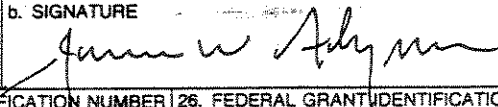


FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION IDENTIFIER	a. NUMBER F-48-D	3. STATE APPLICATION IDENTIFIER	a. NUMBER MT880208-472-X
1. TYPE OF SUBMISSION (Mark appropriate box) ☐ NOTICE OF INTENT (OPTIONAL) ☐ PREAPPLICATION ☒ APPLICATION	b. DATE Year month day 19 88 2 8		NOTE TO BE ASSIGNED BY STATE		b. DATE ASSIGNED Year month day 19 88 2 8
4. LEGAL APPLICANT/RECIPIENT a. Applicant Name Montana Department of Fish, Wildlife and Parks b. Organization Unit c. Street/P.O. Box 1420 East Sixth Avenue d. City Helena e. County Lewis and Clark f. State Montana g. ZIP Code 59620 h. Contact Person (Name & Telephone No.) Bobbi Balaz 406-444-4756		5. EMPLOYER IDENTIFICATION NUMBER (EIN) 6. PROGRAM (From CFDA) a. NUMBER 15605 b. TITLE Federal Aid in Sport Fish Restoration D-J			
7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.) Rock Creek Boat Access		8. TYPE OF APPLICANT/RECIPIENT A—State B—Interstate C—Substate D—County E—City F—School District G—Special Purpose District H—Community Action Agency I—Higher Educational Institution J—Indian Tribe K—Other (Specify): Enter appropriate letter A			
9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.) Ft. Peck Area - McCone County		10. ESTIMATED NUMBER OF PERSONS BENEFITING		11. TYPE OF ASSISTANCE A—Basic Grant B—Supplemental Grant C—Loan D—Insurance E—Other Enter appropriate letter(s) A	
12. PROPOSED FUNDING a. FEDERAL \$ 41,250.00 b. APPLICANT .00 c. STATE 13,750.00 d. LOCAL .00 e. OTHER .00 f. Total \$ 55,000.00		13. CONGRESSIONAL DISTRICTS OF: a. APPLICANT 1 - Western b. PROJECT 2 - Eastern 15. PROJECT START DATE Year month day 19 88 4 15 16. PROJECT DURATION 18 Months 18. DATE DUE TO FEDERAL AGENCY Year month day 19 88 4 1		14. TYPE OF APPLICATION A—New B—Renewal C—Revision D—Continuation E—Augmentation Enter appropriate letter A 17. TYPE OF CHANGE (For 14c or 14e) A—Increase Dollars B—Decrease Dollars C—Increase Duration D—Decrease Duration E—Cancellation F—Other (Specify): N/A Enter appropriate letter(s)	
19. FEDERAL AGENCY TO RECEIVE REQUEST a. ORGANIZATIONAL UNIT (IF APPROPRIATE) U.S. Fish and Wildlife Service b. ADMINISTRATIVE CONTACT (IF KNOWN) Federal Aid c. ADDRESS P. O. Box 25486 Denver Federal Center, Denver, CO 80225		20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER N/A 21. REMARKS ADDED ☒ Yes ☐ No			
22. THE APPLICANT CERTIFIES THAT: To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.		a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE February 8, 1988 b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 ☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW ☐			
23. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE James W. Flynn Director b. SIGNATURE 		24. APPLICATION RECEIVED 19 25. FEDERAL APPLICATION IDENTIFICATION NUMBER 26. FEDERAL GRANT IDENTIFICATION			
27. ACTION TAKEN ☐ a. AWARDED ☐ b. REJECTED ☐ c. RETURNED FOR AMENDMENT ☐ d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE ☐ e. DEFERRED ☐ f. WITHDRAWN		28. FUNDING a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$.00		29. ACTION DATE 19 88 4 15 30. STARTING DATE 19 88 4 15 31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number) James A. Blackard Chief, Division of Federal Aid 406-254-1002 32. ENDING DATE 19 88 4 15 33. REMARKS ADDED ☐ Yes ☐ No	

SECTION IV—REMARKS (Please reference the proper item number from Sections I, II or III, if applicable)

Item 7 Project Description

This project will provide for the improvement of the Rock Creek Fishing Access Site road at the Ft. Peck Reservoir in McCone County to county all-weather standards in order to facilitate motorboat access and enhance sport fishing opportunities.

Item 12 Proposed Funding

The costs listed are for direct costs only. Negotiated indirect costs will not be charged because this is a construction project.

No program income will be generated.

STATE: MONTANA
PROJECT: ROCK CREEK BOAT ACCESS

ENVIRONMENTAL CONSIDERATIONS

An environmental assessment of activities covered by this project was deemed unnecessary since the nature and scope of the activities falls within the guidelines for categorical exclusion as published by the U. S. Fish and Wildlife Service (FWS) in Volume 47, No. 127 of the Federal Register, Page 28842, Section 1.4.B(2).

The limitations for categorical exclusion as listed on pages 34-35 of "NEPA in Federal Aid Proposals - Guidance to the States," FWS, September 1980 were considered, and it was determined that there are no conflicts and they do not preclude use of the categorical exclusion.

In addition, the project is within the scope and intent of the Charles M. Russell National Wildlife Refuge final environmental assessment statement as published by the FWS in August 1985.

In arriving at this decision, the following items were considered:

1. Flood Plain Management, E. O. 11988

As was verified by the Montana Department of Natural Resources and Conservation, Flood Plain Management Section, the proposed activities are not located within the 100 or 500 year floodplain as identified on the National Flood Insurance Program Rate Maps.

2. Protection of Wetlands, E. O. 11990

The proposed work will not occur in or result in modification of a wetland environment.

3. Farmland Protection Policy Act, P. L. 97-98

The proposed activity will occur within the dedicated right of way for County roads. Because the County has dedicated the property to nonagricultural use and the area has previously been disturbed, no prime or unique farmland will be altered or affected. See Exhibit G from the Soil Conservation Service.

4. Historical and Cultural Preservation

No impacts are anticipated since no new ground is to be disturbed. If any cultural resources are encountered, they will be avoided or mitigated. The clearance letter received from the State Historic Preservation Office (SHPO) is appended as Exhibit H.

5. Endangered Species Act of 1973

In order to determine the potential impact of this project on threatened and endangered species, the Department consulted with the Helena and Billings offices of the FWS on an informal basis. Federal Aid staff in Denver was also involved with the review and participated in discussions about the project. Other agencies contacted include the FWS staff at the CMR Refuge in Lewistown, and Corps of Engineers st in Fort Peck and Omaha.

Activities covered by this project will not adversely affect any Federally listed endangered or threatened species or their designated critical habitats. Bald eagles utilize areas near the reservoir during migration flights, and there are prairie dog towns in the vicinity. Species considered include: black-footed ferret, gray wolf, piping plover, whooping crane, bald eagle, and peregrine falcon. The species of special concern are piping plover and peregrine falcon. They are addressed in detail in the memo (included as Exhibit I) dated May 18, 1988, from the FWS state office to Federal Aid in Denver. They are also addressed in a memo and several reports previously sent to Federal Aid:

The species of special concern are piping plover and peregrine falcon. They are addressed in detail in the memo (included as Exhibit I) dated May 18, 1988, from the FWS state office to Federal Aid in Denver. They are also addressed in a memo and several reports previously sent to Federal Aid:

- Memorandum to Bobbi Balaz, Federal Aid Coordinator, Montana Department of Fish, Wildlife and Parks, dated March 22, 1988, from Wayne Brewster, State Supervisor (FWS), Montana State Office;

- "Results of Surveys for the Piping Plover (Charadrius melodus) in Northeastern Montana - Summer 1986 - December 1986, The Montana Piping Plover Recovery Committee; and

- Results of Surveys for the Piping Plover (Charidrius melodus) and Least Tern (Sterna antillarum) in Northeastern Montana - Summer 1987, The Montana Piping Plover Recovery Committee.

The May 18, 1988, memo (Exhibit I), states that: "Improvements of the road to the Rock Creek Fishing Site would not have direct impacts to the beaches currently utilized by plovers for nesting. Piping plovers have

successfully nested on beaches approximately two miles to the south across Rock Creek Bay during 1986 and 1987. Shoreline miles separating Rock Creek Fishing Site and the actively-utilized beaches are considerable (estimated at over ten miles) because of the extremely irregular shoreline of Rock Creek Bay."

The project will not create direct adverse impacts to plovers or terns. However, the May 18 memo expresses concern with impact to habitat resulting from long-term increased human activity due to site improvements at Rock Creek and other sites by the Department and other agencies at Fort Peck.

In view of the concern for long-term impacts associated with increased use, the Department will continue to consult with the FWS regarding management measures that may be helpful in protecting these species, such as access restrictions to nesting areas, signing, etc. No measures are required at this time; however, it is anticipated that some will be suggested in a master plan for Fort Peck Reservoir that is currently being prepared by the Corps of Engineers in consultation with the FWS. The Department will participate in the review of the draft placement when it is released for public and agency review and comment. At that time, further discussion will occur concerning protection of threatened and endangered species, as well as other elements of the plan affecting fisheries, wildlife and recreation.

6. State Clearinghouse, E. O. 12372

The proposed project has been submitted to the State Clearinghouse for the required 30 day review. Exhibit F contains a letter from the Clearinghouse. No comments were received by the March 8, 1988 deadline.

7. Statement of Assurance

The Department will comply with all applicable Federal requirements. The Statement of Assurance is appended as Exhibit D.

STATE: MONTANA

PROJECT TITLE: ROCK CREEK BOAT ACCESS, MC CONE COUNTY
APPLICATION FOR FEDERAL ASSISTANCE
PART IV, PROGRAM NARRATIVE

I. NEED

Fort Peck Reservoir is located in northeastern Montana. It is a 249,000 surface acre impoundment formed by a Corps of Engineers dam on the Missouri River. Fort Peck is a popular fishing and boating area and is the largest water impoundment in eastern Montana. Fort Peck currently provides 40,000 boat fishing days per year. The goal of the Montana Department of Fish, Wildlife and Parks (DFWP) is to provide 100,000 boat fishing days per year on Fort Peck. The limiting factor for providing for this use is the lack of all-weather roads to the reservoir. The reservoir presently has four developed sites and two potential sites which are currently being developed that will provide increased boating opportunities on the reservoir.

Species that will benefit from the proposed project include walleye and northern pike, which are warmwater. To a lesser degree, chinook, a coolwater fish, will benefit. Also, cisco have been introduced to the reservoir to serve as a forage species for the game fish population. The cisco population has started to bloom. Game fish populations are expected to increase rapidly in the near future. Fish population improvements are going to lead to increased demand for access.

II. OBJECTIVE

The objective of this project is to construct an all-weather road accessing Fort Peck Reservoir so as to facilitate use of boating facilities and to increase the angling days per year from 40,000 to 100,000 by 2000.

III. EXPECTED BENEFITS

Fishing pressure is expected to increase by 12 percent statewide by 1990. The increase on Fort Peck is expected to be significantly higher than the state average. This will be due to the existing unmet demand for all-weather access, better distribution of the available access and the expected increase in fishing quality. The DFWP expects this project, in conjunction with the fish management plans, to provide access for an additional 60,000 boat fishing days per year by the year 2000.

IV. APPROACH

This project will involve resurfacing of the road to the Rock Creek Fishing Access Site. Exhibits B and C contain vicinity and site maps.

The overall approach for the project will be for the DFWP to contract with the McCone County Government to provide the needed services to complete the project either through force account work or by contract. The DFWP will act as a clearinghouse and liaison to assure that all aspects of these jobs are coordinated and meet with Federal and State standards. The engineering staff of the DFWP, Design and Construction Bureau, will make periodic site inspections to assure that the work is done properly, and will prepare a final report upon project completion. DFWP will also ensure that all permitting, preconstruction investigations, and accounting procedures are complied with. The County Government will be required to enter into a Memorandum of Understanding (see draft copy in Exhibit A) with DFWP to assure: proper financial management; proper bidding procedures; timeframe compliance; and other contractual concerns.

The Rock Creek project extends from State Highway 24 approximately seven miles west to Rock Creek Fishing Access Site. The site contains a boat ramp, sanitary facilities, picnic and campgrounds, water well, and group-use shelter.

Existing Road

The existing road has been graded to the proper width, template and profile to meet County Standards. Some gravel has been placed on the road in the past.

Proposed Improvements:

The road will be improved in accordance with County road standards. This project will place finish gravel on the entire road length. Gravel thickness will be nominally four inches.

Gravel hauling will be done by the County or bid out to a private firm, depending on availability of County crews, workers, or workforce and equipment.

Costs for the project are estimated at \$55,000 for the seven miles.

Use

The present road is utilized by one rancher. All other use is recreation related. Over the years the County has performed a lot of work to provide access for these people. The existing development work that has been performed will be taken advantage of and used to decrease program project costs and to provide access for boaters and anglers.

Use at Rock Creek is estimated to be 3,200 boat fishing days and is expected to increase to 8,000 by the year 2000. (The use figures cited in the objectives section apply to the entire Fort Peck Reservoir.) Use will be monitored with traffic counters and questionnaire statistics.

Maintenance

Road maintenance will be provided by McCone County at no cost to the program. The Memorandum of Agreement requires that the County maintain the road for 25 years.

Program Income

No program income will be generated.

V. PRINCIPAL PERSONNEL

The principal DFWP personnel involved in this project include: Art Warner, Region 6 Supervisor, Glasgow; Robert Needham, Region 6 Fisheries Manager, Glasgow; Doug Monger, Region 7 Parks Manager, Miles City; Dick Mayer, Design and Construction Bureau Chief, Helena, and Bobbi Balaz, Federal Aid Coordinator, Helena.

VI. LOCATION

As mentioned in the Approach section above, the project location is shown on the maps in Exhibits B and C. The Rock Creek Fishing Access Site is located on Corps of Engineers land within the Charles M. Russell National Wildlife Refuge. The Rock Creek road is legally described as extending from Section 12, Township 23 North, Range 43 East, westward to Section 11, Township 23 North, Range 42 East.

VII. SCHEDULE

Clearinghouse review	March 1988
FWS approval, County agreement, etc.	June 1988

Construction begins	July 1988
Construction completed	October 1988
Project close-out	September 1989

VIII. RELATION TO OTHER FEDERAL PROJECTS

The Rock Creek project is related to two other Federal Aid projects:

- F-45-D(MA) Fort Peck Boat Access. This approved project is underway and will provide improved roads at four other sites on Fort Peck, including Crooked Creek, Hell Creek, the Pines, and Fourchette Bay; and
- F--D(MA) Duck Creek Boat Access. This proposed project will be submitted approximately the same time as Rock Creek. It will provide for road and site development at Duck Creek.

As noted under the Use subsection of the Approach section, the project objective of increasing angler days per year from 40,000 to 100,000, is common to all of these projects because it is the objective for the entire Fort Peck Reservoir.

IX. EXHIBITS

Attached are:

- Exhibit A: Draft Memorandum of Understanding
- Exhibit B: Vicinity Map
- Exhibit C: Rock Creek Project Map
- Exhibit D: Statement of Assurances
- Exhibit E: Not used
- Exhibit F: State Clearinghouse Letter
- Exhibit G: Soil Conservation Service Clearances
- Exhibit H: State Historic Preservation Office Letter
- Exhibit I: Endangered Species Clearance

PUBLIC ROAD AGREEMENT

This Public Road Agreement is entered into by McCone County, hereinafter referred to as "the County" and the State of Montana Department of Fish, Wildlife and Parks, hereinafter referred to as "the Department".

WITNESSETH

WHEREAS, the County owns or controls right-of-way through which County Road number _____ (herein referred to as "Rock Creek Road") accesses to Ft. Peck Reservoir. This road right-of-way and easement commences in Section 12, Township 23 North, Range 43 East, M.P.M., McCone County, Montana and proceeds in a westerly direction therefrom to a point near the boat ramp in Rock Creek Recreation Area in Section 11, Township 23 North, Range 42 East, M.P.M., McCone County, Montana and is particularly depicted and described on Exhibit "A" attached hereto and by this reference made a part hereof".

WHEREAS, the road that presently provides access to the waters of Ft. Peck Reservoir is now and has historically been used for access to the reservoir by considerable numbers of the general public for purposes of fishing and other forms of recreation, and

WHEREAS, the Department believes it is desirable to provide public access to, and maintain public fishing in Ft. Peck Reservoir to the extent practicable, and

WHEREAS, the public desires that the public access be improved, and

WHEREAS, the Department has been designated the State's outdoor recreation agency and it desires to work closely with the County to provide quality recreational and sporting opportunities, and

WHEREAS, the County desires to have the existing road that leads to Ft. Peck Reservoir upgraded to provide improved and safe public access.

NOW, THEREFORE, in consideration for the mutual promises, terms, and provisions hereafter set forth, it is understood and agreed by the parties hereto as follows:

1. PURPOSE

The purpose of the Agreement is to provide funding for project activities approved by the Department under the recreational boating access facility provision of the Federal Aid in Sport Fish Restoration Act as amended, P.L. 98-369.

2. EFFECTIVE DATE

This Agreement takes effect on September 1, 1988. The County will complete all construction activities described in this Agreement no later than December 31, 1989, which is the termination date of this Agreement.

3. SCOPE OF COUNTY ACTIVITIES AND TIME OF PERFORMANCE

The County will:

- a) Obtain all necessary permits, easements and right-of-way for the road prior to the initiation of construction.
- b) Provide the necessary construction of the Rock Creek road to bring the road to County road standards and allow safe public access to Ft. Peck Reservoir by September 1, 1989.
- c) Provide in-kind services consisting of project administration and accounting.
- d) Provide road maintenance to Ft. Peck reservoir on the road described for a minimum of 25 years until December 1, 2013, unless terminated prior to that date. After the above date or after termination, it shall remain the County's

responsibility to maintain or abandon said road as required by the laws of the State of Montana and as dictated by the conditions thereof".

4. SCOPE OF DEPARTMENT ACTIVITIES AND TIME OF PERFORMANCE

The Department will:

- a) Manage the sport fishery in Ft. Peck Reservoir.
- b) Provide necessary directional signing to aid users attempting to reach the reservoir, and area entrance signs that identify the project as having been supported by the Federal Aid Program. These signs shall be provided and installed by the Department at its expense.

5. AMOUNT OF FUNDS AND METHOD OF PAYMENT

- a) The Department will provide a maximum of \$55,000.00 to the County for construction of the road. If the actual total cost of completing the project is less than this amount, the Department will limit the amount provided under this Agreement to actual cost. For these purposes, "actual cost" shall be defined as all expenses incurred for materials, supplies, labor and equipment used in performance of this Agreement, including wages and other benefits provided by County to its employees".
- b) The County will comply with applicable requirements of the Office of Management and Budget (OMB) Circular A-87, "Cost Principles for State and Local Governments." In obtaining funds under this Agreement the County will request payment only for those costs that are allowable, necessary and reasonable.
- c) In obtaining funds under this Agreement, the County may submit a reimbursement request to correspond with project outlays. If actual expenditures are different from the amount furnished to the County by the Department, the County will adjust its next reimbursement request accordingly.
- d) If the Department determines that the County has failed to satisfactorily carry out its responsibilities under this Agreement, the Department may revoke the County's authority to submit requests against the reservation described herein until such time as the Department and the County agree on a plan to remedy the deficiency.

6. RECORDS AND REPORTS

- a) The County will maintain accurate accounting records and reasonable records of activities performed under this Agreement. These records will be kept in the County's offices and will be maintained for at least three years after project completion.
- b) The County will provide the Department with all reports, including accounting reports, receipts and vouchers as requested and in the form and upon the dates requested either prior to commencement of the project or at any time during the project.
- c) The County will provide for an audit by a certified public accountant in accordance with OMB Circular A-128 "Audits of State and Local Governments". Audit coverage is required for each year funding is provided under this Agreement. The County will forward a copy of the audit report(s) and a written plan for correcting within 6 months any instances of noncompliance with federal rules or regulations to the Department. The Department will verify with the County that

appropriate corrective action has been taken. The County will refund to the Department any funds determined to have been spent in an unauthorized or improper manner or for ineligible activities.

- d) The County will comply with applicable requirements of Office of Management and Budget (OMB) Circular A-102, "Uniform Requirements of State and Local Governments".

7. ACCESS TO RECORDS AND PROJECT SITE

- a) The County will allow federal, legislative, Department or State auditors, employees or agents access to its records for the purpose of determining that this Agreement is administered in accordance with grant terms and conditions and, upon request, to provide the Department with a copy of any such audit.
- b) The County will allow access to records necessary to carry out the legislative audit and analysis function set forth in Title 5, Chapters 12 and 13, MCA, to determine compliance with this Agreement.
- c) The County will permit inspection of the project site by the Department or its employees or agents at any and all reasonable times during or after construction.

8. OWNERSHIP AND PUBLICATION OF MATERIALS

The County assures that all materials prepared by it or any subcontractor pursuant to this Agreement are to be the property of the County which has exclusive and unrestricted authority to release, publish or otherwise use, in whole or in part, information relating thereto. No material produced in whole or part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the Department.

9. COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS

- a) The County will comply with the federal and state requirements described in Exhibit B. The County will also comply with all other applicable federal and state statutory and regulatory requirements, and administrative directives issued by the Department. All contracts entered into by County for the completion of the activities described in Section 3 hereof must contain special provisions requiring contractors to comply with all applicable requirements.
- b) The applicable U.S. Fish and Wildlife Service Rules and Regulations for the Federal Aid in Fish and Wildlife Restoration Program (50 CFR Part 80), as now in effect or as they may be amended during the term of this Agreement are incorporated in this Agreement by this reference and are binding upon the County.

10. MODIFICATION AND ASSIGNABILITY OF AGREEMENT

This Agreement contains the entire agreement between the parties, and no statements, promises, or inducements made by either party, or agents of either party, which are not contained in or authorized by this written Agreement, are valid or binding. This Agreement may not be enlarged, modified, or altered except upon written agreement, and does not imply any continuing commitment by the State of Montana beyond the termination date noted herein. The County accepts responsibility for adherence to the terms of this Agreement by subcontractor or subcontracted entities and by public or private agents or agencies to which it delegates authority to carry out portions hereof.

11. INDEMNIFICATION

Each party to this Agreement will indemnify and hold harmless all other parties to this Agreement, from and against any and all claims, demands or actions for damages to property or injury to persons or other damage to persons or entitlements arising out of or resulting from the performance of this Agreement or the results of this Agreement, provided such damage to property or injury to persons is not due, in whole or in part, to the concurrent or sole negligence or willful misconduct of the party indemnified, its officers, agents or employees.

12. TERMINATION OF CONTRACT

This Agreement may be terminated as follows:

- a) Termination Due to Loss of Funding. This Agreement will terminate in whole or in part, at the discretion of the Department, in the event that the Department suffers a loss of funding or termination of the federal funds which permit it to fund the County in whole or in part so that it is unable to make payment to the County. In this event, the Department will give the County written notice setting forth the effective date of full or partial termination or, if a change in funding is required, setting forth the change in funding and changes in the approved budget.
- b) Termination Due to Noncompliance with Agreement Terms. If the Department determines that the County has failed to comply with the general terms and conditions of this Agreement, the project schedule, or any special conditions, and if upon notification of the defect the County does not remedy the deficiency within a reasonable period of time of not less than two weeks, to be specified in the notice, the Department may terminate this Agreement in whole or in part at any time before the date of completion. The Department will promptly notify the County in writing of the decision to terminate, the reasons for the termination, and the effective date of the termination.
- c) Termination Due to Noncompliance with Audit Requirements. The Department may terminate this Agreement upon failure of the County to comply with Office of Management and Budget (OMB) Circular A-128, Audits of State and Local Governments, or upon refusal by the County to allow access to records necessary to carry out the legislative audit and analysis function set forth in Title 5, Chapters 12 and 13, MCA, to determine compliance with this Agreement.
- d) Effect of Termination. In the event of termination due to the County's failure to comply with the terms of this Agreement, any costs incurred will be the responsibility of the County. However, at its discretion, the Department may approve requests by the County for reimbursement of expenses incurred. The Department's decision to authorize payment of any costs incurred or to recover expended contract funds will be based on a consideration of the extent to which the expenditure of those funds represented a good faith effort of the County to comply with the terms of this Agreement and on whether any failure to comply with the terms of this Agreement was the result of circumstances beyond the County's control.

13. CONSTRUCTION AND VENUE

This Agreement will be construed under and governed by the laws of the State of Montana. In the event of litigation concerning it, venue is in the District Court of the First Judicial District in and for the County of Lewis and Clark, State of Montana.

14. DELEGATED CONTACT PEOPLE

The Glasgow Region 6 Supervisor for the Department of Fish, Wildlife

and Parks and the Chairman of the County Commission are the designated contact people for this road agreement.

15. INABILITY TO FULFILL AGREEMENT

Each party to this Agreement will in writing notify the contact person of the other party immediately upon the discovery of any occurrence which would affect its ability to fulfill the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

McCabe COUNTY

DEPARTMENT OF FISH, WILDLIFE AND PARKS

BY: J. L. Quirk
Chairman County Commission

BY: James W. Thompson
Director

8-29-88
Date

September 14, 1988
Date

master/rdagree
rpt/352.5

STATE OF MONTANA) ss.
County of Lewis and Clark)

ON THIS 14th day of September, 1988, before me, the undersigned a Notary Public for the State of Montana, personally appeared JAMES W. FLYNN, known to me to be the Director of the Department of Fish, Wildlife and Parks, and known to me to be the person whose name is subscribed within this instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

(NOTARIAL SEAL)

Paula L. Kuntz
Notary Public for the State of Montana
Residing at Clancy, MT 59634
My Commission expires Oct 23, 1988

STATE OF Montana) ss.
County of McCone)

On this 29th day of August, 1988, before me, Paula L. Kuntz a Notary Public for the State of Montana, personally appeared Lyle Quick, known to me to be the officer

within instrument, and acknowledged to me that such county executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

(NOTARIAL SEAL)

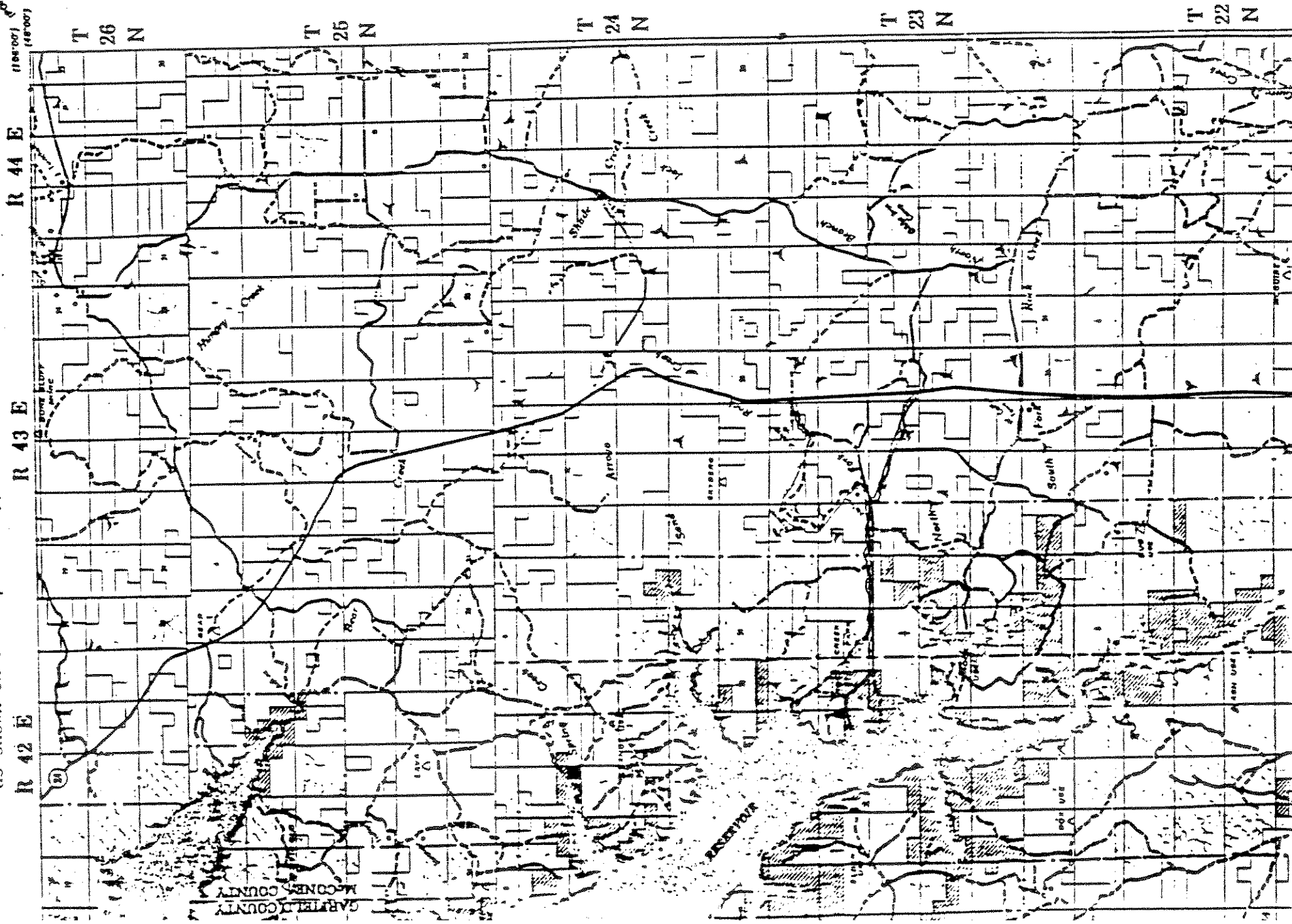
Paula L. Kuntz, Notary Public
NOTARY-PUBLIC for the State of Montana
Residing at _____
My Commission expires _____
COUNTY CLERK & RECORDER
McCone County Courthouse
Circle, Montana 59215

master/rdagree
rpt/352.5

EXHIBIT A

DESCRIPTION AND LOCATION OF ROAD

This agreement governs the public road that is located, and more particularly described as follows: Beginning in Section 12, Township 23 North, Range 43 East thence westerly to Section 11 of Township 23 North, Range 42 East as shown on the map. The approximate total length of the road is 6 miles.





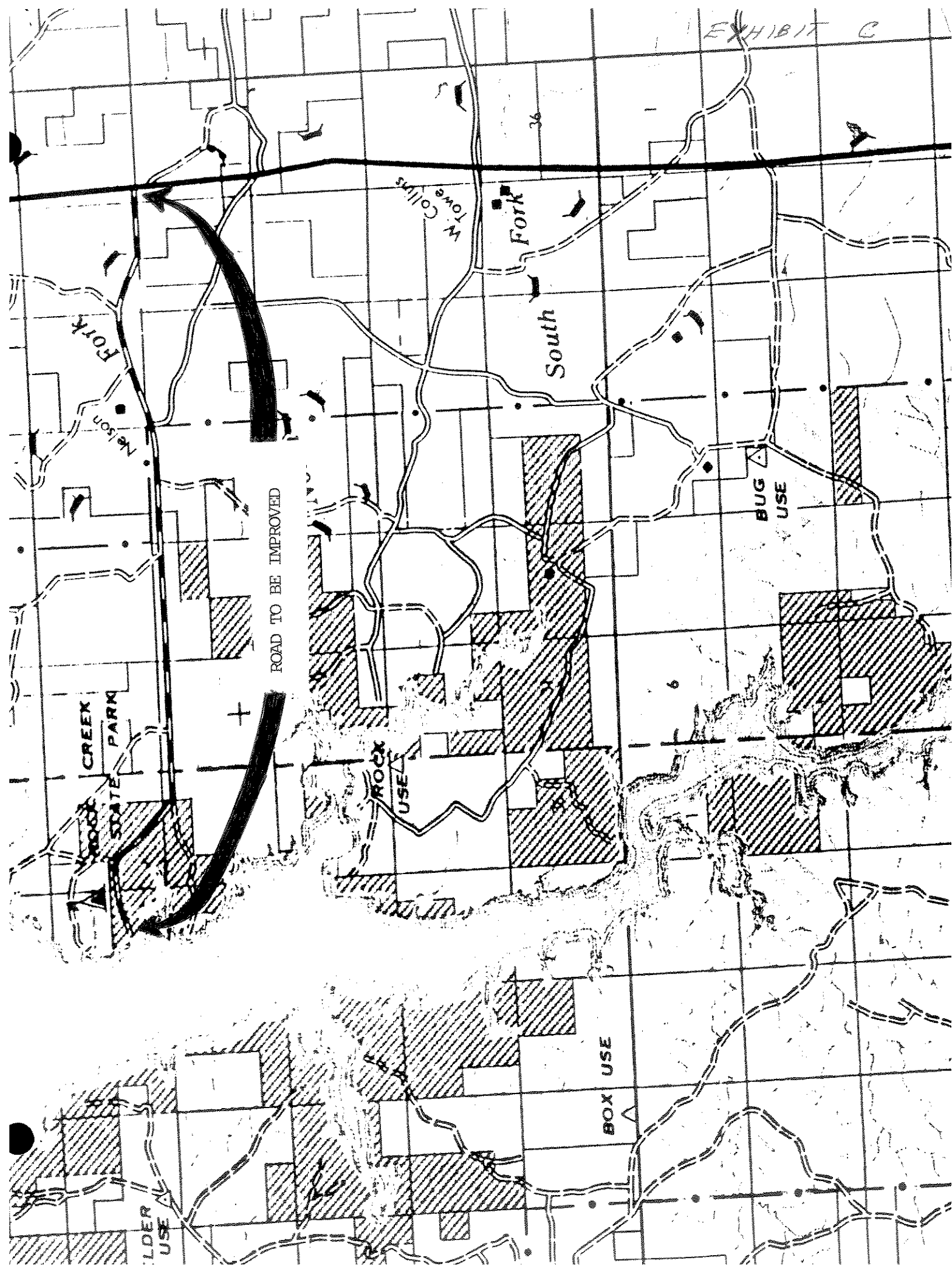


EXHIBIT D

EXHIBIT

ASSURANCES

The applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements including Office of Management and Budget Circulars Nos. A-87, A-95, and A-102 as they relate to the application, acceptance, and use of Federal funds for this federally assisted project. Also, the applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352) and in accordance with Title VI of that act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

ADDITIONAL ASSURANCES GENERALLY APPLICABLE TO CONSTRUCTION
OR LAND ACQUISITION PROGRAMS OR PROJECTS

1. It will comply with the provisions of: Executive Order 11296, relating to evaluation of flood hazards, and Executive Order 11288, relating to the prevention, control, and abatement of water pollution.
2. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.
3. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.
4. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.
5. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
6. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17.703). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
7. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.
8. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
9. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
10. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.
11. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 and amended (16 U.S.C. 470) Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

FEB 10 1988

CENTRALIZED



State of Montana
Office of The Lieutenant Governor
Helena 59620
(406)444-3111

W. GORDON McOMBER
LIEUTENANT GOVERNOR

February 8, 1988

Ms. Bobbi Balaz
Dept. of Fish, Wildlife & Parks
1420 East Sixth Avenue
Helena, Montana 59620

RE: Rock Creek Boat Access
Montana State IGR Clearinghouse SAI No. MT880208-472-X

Dear Ms. Balaz:

The above-captioned application for federal financial assistance has been received. In order to provide notification to parties that may be interested in review and/or comment on the proposal, it will be listed in the next Intergovernmental Review Bulletin issued from this office.

Any inquiries or comments regarding the proposal will be directed to you. Please provide copies of the enclosed suggested review form to potential reviewers, those you feel should be invited to comment, as well as to any who may request the opportunity to do so. Copies of any comments received and a copy of this letter should be submitted to the U.S. Department of the Interior with the application papers, or forwarded to them to be attached if they are received after the application has been sent in. We have requested that comments be returned by March 8, 1988, and that copies be sent to the Clearinghouse for our files.

The Clearinghouse intends to take no further action on this proposal.

Sincerely,

A handwritten signature in cursive script, reading "Debbie Davis".

DEBBIE DAVIS
Clearinghouse Manager

Enclosure

RECEIVED
MAY 20 1987
DESIGN AND CONSTRUCTION
BUREAU

ILS LEGEND OF MCCONE COUNTY: PRODUCTIVITY & EROSION FACTORS
E SOILS CHECKED BELOW ARE FOUND ON YOUR UNIT:

PRODUCER: ROCK CREEK ROAD PROJECT		PRODUCTIVITY FACTORS			EROSION FACTORS			
mbol/Name	Cap Class	AWHC	%OM	pH	HEL	K	T	WEG
7 Badland				8e				*
2 Busby-Twilight-Fleak	6e		2	8.4	Y	.24	5	3
7 Chinook fine sandy 4-8%	4e	med	2	8.4	Y	.20	5	3
9 Chinook " ", gullied	6e	med	2	8.4	Y	.20	5	3
0 Creed loam 0-8%	4e	med	3	8.4	N	.37	5	6
8 Gerdum clay loam	4e	low	3	7.8	N	.37	5	6
6 Lonna-Havre-Glendive	3w	med	3	8.4	Y	.32	5	4L
0 Rominell loam	4s	med	3	8.4	N	.43	5	5
1 Rominell loam, gullied	6e	med	3	8.4	Y	.43	5	5
4 Telstad-Hillon 2-8%	3e	med	3	8.4	Q(Y)	.37	5	6
5 Telstad-Hillon 8-15%	4e	med	3	8.4	Y	.37	5	6
2 Twilight-Yetull fine sandy	6e		2	7.8	Y	.24	3	3
1 Yamac loam 8-15%	4e	med	2	8.4	Y	.37	5	5

Subject: Survey of Prime or Important Farmland
Rock Creek Road Project.

Above is a soil list of those the Rock Creek Road intersects in McCone County from the Lyle Nelson ranch to the border of the county.

There are two soil map units that if farmed are of statewide importance.

If you have any questions please call, 485-2660.

Sincerely,
David R. Hudig
District Conservationist.



State Historic Preservation Office

Montana Historical Society

Mailing Address: 225 North Roberts • Helena, MT 59620-9990

Office Address: 102 Broadway • Helena, MT • (406) 444-7715

RECEIVED

MAR 25 1987

DESIGN AND CONSTRUCTION
1975-86

March 23, 1987

Paul Valle
Design and Construction Bureau, Parks Division
Montana Department of Fish, Wildlife and Parks
Helena, Montana 59620

RE: Road Projects File Searches and Reviews

Dear Paul:

As requested, we have conducted a cultural resource file search and review for each of the road projects listed below. Our file search results and recommendations are as follows:

Fourchette Bay Road - The following sites have been recorded in or near the proposed road right-of-way:

24PH384	22N 31E	NE	Section 1	Prehistoric Occupation
24PH385	23N 31E	NE	Section 1	Stone Circle Site

Other site types recorded in the local area include cairn sites, stone circle sites, historic homesteads and prehistoric occupation sites. Site density in this region is high, probably because of the association of the project area with the Missouri River corridor, an important activity corridor during historic and prehistoric times. We recommend that a cultural resource survey be conducted in the right-of-way prior to the initiation of proposed construction impacts.

Hell Creek State Recreation Area Road - No cultural resources are currently recorded in the designated area of road realignment and no prior survey has been conducted there to my knowledge. We concur that resurfacing of the 24 miles of existing road will not pose a threat to heritage resources and that no survey is warranted for this aspect of the project. We do recommend that a cultural resource survey be conducted for the two miles of road realignment in the park since the region has a high cultural resource and paleontological site potential.

Pines Road Resurfacing, Valley County - Since the project will consist entirely of resurfacing on an existing roadway, the project will not pose a threat to heritage resources and cultural resource clearance for this undertaking is recommended.

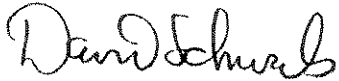
Crooked Creek Road Resurfacing, Petroleum County - Same recommendation as above.

* Rock Creek Road Resurfacing, McCone County - Same recommendation as above.

Valle
March 24, 1987
Page 2

Thank you for consulting with us.

Sincerely,

A handwritten signature in cursive script, reading "David Schwab". The signature is written in dark ink and is positioned below the word "Sincerely,".

David Schwab,
Archaeologist/Anthropologist

File:FWP,General Projects



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
Fish and Wildlife Enhancement
Federal Bldg., U.S. Courthouse
301 South Park
P.O. Box 10023
Helena, Montana 59626

IN REPLY REFER TO:

FWE-61410

May 18, 1988

MEMORANDUM

To: Assistant Regional Director, Fisheries and Federal Aid, Region 6,
USFWS, Denver, CO
Attention: Richard Wydoski (FFA-60152)

From: State Supervisor, Montana State Office, Fish and Wildlife
Enhancement, USFWS, Helena, MT (FWE-61130)

Subject: Rock Creek, Duck Creek Access Sites, Fort Peck Reservoir, MT

We have reviewed as requested the two proposed access projects being considered under the Federal Aid in Sport Fish Restoration program in Montana. The projects being considered were described by the Montana Department of Fish, Wildlife, and Parks in a February 9, 1988, letter to the Service as follows:

Rock Creek

This project will involve improvement of an existing roadway to county all-weather standards. The Rock Creek road extends from State Highway 24 approximately seven miles westward to the Rock Creek Fishing Access Site on Fort Peck Reservoir in McCone County. The road extends from Section 12, T23N, R43E, westward to Section 11, T23N, R42E.

Duck Creek

This project will involve development of boating access facilities at Duck Creek on Fort Peck Reservoir in Valley County. The project will involve upgrading a road to county all-weather standards, and construction of a parking lot, boat ramp, and associated facilities. The site is currently served by four-wheel drive trail. The site receives some use as an access site, although no developed facilities exist. A 25-year lease of the site has been requested from the Corps of Engineers. The Duck Creek site is located approximately six miles southwest of the Fort Peck Dam in Section 26, T26N, R40E.

The Service, in a letter of March 22, 1988, to Ms. Bobbi Balaz, Federal Aid Coordinator for the Montana Department of Fish, Wildlife, and Parks, provided a list of threatened and endangered species that may occur in the project area. This letter also expressed concern about the impact of construction on piping plover habitat and the long-term influence of increased human use on both least tern and piping plover habitat at Fort Peck Reservoir.

The purpose of this letter is to document subsequent discussions between Dick Wydoski and Dennis Christopherson of my staff regarding potential impacts to threatened and endangered species from construction and operation of subject projects at Fort Peck Reservoir. These discussions were held to assist Federal Aid with Section 7 compliance.

The available data regarding location of breeding habitat for piping plover and least terns in Montana are described in "Results of Surveys for Piping Plover (Charadrius melodus) in Northeastern Montana - Summer 1986" and "Results of Surveys for Piping Plover (Charadrius melodus) and Least Tern (Sterna antillarum) in Northeastern Montana - Summer 1987." Copies of these reports were provided to Mr. Wydoski under separate cover on April 28, 1988.

Improvements of the road to the Rock Creek Fishing Site would not have direct impacts to beaches currently utilized by plovers for nesting. Piping plovers have successfully nested on beaches approximately two miles to the south across Rock Creek Bay during 1986 and 1987. Shoreline miles separating Rock Creek Fishing Site and the actively-utilized beaches are considerable (estimated at over ten miles) because of the extremely irregular shoreline of Rock Creek Bay.

Construction of a new boat launching facility at Duck Creek would also not directly impact habitat currently being utilized by nesting plovers. This site is approximately one mile west of a beach site successfully utilized by plovers in 1986. Access over the beach by the public using the new Duck Creek site would not be possible except during years when the reservoir is at abnormally low levels. At that time, the occupied beach habitat would be approximately two miles distant along the shoreline.

Disturbance of plover nesting on the beaches in the proximity of the subject projects at current levels of public use is a continuing possibility. Whether or not the Rock Creek road improvement on the Duck Creek boat launching site will result in immediate increases in public use of the reservoir or in redirection of existing public use is quite speculative. The stated purpose of these developments, however, in the long term is to increase and accommodate significant increases in public use of Fort Peck Reservoir. The long-term influence of increased human use on both least tern and piping plover habitat on the reservoir is of concern and will need to be addressed if proposed development is to occur.

The Omaha District of the U.S. Army Corps of Engineers is currently preparing a Master Plan for Fort Peck Reservoir. The Master Plan is a District policy document intended to provide long-term guidance to Fort Peck project staff. The plan will address policy on recreation development, vehicle travel, land use, pest control, and natural area conservation. Specific implementation direction will be incorporated in more frequently prepared (five-year) operational management plans. The Master Plan appears to be the appropriate vehicle to address the long-term accumulated effects of proposed recreation development on piping plovers and least terns. This plan would logically include management measures necessary to protect these species from potential impacts associated with increases in public use. Management measures that may be necessary to protect piping plovers and least terns could include restricting public access to nesting islands and beaches at certain times of the year, installation of warning signs, restriction of vehicle use of

beaches, restrictions on livestock access, public awareness campaigns, etc. Recovery objectives for piping plovers and least terns at Fort Peck Reservoir should also be addressed in the plan.

This office believes that any additional projects submitted to the Federal Aid Division for approval at Fort Peck Reservoir should be consistent with the final Master Plan for the reservoir. In the event the plan is not finalized or projects are submitted prior to completion of the plan, an assessment of accumulative effects of increased public use on threatened and endangered species should be incorporated in the project proposal. Management prescriptions required to ameliorate these effects, if any, should also be included as an integral part of the proposed project.

Questions regarding these comments may be addressed to Dennis Christopherson (FTS: 585-6750).

Sincerely,



Wayne G. Brewster
State Supervisor
Montana State Office

cc: X Director, Montana Department of Fish, Wildlife, and Parks, Helena, MT
(Attention: Ms. Bobbi Balaz)
Steve Rothe, U.S. Army Corps of Engineers, Omaha District, Omaha, NE
Suboffice Coordinator, USFWS, Billings, MT (FWE-61410)

DMC/taz/clh

"Take Pride in America"

STATE COPY



UNITED STATES DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Division of Federal Aid

PROJECT AGREEMENT

OMB Approval No. 1018-0049 Expires 8/31/85

DOCUMENT CONTROL

60152 ORGANIZATION CODE 88030 DOCUMENT NUMBER

STATE

Montana

PROJECT NO.

F-48-D(MA)

SEGMENT NO.

1

PROJECT TITLE

ROCK CREEK BOAT ACCESS

AGREEMENT PERIOD

From: July 1, 1988

To: September 30, 1989

PROJECT COST DISTRIBUTION

- ☒ Federal Aid in Sport Fish Restoration Act
(16 U.S.C. 777-777k) 50 CFR Part 80
☐ Federal Aid in Wildlife Restoration Act
(16 U.S.C. 669-669i) 50 CFR Part 80
☐ Other (specify) _____

TOTAL

Total Cost	State Share	Federal Share
55,000	13,750	41,250
55,000	13,750	41,250

OTHER PROJECT PROVISIONS

The State agrees to execute the project in accordance with the Acts checked above, and the pertinent rules and regulations of the Secretary of the Interior contained in Title 50 of the Code of Federal Regulations; the U.S. Fish and Wildlife Service Federal Aid Manual; and the previously approved Application for Federal Assistance to the extent encompassed by this Agreement, including the Assurances attached thereto.

STATE AGENCY (Name and Address)

Montana Department of Fish, Wildlife and Parks
1420 East Sixth Avenue
Helena, Montana 59620

SIGNATURE

Roberta J. Balaz

TITLE

Federal Aid Coordinator

DATE

June 17, 1988

SPECIAL PROJECT CONDITIONS

Project is approved with the understanding that the Public Road Agreement between the Montana Department of Fish, Wildlife, and Parks, and McCone County will be signed by authorized personnel prior to initiation of any work.

APPROVED FOR THE SECRETARY OF THE INTERIOR

SIGNATURE

Henry F. Blackard

TITLE

Chief, Division of Federal Aid

Approved effective JUL 1 1988

DATE

JUL 7 1988

Form 3-1552
(Revised Mar. 1983)

STATE COPY

GPO 350-261

FY 89 JOB DESCRIPTION

STATE: Montana
JOB TITLE: Rock Creek Boat Access
PROJECT #:

JOB OBJECTIVE: To construct an all-weather road accessing Ft. Peck Reservoir so as to facilitate use of boating facilities and to increase the angling days per year from 40,000 to 100,000 by 2000.

LOCATION OF WORK: Rock Creek is located on Ft. Peck Reservoir in Mc Cone County, Montana. It is located approximately 45 miles southwest of Glasgow.

APPROACH: As per AFA.

PRINCIPAL PERSONNEL:

Art Warner, Region 6 Supervisor, Glasgow
Robert Needham, Region 6 Fisheries Manager, Glasgow
Doug Monger, Region 7 Parks Manager, Miles City
Dick Mayer, Design and Construction Bureau Chief, Helena
Bobbi Balaz, Federal Aid Coordinator, Helena

JOB DURATION: July 1, 1988 through September 30, 1989

DIRECT COST:

Total direct cost: \$55,000
Federal share: 75 percent
State share: 25 percent

PREPARED BY:

Bobbi Balaz, Federal Aid Coordinator
June 13, 1988

rockcrpa