



*Historic Preservation  
Museum  
Outreach & Interpretation  
Publications  
Research Center*

December 18, 2018

Jay Pape  
Montana Fish, Wildlife & Parks  
Region 3 Headquarters  
1400 South 19th  
Bozeman, MT 59718-5496

Re: Draft Environmental Assessment – Nixon Bridge Replacement  
Gallatin County, Montana

Dear Mr. Pape:

Thank you for the notification about the posting of the Draft Environmental Assessment (DEA) for the Nixon Bridge Replacement and Nixon Gulch Road Realignment project in Gallatin County, Montana. We have some concerns about the assessment of impacts that was completed and the proposed removal of the Nixon Bridge, a historic property that has been determined eligible for the National Register of Historic Places.

First, in October 2018, Stahly Engineering submitted the cultural report on the Nixon Bridge, authored by Jon Axline, and our comments were requested. We replied with a letter on October 25, 2018, but this communication was not included as a part of Appendix F of the DEA. We believe that that letter explains our position on this project and should be included in the documentation accompanying the environmental assessment. Table 12, on page 29, indicates that Appendix F is a letter of cultural clearance, but neither the letter in Appendix F from 2016, nor our response in 2018, constitutes cultural clearance for this project.

As we explained in our 2018 letter, consultation with our office and completion of a cultural resources report does not constitute mitigation for the removal of the Nixon Bridge. Were this project to fall under the Montana Antiquities Act or the National Historic Preservation Act, the report and consultation with our office to date would be considered part of the process to make a determination of eligibility and effect. If an adverse effect determination is agreed upon by the agency and our office, then efforts to minimize or eliminate the adverse effect would be considered, if none, appropriate mitigation measures would be discussed and agreed upon in a Memorandum of Agreement.

Further, we are unclear as to how the information provided in sections 12a and 12b explain why removal of the Nixon Bridge is not a significant impact or how this impact can be mitigated.

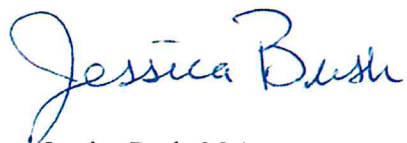
Please be aware that the application for a Clean Water Act Permit from the Army Corp of Engineers may trigger further review of this as a federal undertaking through Section 106 of the National Historic Preservation Act. At that time, further consultation with our office should be initiated by the federal agency or its delegee. Removal of the historic Nixon Bridge prior to this consultation may be considered anticipatory demolition (36 CFR800.9 (c)).

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File: FWP/Fish – 2018 – 2018120306

If you have any questions or concerns, do not hesitate to contact me at (406)444-0388 or [JBush2@mt.gov](mailto:JBush2@mt.gov).

Sincerely,

A handwritten signature in blue ink that reads "Jessica Bush". The signature is written in a cursive style with a large initial "J" and "B".

Jessica Bush, M.A.  
Review and Compliance Officer  
Montana State Historic Preservation Office

## Roberts, Eric

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**From:** Pape, Jay  
**Sent:** Monday, January 28, 2019 8:47 AM  
**To:** Kuser, Allan  
**Subject:** FW: Gallatin Forks FAS Proposed Bridge Replacement Project

-----Original Message-----

From: Bert Otis <otisranch@wispwest.net>  
Sent: Sunday, December 02, 2018 8:22 AM  
To: Pape, Jay <JPape@mt.gov>  
Subject: Gallatin Forks FAS Proposed Bridge Replacement Project

Dear Fish Wildlife & Parks Commission,

I support the proposed "Gallatin Forks FAS Proposed Bridge Replacement Project" It certainly looks like the best alternative to fix a problem that will benefit most everyone. I also like the fact, that the County & the FWP agree that the project is the best way to benefit the public and no one tried to take advantage of the other party.

Good job!!!!  
Bert Otis

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