



U.S. Fish and Wildlife Service and Burlington Northern/Santa Fe Railroad HCP Project Scoping Notice Brochure

Introduction

This scoping brochure is to provide information to you and request public comment on the environmental assessment (EA) that is being prepared for a habitat conservation plan (HCP) that concerns the operation and maintenance of the Burlington Northern/Santa Fe railroad (BNSF) on lands in the Middle Fork Flathead River Corridor in the State of Montana.

An HCP is a voluntary legal agreement between a landowner and the United States Fish and Wildlife Service (USFWS). The purpose of an HCP is to provide conservation for fish and wildlife species listed under the Endangered Species Act (ESA) and their habitats, while at the same time allowing regulatory certainty for the landowners and incidental take of these species.

An approved HCP results in the issuance of an Incidental Take Permit (ITP). The issuance of an ITP is a federal action requiring National Environmental Policy Act (NEPA) compliance. A draft EA will be prepared to address the BNSF HCP.

You Are Invited - Public Scoping Meetings

**KALISPELL
FEBRUARY 10, 2004 4:00 – 8:00 P.M.
MONTANA FISH, WILDLIFE AND
PARKS
REGION 1 HEADQUARTERS
490 NORTH MERIDIAN ROAD**

ESSEX

**FEBRUARY 11, 2004 4:00 – 8:00 P.M.
MIDDLEFORK QUICK RESPONSE
BUILDING
HIGHWAY 2**

BROWNING

**FEBRUARY 12, 2004 4:00 – 8:00 P.M.
BLACKFEET TRIBAL COMPLEX
GOVERNMENT SQUARE,
TRIBAL CONFERENCE ROOM**

Background Information

The Burlington Northern and Santa Fe Railway Company (BNSF), in consultation with the U.S. Fish and Wildlife Service (USFWS), proposes to prepare an application for an Incidental Take Permit (ITP), pursuant to Section 10 for the Endangered Species Act, to request authorization for the incidental take of grizzly bears that may result from the operation and maintenance of the railroad within the Middle Fork Flathead River corridor between Hungry Horse and Browning Montana. The ITP application will include a draft Habitat Conservation Plan (HCP), draft Implementation Agreement and a draft Environmental Assessment (EA). The HCP and EA will clarify the activities associated with the operation and maintenance of the railroad which may affect grizzly bears; evaluate other factors that contribute to human caused mortality of grizzly bears in the Middle Fork Flathead River corridor; evaluate alternative strategies to minimize the effects of railroad operations on grizzly bears; and, develop an adaptive management framework for grizzly bear conservation in the corridor.

In 1991, BNSF entered into an agreement with the state and federal agencies who have relevant jurisdiction in the Middle Fork Flathead River Corridor to form the Great Northern Environmental Stewardship Area (GNESA). GNESA fosters a positive working relationship among industry, government and conservation interests. The cooperators recognize that the Middle Fork Flathead River corridor is an area with unique natural values. They also recognize that commerce has an important place in the area. Accordingly, they seek to promote proper stewardship so that these two aspects are compatible. In addition to BNSF, the GNESA cooperators include the Flathead National Forest; Lewis and Clark National Forest; Glacier National Park; U.S. Fish and Wildlife Service; Blackfeet Indian Nation; Montana Fish, Wildlife and Parks; Montana Department of Natural Resources and Conservation; Montana Department of Transportation; Flathead County; Glacier County; the Great Bear Foundation; the Flathead Land Trust; The Nature Conservancy; and, two citizen members.

In cooperation with GNESA, BNSF has implemented an operating protocol that includes several railroad operation and maintenance procedures intended to minimize train/bear incidents and ensure a rapid response and removal of attractants from the railroad right of way. BNSF has implemented and continues to operate according to the GNESA protocol because the company is interested and motivated to operate the railroad in a manner that promotes good stewardship and conservation of grizzly bears in the Middle Fork Flathead River corridor. BNSF also expects to implement the HCP in close cooperation with GNESA.

The Scope of the Agreement

BNSF proposes to develop the HCP to achieve conservation of the grizzly bear by minimizing the potential for grizzly bear/train collisions and mitigating for the consequences of unavoidable grizzly/bear train collisions.

As currently envisioned, the HCP would involve a multi-year Permit covering approximately 85 miles of railroad right-of-way through the Middle Fork Flathead River Corridor from Conkelley east to Browning, Montana. BNSF is currently considering a term of 25 years.

Conservation Measures

For the proposed HCP, BNSF would develop specific conservation measures to be implemented within the framework of existing railroad operations and/or in cooperation with conservation programs for which another GNESA member agency has primary responsibility.

In cooperation with GNESA, BNSF has implemented an operating protocol that includes several railroad operation and maintenance procedures intended to minimize train/bear incidents and ensure a rapid response and removal of attractants from the railroad right of way. In addition to the protocol, the GNESA agreement includes the provision for developing a \$1 million conservation trust fund for the purpose of assisting the GNESA cooperators to implement a variety of grizzly bear conservation activities in the Middle Fork Flathead River corridor. BNSF anticipates that the HCP will update and build upon this existing agreement.

Monitoring and Adaptive Management

As currently envisioned, the HCP would incorporate active adaptive management features, with an emphasis on documenting all human-caused grizzly bear mortality in the corridor, evaluating factors that contribute to each mortality and evaluating methods to reduce the potential for human-caused mortality. Applied research and monitoring would help determine the effectiveness of the HCP, validate models used to develop the HCP, and provide the basic information used to implement "mid-course corrections" if necessary.

Who is Preparing the EA?

The USFWS will conduct an environmental review of the proposed HCP and prepare an EA. The environmental review will analyze the proposal as well as a full range of reasonable alternatives and the associated impacts of each. The USFWS and BNSF are currently in the process of developing alternatives for analysis. The scoping process will be used to identify reasonable alternatives in addition to the No Action alternative.

The environmental review of this project will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321 et seq.), Council of Environmental Quality regulations (40 CFR parts 1500-1508), other appropriate Federal laws and regulations, and policies and procedures of the USFWS for compliance with those regulations. It is estimated that the draft EA will be available for public review during the third quarter of calendar year 2004.

Scoping Period

We will be accepting scoping comments for 45 days from the publishing of the Notice of Intent (NOI) to prepare an EA in the Federal Register. The NOI should be published on or near February 6, 2004. Scoping input received prior to the publishing of the NOI will be considered as part of the scoping process. The exact dates of the scoping period will be posted on the HCP page of the Montana Field Office website <http://montanafieldoffice@fws.gov>.

Where Do You Send Comments?

Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to the proposed action are addressed and that all significant issues are identified. Comments or questions concerning this proposed action and the environmental review should be directed to:

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