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September 21, 2015

Mr. Adam Rush, Public Involvement Coordinator
ITD Office of Communications
3311 W. State Street
Boise, Idaho 83707
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RE: Final Environmental Impact Statement and Section 4(f) Evaluation US-95 Thorncreek Road to Moscow

Dear Mr. Rush:

Idaho Department of Fish and Game (IDFG) has reviewed the Final Environmental Impact Statement US-95 Thorncreek Road to Moscow (FEIS). Our comments and recommendations are offered not to support or oppose the proposal, but to provide a technical review the potential effects of this proposal on wildlife, fish, and habitat and recommendations to mitigate these effects.

IDFG has been involved with review and offered our technical expertise to assist in the development of the US95 Thorncreek project since at least the early 2000s. We've participated as a technical resource in interdepartmental and public meetings. We provided a wildlife report in 2006 to Idaho Transportation Department (ITD) that identified some of the potentially affected wildlife species and suggested mitigations for some of the impacts of the highway on wildlife. We've reviewed wildlife and other resource reports developed for the project by other authors and consulted with ITD staff regarding content and applicability of reports to development of mitigations and NEPA analysis. This background formed the basis of our comments for the Draft EIS and related documents; our Draft EIS comments are enclosed for reference. (Letter to Mr. Rush, March 25, 2013).

We note the FEIS corrects many inaccuracies we identified in the Draft EIS and that some sections in the FEIS (e.g., cumulative effects and indirect impacts) were revised in part to respond to issues we raised. We focus our FEIS review on the following issues, raised in our comments about the DEIS, that we believe have not been fully addressed in the FEIS: the adequacy of the wildlife effects analysis, species selectivity, identification of mitigations for wildlife, and the role of these factors in developing the preferred alternative.

Wildlife Effects Analysis:

We remain concerned that the FEIS is not grounded upon the full array of technical information about wildlife that has been provided to ITD in regards to potential direct and indirect effects of the project. We discussed this in our Draft EIS comments (attached).

Species Selectivity:

The continued reliance on only three species of nongame wildlife for the effects analysis, while excluding a host of other potentially impacted non-game species identified in the IDFG General Wildlife Assessment (2006), remains without a compelling rationale. There have been no confirmed reports of northern alligator lizard in the project area. Pygmy nuthatch habitat is confined to habitat found only in the E2 Alternative, and long-eared myotis habitat is similarly confined to E2. It is not possible to compare the effects of the suite of alternatives for this project on these three species – two of which are likely present only on the eastern part of the project, and one of which may not be present at all. Further, based on knowledge about these species, we do not believe it is reasonable to expect mitigations for these species to provide protections for the several other species identified in our Wildlife Assessment that may be affected by the project. We believe this prevents appropriate comparison of potential wildlife effects of the preferred alternative (E2) with wildlife effects of the other alternatives.

We understand the EIS must evaluate effects to wildlife and other resources that may be impacted by the project, for each alternative. We remain concerned that the species were arbitrarily selected for analysis in the EIS without biological justification and they do not sufficiently inform the wildlife effects of all Alternatives.

If the intent is to use a select group of species as a surrogate for analysis and development of mitigations, the EIS should: 1) establish that the impacts to the selected species will be the same for other wildlife in the area, 2) identify what the other species the surrogate species represent for the effects analysis and mitigation proposals, 3) demonstrate the extent to which project effects are similar or different between the surrogate species and the species they represent, and 4) demonstrate the extent to which effects are expected to be the same everywhere in the project area, or how they will differ among alternatives and demonstrate how mitigations proposed for impacts to the surrogate species are appropriate and effective for the other species. In our opinion, the three species selected do not meet these criteria (or at least the rationale is not provided), and are unsuitable as stand-alone surrogates in this assessment for the project and alternatives.

Mitigations:

ITD and IDFG have made appreciable progress in identifying and agreeing on mitigations for wildlife for the Thorncreek project, most of which are listed in the FEIS. These include provisions to install nest boxes for pygmy nuthatches, timing removal of trees to avoid nesting birds, installing bat roosting structures, design and installation of culverts and overpasses to allow for passage of big game at highway crossings, and others. However, the FEIS contains no

descriptions of the design of the mitigation structures identified or locations where they might be installed. Instead, the FEIS says those details will be ironed out during the design phase. We recognize the preliminary nature of the FEIS relative to implementation design of the project but believe providing even rudimentary design and location details assists with understanding whether mitigations will be adequate or effective and such information certainly strengthens FEIS conclusions.

We appreciate that ITD has committed to consult with IDFG regarding identification of mitigations and the design and location of mitigation structures. Including such detail during FEIS development would further the FEIS analysis. We would be pleased to work with ITD through our Clearwater Regional staff to immediately start planning to conduct site visits and discussions to develop effective mitigation designs and siting so not to further delay the project.

Preferred Alternative:

The direct and indirect effects of the new highway will result in effects to wildlife and further diminishment of an important wildlife habitat type that is rare albeit already impacted and fragmented.

As we have stated in previous correspondence regarding this project, the eastern alternative (E2) will have the greatest direct and indirect impacts on wildlife and other natural resources. No information in the FEIS or supporting documentation contradicts this assessment. We have previously offered information that would strengthen understanding of mitigation proposals for E2 in our DEIS comments and we are committed to work with ITD on developing more specificity relative to the design features and locations of appropriate mitigations for wildlife.

Thank you for the opportunity to comment.

Sharon W. Kiefer

Sharon W. Kiefer
Deputy Director

Cc: J. Hansen, R. Hennekey, IDFG