draft EIS for the stream crossing sites) in desired locations to attract and guide wildlife to new crossing structures.

We also recommend that the openness (a function of crossing height, width, and depth from entrance to exit) of the potential wildlife crossings, and particularly those in the riparian corridor bridge locations, be evaluated with respect to the species that would be using them. The openness evaluation should include an assessment of average snow depths to ensure that adequate height is available for the largest species using the crossing structure. For more information about this and other aspects of providing/re-establishing ecological connectivity, we recommend the *Interstate 90 Snoqualmie Pass East Mitigation Development Team Recommendation Package*, November 2005. This report provides a helpful summary and application of the current best available science.

Air quality/air toxics. The secondary and cumulative effects of induced travel demand and growth need to be factored into air quality analyses (see Secondary and cumulative effects section below). It is unclear whether the travel demand and air quality modeling did this, since a qualitative discussion, but no quantitative analysis, of secondary effects was presented in the draft EIS.

Air toxics. We note the FHWA position regarding the analysis of air toxics on page 5-32. However, EPA strongly recommends that the EIS disclose whether vehicular air toxics emissions would result from project construction and operations, discuss the cancer and non-cancer health effects associated with air toxics and diesel particulate matter, and identify sensitive receptor populations and individuals that are likely to be exposed to these emissions. For example, the schools and medical facilities in the project corridor could potentially be directly affected.

For each alternative, EPA recommends:

- Disclosure of all locations at which emissions would increase near sensitive receptors because of project construction, intersections, increased traffic, including increased diesel traffic, increased loads on engines (higher speeds, climbs, etc.).
- An assessment or accounting (qualitative or modeled depending on the severity of existing and projected conditions) of all the factors that could influence the degree of adverse impact on the population because of the activities listed above (e.g., distances to human activity centers and sensitive receptor locations, particularly parks, schools, hospitals, etc; amount, duration, and location of emissions from construction, diesel and other vehicles, etc.
- For receptor locations, we recommend that hotspot analysis be conducted for air toxics and particulate matter and that, at a minimum, construction mitigation measures be included. We have enclosed two lists of potential mitigation measures that could reduce emissions during construction (Enclosure 1).

Tribal consultation, cultural resources. The draft EIS includes one letter that was sent to the Shoshone-Bannock Tribes regarding the proposed project. We found no other information regarding tribal consultation, tribal concerns, or the resolution of potential tribal concerns. The draft EIS, in the section on cultural resources, specifically addresses only those cultural resources that are eligible for listing in the National Register of Historic Places or that are already listed (p. 5-90). It is, therefore, unclear whether the responsibility to consult government-to-government with the tribes has been met.

In consultation, efforts must be made to respect tribal cultural interests, values, and modes of expression, and to overcome language, economic, and other barriers to tribal participation. Special attention should be paid to environmental impacts on resources held in trust or treaty resources. For the NEPA analysis and for consultation, this means that close consideration should be given to all types of resources and aspects of the environment that tribes regard as significant. Among the issues that in EPA's experience are often of concern to tribes are

- Reservation lands;
- Formally identified trust and treaty resources;
- Grave and burial sites;
- Off-reservation sacred sites;
- Traditional cultural properties or landscapes;
- Hunting, fishing, and gathering areas (including impacts to ecosystems that support animals and plants that are or once were part of the Tribes and tribal descendants' traditional resource areas);
- Access to traditional and current hunting, fishing and gathering areas and species;
- Changes in hydrology or ecological composition of springs, seeps, wetlands and streams, that could be considered sacred or have traditional resource use associations;
- Water quality in streams, springs, wetlands and aquifers;

- Travel routes that were historically used, and travel routes that may be currently used; and
- Historic properties and other cultural resources.

Cultural resources. Impacts on cultural resources are often of concern to Indian tribes, both recognized and non-recognized, but they are also of concern to other groups as well. The NEPA regulations, at 40 CFR 1508.27(b)(3) and (8), explicitly requires that effects on cultural resources be considered in judging the significance of environmental impacts. A variety of specific federal laws, as well as the laws of many states, Indian tribes, and other jurisdictions and a number of international conventions and recommendations, apply to the management of impacts on different kinds of cultural resources, such as:

- Historic buildings, structures, sites, districts, and landscapes;
- Religious practices, beliefs, and places;
- Traditional uses of land and resources;
- Ancestral human remains and burial sites; and
- Traditional ways of life.

Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800) should be carefully followed in the course of any NEPA analysis, but agencies must be careful not to allow attention to Section 106 review to cause analysts to give insufficient consideration to other kinds of cultural resources. Not all cultural resources are “historic properties” as defined in the National Historic Preservation Act (that is, places included in or eligible for the National Register of Historic Places); hence they cannot all be addressed through Section 106 review, but this does not mean that they do not need to be addressed under NEPA. EPA recommends that the process of consultation, analysis, review and documentation required by Section 106 of NHPA as well as analysis of additional cultural resources as necessary under NEPA be fully completed and described in the final EIS.

Mitigation Measures to Reduce Emissions During Construction

- Properly maintain construction equipment.
- Evaluate the use of available alternative engines and diesel fuels:
 - Engines using fuel cell technology
 - Electric engines
 - Engines using liquefied or compressed natural gas
 - Diesel engines that meet the proposed EPA 2007 regulation of 0.01 g/bhp-hr (grams per brake horsepower hour)
 - Diesel engines outfitted with catalyzed diesel particulate filters and fueled with low sulfur (less than 15 ppm sulfur) fuel
 - Diesel engines fueled with biodiesel (diesel generated from plants rather than petroleum)
 - Fueling on-site equipment, e.g., mining equipment, with lower sulfur highway diesel instead of off-road diesel fuel
- Reduce construction-related traffic trips and unnecessary idling of equipment.
- Use newer, “cleaner” construction equipment.
- Install control equipment on diesel construction equipment (particulate filters/traps (DPTs), oxidizing soot filter, oxidation catalysts, and other appropriate control devices to the greatest extent that is technically feasible.) A particulate filter (“P-trap” or oxidizing sort filter) may control approximately 80% of diesel PM emissions. An oxidation catalyst reduces PM emissions by only 20%, but can reduce CO emissions by 40%, and hydrocarbon emissions by 50%. Different control devices may be used simultaneously.
- Reroute the diesel truck traffic away from communities and schools.
- Adopt a “Construction Emissions Mitigation Plan (CEMP). A CEMP would help to ensure that the procedures for implementing all proposed mitigation measures are sufficiently defined to ensure a reduction in the environmental impact from diesel PM and NO_x due to the project’s construction. CEMP inclusions:
 - All construction-related engines are tuned to the engine manufacturer’s specifications in accordance with the timeframe recommended by the engine manufacturer; not idle for more than 5 minutes; not tampered with in order to increase engine horsepower; include particulate traps, oxidation catalysts and other suitable control devices on all construction equipment used at the construction site; and use diesel fuel having a sulfur content of 15 ppm or less, or other suitable alternative diesel fuel. Minimize construction-related traffic trips through appropriate policies and implementation measures.
 - Implement an adaptive mitigation measure program over the project’s construction phase.

**Construction Mitigation Measures
Adopted for Several Major Projects in California**

A. Administrative

1. Have a Mitigation Plan that is included in the final EIS and committed to in the ROD.
2. Require reporting.
 - a. Prepare inventory of all equipment prior to construction.
 - b. Report on suitability of add-on controls for each piece of equipment before groundbreaking.*
 - c. Evaluate other engine alternatives: electric, CNG, LNG, fuel cell, alternative diesel.
 - d. Monthly, public reports by Environmental Coordinator regarding fulfillment of requirements
3. Have suitability report subject to review by Air District, USDOT, State DOT, EPA and the public.

B. Equipment

1. Use add-on controls such as catalysts and particulate traps where suitable.
2. Use fuel with 15 ppm of sulfur or less unless unavailable.
3. Establish idling limit (e.g., 5-10 minutes per hour).
4. Tune to manufacturers' specs and do so at manufacturers' recommended frequency.
5. Prohibit any tampering with engines and require continuing adherence to manufacturers' recommendations.
6. Require that leased equipment be 1996 model or newer unless cost exceeds 110% of average lease cost.
7. Require 75% of total horsepower of owned equipment to be used to be 1996 or newer models.

C. Work limitations

1. Establish a cap on daily emissions and/or hours of work.
2. Use no more than 2 pieces of equipment simultaneously near or upwind from sensitive receptors.
3. Establish additional emissions limits within 1000 feet of any K-12 school.
4. Provide notification to all schools within 1000 feet.
5. Reduce truck trips and/or restrict hours of driving through communities to minimize risk.

* Suitability of control devices is based on whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused by the construction equipment engine, or whether there may be a significant risk to nearby workers or the public. Such determination is to be made by the Contract Project Manager (CPM) in consultation with the appropriate vendor.

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

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Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.



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IDAHO DEPARTMENT OF FISH AND GAME
MAGIC VALLEY REGION
319 South 417 East
Jerome, Idaho 83338

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

February 24, 2006

Chuck Carnohan
Idaho Transportation Department
District 4
P.O. Box 2-A
Shoshone, Idaho 83352-0820

Re: SH-75 Timmerman to Ketchum Draft Environmental Impact Statement and Draft Section 4(f) Evaluation, Project # STP-F 2392(035), Key #3077

Dear Chuck:

Idaho Department of Fish and Game (Department) has reviewed the SH-75 Timmerman to Ketchum Draft Environmental Impact Statement (DEIS). The proposed action includes improvements to approximately 27 miles of SH-75 from U.S.-20 to Saddle Road in Ketchum. The purpose of the proposed project is to increase SH-75 roadway capacity to accommodate existing peak-hour vehicle traffic and future year 2025 vehicle traffic; and to increase transportation safety for all users. Three alternatives, including a No-Build Alternative, were evaluated in the DEIS. The two build alternatives include reconstruction and widening of SH-75, intersection improvements, two bridge replacements, improved pedestrian crossings, and bus transit pull-outs. One build alternative includes operation of a peak hour high occupancy vehicle lane between Hailey and Ketchum. We offer the following comments for inclusion in the FEIS.

The DEIS proposes a number of mitigation measures to address wildlife road kill throughout the project area including removal and/or modification of landscaping berms, replacing existing ROW vegetation with less palatable, low-growing grass-forb plant communities, wildlife friendly fencing, flashing lights, and permanent signing. We agree the proposed measures should help reduce wildlife road kill. However, construction of noise and retaining walls paralleling SH-75 within road kill "hot spots" in the Clear Creek, Cold Springs Gulch, and Gannett Road areas may effectively negate some of the mitigation by impeding or blocking wildlife movement or entraining wildlife within the highway corridor. We suggest further study is warranted to more specifically identify wildlife movement corridors throughout the project area. This information will be helpful in assessing the potential impact of constructing noise and retaining walls in close proximity to wildlife road kill hot spots.

Maintaining angler access to the Big Wood River is a priority for the Department. During scoping we identified issues associated with two parking areas used by anglers (and other recreationists) to access the Big Wood River and bike path – Dean Tire Bridge and Box Car

Keeping Idaho's Wildlife Heritage

Bend. Specifically, we suggested evaluating options to expand or improve parking (2-3 vehicles) on the south side of Dean Tire Bridge and the need to develop all season turnouts at both sites. We recognize an evaluation of expanded parking may be outside the scope of this analysis. However, we were unable to discern how the proposed action will impact maintenance and potential improvement of these important access sites. We recommend this deficiency is addressed in the FEIS.

Thank you for the opportunity to review and provide comment on the DEIS. Please contact Mike McDonald, Environmental Staff Biologist, at this office if you have any questions.

Sincerely,



David Parrish
Magic Valley Regional Supervisor

Cc: IDFG-NRPB
ECc: IDFG-R4 staff

Agency Correspondence Since DEIS

United States Forest Service
United States Department of the Interior Fish and Wildlife Service
United States Department of the Army, Corps of Engineers
Idaho Transportation Department to Shoshone-Bannock Tribal Council



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5820

March 9, 2006

Regulatory Division

SUBJECT: NWW No. 012300180, ITD Key No. 3077

Mr. Charles Carnohan
Idaho Transportation Department
P.O. Box 2-A
Shoshone, Idaho 83352-0820

Dear Mr. Carnohan:

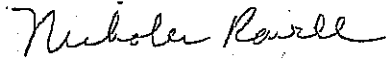
Enclosed is a copy of our approved jurisdictional determination for the "Boulder Flats" site near Ketchum, in Blaine County, Idaho. This site is the proposed mitigation site for the SH-75 Timmerman to Ketchum project. The mitigation site contains waters of the United States, including wetlands, that are regulated under Section 404 of the Clean Water Act. We reviewed the wetland delineation report dated January 10, 2006, prepared by AMEC Earth & Environmental, Inc., and have determined the report accurately delineates the extent of waters of the United States, including wetlands for the proposed mitigation project. A copy of the approved map is enclosed. This jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date or the District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

We are enclosing an appeals form that explains the options you have if you do not agree with this approved jurisdictional determination. If you decide to appeal this determination, you need to send the form to the Division Engineer, Northwestern Division, so he receives it within 60 days of this letter. If you have new information you want us to consider, you may send it to the Regulatory Division, Walla Walla District, at the letterhead address before you file the appeal.

Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States, including wetlands. This includes excavation activities which result in the discharge of dredged material and destroy or degrade waters of the United States. If the proposed project will involve discharging dredged or fill material into Big Wood River, Goat Creek, an unnamed tributary to the Big Wood River, or adjacent wetlands, Idaho Transportation Department will need to obtain a Department of the Army permit before the start of work.

If you have any questions, please contact me at 208-345-2287. A copy of this letter is being sent to: Ms. Diana Atkins, Parsons Brinckerhoff Quade and Douglas, Inc., 488 East Winchester Street, Suite 400, Murray, Utah 84107; and Mr. David Kordiyak, AMEC Earth & Environmental, Inc., 5257 Fairview Ave, Suite 130, Boise, Idaho 83706.

Sincerely,



Nicholle M. Rowell
Regulatory Project Manager

Enclosures



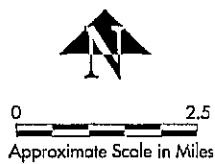
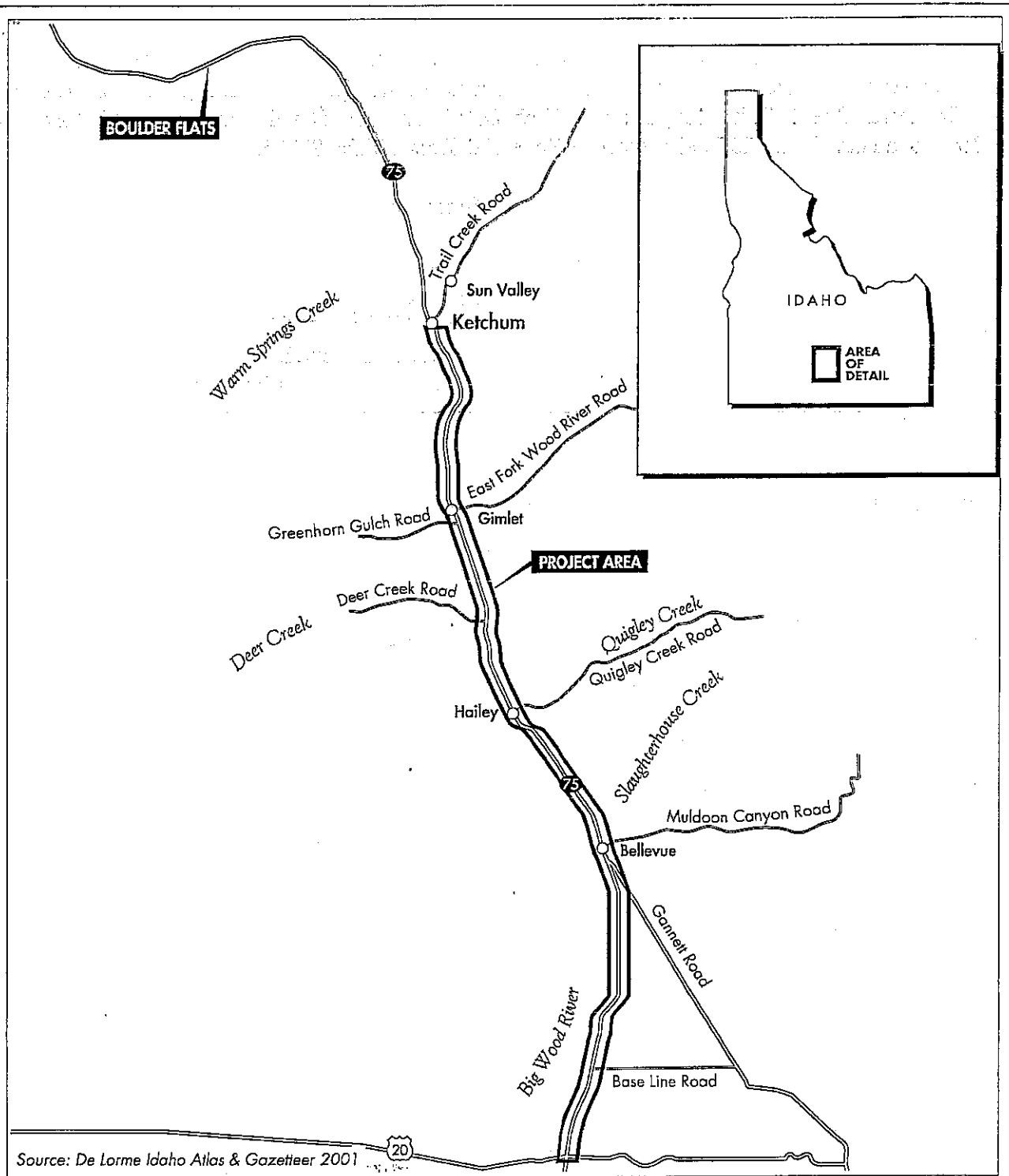
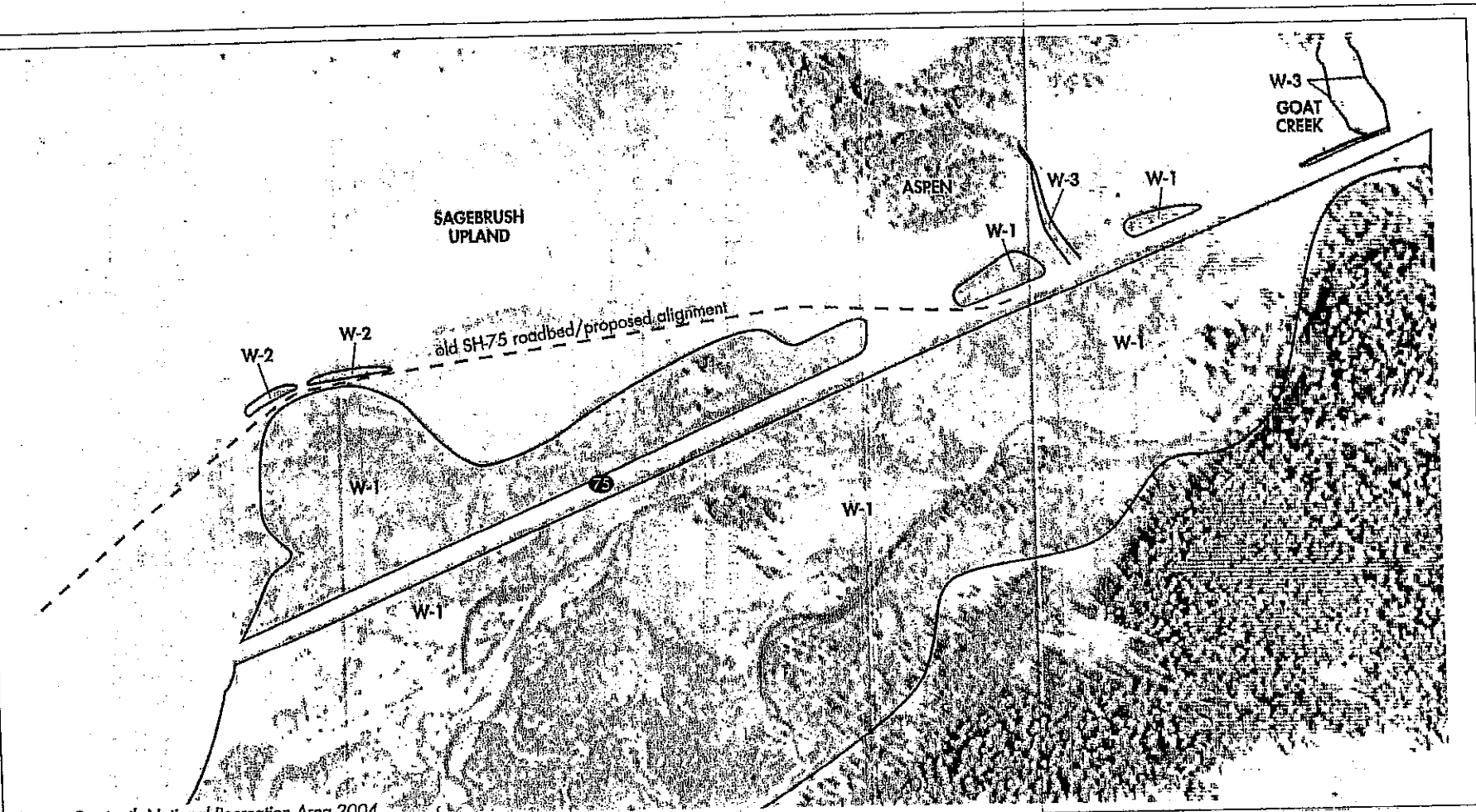


FIGURE 1

**MITIGATION SITE AND
PROJECT VICINITY MAP**

SH-75 TIMMERMAN TO KETCHUM
IID# STP-F-2392(035) Key No. 3077

012300180



Source: Sawtooth National Recreation Area 2004

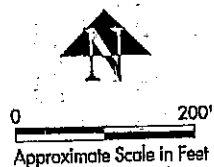


FIGURE 3

AERIAL PHOTO

SH-75 TIMMERMAN TO KETCHUM
ITD# STP-F-2392(0.35) Key No. 3077

012300180

Jan 10, 2006

DISTRICT OFFICE: Walla Walla (CENWW)
FILE NUMBER: NWW No. 012300180 ITD Key No. 3077

PROJECT LOCATION INFORMATION:

State: Idaho
County: Blaine
Center coordinates of site (UTM): Zone: 11 North: 4839480 East: 712780
Approximate size of area (parcel) reviewed, including uplands: 10 acres.
Name of nearest waterway: Big Wood River
Name of watershed: Big Wood River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination ☒ Date: March 9, 2006
Site visit(s) ☐ Date(s):

Jurisdictional Determination (JD):

- ☐ Preliminary JD - Based on available information, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:

☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

☒ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10 acres.

☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

- ☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- ☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
☐ (2) The presence of interstate waters including interstate wetlands.
☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
☐ (4) Impoundments of waters otherwise defined as waters of the US.
☒ (5) The presence of a tributary to a water identified in (1) - (4) above.
☐ (6) The presence of territorial seas.
☒ (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Goat Creek and an unnamed drainage to the Big Wood River are jurisdictional as a tributary to an interstate water (Category 5). They flow into The Big Wood River, which flows into the Malad River, which flows into the Snake River, which is an interstate water (Category 2). Wetlands W-1, W-2 and W-3 are jurisdictional as wetlands adjacent to tributaries to an interstate water (Category 7). They border and are contiguous to Goat Creek, an unnamed tributary to the Big Wood River, and the Big Wood River. The Big Wood River is a tributary to an interstate water (Category 5).

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- ☒ Ordinary High Water Mark indicated by: ☐ High Tide Line indicated by:
- | | |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects |
| <input type="checkbox"/> the presence of litter and debris | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> physical markings/characteristics |
| <input type="checkbox"/> destruction of terrestrial vegetation | <input type="checkbox"/> tidal gages |
| <input checked="" type="checkbox"/> shelving | <input type="checkbox"/> other: |

- ☐ other:
☐ Mean High Water Mark indicated by:
☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: AMEC Earth and Environmental, Inc. dated January 10, 2006

Basis For Not Asserting Jurisdiction:

- ☐ The reviewed area consists entirely of uplands.
☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
☐ Isolated, intrastate wetland with no nexus to interstate commerce.
☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
☐ Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
☒ Data sheets prepared/submitted by or on behalf of the applicant.
☒ This office concurs with the delineation report, dated January 10, 2006, prepared by (company): AMEC Earth & Environmental, Inc.
☐ This office does not concur with the delineation report, dated _____, prepared by (company): _____
☒ Data sheets prepared by the Corps.
☒ Corps' navigable waters' studies:
☒ U.S. Geological Survey Hydrologic Atlas:
☒ U.S. Geological Survey 7.5 Minute Topographic maps:
☒ U.S. Geological Survey 7.5 Minute Historic quadrangles:
☒ U.S. Geological Survey 15 Minute Historic quadrangles:
☒ USDA Natural Resources Conservation Service Soil Survey:
☒ National wetlands inventory maps:
☒ State/Local wetland inventory maps:
☒ FEMA/FIRM maps (Map Name & Date):
☒ 100-year Floodplain Elevation is: _____ (NGVD)
☒ Aerial Photographs (Name & Date):
☒ Other photographs (Date):
☒ Advanced Identification Wetland maps:
☒ Site visit/determination conducted on:
☒ Applicable/supporting case law:
☒ Other information (please specify):

Preparer: Nicholle Rowell Date: March 9, 2006

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



United States
Department of
Agriculture

Forest
Service

Sawtooth National Forest
Sawtooth National Recreation Area

5 North Fork Canyon Road
Ketchum, ID. 83340
208-727-5000
Visitor Center: 208-727-5013
Fax: 208-727-5029

File Code: 2510

Date: August 15, 2006

Chuck Carnohan
Senior Planner
Idaho Transportation Department, District 4
PO Box 2-A
Shoshone, ID 83352-0820

Dear Mr. Carnohan,

The question has arisen regarding the long-term security of the proposed Boulder Flats Wetland Mitigation site within the Sawtooth National Recreation Area (Sawtooth NRA). As you recall, in 1996 the Sawtooth NRA introduced the restoration concept on site to a large group representing various agencies, including the Idaho Transportation Department and Federal Highways. During the subsequent 10 years we have consistently and persistently emphasized this continuing need and opportunity. When your agency solicited mitigation proposals for your Highway 75 project, we immediately prepared and submitted the Boulder Flats project for your consideration. To our satisfaction, your committee agreed with the straightforward benefits to be derived, and selected the project.

Although administered by the US Forest Service, the Sawtooth NRA was specifically set apart by Congress in 1972 (PL 92-400) with a unique mandate to “assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values” of the area. As such, the lands and landscapes of the Sawtooth NRA are routinely managed to a higher standard, and with greater scrutiny, than typical National Forest lands. For example, all actions proposed within the Sawtooth NRA must first assure that they will not “substantially impair” the purposes for which the area was established. The proposed Boulder Flats Wetland Mitigation Project resides within the Sawtooth NRA. It is located along a scenic corridor and within the floodplain of the upper Big Wood River. As such, many protective measures converge in this location. From the proposed Highway alignment the mitigation site would reside in the scenic foreground, with a visual quality objective of “retention” (the most restrictive), and a recreation opportunity spectrum of “roaded natural”. The project would reside within the riparian conservation area of the Wood River, bringing to bare a number of focal fish and wildlife goals and protective standards and objectives within the Sawtooth National Forest Land and Resource Management Plan (FLRMP), including an “active” restoration strategy. Other than recreational day use and ephemeral use by sheep within an allotment, the area is currently not utilized for any other land use activity.

Under this direction and emphasis, numerous scenic and ecological restoration objectives have been implemented in the area during the last decade. However, none is as important nor meaningful as would be the Boulder Flats Wetland Mitigation Project. The proposed project would reverse a major ecological impact that has persisted for over a half century. Implementing the project, as proposed in the DEIS, would be consistent with the central goals of the Sawtooth FLRMP. Any future objective that would



propose to reverse this restoration would only be possible if sweeping change occurred to the management direction of the Sawtooth National Forest, and possibly to the underling legislation of the Sawtooth National Recreation Area. These local considerations, when combined with existing State and Nationwide regulations, would make the potential for future development of the wetland remote.

Sincerely,

/s/ Joe Harper
JOE HARPER
Deputy Area Ranger

cc: Diana Atkins
Parsons-Brinkerhoff



IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 2-A
Shoshone, ID 83352-0820

(208) 886-7800
itd.idaho.gov

April 26, 2006

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Charles Winder
Chairman

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District 5

David Ekern, P.E.
Director

Sue Higgins
Board Secretary

Shoshone-Bannock Tribal
Council
Blaine J. Edmo, Chairman
PO Box 306
Fort Hall, ID 83203

Eastern Shoshone Tribal Council
Arlen Shoyo, Sr., Chairman
15 North Fork Road
P.O. Box 538
Fort Washakie, WY 82514

**RE: Timmerman to Ketchum EIS, Blaine County, Idaho
Project No. STP-F-2392(035), Key No. 3077**

Dear Mr. Shoyo:

The Idaho Transportation Department (ITD), District Four, in compliance with Federal Aid Requirements, is performing an Environmental Impact Statement for the proposed improvement of a 23 mile section of State Highway 75. The Federal Highway Administration (FHWA) and ITD are preparing an environmental document to address future transportation improvements for State Highway 75 from the Timmerman junction at Highway 20 to Saddle Road in Ketchum.

This letter and enclosed CDROM is offered in addition to a letter sent to your Tribal Council on May 22, 2002. As required by Section 106 of the National Historic Preservation Act (NHPA), ITD is sending this letter to continue consultation and to solicit your concerns regarding cultural resources. At this time we are working toward the development of a Final Environmental Impact Statement (FEIS) and Record of Decision. A Public Hearing was held in Hailey on January 26, 2006. All comments received are being reviewed and considered for the FEIS. Enclosed you will find a CDROM of the Draft EIS.

You can also find more information regarding the EIS online at www.SH-75.com where project newsletters, public hearing comments and other pertinent information are available. Thank you for your help. Please call our Project Manager, Chuck Carnohan, at 208-886-7823, should you need more information or have any questions regarding this project.

Sincerely,

Original signed by

Devin O. Rigby, P.E.
District Engineer

DOR:cc

Enclosure
cc: Parsons Brinckerhoff



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>



DEC 03 2007

Pamela Lowe
Director
(Attention: Dennis Clark)
Idaho Transportation Department
P.O. Box 7129
Boise, Idaho 83707-1129

Subject: 90-Day Species List Update
File #912.0000 2008-SL-0073

Dear Ms. Lowe:

The Snake River Fish and Wildlife Office of the Fish and Wildlife Service (Service) is providing you with an updated list of threatened, endangered, proposed, and candidate species that occur in Idaho. This updates species list 2007-SL-0685 and provides you with a new number, 2008-SL-0073. You should refer to the new number in subsequent correspondence and documentation. This letter and list are being provided to your agency via electronic mail.

Starting in the 2008 calendar year, the Service will be providing species list updates to Federal agencies on a semi-annual basis as per Service regulations [50 CFR §402.12(i)]. Species list updates will be provided to Federal agencies in June and December of each year. Your next species list update is scheduled to be provided by June 1, 2008. In the instance that the status of an individual species changes under the Act (e.g., listing, downlisting, or delisting decisions), or there are changes in the known range of a listed species during the 6-month period between species list issuance dates, an amended species list will be promptly provided to all applicable Federal agencies.

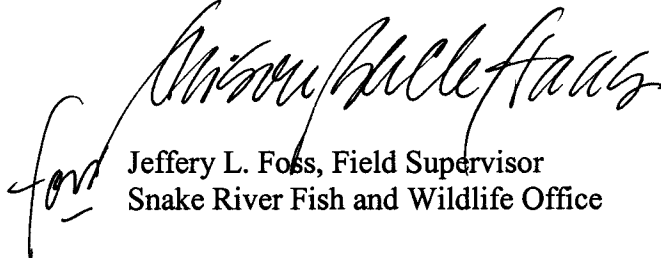
In a decision published in the July 9, 2007 Federal Register, the Service concluded that protections for the bald eagle (*Haliaeetus leucocephalus*) under the Endangered Species Act of 1973 (Act), as amended, were no longer warranted. Effective August 8, 2007, the bald eagle was no longer included on the list of threatened and endangered species in the lower 48 states pursuant to the Act, and has been removed from all Idaho species lists. The bald eagle continues to be Federally protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. The Service has developed the National Bald Eagle Management Guidelines (Guidelines) to advise project proponents

when and under what circumstances the protective provisions of these Acts may apply to their activities to help avoid violations of the law. The Guidelines and additional information on protection for the bald eagle are available on the Service's web site at: <http://www.fws.gov/migratorybirds/baldeagle.htm>. The Service is also available to provide technical assistance regarding bald eagle conservation.

Information about Federal agency obligations under section 7 of the Act has been provided to you in the past. If you would like us to send you any of this information again or if you have questions, please contact Mark Robertson at (208)378-5287. If you have questions regarding species under the National Marine Fisheries Service (NOAA Fisheries) jurisdiction, please call Nikki Leonard at (208)378-5696.

Thank you for your continued interest in the conservation of threatened and endangered species.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeffery L. Foss". To the left of the signature is a small, stylized mark that looks like the word "for" written vertically.

Jeffery L. Foss, Field Supervisor
Snake River Fish and Wildlife Office

Enclosures (2)

U.S. Fish and Wildlife Service • Snake River Fish and Wildlife Office

LISTED, PROPOSED, AND CANDIDATE SPECIES, AND LISTED AND PROPOSED CRITICAL HABITAT IN IDAHO ¹

Idaho Transportation Department

	Mammals					Fish						Plants				Invertebrates					Candidate Species ²				
	Gray Wolf ⁴	Selkirk Mountains Woodland caribou	Grizzly Bear	Northern Idaho Ground Squirrel	Canada Lynx	Kootenai River White Sturgeon	Bull Trout	Sockeye Salmon	Spring/Summer Chinook Salmon	Fall Chinook Salmon	Steelhead Trout	MacFarlane's Four- O'Clock	Water Howellia	Ute Ladies'- Tresses	Spalding's Catchfly	Utah Valvata Snail	Snake River Physa Snail	Bliss Rapids Snail	Banbury Springs Lanx	Bruneau Hot Springsnail	Christ's Paintbrush	Columbia Spotted Frog	Slender Moonwort	Southern Idaho Ground Squirrel	Yellow-billed Cuckoo
District 4																									
Blaine	✓				✓		✓	✓	✓		✓ ³					✓									✓
Camas	✓				✓		✓									✓									
Cassia	✓															✓	✓				✓				
Custer	✓				✓		✓	✓	✓		✓ ³														✓
Elmore	✓				✓		✓										✓	✓							✓
Gooding	✓															✓	✓	✓	✓						✓
Jerome	✓															✓	✓	✓							✓
Lincoln	✓															✓									✓
Minidoka	✓															✓	✓								✓
Oneida	✓																								✓
Twin Falls	✓															✓	✓	✓				✓			

¹ Please see attached Threatened, Endangered, and Candidate Species summary for species specific information.
² Candidate species have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project planning period. The Service advises an evaluation of potential effects on candidate species that may occur in the project area; this may expedite section 7 consultation under the Act should the species become listed.
³ Designated Critical Habitat in addition to species presence
⁴ Experimental, nonessential South of I-90/ Endangered North of I-90



DF
JE
ADE
PDE
5TH
SEP
Key # 3077

RANDY HALL, MAYOR

480 EAST AVENUE NORTH
P.O. BOX 2315, KETCHUM, IDAHO 83340
TELEPHONE: (208) 726-3841 FAX: (208) 726-8234

March 15, 2007

Charles A. Carnohan, M.S.
Idaho Transportation Department
P.O. Box 2-A
Shoshone, Idaho 83352

**RE: Selection of alternatives for improvements to SH-75.
Elkhorn Road to Serenade Lane.
Serenade Lane to River Street.**

Dear Mr. Carnohan:

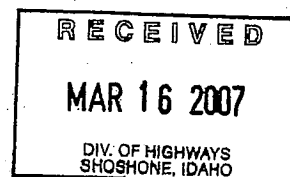
Thank you for your presentation today at Ketchum City Hall in which you requested that the interested parties select one of the alternative for the configuration of the improvements within the existing SH 75 right-of-way from Elkhorn Road to Serenade Lane and from Serenade Lane to River Street.

Blaine County, the City of Sun Valley and the City of Ketchum hereby unanimously select "Cross Section 1" for that portion of SH-75 from Elkhorn Road to Serenade Lane which has been circled on Figure 2-15 from "Alternatives 2 and 3 Typical Cross-Sections Elkhorn to Serenade" a true and correct copy of which is attached hereto as Exhibit A and incorporated herein by reference.

Blaine County, the City of Sun Valley and the City of Ketchum hereby unanimously select "Cross Section 2" for that portion of SH-75 from Serenade Lane to River Street which has been circled on Figure 2-16 from "Alternatives 2 and 3 Typical Cross-Sections Serenade to River" a true and correct copy of which is attached hereto as Exhibit B and incorporated herein by reference.


Please let me know if you require anything else at this time.

Thank you.




Sincerely,

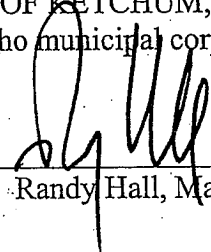
BLAINE COUNTY, IDAHO,
A political subdivision of the State of Idaho

By: 
Tom Bowman,
County Commissioner

CITY OF SUN VALLEY,
an Idaho municipal corporation

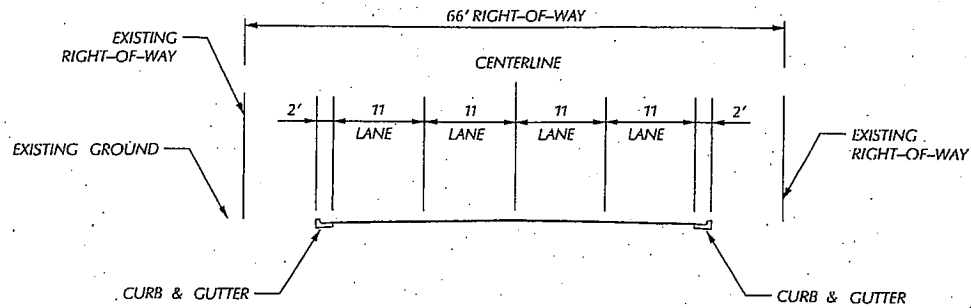
By: 
Jon C. Thorson, Mayor

CITY OF KETCHUM,
an Idaho municipal corporation

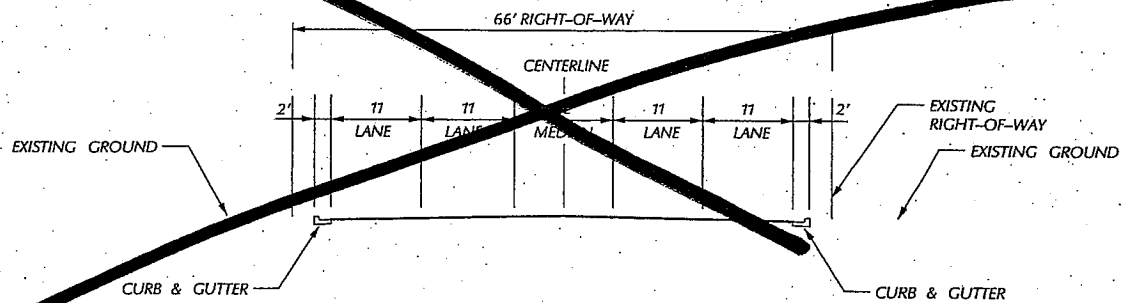
By: 
Randy Hall, Mayor

Alternatives 2 and 3 Typical Sections: Elkhorn to Serenade

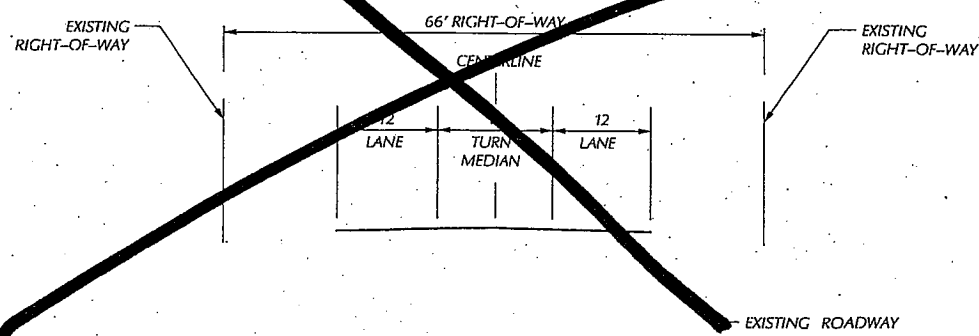
Cross Section 1



Cross Section 2



Cross Section 3



Note:
All cross-sections are viewed in a
northbound direction.

NOT TO SCALE

SH-75 Timmerman to Ketchum Draft EIS



Project No. STP-F-2392(035)
Key No. 3077

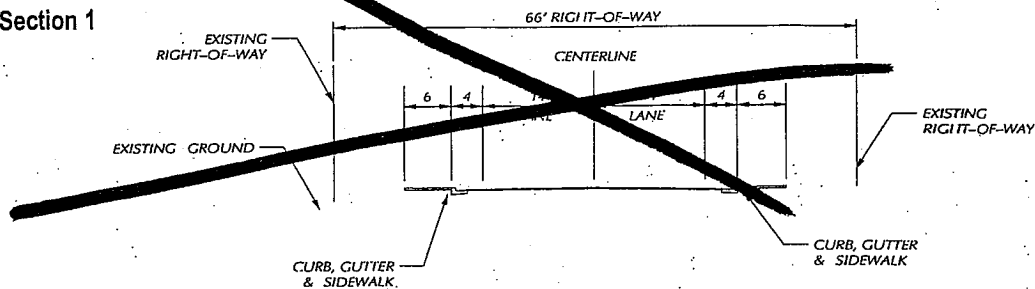
Title
Alternatives 2 and 3
Typical Cross-Sections
Elkhorn to Serenade

Figure
2-15

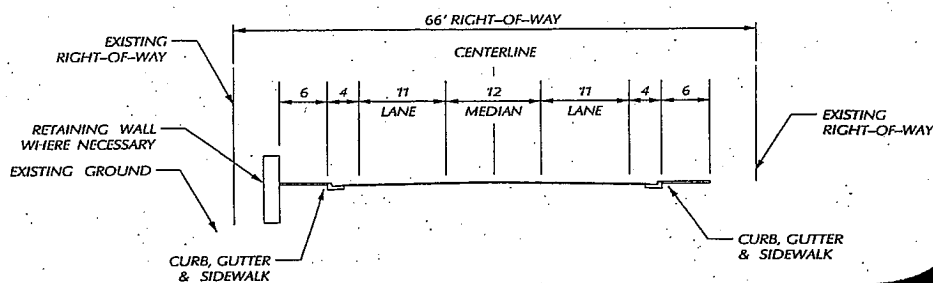
Date: September 2005

Alternatives 2 and 3 Typical Sections: Serenade to River Street

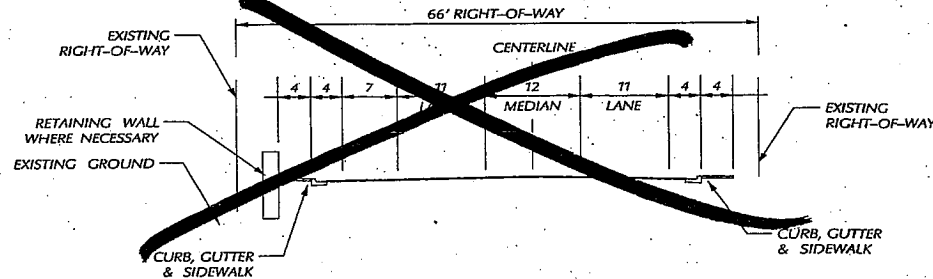
Cross Section 1



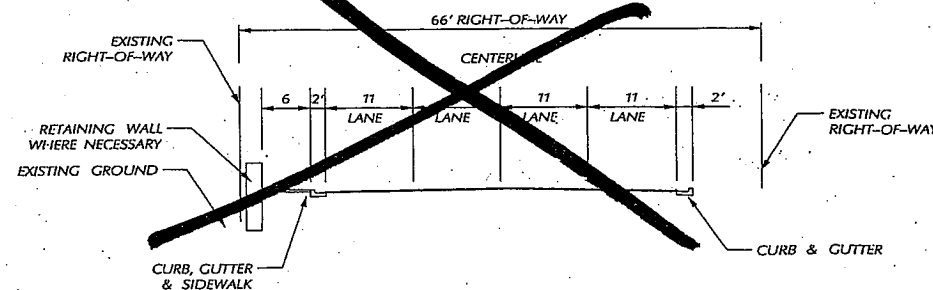
Cross Section 2



Cross Section 3



Cross Section 4



Note:
All cross-sections are viewed in a
northbound direction.

NOT TO SCALE

SH-75 Timmerman to Ketchum Draft EIS



Project No. STP-F-2392(035)
Key No. 3077

Title
Alternatives 2 and 3
Typical Cross-Sections
Serenade to River Street

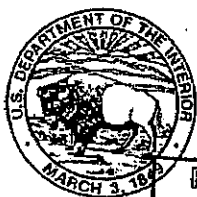
Figure

2-16

Date: September 2005

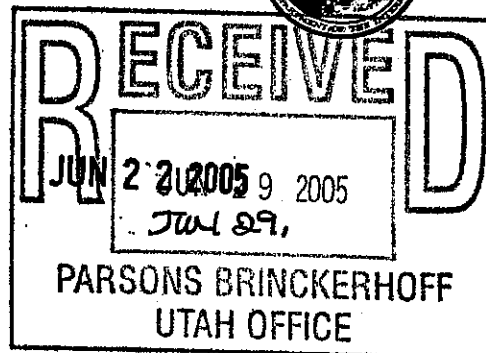
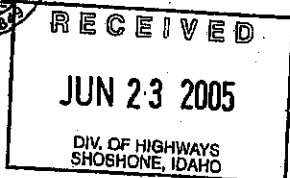
Agency Correspondence in DEIS

United States Department of the Interior Fish and Wildlife Service
United States Department of Agriculture, Sawtooth National Forest,
Sawtooth National Recreation Area
United States Department of the Army, Corps of Engineers
Idaho Transportation Department to Shoshone-Bannock Tribal Council
Idaho State Historical Society (5 letters)
United States Department of the Interior Fish and Wildlife Service
90-Day Species List Update
United States Department of Transportation, Federal Highway Administration
Idaho Department of Fish and Game



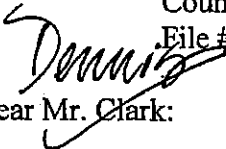
United States Department of the Interior
FISH AND WILDLIFE SERVICE

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



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

Subject: SH-75, Timmerman to Ketchum Road Corridor Project (Key #3077), Blaine
County, Idaho – Concurrence
File #912.0501 OALS #1-4-05-I-269


Dear Mr. Clark:

On January 26, 2005, the Fish and Wildlife Service (Service) received a letter from the Idaho Transportation Department (Department) requesting a review of and concurrence with your effect determinations for the Timmerman to Ketchum road corridor project (Project) program of work, in Blaine County, Idaho, pursuant to section 7 of the Endangered Species Act (Act), as amended. Recent clarifications regarding the programmatic nature of this work, and minor amendments to your Programmatic Biological Assessment (Assessment), were received via email on June 17. Your Assessment analyzed potential effects of the project on bald eagle (*Haliaeetus leucocephalus*), Canada lynx (*Lynx canadensis*), and Utah valvata snail (*Valvata utahensis*). You determined, and the Service concurs, that the Project may affect, but will not adversely affect these species. The Service appreciates your consideration and analysis of potential effects on yellow-billed cuckoo (*Coccyzus americanus*) and recognizes your determination that the Project will have no adverse effects upon this candidate species. In addition, the Service notes your "no effect" determinations for gray wolf (*Canis lupus*) and bull trout (*Salvelinus confluentus*).

The proposed project is located on the 27-mile segment of SH-75 that begins at Milepost (MP) 102.1 just south of Timmerman Junction, and ends at MP 128.5 in Ketchum. The Boulder Flats wetland mitigation site north of Ketchum occurs outside of the highway corridor where phased construction activities will take place, and currently unidentified material source sites may also be located outside of the highway footprint. However, the project's action area, including all off-site areas known at this time, is entirely within Blaine County, Idaho. Off-site locations (e.g., source or waste sites) will be subject to sideboards described on pages 28-30 in the Assessment, to avoid or minimize the impacts to the species and habitat from off-site construction activities.

Because work activities will take place over 15-20 years along nearly 30 miles of highway, the Department proposes to initiate construction using a phased approach. At least seven phases of

construction are currently identified. Because design and engineering components for each phase of construction are incomplete at this time, the Assessment provides information to facilitate an evaluation of the potential impact of the Project on listed and candidate species and provides guidance and direction for conducting ongoing evaluations as the project moves forward and phased construction activities are initiated.

As each phase is designed, additional coordination with the Service will occur to ensure consistency with effect determinations, and to verify compliance with the conservation/mitigation measures identified in the Assessment. Individual project worksheets (see Appendix A of the Assessment) will document the Department's reevaluation of each construction phase, and will include a phase-specific project description, including the identification of off-site areas. Where pertinent, the worksheets will document updated species and habitat information. Worksheets will be provided to the Service prior to initiation of surface-disturbing activities for each construction phase; verification that an individual phase tiers and conforms to the Assessment will be made by the Service using information provided in the worksheets. If an individual phase fails to conform to, or remain compatible with the conservation measures and effect determinations outlined in the Assessment, reinitiation of consultation may be necessary to ensure compliance with the Act.

The Project will limit physical changes of the landscape to that area within the existing highway corridor and the Department's right-of-way, except for the wetland mitigation site at Boulder Flats. Reconstruction of SH-75 will include roadway construction (widening), associated drainage elements (i.e., ditches and culverts), retaining walls, noise barriers, pedestrian underpasses, and bridges. General construction activities will require clearing and grubbing of existing vegetation and topsoil, cut and fill earthwork, material stockpiling including topsoil, culvert installation, bridge construction, bridge abutment/pier construction, concrete work, road grading, storm drain construction, and general paving activities. Additional detail of the individual construction phases (including the Boulder Flats wetland mitigation plan), associated project components, and construction methodology can be found on pages 5 to 23 in the Assessment. Conservation measures proposed to avoid, minimize, or mitigate impacts to listed species include specific measures for water quality protection, terrestrial habitat protection, wetland/aquatic habitat protection, and sideboards for off-site use areas. These measures are identified on pages 24 to 30 in the Assessment.

Specific to listed species, the Department will survey for Utah valvata snail at the Willow Creek and unnamed tributary crossings, and where appropriate, adjacent to material source sites situated near potential habitat. Bald eagle monitoring will occur at the Big Wood River and Trail Creek crossings, and at the Boulder Flats wetland mitigation site to determine eagle presence and the need for any additional construction limitations. Additionally, off-site project components and activities will be avoided near bald eagle nest and winter activity areas, will not occur within lynx analysis units in potential habitat (upper elevation coniferous forests) or within 1 mile of known wolf denning or rendezvous sites, and will not result in degradation of riparian habitat suitable for yellow-billed cuckoo.

No bald eagle nests, breeding territories, or established winter roost sites are known to exist in the project area. Winter use along the river corridor does occur, and approximately 0.18 acres of

wetland habitat, and 205 linear feet of riparian habitat will be removed (including mature cottonwood trees) associated with the Big Wood River and Trail Creek crossings. These construction activities will take place during the winter and may disrupt eagles from their normal winter foraging patterns. However, these activities will occur in a fairly urbanized area, and sufficient habitat and use areas will remain available elsewhere in the valley. The potential for eagle-vehicle collisions may be reduced following project implementation due to lower speed limits in non-urban areas between Bellevue and Hospital Drive, increased visibility of the roadway environment for drivers, and increased room for collision avoidance. Big game-vehicle collisions may provide an attractive nuisance for foraging eagles, but roadside vegetation will be conditioned such that it is less attractive for big game, and hiding cover would be reduced. Because of the limited temporal and spatial impacts of individual components of the construction phases, and following implementation of identified conservation measures, direct and indirect effects to bald eagles are expected to be insignificant. As such, the Service concurs that the Project will not adversely affect bald eagles.

Although the Project crosses portions of three lynx analysis units, no suitable lynx habitat would be removed through project implementation. No denning or foraging habitat exists near the highway corridor, and off-site areas will not be authorized in suitable lynx habitat. Limited riparian vegetation along the Big Wood River and Trail Creek, potentially used by lynx as dispersal habitat, will be removed. Dispersal-related impacts associated with riparian vegetation removal in these travel corridors may be offset by the enhanced ability for lynx and other wildlife species to move across or beneath these new crossing structures. Increased road width and a wider unpaved right-of-way may discourage lynx movements across SH-75, potentially increasing fragmentation effects and affecting their ability to travel between areas of suitable habitat. However, the potential for lynx-vehicle collisions may decrease following reconstruction as the roadway environment may be more visible for drivers and additional room will be available for collision avoidance. Because of the low likelihood for encountering lynx in the Wood River valley, and considering the applicable conservation measures, direct and indirect effects to lynx resulting from project implementation are considered discountable. The Service concurs that the Project will not adversely affect lynx.

Currently, no Utah valvata snails are known to occur within the action area. The nearest confirmed reports occur in the Big Wood River approximately 35 miles south of the project area; shells have been collected in Magic Reservoir 5 miles southwest of the Timmerman Junction. Habitat at the Big Wood River and Trail Creek crossings is not considered suitable for Utah valvata snails, lacking the presence of fine sediment and submerged vegetation considered necessary for these detritivores. However, suitable substrate is present at the Willow Creek and unnamed tributary crossings, and these systems are associated with large spring complexes. The Department will survey these sites to evaluate snail presence prior to the initiation of construction activities. Other conservation measures to protect water quality will ensure that minimal sediment enters the waterway. Unless presence is determined by surveys, direct and indirect effects to snails are considered discountable, and the Service concurs that the Project will not adversely affect Utah valvata snails.

For reasons identified above and clarified further in the Assessment, the Service concurs with your determinations for bald eagle, Canada lynx, and Utah valvata snail for the reconstruction of

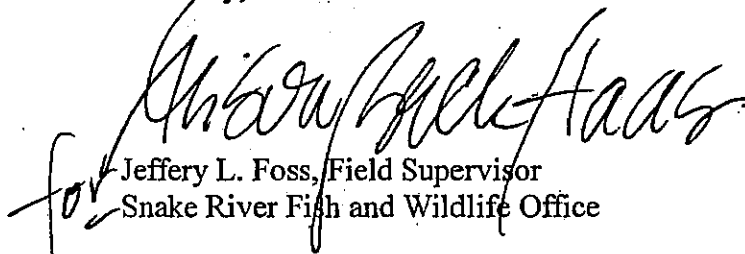
SH-75 between Timmerman and Ketchum. Using snail survey results, information from the bald eagle monitoring studies, and completed individual project worksheets, you should evaluate each construction phase against the Assessment to determine its compliance with the measures identified therein. Coordination with the Service shall occur prior to initiation of phased construction activities to verify adherence to the Assessment.

The Service recommends the following issues be considered when completing the design of work activities for individual construction phases. These recommendations are discretionary, but the Service believes these measures may promote species and habitat conservation, and would serve to enhance our level of knowledge for subsequent evaluations of this proposal and its constituent parts, as well as for other Department projects.

- Enter into partnerships with local, State, or Federal agencies to determine broad-scale wildlife (big game and large predators) movement corridors.
- Establish or increase road-kill monitoring efforts along SH-75 to determine important wildlife crossing corridors. Where appropriate, erect signs to alert travelers of these corridors.
- Design retaining walls or noise barriers to allow for safe wildlife passage, or to direct wildlife to established wildlife crossings.
- Promptly remove wildlife carcasses from the right-of-way to decrease the potential for secondary predator/scavenger (e.g., bald eagles) collisions with passing motorists.
- Consider Migratory Bird Treaty Act obligations for bridge-related construction activities and potential impacts to migratory birds and bats.
- Consider Ute ladies'-tresses (*Spiranthes diluvialis*) and Wood River sculpin (*Cottus leiopomus*) when evaluating bridge and culvert activities in suitable habitat.

If the project proposal addressed in this letter is modified or environmental conditions change, you should confirm that your determinations are still valid. Thank you for your continued interest in threatened and endangered species conservation. Please contact Mark Robertson of my staff at (208) 378-5287 for further information.

Sincerely,


for Jeffery L. Foss, Field Supervisor
Snake River Fish and Wildlife Office

cc: ITD-D4, Shoshone (Carnohan)
FHWA, Boise (Moreno)
IDFG, Jerome (McDonald)
ACOE, Boise (Rowell)
NOAA, Boise (Leonard)



United States
Department of
Agriculture

Forest
Service

Sawtooth National Forest
Sawtooth National Recreation Area

5 North Fork Canyon Road
Ketchum, ID. 83340
208-727-5000

File Code: 2510

Date: May 10, 2005

Chuck Carnohan
Sr. Environmental Planner
Idaho Transportation Department, District 4
PO Box 2-A
Shoshone, ID 83352-0820

Dear Mr. Carnohan,

The purpose of this letter is to again clearly state our support for the Boulder Flats Wetland Mitigation Project. The Project would relocate a section of State Highway 75 out of a large wetland area adjacent to the Big Wood River north of Ketchum as mitigation for the necessary filling wetlands elsewhere along Highway 75, particularly in the Timmerman Hill area. We consider the analysis, supported by your project file, appropriate to publish in your DEIS, and you can anticipate our full concurrence with the FEIS.

The possibility of relocating this short segment of highway was first discussed in August, 1996, during a review hosted by the Idaho Transportation Department and attended by representatives of Idaho Department of Fish and Game, Idaho Department of Water Resources, US Army Corps of Engineers, Federal Highways, and the Sawtooth NRA. The purpose of the review was to find a solution to a section of roadway threatened by a meander of the Big Wood River. In the course of the review it became apparent that these threats to the highway were as a result of it's passing through over ½ mile of floodplain adjacent to the river, and that the impacts to the riverine environment from the highway were even more substantial. It was agreed by all present that the best long-term course of action would be to relocate the highway out of the floodplain through this segment if an opportunity to do so arose.

We reiterated our support for the concept in our comments to your Highway 75 planning effort in 2001. Later we were pleased when our proposal for this relocation was selected as your wetland mitigation project. Since selection, we have continued to work closely with you in project review, assuring its consistency with our Land and Resource Management Plan.

Our confidence in the ultimate success of this project continues to be reinforced by the successful results with similar projects in the area. We look forward to seeing this important project completed.

Sincerely,

Stacey K. Clark

for SARA E. BALDWIN
Sawtooth National Recreation Area Ranger

cc: Diana Atkins, Parsons-Brinkerhoff



Caring for the Land and Serving People

Printed on Recycled Paper





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5820

January 7, 2005

RECEIVED
JAN 12 2005

Regulatory Division

SUBJECT: NWW No. 012300180, ITD Key No. 3077

Mr. Charles A. Carnohan
Idaho Transportation Department, District 4
P.O. Box 2-A
Shoshone, Idaho 83352

Dear Mr. Carnohan:


Enclosed is a copy of our approved jurisdictional determination for the proposed SH-75 Timmerman to Ketchum project located in Blaine County, Idaho. The project limits contain waters of the United States that are regulated under Section 404 of the Clean Water Act. We reviewed the wetland delineation map entitled "Timmerman" dated October 6, 2004, prepared by Shapiro & Associates and have determined the map accurately delineates the extent of waters of the United States, including wetlands for the project corridor. Copies of the approved maps are enclosed. The jurisdictional areas indicated on the map include 2.48 acres of wetlands, creeks, and irrigation canals which are hydraulically connected to the Big Wood River. This jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

We are enclosing an appeals form that explains the options you have if you do not agree with this approved jurisdictional determination. If you decide to appeal this determination, you need to send the form to the Division Engineer, Northwestern Division, so he receives it within 60 days of this letter. If you have new information you want us to consider, you may send it to the Regulatory Division, Walla Walla District, at the letterhead address before you file the appeal.

Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States, including wetlands. This includes excavation activities which result in the discharge of dredged material and destroy or degrade waters of the United States. If your proposed project will involve discharging dredged or fill material into tributaries of the Big Wood River or adjacent wetlands, you will need to obtain a Department of the Army permit before you start work.

If you have any questions, please contact me at 208-345-2287. A copy of this letter is being sent to: Ms. Diana Atkins, Parsons Brinckerhoff, 488 East Winchester Street, Suite 400, Murray, Utah 84107; Mr. Dave Kordiyak, Shapiro & Associates, Plaza 7, 5257 Fairview Avenue, Suite 140, Boise, Idaho 83706; Mr. John Olson, Environmental Protection Agency, Idaho Operations Office, 1435 North Orchard Street, Boise, Idaho 83706.

Sincerely,


Nicholle M. Rowell
Regulatory Project Manager

Enclosures

DISTRICT OFFICE: Walla Walla (CENWW)
FILE NUMBER: NWW No. 012300180, ITD Key No. 3077

PROJECT LOCATION INFORMATION:

State: Idaho
County: Blaine
Center coordinates of site (UTM): Zone: 11 North: 4839267 East: 712786
Approximate size of area (parcel) reviewed, including uplands: 300 acres
Name of nearest waterway: Big Wood River
Name of watershed: Snake River Watershed

JURISDICTIONAL DETERMINATION

Completed: Desktop determination ☒ Date: December 8, 2004
Site visit(s) ☒ Date(s): November 19, 2002

Jurisdictional Determination (JD):

☐ Preliminary JD - Based on available information, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:

☒ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: formfld.

☒ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: formfld.

☒ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

☒ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☒ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☒ (2) The presence of interstate waters including interstate wetlands¹.

☒ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☒ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☒ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:*

Irrigation Canals, Willow Creek, Trail Creek are Category (5) tributaries because they flow into the Big Wood River, which flows into the Malad River, which flows into the Snake River, which is a Category (2) interstate waterway. Wetlands bordering the identified waterways have been delineated in accordance with the 1987 Wetland Delineation Manual and positive indicators or hydrology, hydric soils, and wetland plants were confirmed. In *Headwaters v. Talent Irrigation District*, 243 F.3d 526 (9th Cir. 2001), the court held that canals, ditches, and drains that are capable of carrying pollutants to navigable waters are tributaries under the Clean Water Act. Northwestern Division of the US Army Corps of Engineers views that court case as binding in the geographic jurisdiction of the US Court of Appeals for the Ninth Circuit, which includes Idaho. Therefore, these waterways are considered waters of the United States.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- ☒ Ordinary High Water Mark indicated by:
- ☒ clear, natural line impressed on the bank
 - ☐ the presence of litter and debris
 - ☐ changes in the character of soil
 - ☐ destruction of terrestrial vegetation
 - ☒ shelving
 - ☐ other:
- ☐ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
 - ☐ fine shell or debris deposits (foreshore)
 - ☐ physical markings/characteristics
 - ☐ tidal gages
 - ☐ other:
- ☐ Mean High Water Mark indicated by:
- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
- ☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Shapiro and Associates

Basis For Not Asserting Jurisdiction:

- ☒ The reviewed area consists entirely of uplands.
- ☒ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☒ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
 - ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
 - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
 - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: formfld
 - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: formfld
 - ☐ Other (explain): formfld

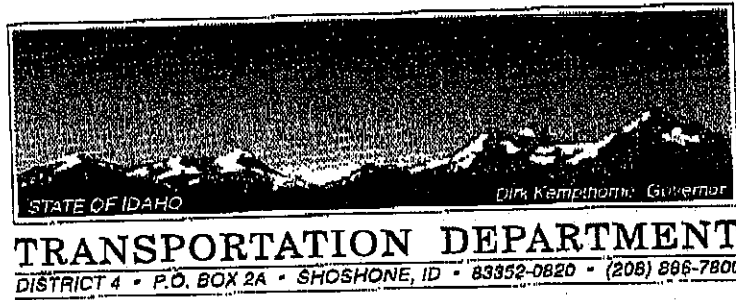
DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☒ This office concurs with the delineation report, dated October 6, 2004, prepared by (company): Shapiro & Associates
- ☐ This office does not concur with the delineation report, dated formfld, prepared by (company): formfld
- ☒ Data sheets prepared by the Corps.
- ☒ Corps' navigable waters' studies:
- ☒ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps:
- ☒ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☒ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☒ USDA Natural Resources Conservation Service Soil Survey:
- ☒ National wetlands inventory maps:
- ☒ State/Local wetland inventory maps:
- ☒ FEMA/FIRM maps (Map Name & Date):
- ☒ 100-year Floodplain Elevation is: (NGVD)
- ☒ Aerial Photographs (Name & Date):
- ☒ Other photographs (Date):
- ☒ Advanced Identification Wetland maps:
- ☒ Site visit/determination conducted on: November 19, 2002
- ☒ Applicable/supporting case law: formfld
- ☒ Other information (please specify): formfld

Preparer: Nicholle Rowell Date: January 7, 2005

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or



May 22, 2002

Shoshone-Bannock Tribal Council
Blaine J. Edmo, Chairman
PO Box 306
Fort Hall, ID 83203

RE: Timmerman to Ketchum EIS
Blaine County
Project No. STP-F-2392(035), Key No. 3077

Dear Mr. Edmo:

The Idaho Transportation Department (ITD), District Four, in compliance with Federal Aid Requirements, is performing an Environmental Impact Statement for the proposed improvement of a 23 mile section of State Highway 75. The Federal Highway Administration (FHWA) and the Idaho Transportation Department (ITD) are preparing an environmental document to address future transportation improvements for State Highway 75 from the Timmerman junction at Highway 20 to Saddle Road in Ketchum. The attached vicinity map shows the location of the project. Ongoing concerns in this travel corridor have led ITD and FHWA to commit to the preparation of a comprehensive environmental analysis under the National Environmental Policy Act (NEPA). In accordance with NEPA, FHWA published a Notice of Intent in the October 4, 2000 edition of the Federal Register to prepare an environmental document.

PURPOSE OF THE PROJECT:

The project improvements will provide a roadway infrastructure in the existing State Highway 75 corridor that will safely accommodate a wide range of highway users, including goods movement and transit and accommodate travel needs now and in the future.

CONTINUED

STATE OF IDAHO — TRANSPORTATION DEPARTMENT

Shoshone-Bannock Tribal Council

May 22, 2002

Page 2

NEED FOR THE PROJECT:

Highway users are currently experiencing significant peak hour congestion that is adversely impacting travel times. Anticipated growth in the Wood River Valley over the next 20 years will result in higher levels of congestion on Highway 75 and access points to it thus increasing the potential for accidents. Travel time advantages for participants in the Wood River Rideshare and the newly implemented Wood River Transit service will require supporting the highway infrastructure. Users accessing Highway 75 from driveways and cross streets have difficulty entering the traffic stream. Growth over the next 20 years will exacerbate this situation. Crossings of Highway 75 for pedestrians and bicyclists to access area amenities are limited.

NEPA PROCESS:

The NEPA process includes the following phases:

- **Public and Agency Scoping:** Identification of community and regulatory agency issues and concerns. The formal scoping period concluded in January of 2001; however, additional comments are welcome from all stakeholders.
- **Purpose and Need:** Definition of the need for and purpose of any transportation improvements that might be considered. Development of a draft purpose and need chapter is currently underway.
- **Definition of Alternatives:** Identification of alternative ways to meet the purpose and need. Development of project alternatives will occur over the next 3 or 4 months. Alternatives are expected to be confined within the existing Highway 75 corridor. No new roadways or corridors are under consideration or have been suggested by stakeholders.
- **Impact Analysis:** Analysis of the impacts of the alternatives on natural resources, manmade resources and the communities in the Wood River Valley. The identification of resources is proceeding. The impacts of the project alternatives on those resources will be assessed later this year.
- **Environmental Document:** Preparation of the comprehensive environmental document. This is expected to be developed over the 2002/2003 winter period.
- **Public Hearing:** Public review of the NEPA document and public hearing. This is anticipated to occur in mid-2003.

CONTINUED

STATE OF IDAHO — TRANSPORTATION DEPARTMENT

Shoshone-Bannock Tribal Council

May 22, 2002

Page 3

As required by Section 106 of the National Historic Preservation ACT (NHPA), ITD is sending this letter to initiate consultation and to solicit your concerns regarding cultural resources. We are requesting your comments to help identify any concerns associated with the implementation of this project. A map and a detailed description of the proposed project is attached.

The ITD District Four Office has retained Parsons Brinckerhoff Quade & Douglas of Salt Lake City, Utah to prepare the environmental document and preliminary engineering. Shapiro and Associates of Boise have been subcontracted to perform cultural and ecological surveys. We are still early in the planning process as the consultant team is now gathering data. Our goal is to gather information from tribes, local governments, state and federal agencies, businesses, property owners and the general public early in the planning process. Project planners will use this information to identify issues and options, which will then be analyzed for their potential environmental impacts.

Thank you for your help. Please call our Project Manager, Chuck Carnohan, at 208-886-7823, should you need more information or have any questions regarding this project. Our website at www.SH-75.com also provides additional information for your convenience and current project status.

Sincerely,

ORIGINAL SIGNED BY:

DEVIN O. RIGBY, P.E.
District Engineer

DOR:cc

Attachments

cc: Parsons Brinckerhoff
Eastern Shoshone Tribal/Chair

bcc: FHWA
ES
HA
DF
DE#4
ADE
PDE
SEP



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

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ENVIRONMENTAL

October 31, 2005

Reply To: HFO-ID

Glenda King
Curator of Archaeology
Idaho State Historical Society
Historic Preservation Office
210 Main Street
Boise, Idaho 83702-5642

Re: SH-75 Timmerman to Ketchum Project
Project No. STP-F-2392(035), Key No. 3077
Section 4(f) De Minimis Determination

Dear Ms. King:

By way of this letter, the Federal Highway Administration (FHWA) is requesting written concurrence from the Idaho State Historic Preservation Office (SHPO) that the impacts to historic resources that would result from implementation of the proposed widening of SH-75 between Timmerman and Ketchum would be "de minimis" for purposes Section 4(f) of the Department of Transportation Act, as recently amended by Congress.

As you know, over the last several years FHWA and the Idaho Transportation Department (ITD) have been consulting with your office, pursuant to Section 106 of the National Historic Preservation Act (NHPA), on the potential effects to historic resources of the proposed upgrades to SH-75 between Timmerman and Ketchum, Idaho (which consist primarily of widening the roadway from 2 lanes to either 3 lanes or 4 lanes, depending on location). Based on that consultation, Idaho SHPO has concurred in the findings of FHWA and ITD that the proposed road improvements, as they would be constructed under Alternatives 2 or 3 in the draft EIS for the SH-75 Project, would impact seven different properties that are listed or eligible for listing on the NHPA historic register, but that these impacts would be sufficiently minor and would have "no adverse effect" for purposes of Section 106 of the NHPA. Copies of the consultation correspondence by which SHPO concurred in these "no adverse effect" determinations are enclosed.

In addition to NHPA, FHWA must comply with Section 4(f), which is codified at both 49 U.S.C § 303 and 23 U.S.C. § 138. Until recently Section 4(f) required that any time a proposed federally-approved or federally-funded highway project would result in any "use" of land designated as a Section 4(f) resource, which includes listed or eligible historic properties under NHPA, FHWA must perform an evaluation (Avoidance Analysis) to determine whether there is a "feasible and

prudent" alternative that would avoid the Section 4(f) resource.¹ With regard to the SH-75 Project, FHWA has determined that the impacts to the seven historic properties, while causing "no adverse effect" for purposes of NHPA, would nonetheless be "uses" for purposes of Section 4(f) because they would require the permanent incorporation of small areas of Section 4(f) land and resources into the expanded highway right-of-way.

Congress recently amended Section 4(f), however, when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, enacted August 10, 2005. Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes FHWA to approve a project that uses Section 4(f) lands that are part of a historic property without preparation of an Avoidance Analysis, if it makes a finding that such uses would have de minimis impacts upon the Section 4(f) resource with the concurrence of the relevant SHPO.

More specifically, with regard to Section 4(f) resources that are historic resources, like those that would be affected by the SH-75 Project, Section 6009(a)(1) of SAFETEA-LU adds the following language to Section 4(f):²

(b) De Minimis Impacts

(1) REQUIREMENTS

(A) REQUIREMENTS FOR HISTORIC SITES — The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

(C) CRITERIA — In making any determination under this subsection, the Secretary shall consider to be part of a transportation

¹ As currently codified, the pertinent language of Section 4(f) reads as follows:

[T]he Secretary shall not approve any program or project . . . which requires the use of any . . . land from an historic site of national, State, or local significance as so determined by such officials unless

(1) there is no feasible and prudent alternative to the use of such land, and

(2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

23 U.S.C. § 138; 49 U.S.C. § 303 (c). This analysis would usually be required under what is referred to as the first prong of Section 4(f). A de minimis determination does not relieve FHWA of its responsibility under the second prong to "minimize harm" to the historic sites.

² This provision will be codified as 23 U.S.C. § 138(b). Section 6009(a)(2) of SAFETEA-LU adds identical language at 49 U.S.C. § 303(d).



program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

(2) HISTORIC SITES — With respect to historic sites, the Secretary may make a finding of de minimis impact only if —

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that —

(i) the transportation program or project will have no adverse effect on the historic site; or

(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

This new provision of Section 4(f) is the basis of this letter and of FHWA's determination of de minimis impacts and request for Idaho SHPO concurrence with respect to the proposed SH-75 Project.

De Minimis Determination

As previously noted, FHWA has already made determinations, and the Idaho SHPO has already concurred in those determinations, that the uses of historic Section 4(f) properties that would be affected by the proposed SH-75 Project would cause "no adverse effect" for purposes of Section 106 of NHPA. Those determinations satisfy the identical Section 4(f) provisions added by Section 6009 of SAFETEA-LU at 23 U.S.C. § 138(b)(2)(A)(i) and 49 U.S.C. § 303(d)(2)(A)(i).

These findings of "no adverse effect" reflect a conclusion that for each Section 4(f) historic resource impacted by the SH-75 Project, those impacts will not "alter, directly or indirectly, any of the characteristics of [the] historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association." [See 36 CFR § 805(a)(1)]. Based on those findings, and taking into consideration the harm minimization and mitigation measures that have been incorporated into the proposed Project as documented in Sections 7 and 8 of the Section 4(f) Evaluation for each affected historic resource, it is the conclusion of FHWA that the



proposed SH-75 Project, as it would be implemented under Alternatives 2 or 3 of the draft EIS, would have de minimis impacts on Section 4(f) historic sites and that an Avoidance Analysis under Section 4(f) is therefore not required.

Request for Concurrence

The FHWA requests the written concurrence of the Idaho SHPO in the above-described finding of de minimis impact on historic resources from the proposed SH-75 Project. This written concurrence will be evidence that the concurrence and consultation requirements of Section 6009 of SAFETEA-LU, as they will be codified at 23 U.S.C. § 138(b)(2)(B) and (C), and 49 U.S.C. § 303(d)(2)(B) and (C) are satisfied. Concurrence can be provided either by signing and dating the signature block at the end of this letter, or by separate letter from the Idaho SHPO to FHWA at the following address:

Mr. Edwin Johnson
Field Operations Engineer
Federal Highway Administration
3050 Lakeharbor Lane, #126
Boise, ID 83703

Sincerely,

E. B. Johnson

Edwin Johnson
Field Operations Engineer

Concurrence

The Idaho State Historic Preservation Office hereby concurs that the Office has consulted with the FHWA on the impacts to historic resources of the proposed SH-75 Project, and that the Office concurs with the FHWA's finding that the Project will have de minimis impacts on historic properties for purposes of Section 6009 of SAFETEA-LU (to be codified at 23 U.S.C. § 138(b) and 49 U.S.C. § 303(d)).

By: *Kenneth C. Reid, Ph.D.*

Title: *State Archivist / Deputy SHPO*

Date: *21 Nov 05*





September 19, 2005

Marc Münch
Highway Archaeologist
Idaho Transportation Department
Statehouse Mail

Our mission: to educate through the identification, preservation, and interpretation of Idaho's cultural heritage.

RE: Addendum C to SH-75 Timmerman to Ketchum (Wetlands Mitigation Site at Boulder Flats Realignment); STP-F-2392(035), Key 3077

Dirk Kempthorne
Governor of Idaho

Steve Guerber
Executive Director

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Dear Marc,

Thank you for sending the addendum to the project referenced above. The addendum details the requested subsurface testing of site BF-2. The subsurface testing was requested to determine eligibility for BF-2.

A total of 41 auger test holes yielded no additional information regarding the prehistory of the area. Six non-diagnostic historic artifacts were recovered in Area C of BF-2. We agree site BF-2 lacks information potential beyond that already collected and lacks significant subsurface archaeological deposits. We agree the site is Not Eligible and that the project, as proposed, will have No Adverse Effect upon known historic or archaeological properties.

We appreciate your cooperation. If you should have any questions please feel free to contact Travis Pitkin at 208-334-3847 or tpitkin@ishs.idaho.gov.

Sincerely,

Glenda L. King
Glenda King
Curator of Archaeology



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Dirk Kempthorne
Governor of Idaho

Steve Guerber
Executive Director

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April 27, 2005

Marc Münch
Transportation Archaeologist
Idaho Transportation Department
Statehouse Mail

RE: Addendum, SH75 Timmerman to Ketchum;
Boulder Flats Realignment, Wetlands Mitigation Site
STP-F-2392(035), Key 3077

Dear Marc,

Thank you for sending the addendum for the project referenced above. The addendum addresses the realignment of a section of SH-75 and a section of the Harriman Trail, north of Ketchum, in Blaine County, Idaho.

A total of four historic properties are within or immediately adjacent to the additional project area. Both the Galena Toll Road (10BN306) and the Ketchum-Stanley Stock Driveway (10BN905) were determined eligible in 1998 (report no. 1998/784). We agree the portion of the Galena Toll Road to be impacted by the project is a non-contributing segment of the eligible property and that there will be no effect to 10BN306. We also agree there will be no adverse effect to the historic corridor 10BN905. Based upon negative testing results at the sparse artifact scatter (BF-1), we agree the property is not eligible and the project will have no effect.

In reference to site BF-2, we feel this artifact scatter is indeed within the Area of Potential Effect and needs to be evaluated for eligibility and project effect. We feel some mode of subsurface testing should be employed to establish site boundaries and to gain a sense of the depth, density and integrity of the deposit. An additional addendum documenting the results of this testing should be forwarded to our office for review and to finalize a project finding. The additional work should provide recommendations on eligibility and effect for site BF-2 of either "Not Eligible/No Effect", "Eligible/No Adverse Effect", or "Eligible/Adverse Effect". Findings of "Not Eligible" or "Eligible/No Adverse Effect" would allow the project to proceed with no further investigations required. A finding of "Eligible/Adverse Effect" would require a Memorandum of Agreement between consulting parties in which measures to mitigate for the adverse effects would be stipulated.

We appreciate your cooperation. If you should have any questions please feel free to contact Travis Pitkin at 208-334-3847 or tpitkin@ishs.state.id.us.

Sincerely,


Glenda King
Curator of Archaeology



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September 7, 2004

Julie Archambeault
Architectural Historian
Idaho Transportation Department
Statehouse Mail

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RE: SH-75 Timmerman to Ketchum Addendum

Dear Julie,

Thank you for sending the addendum regarding the project referenced above. The addendum addresses changes in impacts to the Bypass Canal (10BN1189), the District Canal (10BN1125) and the Hiawatha Canal (10BN1117). The addendum also addresses project changes that affect impacts to the Zabala Family Trust Storefront (Tim-16), and testing results and eligibility determination of the Walker Road Dump Site (10BN1190).

We agree the Bypass, District, and Hiawatha Canals remain eligible. However, further research has shown that two non-irrigation roadside ditches were originally recorded as contributing features of the Hiawatha Canal (branches G and H). We agree these ineligible branches are not segments of the Hiawatha Canal and that the canal remains eligible regardless of their exclusion. Project design changes have decreased the percentage of total length of each of these canals to be impacted as a result of the project. Therefore our comment of No Adverse Effect, regarding the Bypass, District, and Hiawatha Canals remains unchanged.

As our letter of April 28, 2004 indicated, we feel the Zabala Family Trust Storefront is individually eligible under Criterion C, as a rare surviving example of turn-of-the-century commercial architecture. The addendum addresses project design modifications that eliminate the need for additional ROW in front of Tim-016. Therefore, because the property's relocation or demolition will be avoided, we agree the project will pose No Adverse Effect.

Finally, in light of the results of the subsurface testing requested, we agree the Walker Road Dump Site is not eligible and that the project, as proposed, will have No Effect. Given the ineligibility of the Walker Road Dump and the design modifications that allow Tim-016 to remain in place, we feel that the SH-75 Timmerman to Ketchum project will have *No Adverse Effect* upon known historic or archaeological properties.




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September 7, 2004
Julie Archambeault
Page 2

We appreciate your cooperation. If you should have any questions please feel free to contact Travis Pitkin at 208-334-3847 or tpitkin@ishs.state.id.us.

Sincerely,


Glenda King
Curator of Archaeology

Idaho Transportation Department/State Historic Preservation Office
DETERMINATION OF SIGNIFICANCE AND EFFECTWE
ADLE
PDE
SEP

Project Title	SH-75, Timmerman to Ketchum				Project No.	STP- F-2392(035)	
District	4	Key No.	3077	County	Blaine	Field Notes	Consultant Susan Leary

CLEARANCE AUTHORIZED WITHOUT SURVEY PA ___ ER ___ Other ___

Determination of Eligibility	Site Numbers	Comments
<input type="checkbox"/> No Sites		
<input checked="" type="checkbox"/> Not eligible	See attached sheet.	
<input type="checkbox"/> Potentially eligible		
<input checked="" type="checkbox"/> Eligible	See attached sheet.	

Determination of Effect

☐ No site(s)☒ There will be no effect to the following site(s) because: See attached sheet.Rationale:Sites

- ☐ They are outside project area
- ☐ They are outside impact zone
- ☐ Final project plans will avoid them
- ☒ NR character will not be changed

See attached sheet.

☐ Site will be affected as indicated below or in the attached explanation:☐ Project will be monitored during construction due to the potential for cultural resources.
Highway Archaeologist

3/15/04

Date

SHPO Comment: I have reviewed the documentation and recommendations provided by ITD.

- ☐ 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.


for State Historic Preservation Officer

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Date



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April 28, 2004

Dan Gard
State Highway Archaeologist
Idaho Transportation Department
Statehouse Mail

RE: SH75 Timmerman to Ketchum, STP-F-2392(035), Key 3077

Dear Dan,

Regarding the project referenced above, we concur with all of the determinations of eligibility and determinations of effect with the following exceptions:

1. We feel the project will have No Adverse Effect on the Cove Canal (Tim-139), rather than No Effect.
2. We feel Tim-16 is individually eligible under Criterion C as a rare surviving example of turn-of-the-century commercial architecture. If the project design cannot be changed to avoid the structure's demolition or relocation then the result will be an Adverse Effect.
3. Tim-150 appears to be eligible as a good unaltered example of residential architecture in the Mortgage Row area (Criterion C), definitely as a contributory building in a potential district, but possibly individually eligible as well. However, we feel the project would have No Adverse Effect on this building.
4. Finally, we are not ready to agree the Walker Road Dump Site (Tim-129) is not eligible. The consultant's initial assessment is that the site is potentially eligible and will require subsurface testing to determine the deposits depth and potential to yield additional information about the settlement of the area. Because the proposed Walker Road realignment will run directly through Tim-129, we agree testing should take place to determine if the site does indeed contain eligible deposits. In the event the site is determined eligible, data recovery should take place to mitigate the adverse effect if the realignment cannot be changed to avoid the site.

We appreciate your cooperation. If you should have any questions please feel free to contact Travis Pitkin at 208-334-3847 or tpitkin@ishs.state.id.us.

Sincerely,

Glenda L. King
Glenda King
Curator of Archaeology



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SH-75 Timmerman to Ketchum; STP-F-2392(035), Key #3077

Eligible

Field/Site Number	Resource	Effect
10BN498	Oregon Short Line Railroad Grade	No adverse effect
10BN775	Mizer Ditch	No effect
10BN885	Goodale's Cutoff	No effect
10BN905	Sheep Trail	No effect
13-16101	Reinheimer Ranch	No adverse effect
13-16110	Farnlun Ranch	No adverse effect
13-1664	Henry Miller House (listed)	No adverse effect
13-4913	Cold Springs Pegram Truss Railroad Bridge	No adverse effect
13-4914	Gimlet Pegram Truss Railroad Bridge	No adverse effect
13-16171	Hailey-Ketchum Toll Road/Sawtooth Park HW	No adverse effect
Tim-02	Spring of Gladness Ranch	No adverse effect
Tim-09	Eccles Flying Hat Ranch	No adverse effect
Tim-107	Ski View Lodge	No adverse effect
Tim-109	Ketchum Korral	No adverse effect
Tim-110	Gulch Property	No adverse effect
Tim-119	Bellinger House	No adverse effect
Tim-125	Bypass Canal Irrigation System	No adverse effect
Tim-127	District Canal	No adverse effect
Tim-130	Bellvue Canal	No Adverse Effect
Tim-131	Red Top Meadows	No adverse effect
Tim-139	Cove Canal	No effect
Tim-141	Unnamed Canal	No effect
Tim-143	Mills Property	No adverse effect
Tim-148	Fuller Property	No adverse effect
Tim-153	Retinger Property	No adverse effect
Tim-154	Comstock Ditch	No adverse effect
Tim-158	Hiawatha Canal	No adverse effect

Not Eligible

Tim-03	Molyneux Ranch	No effect
Tim-04	Manning Property	No effect
Tim-05	Gregory Ranch	No effect
Tim-06	Swiftsure Ranch	No effect
Tim-07	Sluder Ranch	No effect
Tim-08	Disbennet Property	No effect
Tim-12	Pidgeon House	No effect

Tim-13	Reiss Property	No effect
Tim-14	Idaho Gas Company Employee Housing	No effect
Tim-15	Amerigas	No effect
Tim-16	Zabala Family Trust	No effect
Tim-17	Feris Property	No effect
Tim-18	Bonnivier House	No effect
Tim-19	Tierney Property	No effect
Tim-20	Richmond House	No effect
Tim-21	W.G.W. Property	No effect
Tim-22	Bodner Property	No effect
Tim-23	Dean Tire Company	No effect
Tim-24	Niedrich Duplex	No effect
Tim-25	Dean Tire Co. Annex	No effect
Tim-26	Blue Haven	No effect
Tim-27	Harris Property	No effect
Tim-28	Little Triangle Subdivision South House	No effect
Tim-29	Bordleau Property	No effect
Tim-30	Old Lane Ranch	No effect
Tim-31	Salter Property	No effect
Tim-32	Schwartz Property	No effect
Tim-33	Jessen Duplex	No effect
Tim-34	Chapman's Cloverly Ranch	No effect
Tim-106	Sharbinin House	No effect
Tim-120	Historic Canal	No effect
Tim-121	Depression and associated artifact scatter	No effect
Tim-122	Willow Creek Headgate	No effect
Tim-123	Old SH-75	No effect
Tim-124	Willow Creek Ditch System	No effect
Tim-126	Historic Barn	No effect
Tim-128	County Chalet	No effect
Tim-129	Walker Road Dump Site	No effect
Tim-132	Sun Valley Animal Hospital	No effect
Tim-133	Goitiandia Property	No effect
Tim-134	Deane Johnson Property	No effect
Tim-135	Morse Property	No effect
Tim-136	The Bramble Patch	No effect
Tim-137	Law Property	No effect
Tim-138	Suntree Hollow	No effect
Tim-140	The Bramble Patch Annex	No effect
Tim-142	Taylor Property	No effect
Tim-144	Dearborn Property	No effect
Tim-145	Payne Property	No effect

Tim-146	Payne Property Annex	No effect
Tim-147	Haynes Property	No effect
Tim-149	Drayer Property	No effect
Tim-150	WBW Property	No effect
Tim-151	Wright Property	No effect
Tim-152	Brown Duplex	No effect
Tim-155	Baker Property	No effect
Tim-156	Smith Property	No effect
Tim-157	Clear Creek Irrigation Structure	No effect
Tim-159	Halliday Property	No effect
Tim-160	Dalgren/Slocum Property	No effect
Tim-161	Lift Tower Lodge	No effect
Tim-162	Zimmerman Property	No effect
Tim-163	Unnamed Ditches/Ketchum	No effect



IDAHO FISH & GAME

MAGIC VALLEY REGION

868 East Main Street

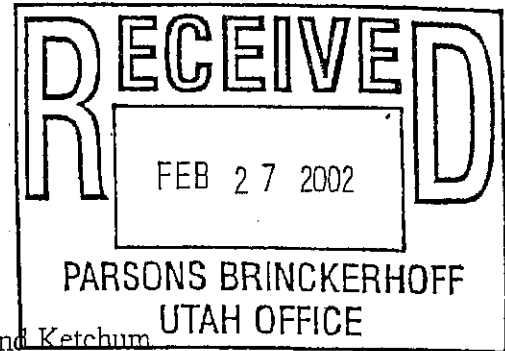
P.O. Box 428

Jerome, Idaho 83338-0428

Dirk Kempthorne/Governor
Al Van Vooren/Acting Director

February 20, 2002

Lawrence Barea
Shiparo & Associates
Plaza 7, Suite 140
5257 Fairview Ave.
Boise, Idaho 83706



Re: Highway 75 Construction Project Between Timmerman and Ketchum

Dear Lawrence,

Our agency has preliminarily reviewed the potential impacts to fish and wildlife resources by widening Highway 75 between the Hwy 20 junction and the City of Ketchum. Adding an additional two lanes to the existing highway corridor will create a permanent loss of wildlife habitat from the widening of the highway footprint. Our agency may pursue this loss through mitigation at a 2:1 ratio. Highway 75 parallels major big game migration and wintering corridors as well as areas inhabited by resident populations of deer and elk. Current estimates of the number of big game killed by vehicles traveling along this stretch of highway range between 30 and 50 deer annually along with a few elk. Please consider the following comments regarding ways to reduce the number of big game animals killed along the Hwy 75 corridor:

- Shoulders of the road and medians should be seeded only with a variety of plants that are unpalatable to ungulates. The planting of tall vegetation should also be avoided so that wildlife seeking cover will not be enticed to linger near the highway and to increase motorist sight distance and visibility. Berms should not be constructed along the highway nor should they be planted with vegetation that would attract wildlife.
- We recommend against the use of jersey barriers and guard rails which prohibit highway crossing by big game and that may also trap big game on the highway.
- There should be an increase in wildlife crossing signs in areas that have significant numbers of deer and elk hit by motor vehicles. Specifically we recommend the use of flashing signs and flagging along four reaches of the highway between mid-October and mid-November and from mid-May until late June, which are peak migration periods. These include a two-mile stretch from the Bellevue City limits southward, the stretch about one mile north and one mile south from the Deer Creek Road intersection, the stretch along the sheep driveway near Box Car Bend, and the stretch just south of the new hospital.
- There should be no increase in currently posted speed limits anywhere along the stretch proposed for upgrading. Any increases will probably result in more collisions and increases in property damage.
- Fencing along the right-of-way should be kept to a minimum. Any fencing that is permitted should be built to specifications recommended by our agency to avoid wildlife entanglement and trapping between fences along the right-of-way.

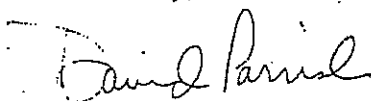
Keeping Idaho's Wildlife Heritage

Please consider the following comments regarding impacts to other fish and wildlife species:

- There are several wetlands in this area that provide habitat for birds, small mammals and aquatic species and function as filters to water that eventually flows into the Big Wood River, a popular trout fishery for anglers. Steps will need to be taken to avoid and mitigate for wetland losses.
- Work done within the mean high water level of any stream will require an application for a Stream Channel Alteration Permit, which will require our agencies input to reduce or avoid impacts to aquatic life or their habitat. This will include no instream work to be done between the dates of April 1 and July 15 to avoid disturbance of spawning rainbow trout or their redds.
- Steps will need to be taken to avoid sedimentation into streams and wetlands resulting from runoff from unprotected construction areas.
- Areas reseeded with vegetation and other disturbed areas will need to be monitored for noxious weeds.
- We recommend maintaining existing access points to the river and other trails used by anglers such as those at Box Car Bend and the bridge near Dean Tire. These pullouts and parking areas should be upgraded to be on the same grade as the new highway surface to accommodate snowplowing for wintertime angler access.
- Numerous cottonwood and other trees provide perching and nesting habitat for bald eagles and other raptors. We recommend preserving as many of these as possible.
- Bald eagles have been documented to winter in the Wood River Valley and have been observed attempting to nest there. Construction activities should be curtailed between January 15 and April 30 to avoid disturbance of wintering, courtship and nest site selection of bald eagles.
- You will need to consult with the Conservation Data Center for potential impacts to other species that may be present in the area of the project and whose migration and habitat linkage may be affected by this development. These species may include wolves, wolverine and lynx.

Thank you for the opportunity to comment on this. Please contact Chuck Warren, natural resources biologist at this office if you have any questions.

Sincerely,



David Parrish,
Magic Valley Regional Supervisor

Cc: IDFG-NRPB
IDFG-Fleming (elec)
IDFG-411 (elec)
IDFG-416 (elec)
Linda Haavik, Blaine County P&Z
USFWS, Boise

