

NEPA/CEQA PROJECT SCOPING QUESTIONS

PROPOSED PROJECT:

Building three wildlife overpass structures on Hwy 20 at Targhee Pass. The intended future objective is declaring a migratory corridor for Elk, with possible other corridor declarations, for the purpose of connecting the land to Yellowstone National Park. Furthermore, it is possible the intention of the US Forest Service at this pass is to promote an overlay of corridor protection that will achieve the objectives of initiatives such as the Heart of the Rockies, Yellowstone to Yukon, High Divide, and Crown of the Continent.

1. PROJECT WETLANDS AND RIPARIAN AREAS

1.1 In contemplating three overpass at Targhee Pass has any consideration been given to the effect it will have on the drainage, streams, creeks, or other riparian systems on or near this project site?

1.2 Are any of these three overpasses located within a wetland or riparian area designated on a National Wetlands Inventory map of the Department of Interior (DOI)?

1.3 Does the project comply with Executive Order (E.O.) 11990, Protection of Wetlands, which discourages federal funding of new construction or filling in wetlands and compliance is required with the wetlands decision-making process (§ 55.20 of 24 CFR Part 55). The applicant should use Part 55 published in the Federal Register on January 1, 1990 for wetland procedures).

1.4 4-5 miles south of Targhee Pass is the actual location where Elk and other wildlife cross Hwy 20. At this site, a wetland is located on the westside on private property. What provisions will be made for the Elk in place of this wetland which they use currently during their migration?

1.5 Private land and the Big Horn Hill Estates are located on the eastside. Given that wetlands are protected, what protections are anticipated regarding the three proposed overpasses?

1.6 What anticipated effects would three wildlife overpasses in this area have on existing private property wells and septic systems?

1.7 What consideration has been given to the damaging effects three overpasses would have on the riparian areas at Targhee Pass?

2. FLOOD MANAGEMENT

2.1 Are any of these three overpasses within a floodplain designated on a current FEMA flood map? (24 CFR Part 55).

2.2 Is the proposed overpasses footprint located in a Special Flood Hazard Area identified on a current Flood Insurance Rate Map (FIRM)?

3. HISTORIC PRESERVATION

3.1 Has the Island Park Historical Society been notified of the project and request ed to provide comments?

3.2 Is the affected property listed on or eligible for listing on the National Register of Historic Places?

3.3 Are any of the three overpasses located within or directly adjacent to an historic district?

3.4. Do the overpass areas potentially effect historic districts or property?

- 3.5 Has the Tribal history in and around Targhee Pass area been considered and the impact three overpasses would have in disturbing these sites?
- 3.6 Of the Tribes who have a historical connection to the proposed land including but not limited to the Nez Perce, Flathead, and Bannock, what Tribes have been contacted, what comments were submitted, and how has that information been included in the NEPA process for this proposed action?
- 3.7 What studies have been conducted to determine what historical artifacts remain in the Targhee Pass area at the proposed site?
- 3.8 Pioneer Cemetery is located on private land at the Hwy 87 junction. Targhee Cemetery, having been instituted around 1900, is located on the Salisbury Ranch, and rests on the banks of Targhee Creek. What consideration has been given for the protection of these cemeteries which hold historical value to the Island Park community to ensure their preservation, especially if it is the intention to divert Elk to overpasses and thus altering their migratory path?
- 3.9 Which Tribes have supported the building of three overpasses at Targhee Pass?

4. NOISE ABATEMENT

- 4.1 What studies have been conducted on the potential noise effects of three overpasses from the local airplane landing strip and highways such as Hwy 20 and 87?
- 4.2 Would three overpasses comply with 24 CFR 51, Subpart B that requires a Noise Assessment for proposed new construction?
- 4.3 Has a noise contours map been developed for three proposed overpasses and does it show Day-night average sound level (abbreviated as DNL)?
- 4.4 What procedures or guidelines will be developed that allows community members or adjacent property owners to formally complain about inordinate or unanticipated noise from three overpasses?

5. PROJECT RELATED HAZARDS

- 5.1 Has the site been studied for a potential increase in invasive species which have been known to occur in wildlife overpasses?
- 5.2. If the site has not currently been studied for this as described in 5.1 above, should it be? If not, why?
- 5.3 Would three overpasses include a full inventory and assessment of all potential invasive species?
- 5.4 Have the overpass sites been studied for a potential increase in predatory activity which have been known to occur in wildlife overpasses?
- 5.5 Studies have shown that there is increased predator activity on the fringes of protected areas such as Yellowstone National Park and with a concentrated area of prey. What studies have been conducted regarding this and if not conducted, why? Are there any intentions to study this issue?
- 5.6 The spread of brucellosis by Bison is currently a concern, especially to the cattle in the Island Park area. What studies have been conducted regarding the potential spread of this disease with concentrated Elk in three, small defined areas required for overpasses?
- 5.7 What studies have been conducted for the potential transmission of brucellosis to humans from Elk who have been infected?
- 5.8 In the event Elk are infected with brucellosis as a result of more confined migration, what action would ITD intend to take?

5.9 Elk are migratory in this area only during the spring and fall. What consideration has ITD given to significantly disrupting the landscape for 20 days out of the year? What other alternatives have been studied for Targhee Pass during these times of migration that do not involve such disruption of the land?

6. AIRPORT HAZARDS

6.1 Are the three overpasses within 3,000 feet from the end of an air strip runway?

7. WATER

7.1 Will the three overpasses affect a sole source or other aquifer?

7.2 What is the total anticipated impervious surface coverage estimated for the three overpasses?

7.3 What percentage of the project site is proposed for impervious surface, and how does this surface impact existing elements addressed in Section 1 above?

7.4 Does the proposed overpass sites currently serve as water supply to local landowners?

7.5 What mitigations are proposed for water supplies at Targhee Pass that will not affect or ameliorate water supplies of adjacent residential neighborhoods businesses, and other land uses currently receiving adequate water?

7.6 How will ITD assure the local government and surrounding community that costs associated with an altered water supply as a result of three overpasses will be fully accommodated, and not a burden imposed upon local governments, local water districts or providers, or local property owners?

8. SEWER, SANITATION AND WASTE DISPOSAL

8.1 Are there currently any septic tanks at the three overpass sites?

8.2. How will current waste water disposal systems be impacted by three overpasses, and at what cost?

8.3 What additional wastewater disposal systems would be required and how will building three overpasses impact existing and connecting infrastructure in terms of capacity and annual cost?

8.4 If the water supply is non-municipal, has an acceptable "system" been considered?

9. ENVIRONMENTAL JUSTICE

9.1 Are the three overpasses located in a predominantly minority or low-income neighborhood?

9.2 Do the three overpasses or neighborhood suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community-at-large?

10. UNIQUE NATURAL FEATURES AND AREAS

10.1 Are the three overpasses near natural features (i.e., bluffs or cliffs) or near public or private scenic areas? If so, what site and construction adjustments would be considered to protect scenic viewsheds or other public entitlements?

10.2 Are other natural resources visible at Targhee Pass or in the vicinity? Will any such resources be adversely affected or will they adversely affect the project?

10.3 A wildlife overpass would significantly alter the natural integrity of the landscape and historical integrity, and view as it is now. How does ITD intend to offset or mitigate this natural landscape disruption and current view?

11. SITE SUITABILITY

11.1 What residual impacts will occur with three overpasses at Targhee Pass?

11.2 What impact will fencing have in the area on private land and for other wildlife? If studies have not been conducted on this, why, and when will studies be conducted?

11.3 Are there unusual conditions on the site that three overpasses will affect?

11.4 Is there any indication of currently distressed vegetation at the proposed site for three overpasses?

11.6 Are there pools of liquid or soil staining, chemical spills, abandoned machinery, cars, refrigerators, etc. at any of the three proposed overpass sites?

11.7 Are there existing or abandoned transformers, fill/vent pipes, pipelines, drainage structures at any of the three proposed overpass sites?

11.8 Are the three proposed overpass sites compatible with surrounding areas in terms of:

11.8.1 Land use

11.8.2 Residential type (low/high-rise)

11.8.3 Residential density

11.9 Will the proposed three overpasses influence or be unduly influenced by:

11.9.1 Postponed maintenance

11.9.2 Transition of land uses

11.9.3 Incompatible land uses

11.9.4 Fencing

11.10 The Fall River rural electric power line and Fremont Communications fiber runs along the westside of Hwy 20, the poles being located on private land.

11.10.1 What studies will be conducted to determine if any of these lines will need to be moved with three overpasses?

11.10.2 Have the private property owners been contacted regarding the possibility that their land may be affected if the lines need to be moved? If not, why?

11.10.3 If it is determined the lines will need to be moved who would be responsible for the costs?

11.10.4 What would the cost be to move these lines?

11.10.5 If the lines have to be moved what plans will be made to ensure there will be no disruption of service to customers?

11.11 Fencing will require hazing Elk to use overpasses. What studies have been reviewed showing the effect of this on Elk? Who will be responsible for this activity and what agency will be responsible for the cost?

11.12 What agency will be responsible for the ongoing maintenance, repair, and replacement of fencing?

11.13 What private landowners have been contacted regarding either the disruption of their land or intention to use fencing on their land? If they have not been contacted what is the plan for contacting them?

11.14 During the winter snow can be 10-17 feet high. What studies have been conducted or provisions considered for addressing this if three overpasses are built?

11.15 Cutting the trees lines back to address the problem of snow drifting and wildlife crossings has been successful in other areas of Island Park. What rationale is being used to not do the same at Targhee Pass rather than building three overpasses?

12. AIR QUALITY

12.1 Will three overpasses have an effect on nuisance odors?

12.2 What mitigations are proposed for possible nuisance odors?

13. SOIL CONDITION, QUALITY, STABILITY, EROSION AND DRAINAGE

13.1 Describe the site elevations and any accommodations required for significant slopes.

13.2 Is there evidence of slope erosion or unstable slope conditions on or near the three overpass sites?

13.3 Is there any evidence of potential soil problems such as cracking or resettling of foundations in residential areas from three overpasses?

13.4 Have soil reports or studies or borings been made for the three proposed overpass sites? If so, what are the findings of soil studies accomplished?

13.5 Is there indication of cross-lot runoff, swales, drainage flows on property?

13.6 Are there visual indications of filled ground? What assurances has ITD developed to ensure soil stability for construction footprint and impervious surfaces?

13.7 Are there active rills and gullies at the three proposed overpass sites?

13.8 Have structural borings or dynamic soil analysis been requested in association with geological studies?

14. NUISANCE AND HAZARDS

14.1 Will any of the three overpasses be affected by seismic faults, or fractures?

14.2 Will any of the three overpasses be affected by wind/snowstorm concerns?

14.3 Will any of the three overpasses be impacted by poisonous plants, insects or animals onsite?

14.4 Are there unprotected water bodies located at the three overpass sites?

14.5 Are there other hazardous terrain features at any of the three proposed overpass sites?

15. ROADS TRAFFIC AND TRANSPORTATION

15.1 Has a traffic study been conducted for the proposed project that is specific to the three overpass sites, and not just generic to Targhee Pass?

15.2. Has a traffic study accommodated existing traffic counts experienced at the proposed overpass sites, and then projected appropriate increased traffic counts based upon days of the week, hours of the day or night, during tourist season, and during migratory periods?

15.3 Has a traffic study calculated existing road maintenance requirements with anticipated road maintenance with three overpasses? What are project costs associated with three overpasses?

15.4 What is the projected weekly, daily and hourly traffic count for the three sites, and how does this translate to an annual traffic increase that impacts adjacent properties and neighborhoods?

15.5 What is the projected weekly, daily and hourly traffic counts for the site specifically during the highest migratory times in the spring and fall?

15.6 What mitigations are proposed to accommodate traffic generated by the proposed overpasses with existing traffic counts and flows at and adjacent to the three overpasses?

15.7 Will three overpasses affect or be affected by ingress and egress streets?

15.8 Will three overpasses affect or be affected by dangerous intersections?

15.9 What mitigations (i.e. traffic signals, signs) are proposed to ameliorate traffic changes and activity associated with three overpasses? What is this cost and how will it be accommodated without affecting costs of adjacent local governments?

15.10 What are the proposed mitigations for biking and pedestrian pathways at or near the vicinity of three overpasses, and what mitigations does the applicant propose to ensure the safety and non-interference of use of these public pathways?

15.11 How will ITD ensure that increased capacity needs of possible future transportation will be accommodated at the sole expense of ITD and not the local governments?

15.12 Will private transportation systems be required and/or implemented in association with three overpasses?

16. CHILDREN, SCHOOLS, PARKS, AND RECREATION

16.1 What is the proximity of public schools to the project site?

16.2 Are there usual and customary children's play areas within the vicinity of the three overpasses?

16.3 Do public school buses travel the road systems associated with the three overpasses, and if so, how will traffic mitigations proposed by ITD ensure safe and timely schedules for public school transportation needs?

16.4 Are there usual and customary recreational areas in the vicinity of the three overpass sites that are currently utilized by the adjacent community, and if so, how will the users of these recreation areas be affected by overpasses?

16.5 What studies have been conducted on the recreational use of Targhee Pass?

17. LIGHT AND GLARE

17.1 How will ITD assess project site light and glare with three overpasses?

17.2 What mitigations will ensure that onsite and offsite light and glare will comport with adjacent local government light, glare and signage requirements?

17.3 What procedures are proposed for adjacent neighbors who wish to legitimately complain of excessive light or glare from three overpasses?

18. COMMERCIAL AND/OR RETAIL ANCILLARY USES

18.1 Please identify how each and every commercial site near three overpasses might be affected currently and over the next ten (10) years.

19. HOUSING & OVERNIGHT TOURIST ACCOMMODATIONS

19.1 Has ITD studied the current housing stock and occupancy rates of adjacent communities? If so, what will the workforce be impacted by three overpasses?

19.1.1 Local community housing needs, projected over the next ten years.

19.1.2 Local housing sales and rental rates, projected over the next ten years.

19.1.3 Local housing over-crowding and code enforcement conditions that might impact adjacent communities, projected over the next ten years.

19.2 How will ITD contribute to a stable and affordable housing stock supply consistent with the ITDs proposed workforce housing needs?

19.3 How will three overpasses impact existing hotels, motels, RV facilities and other overnight tourism lodging facilities?

20. LOCAL ECONOMIC IMPACTS

20.1 What nationally accepted professional or scholarly data is the applicant using to evaluate the impact upon the Island Park tourism industry and the potential income loss

to adjacent commercial, retail, restaurant, recreational and lodging facilities, over the next ten years?

20.2 Please describe whether or how ITD proposes to hire a local workforce, and how this potential transition of workers from current employment to future employment with ITD might impact the local workforce?

20.3 Does ITD anticipate hiring a workforce from outside of the immediate community? If so, from what sources will ITD recruit its workforce?

21. LAW ENFORCEMENT, CRIME AND PUBLIC SAFETY

21.1 How will activity with three overpasses impact resources of local, county and state law enforcement, over a projected ten-year period?

21.2 What law enforcement and public safety plans have been developed for three proposed overpasses that will be commensurate with area law enforcement and public safety needs, projected over a ten year period?

21.3 What cost mitigations is the applicant proposing to offset impacted and increased law enforcement personnel needs of agencies serving three overpasses?

21.4 What nationally accepted professional or scholarly data is ITD using to evaluate the impact of potential crimes such as poaching or crimes traditionally associated with wildlife?

21.5 What mitigations in terms of personnel, monitoring systems, or other methods is ITD proposing to minimize the impact of anticipated crime associated with Elk and other wildlife?

22. ALTERNATIVE SITE ANALYSIS

22.1 Please identify by assessor parcel number or location, each and all sites considered by ITD, prior to selecting Targhee Pass as the preferred site.

22.2 For each alternative site identified in Question 22.1 above, please describe the level of analysis conducted, and explain why those sites were rejected, in preference for Targhee Pass. Was Targhee Pass selected due to its proximity to Yellowstone Park and advancement of connectivity?

22.3 For each alternative site considered and discussed in Question 22.2 above, please identify the process and professionals that made determinations that have ultimately assessed Targhee Pass as the environmentally preferred site. What professionals are being used who are unbiased towards overpasses and are more objective in the use of other alternatives?

23. COOPERATION OF LOCAL GOVERNMENT

23.1 Please provide documentation of all meeting minutes and communications with Fremont County Commissioners regarding this proposed action.

23.2 Please provide documentation of all meeting minutes and communications with the Island Park City Council.

23.3 How many meetings were conducted with the Fremont County Commissioners and Island Park City Council regarding three overpasses at Targhee Pass?

23.4 What was the agenda and topic of conversation with the Fremont County Commissioners and Island Park City Council members regarding overpasses and Targhee Pass?

24. TRIBES

24.1 What Tribes were contacted regarding three overpasses at Targhee Pass?

24.2 How many meetings were held with the affected Tribes at Targhee Pass?

24.3 What studies have been conducted to determine if Targhee Pass has significant historical Tribal value?

24.4 What comments, if any, did the involved Tribes submit?

24.5 There is historical value at Targhee Pass. 1840 -The Flathead Tribe traveled through Island Park to Pierre's Hole to meet with Father DeSmet. It is known that they then traveled back to Island Park, camping at Henry's Lake. This is validated by a rock that was later discovered and inscribed with "July 23, 1840 DeSmet". Given the Tribe was 1600 in strength it is apparent Targhee Pass would have been part of this journey. 1877 – Chief Joseph of the Nez Perce Tribe led his Tribe on a 'flight for life' from the U.S. Army under the command of General O.O.Howard. General Howard intercepted the Nez Perce in Island Park at Targhee Pass, having set up a barricade. The Flying R Ranch has testimony available to this fact. Later, the Bannock Tribe was involved as guides, schouts, and messegners. Essentially the Nez Perce had escaped through Targhee Pass.

24.5.1 What studies have been conducted on the Targhee Pass for historical artifacts from this time period? If not, when does ITD intend to conduct these studies?

24.5.2 Were the Flathead, Nez Perce, and Bannock Tribes contacted for Comments on the intention to disrupt this land for wildlife overpasses?

24.5.3 Has an archeological study been conducted on this site? If not, when will it be done?

24.5.4 Targhee Pass is located within the historic Bannock Trail since the 1870s. What outreach has been done with the Bannock and other Tribes for their comments on disruption of this historic and cultural site? If outreach has not been conducted what is ITD's intent to do so?

25. PUBLIC PARTICIPATION

25.1 What efforts were made to conduct outreach to all IP residents for input from the beginning, at the time when ITD was contemplating road construction at Targhee Pass?

25.2 Please provide documentation of the percentage of Island Park residents that were contacted when the project at Targhee Pass was only being considered, and at the initiation of the EA. When is the exact time the EA was initiated?

25.3 What plans, if any, does ITD propose to ensure that all IP residents will be informed of this project, provided regular and consistent updates, and provided various methods to submit comments?

26. NEPA

26.1 NEPA requires that any proposed action gives consideration to "cumulative impacts".

26.1.1 The eventual goal is to declare Targhee Pass as part of a wildlife corridor. What impact will this have on the overall socio-economic, recreational, multi-use, land development, and cultural structure of Island Park?

26.1.2 Upon defining the Targhee Pass as a corridor the next goal will be to use this as a juncture for connectivity to other corridors (such as riparian, ecological, ecosystem, biodiversity), including Yellowstone Park. What studies have been conducted on the impact this will have on the overall socio-economic, recreational, multi-use, land development, and cultural structure of Island Park?

26.1.3 Given the goal of connectivity, this will then proceed to more restrictive land use including buffer zones, restrictive development, and private land restrictions. What impact will this have on the overall socio-economic, recreational, multi-use, land development, and cultural structure of Island Park?

26.1.4 Island Park is comprised of BLM, USFS, and private land near Targhee Pass. What future goals does ITD have for an overlay in this area?

26.1.5 If this proposed action leads to the final objective for an overlay how does the applicant intend to acquire private land?

26.1.6 What role does the Great Northern Landscape Conservation Cooperative, High Divide, Yellowstone to Yukon, Western Governor's Association, Henry's Fork Legacy Project, Master Naturalists, IDFG, USFS, and Center for Large Landscape Conservation have in this proposed action?

26.1.7 Please provide documentation on all communications with the groups listed in 26.1.6.

26.1.8 What environmental impact is anticipated to the Targhee Creek, TyGee, Creek, Dry Fork, Howard Creek, and Timber Creek should an overlay be accomplished?

26.1.9 What is the intention to use the State Wildlife Strategic Action Plan in the proposed action especially if the goal is an overlay?

26.1.10 What is ITD's intention for land acquisition for this proposed action whether via the USFS, BLM, or private property?

26.1.11 What role does Renee Seidler have as a road ecologist when other NEPA category requirements have not been met or studied? Does this not give the impression that a decision for three overpasses has already been made and goals of corridor, connectivity, and overlay are being implemented, especially since her previous work was for wildlife corridors and connectivity?

26.1.12 Please provide all documentation of communication with Renee Seidler.

26.1.13 What intentions does ITD and the USFS have for an eventual overlay in the Targhee Pass or Island Park area?

26.1.14 What impacts does ITD anticipate on land use regulations and restrictions if an overlay is applied?

27. ADMINISTRATIVE RULES

27.1 Any violation of NEPA can be challenged for violating the Administrative Rules Act. Is ITD confident that NEPA has been followed faithfully up to this point?

27.2 Studies conducted up to this point have failed to fully address all NEPA category requirements but instead narrowly focused on just WVC. What does ITD propose to study in order to fulfill all NEPA requirements in the event they choose to proceed with incorporating overpasses?

28. ALTERNATIVES – Clearly at the 7/27/17 meeting there was a severe lack of all possible alternatives for WVC reductions, with overpasses being promoted as the preferred solution.

28.1 Why is any discussion about the creation of corridors for connectivity avoided?

28.2 Why are the involved NGOs not requested or required to discuss their long term objectives for the creation of corridors and long term goals of connectivity?

28.3 Does ITD support the creation of different types of corridors along Hwy 20 in addition to their own established transportation corridor?

28.4 Why haven't WVC statistics been used from the Fremont County Sheriff or Idaho State Police?

28.5 A 2009 Idaho Fish & Game report found that predatory wolf activity was the primary cause of Elk mortality. Why are the current reference studies not reporting this as part of their statistics on WVC?

28.6 Put in large flashing lights and warning signs similar to what is used at school crossings for children that warn drivers to slow down.

28.7 Prior to the above warning lights put those vibratory indentations in the road that will warn the driver to slow down.

28.8 Triple speeding fines, triple fines for collisions with Elk and notify the public you are doing it.

28.9 Studies regarding the negative impacts of overpasses and the validity of their use to promote connectivity should be included as part of the EA, and not exclusive to promoting overpasses as the only solution.

28.10 Reduce the current speed limit along Hwy 20 to 55mph, reduce the speed limit at wildlife crossings to 45mph.

28.11 Cutting back the tree line in other areas of IP has been successful, do the same at Targhee Pass.

28.12 Equal consideration for input and involvement has not been given to IP residents, But primarily given to NGOs. The individuals involved in NGOs are not IP residents, their role in this matter should be significantly reduced or eliminated.

28.13 Proceed with the current road construction with improvements but do not put in any consideration for overpasses, use all other alternative means to reduce WVC. Do not destroy Targhee Pass for these structures or make any attempts to alter the migratory path of Elk with fencing. Force people to be accountable.

29. EIS

29.1 Given the substantial requirements in each category that have not been addressed or answered, is the applicant willing to move to the EIS phase of NEPA?

29.2 Currently, multiple categories have been neglected for consideration of three overpasses at Targhee Pass. How willing is ITD to provide answers and meet NEPA category requirements given this?

28.2 Given there is inadequate study or information regarding all NEPA requirements it is obvious that any discussion regarding overpasses is premature. Is ITD willing to make a good faith effort to meet all NEPA requirements for an EA?