



Mr. Robert B. Lale, III  
Director of Project Delivery  
Federal Highway Administration  
Western Federal Lands Highway Division  
610 East Fifth Street  
Vancouver, Washington 98661-3801

December 13, 2010

Subject: Rimini Road Improvement Project - Comment

Dear Mr. Lale,

We appreciate this opportunity to comment on the proposed Rimini Road Project Environmental Assessment.

Helena Hunter and Angler Association (HHAA) members live, work, and recreate in Lewis and Clark county, and several of our members are intimately familiar with the Tenmile drainage and Rimini road area. Our official mission statement is as follows: *The Helena Hunters and Anglers Association is dedicated to protecting and restoring fish and wildlife to all suitable habitats, and to conserving all natural resources as a public trust, vital to our general welfare. HHAA promotes the highest standards of ethical conduct and sportsmanship, and promotes outdoor hunting and fishing opportunity for all citizens to share equally.*

The stated purposes of the Rimini Road project are to reduce dust and stream sedimentation, improve safety and drivability, and lessen the need for, and expense of, road maintenance.

Helena Hunters and Anglers have several concerns including: Fragmentation of wildlife habitat and the Continental Divide wildlife linkage corridor; cumulative domino effects upon the surrounding landscape; increased wildlife mortality from collisions with motor vehicles due to speed; further expansion of paved roads; catalyst for use of private land inholdings, damage to riparian areas; wetlands have already been violated; excessive side casting of road material; impairment of Tenmile Creek fishery; and spread of noxious weeds from construction activities and increased traffic to remote areas of upper Tenmile Creek.

We are and have been very interested in this project due to its juxtaposition with the Continental Divide because it is the most important wildlife linkage corridor on the Continent. We have expressed our concerns over the years to your partners at the U.S. Forest Service and Lewis and Clark County, and repeated comment has been sent to the EPA. Because the future of several wildlife species is contingent upon the ability of the Continental Divide country to

function in as ecologically intact landscape, HHAA worked with Lewis and Clark County to pass county Resolution 2008-57: *Resolution to Protect and Promote the Conservation of Wildlife Habitat and Corridors on the Continental Divide* (attached).

So, it is with more than a little concern that we see the EA for this project continues to propose grading, straightening and paving of the very rural Rimini Road. We believe this action will have far reaching irretrievable consequences for wildlife, their habitats, and wildlife movement opportunities within the Upper Tenmile drainage landscape unless certain stipulations are guaranteed.

The “Assumptions and Potential Error” sheet listed in the EA states addresses ten assumptions associated with sedimentation. The first one states: *1. The primary factor that will reduce sediment reduction is the paving of the road surface as part of the road improvement project.*

Many of our members are life-long residents of this area. As such we have seen a disturbing trend in the way rural roads have been maintained over the past 20 years (as compared to earlier years). Excessive road material has been graded off the road rather than pulled up from the sides to help crown the road, which is how grading was done in the past before fill was regularly hauled in and dumped on roads. In the process of “fill and grading,” roads have been widened, trees have been damaged and fallen, excessive dirt and debris has been cast down the banks, and the road grows wider and wider. With skillful grading, we do not think that this incremental widening and sediment damage to riparian areas and streams would have occurred. We do not see grading techniques addressed in the EA, yet the EA admits that 701 tons of sediment are pushed off into Tenmile Creek every year, and for the most part, that sedimentation is attributed to road grading. Technique adjustments and training in grading could have avoided much of the sedimentation problem, and would be an appropriate alternative to consider.

We are concerned with the filling of wetlands that we observe along the proposed route. This action is likely illegal prior to completion of the NEPA process. The proposed mitigation for wetland filling is not addressed in the EA and certainly needs to be part of any project.

We would not be as concerned with the proposed project if there had been clear assurances that the “partners” in this project would compensate for a high standard paved road with an enthusiastic effort to maintain the area’s natural values: seclusion, functional effective wildlife habitats, limited disturbance. But the Forest Service and EPA’s multi decade project to sequester mine waste on the crest of the Divide has resulted in upgraded roads right down the spine of the Divide and up the bottom of the drainage, while contributing to erosion of wildlife habitat and the Continental Divide linkage corridor through a series of upgraded roads and facilitation of illegally created motorized routes that further compromise wildlife habitats and fair chase hunting opportunities.

HHAA participated in the Tenmile Watershed Working group that met from 2008 through 2009. Among many other participants, we stressed the importance of reducing road densities for the benefit of endemic vegetation, functional soils, water quality, and fish and wildlife habitat.

It does not appear as though the Cumulative Impact Assessment relative to wildlife habitat addresses:

- Illegal road occurrence and proliferation. The EA notes that the Rimini road directly accesses 40,000 acres of public lands and secondarily accesses another 250,000 acres of public lands. Yet under the Fish and Wildlife Impact summary the EA notes that only “Minor loss of roadside habitat will occur.” We take issue with this and feel the EA was insufficient in addressing secondary impacts to wildlife habitat throughout the drainage as a result of high road densities that will be exacerbated with greater recreational access provided by the Rimini Road. Although some routes have been illegally created, miles of recently upgraded mine waste haul roads also parallel the Continental Divide wildlife linkage corridor. Although the proposed paving/widening/straightening involves 6.1 miles of the Rimini road paralleling the Continental Divide from the base of MacDonald Pass to a point that ends one mile short of Rimini and will be used for mine waste hauling, there are miles and miles of roads that have been upgraded by the EPA and USFS in order to haul mine waste to the crest of the Continental Divide so it can be dumped into the Luttrell Pit. And, on the other side of the Tenmile divide, there are miles and miles of upgraded haul roads on the Basin side where several miles of roads also parallel the Divide. This network of high standard roads and attendant illegal routes is a major concern to our membership given severely belated travel planning that has been done in the Divide landscape from either the Helena National Forest or the Beaverhead Deerlodge National Forest. In fact, the BDNF intends to increase road densities in this area. A paved Rimini Road would funnel ever more recreationists into the forest via Minnehaha Creek, Beaver Creek, and Banner Creek. We note that no mention of these previously stated concerns are addressed in the EA. These issues should have been address by the USFS as a partner in this project. **The area in question clearly calls for an objective cumulative effects analysis.**
- The EA does a good job of addressing standard development of private land parcels, but we note that while 91 of the 290 parcels are already developed in some manner, habitation of the remaining 69 percent of private parcels may not be “customary;” in fact, site inspection reveals that many inhabitants of these parcels live on site without running water or standard septic systems and access their properties via eroding roads. This type of habitation will be facilitated by speedier access and improvements that have been made to many of these sites by way of the Rimini road and EPA toxic mine waste clean up on several sites facilitating inhabitation. Topography, angle of slopes, and lack of water have not deterred people from living in Upper Tenmile. A straightened, widened, paved highway will exacerbate this “inhabitation” problem for not only rare and threatened fish and wildlife, but yearlong species such as deer, elk and moose. The EA incorrectly states, “Potentially higher growth rates, but most likely to be similar to No Action.” The type of living – without infrastructure – that is occurring in Upper Tenmile will be encouraged by ease of access.

HHAA would be more supportive of the Partial Pavement Alternative if the U.S. Forest Service (a project partner), would help balance increasing use of public lands by committing to travel management for the Divide Travel Plan that would decommission all illegal motorized routes, bring route densities within Forest Plan Standards (at or below 1.5 miles per square mile), and remove the haul road from the crest of the Continental Divide once mine waste hauling is complete. These actions would go a long way to compensate for improved highway access and deteriorating wildlife habitat security on public lands.

We firmly believe from decades of past experience, that illegal user created routes will be encouraged as a result of proposed highway construction due to the ease and attraction that a highway to the Upper Tenmile country will provide. Because HNF personnel have candidly and repeatedly expressed that they do not expect USFS law enforcement to be able to adequately meet the challenges of illegal road builders, HHAA urges WFL and U.S.DOT to work with the USFS to implement non-motorized area management for the entire upper Tenmile watershed where judiciously placed but limited, designated routes would be sanctioned. If such an approach were implemented, law abiding recreationists would be able to help police appropriately sanctioned use of public lands. For these reasons, and until stipulations are made to decrease road densities, HHAA supports the No Action Alternative.

Scoping comment from Montana Fish, Wildlife and Parks (MFWP) to the Federal Highway Administration in 2002 requested the following issues be addressed:

- Consequences to the hunting public as a result of “...increased future hunting pressure that will come with improved access to the area, and to wildlife populations in relation to reduced security, increased harvest, and altered male age structure within populations of deer and elk.”
- Cumulative impact issues with respect to impacts on wildlife be addressed including, but not limited to, the following:
  - Minnehaha Road has been substantially upgraded so increased traffic will funnel from the Tenmile Road to the Continental Divide
  - Mine waste hauling road along the crest of the Continental Divide – this road was substantially expanded to accommodate multi-ton mine waste hauling trucks
  - Increased duration of mine waste clean up due to federal budget fluctuations may extend the clean-up disturbance on the Continental Divide and in the Tenmile, Basin Creek, and Prickly Pear Creek drainages up to or beyond 20 years
  - Obstacles to wildlife movement along the Continental Divide (due to mine waste activity for 10-20 more years) and the secondary movement corridors through Beaver Creek-Park Lake-Frohner Basin which wildlife are now using to avoid the Continental Divide activity. This route however, requires wildlife to cross the Tenmile valley floor and the Rimini road as they travel east and west
  - Private property along drainage bottoms and in-holdings within the national forest that will be ripe for development, that include not only direct loss of habitat on private lands but also on public lands surrounding these areas
  - Demands for “fire control” (thinning and logging) to protect human structures and thus severely alter natural environments (naturally burned areas create natural habitats for fire dependent species, but standing burned trees and thus the

- specialized habitat that occurs is usually considered “salvage timber” and is thus destroyed)
- Increased recreational usage and dispersal throughout the Tenmile drainage and adjacent areas (Prickly Pear, Basin Creek, Little Blackfoot)
  - Adjacent vegetation manipulation projects in the Little Blackfoot and Prickly Pear drainages that are on-going and recently completed (Minnehaha timber harvest): disturbance of activity itself, and consequences including road development for timber harvest, increased human recreational access, decreased wildlife security (roads and timber removal) and habitat effectiveness (summer usability), increased seasonal stress factors such as encouragement of snowmobiling and cross-country skiing in wintering areas, and antler hunting on spring ranges (THE most sensitive season of the year)
  - Any proposals to “fire proof” Tenmile Creek and the attendant roads and timber harvest; Tenmile Creek currently provides the last substantial block of secure habitat for bull elk south of Helena
  - Lack of clearly defined motorized travel routes and inadequate seasonal use restrictions on important seasonal wildlife habitats

The 2002 MFWP letter concludes with the following:

“From a wildlife perspective exclusively, the No Action alternative is preferable. However, to help address sedimentation concerns to Tenmile Creek, an aggregate surface with minimal road widening or straightening would help to retain a more natural character in the drainage. An aggregate surface is preferable to a paved surface to reduce speed and slippery surfaces that would contribute to speed and inattention by motorists and thus collisions with wildlife. A speed limit of 35 mph should be retained.”

We note that there was no discussion in the EA relative to these MFWP’s points. They are all important, but we wish to highlight the first point:

- Consequences to the hunting public as a result of “...increased future hunting pressure that will come with improved access to the area, and to wildlife populations in relation to reduced security, increased harvest, and altered male age structure within populations of deer and elk.”

Helena Hunters and Anglers strongly urges Western Federal Lands to respond to the legitimate and clearly stated concerns of MFWP. As resident hunters, we are particularly concerned about the effects of road proliferation and increased recreational uses that would compromise wildlife habitats and thus fair chase hunting opportunities. Repeated use of the undefined term “recreational trails” within the EA suggests that the concern over illegally created routes was glossed over. Our concern to promote fair chase hunting could be addressed with the same resolution suggested earlier: a USFS (partner in this project) commitment to bring motorized route density standards beneath 1.5 miles per square mile called for in the Helena national Forest plan – and vitally needed by the area’s wildlife. We advocate for area management with carefully placed designated routes.

We note that more than 8 years has passed since the 2002 MFWP scoping comments were submitted, yet they have not been fully addressed in the EA. Again in 2004, MFWP reaffirmed to the Federal Highway Administration their concerns (attached; please include in the public record). The EA is remiss in not fully addressing the very real possibility (there certainly appears to be intent for future additional paving given that the road is proposed to stop at the Chessman turnoff) of extension of the paving through to Clancy via Chessman Reservoir or through to Basin via Banner Creek and Basin Creek. Such potentialities would be devastating to wildlife, to wildlife movement along the Continental Divide that has occurred for eons, and to hunter opportunity. In the context of full disclosure, these potential pavement extensions should have been addressed in the EA.

We support and applaud the recommendation in the EA to implement a 35 mph speed limit regardless of the road surface. Enforcing that limit will be important. HHAA notes that the Rimini road is already one of the straightest rural roads in the entire county. Two curves in a 7 mile long county road are to be expected and should be accepted, particularly given the level of disturbance that straightening would entail. A reduced and enforced speed limit in this rich wildlife habitat along Tenmile Creek, along which the road is located for its full length, will help minimize wildlife collisions that are all too common.

U.S. DOT's own Project Checklist, dated August 2002, provides the following reasons not to proceed with most of the proposed road improvements:

“The area functions as a vital linkage zone between the Bob Marshall Wilderness complex and the Greater Yellowstone Ecosystem, especially for grizzlies, lynx, wolves, and wolverines.

. . . since the Tenmile Creek corridor is heavily utilized by wildlife and the road and the creek parallel one another closely up the drainage, change in the character of the road will greatly influence wildlife activity.

Paving the road will encourage people to drive faster and would likely increase the number of animal/vehicle collisions that occur. Paving the road would also funnel more people into remote areas (like the divide and the headwaters of Tenmile Creek) that are havens for many species, especially some of the listed carnivores. Opportunities to develop private property in the area will increase with improved road access. Currently, the road beyond the proposed project that leads to Chessman Reservoir is quite primitive and discourages use and/or forces drivers to use caution. Paving the Rimini Road may encourage future improvements to this road and may create a need for year-round access to roads that are seasonally closed. It also may encourage opening or improving roads that are currently gated or used as foot trails. Increasing road density in the area and encouraging human encroachment will impact the quality of habitat in the area and may discourage use by many species of wildlife, especially carnivores. The Helena National Forest is already experiencing problems with ATVs in restricted and sensitive areas.”

Measures to alleviate, mitigate or compensate for wildlife impacts are not provided, yet we believe such measures (listed below) should and could be offered if the project were to move

forward. Otherwise we strongly support the No Action Alternative in order to retain a less developed and less alluring human attraction that a paved highway would impose on wild Montana country.

We believe the Partial Pavement Alternative for the proposed project should only move forward if the partners on this project agree to maintain wildlife and their habitats by implementing the following:

- Manage and enforce road densities on Helena National Forest lands in Upper Tenmile at less than 1.5 miles per square mile as called for in the current Forest Plan.
- Decommission illegally created routes.
- Remove the haul road from the crest of the Continental Divide (heart of the wildlife linkage corridor).
- Rimini Road speed limit of 35 mph (regardless of surfacing).
- Maintain or enhance all riparian areas, and compensate for losses occurring to date.
- Assure that operators of road graders pull material from the sides of the road up to the crown of the road to reduce side-casting of sediments.
- Pledge that U.S. DOT/WFL projects would not occur beyond the Beaver Creek turnoff (end of 6.1 mile project).

Thank you for this opportunity to comment.

Sincerely,



Stan Frasier, President

Attachments: Lewis and Clark County Resolution 2008-57  
MFWP correspondence March 11, 2004