

**APPENDIX A**

**SHPO Concurrence and NPS Coordination**



2008081100



Montana Department of Transportation

Jim Lynch, Director

2701 Prospect Avenue  
PO Box 201001  
Helena, MT 59620-1001

RECEIVED

Brian Schweitzer, Governor

AUG 27 2008

MASTER FILE COPY

ENVIRONMENTAL

14  
BY: G.H.F.

• Jones  
• MDT  
• Boulder - South  
• L. BOULDER RIVER  
• BRIDGE REPAIR

August 12, 2008

Mark Baumler, Ph.D.  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P O Box 201202  
Helena, MT 59620-1202

CONCUR  
MONTANA SHPO

DATE 25 Aug 08 SIGNED *Jon Axline*

Subject: STPP 69-1(9)22  
Boulder - South  
Control No. 2019

Dear Mark:

Enclosed is the Determination of Effect for the above project on Montana Highway 69 in Jefferson County. We have determined that the proposed project would have **No Effect** to the State Ditch (24JF1881) for the reasons specified in the document. The Little Boulder River Bridge (24JF813) is eligible for the National Register of Historic Places and will be treated under the terms of the Historic Roads and Bridges Programmatic Agreement. We request your concurrence.

If you have any questions, please contact me at 444-6258.

*Jon Axline*

Jon Axline, Historian  
Environmental Services

Enclosure

Copies: Jeff Ebert, P.E., Butte District Administrator  
Paul Ferry, P.E., Highways Engineer  
Tim Conway, P.E., Consultant Design  
Bonnie Steg, Resources Section

2010051105



Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena, MT 59620-1001

Jim Lynch, Director  
Brian Schweitzer, Governor

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MAY 28 2010

RECEIVED

MAY 11 2010

TRANSPORTATION PLANNING

MASTER FILE SHPO  
COPY

May 7, 2010

Mark Baumler, Ph.D.  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P O Box 201202  
Helena, MT 59620-1202

Subject: STPP 69-1(9)22  
Boulder - South  
Control No. 2019

CONCUR  
MONTANA SHPO  
DATE 21 May 2010 SIGNED Jon Axline

Josef  
MDI - SOUTH  
Boulder - South  
State Ditch  
(24 JF 1881)  
EFFECT

Dear Mark:

Enclosed is the revised Determination of Effect for the State Ditch (24JF1881) on the above project. Originally we believed that there would be no impact to the ditch by the proposed project. In order to ensure the proposed widened highway meets engineering standards, up to 300 feet of the ditch would need to be rechanneled outside the roadway prism. The ditch would continue to function in its historic capacity and there would be no real change to the facility as a result of the project. We request your concurrence that the project would have No Effect to the State Ditch.

If you have any questions, please contact me at 444-6258.

*Jon Axline*

Jon Axline, Historian  
Environmental Services

Enclosure

Copies: Jeff Ebert, P.E., Butte District Administrator  
Tim Conway, P.E., Consultant Design Engineer  
Bonnie Gundrum, Resources Section



# United States Department of the Interior

NATIONAL PARK SERVICE  
INTERMOUNTAIN REGION  
12795 West Alameda Parkway  
P.O. Box 25287  
Denver, Colorado 80225-0287



IN REPLY REFER TO:

H40 (IMDE-ONR) HAER

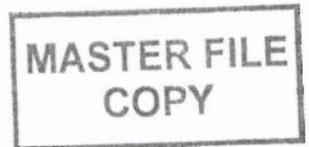
JUL 8 2010

RECEIVED

JUL 12 2010

ENVIRONMENTAL

Jon Axline, Historian  
Montana Department of Transportation  
P.O. Box 201001  
Helena, MT 59620-1001



Subject: STPP 69-1(9)22  
Boulder - South  
Control No. 2019

Dear Mr. Axline: .

Thank you for your request regarding whether it is necessary to document to Historic American Engineering Record (HAER) standards the **Little Boulder River Bridge** (24JF0813), on Highway 69, Boulder vicinity, Jefferson County, Montana.

After examining the material that you submitted regarding this simple 1940 timber stringer bridge, we believe that the written record, map and photographs that you have prepared is sufficient documentation, and it is not necessary to complete documentation to HAER standards.

If you have any questions, please contact historian Lysa Wegman-French at [lysa\\_wegman-french@nps.gov](mailto:lysa_wegman-french@nps.gov) or at (303) 969-2842. Thank you for your interest in the recordation of our Nation's endangered historic resources.

Sincerely,

Tom Keohan, Historical Architect  
Heritage Partnerships Program

cc:

Montana SHPO, HABS/HAER contact

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SEP 20 2010



U.S. Department of Transportation

Federal Highway Administration

FHWA

MONTANA DIVISION

Montana Division

September 2, 2010

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SHPO

585 Shepard Way  
Helena, MT 59601

Phone: (406) 441-3900

Fax: (406) 449-5314

www.fhwa.dot.gov/mtdiv

In Reply Refer To:

HDA-MT

Mark Baumler  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
PO Box 201202  
Helena, MT 59620-1202

CONCUR  
MONTANA SHPO

DATE 16 Sep 2010 SIGNED

• JEFF  
• FHWA  
• BOULDER -  
SOUTH  
4F DE  
MINIMIS  
FINDING

Subject: **De minimis Finding**  
Project Name: Boulder - South  
Project Number: STPP 69-1(9)22  
Control Number: 2019

Dear Dr. Baumler:

By way of this letter, the Federal Highway Administration (FHWA) is requesting written concurrence from the Montana State Historic Preservation Office (SHPO) that the determination of effect as identified on the attached exhibits is still valid. The determination for this *de minimis* finding is for the State Ditch (24F1881).

In addition to Section 106 of the National Historic Preservation Act (NHPA), FHWA must comply with the provisions of Section 4(f) of the 1966 Department of Transportation Act. Historically, Section 4(f) has required that prior to approval of any federally-funded highway project resulting in the "use" of listed or eligible historic properties under the NHPA; the FHWA must perform an avoidance analysis to determine whether there is a "feasible and prudent" alternative that would avoid the Section 4(f) resource.

In August of 2005, Section 138 of Title 23, USC, was amended under the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). Section 6009 of SAFETEA-LU provided new legislative authority to address programs and projects with minor or '*de minimis*' impacts on a Section 4(f) resource.

More specifically, Section 6009(b) (2) of SAFETEA-LU states:

(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.

### ***De Minimis* Determination**

The findings of “**no adverse effect**” and/or “**no effect**” reflect a conclusion that the uses identified in the attached exhibits 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.”

If you still concur with the “**no effect**” determination, FHWA intends to make a *de minimis* finding for the purposes of Section 4(f), as amended by Congress.

### **Request for Concurrence**

The FHWA requests the written concurrence of the Montana SHPO in the above-described finding of “**no effect**” on historic resources from the subject 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) & (C), and 49 U.S.C. § 303 (d) (2) (B) and (C) are satisfied. Concurrence can be provided either by signing and dating this letter or by separate letter from the Montana SHPO to the Federal Highway Administration, 585 Shepard Way, Helena, MT 59601.

Sincerely,



Brian D. Hasselbach  
Right-of-Way and Environment Specialist

Attachments

cc: Barry Brosten, MDT Environmental Services Bureau

File: STPP 69-1(9)22 bh/lw

**CONCUR**  
**MONTANA SHPO:**

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_