



U.S. Department
of Transportation

**Federal Highway
Administration**

Western Federal Lands Highway Division
610 E. Fifth Street
Vancouver, WA 98661
Phone 360-619-7700
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July 1, 2010

Dear Interested Party:

The purpose of this announcement is to provide the public an opportunity to comment on the Petty Creek Road project's effects on the protected activities, features, and attributes of two Section 4(f) resources located within the project area. The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA), in cooperation with the U.S. Department of Agriculture Forest Service (USFS), and Missoula County (County), Montana, proposes to upgrade an 11.8-mile (mi) segment of the Petty Creek Road near Alberton, Montana. Information about the Petty Creek project can be found in the *Petty Creek Road Improvement Project, MT PFH 71-1(1), Amended Environmental Assessment* (WFLHD, May 2010) (Amended EA) that can be accessed at <http://www.wfl.fhwa.dot.gov/projects/mt/petty-creek/>. Background information regarding Section 4(f), a description of the subject 4(f) resources, and proposed effects to those resources are provided below. Comments will be accepted through July 20, 2010.

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966, 49 U.S.C. § 303(2006) stipulates that the Federal Highway Administration (FHWA) and other USDOT agencies cannot approve the use of land from publicly-owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless:

- There is no feasible and prudent avoidance alternative to the use of the property.
- The action includes all possible planning to minimize harm to the property resulting from the use.

Where FHWA determines that a transportation use of Section 4(f) property results in a *de minimis* impact, use of the Section 4(f) property is permitted. *De minimis* impacts on publicly-owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not "adversely affect the activities, features, and attributes" of the Section 4(f) resource. If the project is determined to have a *de minimis* impact on a property, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is considered complete. A project's impacts to a Section 4(f) resource is considered *de minimis* if:

- 1) The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into



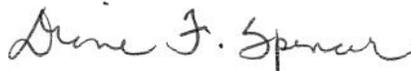
- the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).
- 2) The official(s) with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact finding based on their written concurrence that the project would not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).
 - 3) The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Two Section 4(f) resources are located within the Petty Creek Road project area. They are the Petty Pasture Trail located at approximately milepost (MP) 3.5 and the Petty Creek Sheep Viewing Trail located at approximately MP 5.1. Both of these trails are publicly owned (administered and maintained by the USFS), open to the public, have recreation as their major purpose, and are important as recreational facilities in this region of the Lolo National Forest. The Petty Pasture Trail (Trail #733) is 3.5 miles (mi) long and is open to hikers and motorcycles. The Petty Creek Sheep Viewing Trail (#721) is 0.5 mi long and is used primarily to view bighorn sheep activities in the area. There are no formally designated parking areas accessing these trails. Currently, recreational users either park on the side of the road, which is inconvenient and unsafe, or in the case of the Petty Pasture Trail, cross private property to access an informal parking area near the trailhead.

Through coordination with the USFS, the proposed Petty Creek Road project would include formalized parking areas to enhance access to each trail and provide a safer recreational experience. Impacts would include temporary closure of both trail access points during construction. Petty Pasture trailhead would be relocated approximately 60 feet to the north, and approximately the first 50 feet of the trail would be re-routed to connect to the new trailhead. Access would be re-opened once construction is complete. Accordingly, FHWA intends to make a *de minimis* impact finding for the proposed use of the above referenced Section 4(f) properties.

If you have any comments you'd like to offer regarding the proposed effects on the protected activities, features, and attributes of the Petty Pasture Trail and the Petty Creek Sheep Viewing Trail, please send them to the address provided in the letterhead above or to pettycreek@mail.wfl.fhwa.dot.gov. Comments will be accepted until July 20, 2010. For questions, contact Terry Schumann at (360) 619-7607.

Sincerely,



for David K. Kennedy,
Environmental Manager