

HDA-MT



U.S. Department  
of Transportation  
Federal Highway  
Administration

# Memorandum

Region 8

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Subject: Record of Decision, FHWA-MT-EIS-92-02-F  
U.S. 2, Columbia Heights to Hungry Horse,  
Flathead County, Montana

Date: December 22, 1995

From: Regional Administrator  
Lakewood, Colorado

Reply to  
Attn of: HPD-08

To: Mr. Hank D. Honeywell  
Division Administrator (HDA-MT)  
Helena, Montana

Attached are two signed original Records of Decision (ROD) for the subject Final Environmental Impact Statement as you requested. These may be used for publication and distribution. We are retaining the review copy and one signed original for our records.

The ROD is considered to be an environmental document; therefore, it must be made available to the public and other agencies through appropriate public notice as required by Section 1506.6(b) of the Council on Environmental Quality Regulations. Also, the mitigation commitments made in the ROD are considered conditions for the funding of the projects. The FHWA must monitor and ensure that the measures to minimize harm are carried out.

FOR James H. Lamb

Director, Office of Program Development

## Attachments

cc: C. Newman (HEP-31), memorandum only  
S. Martin (HRC-08), memorandum only



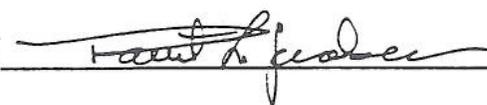
RECORD OF DECISION

FOR

RECONSTRUCTION OF U.S. HIGHWAY 2  
COLUMBIA HEIGHTS TO HUNGRY HORSE  
FLATHEAD COUNTY, MONTANA  
PROJECT F 1-2(39)138

FINAL ENVIRONMENTAL IMPACT STATEMENT  
FINAL SECTION 4(f) EVALUATION  
FHWA-MT-EIS-92-02-F

FEDERAL HIGHWAY ADMINISTRATION

DATE 12/22/95 BY 

OFFICE OF PLANNING AND PROGRAM DEVELOPMENT  
FEDERAL HIGHWAY ADMINISTRATION, REGION 8  
LAKEWOOD, COLORADO



## RECORD OF DECISION

### RECONSTRUCTION OF US HIGHWAY 2 COLUMBIA HEIGHTS TO HUNGRY HORSE PROJECT F 1-2(39)138 FLATHEAD COUNTY, MONTANA

FHWA-MT-EIS-92-02-F

#### DECISION

The Decision of the Federal Highway Administration in cooperation with the Montana Department of Transportation (MDT) is to approve Alternative 1 for the reconstruction of U.S. Highway 2 between Columbia Heights and Hungry Horse in Flathead County, Montana. Alternative 1 will provide four travel lanes and a continuous center median/left turn lane from the project's beginning in Columbia Heights to Berne Road, west of Badrock Canyon. The roadway would be 82 feet wide and have curbs and gutters through the developed area at Columbia Heights and would be 78 feet wide between Columbia Heights and Berne Road where curbs or gutters would not be provided. The continuous center median/left turn lane would be eliminated between Berne Road and Hungry Horse reducing the typical width of the four-lane roadway to 64 feet.

The project will also reconstruct the intersection of US 2 and Secondary Route 206 in Columbia Heights, install a vertical retaining wall along the Flathead River in Badrock Canyon, and provide a new four-lane bridge over the South Fork of the Flathead River west of Hungry Horse. A new park area and river access site will be jointly developed with the U.S. Forest Service, Flathead National Forest (USFS), on a site west of Badrock Canyon. A park-and-ride lot will also be constructed near the intersection of US 2 and Secondary Route 206 to serve residents that commute from work or home locations in communities located east of Hungry Horse or in the Flathead Valley. Other features of Alternative 1 are contained in Part II of the Final Environmental Impact Statement/Section 4(f) Evaluation.

The primary purpose of the proposed action is to provide for the safe and efficient movement of traffic through the project area. This project is needed because the existing facility operates at an unacceptable level of service under current traffic conditions for a substantial portion of the year. Traffic volumes on US 2 in the project area are expected to continue increasing through the foreseeable future. The existing highway, constructed in the 1930's, is in a deteriorated condition and does not meet current design standards for horizontal and vertical curves. The accident rate on this section of US 2 is more than 1.5 times higher than the average accident rate for other Primary Roads in Montana. Adjacent segments of US 2 have also been reconstructed and widened to four-lane facilities. All of these factors indicate the need to reconstruct this segment of US 2. Part I of the Final EIS provides additional and more detailed information about the need for the project.

#### ALTERNATIVES CONSIDERED

The alternatives initially considered for the project included No-Action, transportation system management (TSM) actions, mass transit, alternate locations for the highway, and "build" alternatives which considered specific alignment and road design options. A brief description of each alternative follows:

- "No-Action"      The no-action alternative would not change the 24-foot-wide, two-lane highway or the two-lane bridge that exists within the project corridor. This alternative includes short-term minor restoration activities (safety and maintenance improvements) that are needed to continue the use of the existing facilities.

- **TSM**                               The TSM alternative includes limited construction activities which maximize the efficiency of the existing system. TSM options cover physical, operational, regulatory, and managerial actions that can be quickly and cheaply designed and implemented to improve the use and performance of transportation facilities.
  
- **Mass Transit**                   This alternative assumes that the present roadway would remain in place to serve existing land uses but mass transit systems (bus or rail services) would be provided to handle as much existing and projected traffic as possible. The provision of mass transit systems could help alleviate congestion on the existing facility by reducing the number of vehicle trips within the project area.
  
- **Alternate Routes**             This alternative would promote the use of alternate routes as a way to reduce travel demands on US 2. Two alternate routes could be used instead of US 2 to travel from Columbia Falls to West Glacier. One route begins in Columbia Falls and proceeds north on Secondary Route 486 and Forest Highway 61 into Glacier National Park. US 2 can then be accessed at West Glacier by following Camas Road and the West Entrance Road to the Park. The other route follows Secondary Route 486 northward from Columbia Falls to the Blankenship Bridge Road and continues eastward along Blankenship Bridge Road to join US 2 between Coram and West Glacier.
  
- **Build Alternatives**           The build alternatives considered for the proposed action included location and design alternatives for US 2. These alternatives are discussed below.

Location Alternatives

The location alternatives considered for the proposed action included:

- Construct the Road on a New Route north of the Flathead River or south of the Existing Highway Corridor
- Reconstruct the Road Following the Existing Alignment
- Improve the Alignment Within the Existing Highway Corridor
- Other Location Alternatives (Construct a Tunnel in Badrock Canyon, Provide a Grade-Separated Roadway in Badrock Canyon, and Close Existing US 2)

Design Alternatives

Design alternatives refer to the various lane configurations and other features that would be developed with the proposed highway. The design alternatives initially identified for the proposed action were developed after reviewing the designs used for reconstruction projects on other nearby segments of US 2, consulting geometric design standards, and discussing design options with involved agencies and the public.

The four road design alternatives listed below were developed for the proposed action. Typical sections and the layouts of each alternative are shown in FIGURES II-13 and II-14 in Part II of the Final EIS. Note that the designs of the build alternatives are similar from the projects beginning through Columbia Heights and from the new bridge across the South Fork of the Flathead River to the eastern terminus of the project.

**Alternative 1** - The width of the roadway surface for this alternative would range from 78 feet in areas where a median/left turn lane is provided to 64 feet wide in other rural portions of the corridor. The typical features of the undivided four-lane sections of the alternative would consist of four 12-foot lanes and two 8-foot shoulders. A 14-foot median/left turn lane would be provided where appropriate.

**Alternative 2** - This design would have a 64-foot-wide roadway surface that consists of four 12-foot lanes and two 8-foot shoulders. A median/left turn lane would not be included with

this design.

**Alternative 3** - The alternative would have a surface width ranging from 58 feet wide in areas where a median/left turn lane is provided to 44 feet wide in rural areas. The design would include two 12-foot lanes and two 10-foot shoulders. If necessary, a 14-foot median/left turn lane would be provided as necessary at major approaches in the corridor.

**Alternative 4** - This alternative would provide a 44-foot wide roadway surface consisting of two 12-foot lanes and two 10-foot shoulders. No median or left turn provisions would be considered in this design.

The alternatives were evaluated on the basis of how it fulfilled the specified purpose and need for the project. Following this evaluation, alternatives that did not adequately address the purpose and need for the project were eliminated from consideration. Alternatives eliminated from consideration include:

- TSM Alternatives
- Mass Transit Alternative
- Alternate Routes
- Constructing the Road on a New Route north or south of the Existing Alignment
- Reconstructing the Road Following the Existing Alignment
- Constructing a Tunnel in Badrock Canyon
- Building a Grade-Separated Roadway in Badrock Canyon
- Closing Existing US 2

The two-lane highway designs, identified as Alternatives 3 and 4, did not meet the specified purpose and need for the project because the designs will not meet future operational requirements for the facility. Even though Alternatives 3 and 4 do not meet the purpose and need for the proposed action, MDT chose to evaluate these alternatives in detail along with Alternatives 1 and 2 and the "No-Action" Alternative due to public expectations. The detailed study of alternatives examined the extent to which each alternative satisfied the purpose and need for the project and identified the environmental impacts associated with each alternative. The full range of environmental issues was evaluated for each alternative; however, the following issues received the greatest emphasis in this evaluation:

**Operational Characteristics and Safety**

- Current and future Level of Service (LOS)
- Need for a four-lane facility and measures to add capacity to two-lane alternatives

**Impacts on Badrock Canyon/Berne Memorial Park**

- Effects on the access and the use of Berne Memorial Park
- Impacts to the existing springs at Berne Memorial Park
- Impacts to the natural characteristics of Badrock Canyon and the Flathead River
- Impacts to cultural resources in Badrock Canyon
- Appearance of the new road in Badrock Canyon

**Impacts to Threatened and Endangered Species**

- Impacts to riparian habitat important to bald eagles
- Impacts to the Northern Continental Divide Grizzly Bear Ecosystem

**Land Use and Social Impacts**

- Right-of-way impacts and relocations
- Potential for highway reconstruction to induce development

All build alternatives would impact similar features of the physical, biological, and human environment since they would be constructed along the same general horizontal and vertical alignments. The build alternatives are identical from the project's beginning through Columbia Heights and at the west edge of Hungry Horse where a new four-lane bridge across the South Fork of the Flathead River would be provided with each alternative. The environmental impacts of

all build alternatives are equal in these portions of the corridor.

Alternatives 1 and 2 (four-lane road designs) and Alternatives 3 and 4 (two-lane road designs) are similar from Berne Road through Badrock Canyon to the proposed bridge. All build alternatives would require substantial amounts of rock excavation, encroach on the Flathead River, impact Berne Memorial Park, and remove riparian vegetation in Badrock Canyon due to alignment improvements. Because the build alternatives follow the same alignment and construction limits for the four-lane designs are typically only 20 feet wider than those of the two-lane designs, the impacts are only incrementally greater for Alternatives 1 and 2 than for Alternatives 3 and 4. Likewise, the difference in costs between build alternatives is not substantial.

The major differences in the designs of the build alternatives occurs in a 1.7 mile-long segment of the corridor which lies between Columbia Heights and Berne Road. The paved surface width of the build alternatives varies by a maximum of only 34 feet in this portion of the corridor. Alternative 1 will require the most right-of-way and affect the surrounding environment to the greatest extent of the build alternatives examined in this area. Analyses indicate that only minor differences in the extent of environmental impacts would occur in this area due to the relatively small variation in width of the construction zones for the build alternatives.

The 1.7 miles of US 2 from Columbia Heights to Berne Road contain most of the existing roadside development and the area has a strong potential for further residential and commercial land development. The design of Alternative 2 would not accommodate traffic to adjacent land uses in this section of the project corridor as well as Alternative 1. Alternative 1 was selected because the continuous median/left turn lane proposed for this area of US 2 would completely eliminate conflicts between left turning and through traffic. Instead of a continuous median/left turn lane, Alternative 2 would widen the road for isolated left turn lanes over some 1.3 of the 1.7 miles (more than 75% of the length) between Columbia Heights and Berne Road. The frequent transitions to and from widened road sections and left turn lanes were considered undesirable and could confuse some users of the facility.

The No-Action Alternative is the environmentally preferable alternative for the proposed action since it would cause the least harm to the physical and biological environment of the project area. Although the No-Action Alternative is environmentally preferable, it fails to satisfy the purpose and need for the project as stated in Part I of the Final EIS. The No-Action Alternative would do nothing to alleviate the substandard geometric conditions, remedy the deteriorated overall condition of the facility, or relieve the traffic congestion that now exists on the route. The existing highway also has an accident rate that is substantially above the statewide average accident rate for all Primary routes in Montana. Since the No-Action Alternative would not produce notable changes to the existing facility, traffic safety would not be improved through the implementation of this alternative.

Alternatives 3 and 4 would be environmentally preferable to Alternatives 1 and 2. However, Alternatives 3 and 4 do not meet the purpose and need as identified in Part I of the Final EIS and were not selected for this project. Analyses showed that these two-lane alternatives would operate at an undesirable level of service under current and future traffic conditions. Analyses showed that measures to increase the capacity of Alternatives 3 and 4 could improve the operation of the highway in some areas of the project corridor but traffic congestion would still occur on the facility. Overall, Alternatives 3 and 4 would not function at the desired level of service over the facility's design life, one of the project's primary objectives.

Alternative 1 was ultimately selected over Alternative 2 for operational and safety reasons. The environmental impacts and estimated cost of constructing Alternatives 1 and 2 are almost equal. Alternative 1 would cause the same environmental impacts as Alternative 2 in all parts of the corridor except for the area between Columbia Heights and Berne Road where a continuous center median/left turn lane would be installed. The environmental impacts of Alternative 2 in this portion of the corridor would be only slightly less than Alternative 1 since road widening to accommodate transitions to and from isolated left turn lanes would occur over the majority of the segment. The center median/left turn lane between Columbia Heights and Berne Road provided with Alternative 1 will eliminate conflicts between left turning and through traffic in the most developed area of the project corridor. Alternative 1 provides the ability to accommodate future development along the highway without compromising the safe and efficient operation of the facility.

Part II of the Final EIS discusses the factors considered in the selection of Alternative 1 over the other alternatives

proposed for this project. The selection of Alternative 1 was made after the costs, the environmental impacts, the operational and safety benefits, and the savings in property, lives, and natural resources associated with the alternatives were fully considered.

## SECTION 4(f)

Eleven properties located within the project corridor were examined for their applicability to Section 4(f). Of these properties, only Berne Memorial Park and the remains of an historic road, known as the Badrock Canyon "Tote" Road, were found eligible for Section 4(f) protection according to 23 CFR 771.135(d). Berne Memorial Park is a roadside turnout with flowing springs and informal recreation sites located adjacent to US 2 and the Flathead River in Badrock Canyon. The Badrock Canyon "Tote" Road (24FH583) is a remnant of a supply route through Badrock Canyon once used to transport materials for the construction of the Great Northern Railroad in the early 1890's.

The primary impacts of this project on these 4(f) properties are listed below:

- some 2.9 of the 8.45 total acres of Berne Memorial Park will be affected by construction, including 1.2 of the 1.8 acres of the existing roadside turnout;
- an outcrop at the west end of Berne Memorial Park will be excavated to improve the alignment of US 2;
- access to Berne Memorial Park and to a public spring will be modified;
- opportunities for parking at Berne Memorial Park will be reduced;
- reconstruction of US 2 will result in the loss of about 13% of the documented length of the remaining segment of the "Tote" Road; and
- reconstruction of US 2 will eliminate portions of a trail and dirt road which can be used to access the western end of the "Tote" road.

A variety of location and design alternatives were considered in an effort to avoid or minimize impacts to Berne Memorial Park and the Badrock Canyon "Tote" Road. Such alternatives included shifting the location of the new road away from the park and "Tote" Road by using bridges or cantilever structures, constructing a tunnel, and providing a minimal two-lane road in the vicinity of these Section 4(f) resources. However, these avoidance alternatives would have extraordinary costs or would cause environmental impacts equal to or greater than that of the selected alternative.

Therefore, it was determined that there is no feasible and prudent alternative to the use of Section 4(f) property from Berne Memorial Park and the "Tote" road. The U.S. Department of the Interior, Office of the Secretary concurred with this determination and with actions proposed as mitigation for impacts to Berne Memorial Park in correspondence dated September 21, 1992. Measures to minimize harm to Berne Memorial Park and the Badrock Canyon "Tote" Road are discussed in the subsequent paragraphs.

An archaeological site, 24FH760, was discovered east of Berne Memorial Park in May 1995 after the Final EIS/Section 4(f) Evaluation had been distributed. The site, which straddles the existing highway, was recorded and is being handled under the late discovery clause (36 CFR 800.11) in Section 106 of the National Historic Preservation Act. Archaeological testing conducted during the summer of 1995 revealed that the site contains chipped stone debitage and tools, fire-broken rock, and may contain datable, buried, cultural features. Coordination regarding the site and its significance was undertaken and completed with the Montana SHPO and the Salish, Kootenai, and Blackfeet Tribes. Based on this coordination, MDT determined that 24FH760 is eligible for the National Register of Historic Places under Criterion D, its ability to yield significant scientific information. The Montana SHPO concurred with this determination on November 28, 1995.

MDT will handle 24FH760 as a late discovery under the Section 106 regulations [36 CFR 800.11]. MDT will produce a determination of effect, a data recovery plan, and a Memorandum of Agreement specifying the roles of involved agencies and Tribes in data recovery efforts at the site. Section 4(f) of the Department of Transportation Act does not apply to 24FH760, since it was determined that the archaeological resource is important chiefly because of what can be learned through data recovery and has minimal value for preservation in place. This determination was made after consulting with the SHPO about the test results for this site.

## MEASURES TO MINIMIZE HARM

All practical measures to avoid or minimize harm to the environment have been included in this Record of Decision. The following measures will be incorporated into the project and implemented before or during construction.

### Mitigation for Impacts to the Physical Environment

- ❖ The proposed action will incorporate a vertical retaining wall along the Flathead River in Badrock Canyon to minimize the encroachment on the Flathead River.
- ❖ Curbs and gutters and a piped storm drainage system will be constructed to accommodate highway runoff in Columbia Heights. Runoff collected by the system will be discharged in a manner consistent with the Montana Department of Environmental Quality (MDEQ) policy of non-degradation of surface waters and conform to the agency's storm water management guidelines.
- ❖ The spring at Berne Memorial Park will be perpetuated at its present location, however, the access to the water source would be restructured to reduce conflicts between spring users and through traffic.
- ❖ Highway designers will use the MDT's *Highway Construction Standard Erosion Control Work Plan* to identify best management practices (BMPs) to control erosion and minimize the transport of sediments to surface waters.
- ❖ The following general measures will be implemented to mitigate the potential adverse visual effects of the action.
  - Implementing limited access control to help minimize the number of approaches along US 2 and improve the appearance of the corridor.
  - Pursuing the acquisition of private lands to control incompatible development and maintain the natural appearance of Badrock Canyon.
  - Working with the National Park Service and the USFS to develop scenic enhancement measures that can be incorporated in the design of the new facility.
  - Varying the tree line during right-of-way clearing to avoid creating a "tunnel effect" where the road passes through dense timber.
  - Establishing strict construction limits and employing selective tree cutting in areas adjacent to the Flathead River to preserve visual qualities and habitat for bald eagles and other wildlife.
  - Requiring prompt revegetation of areas disturbed by construction.
- ❖ The following measures will be incorporated into the design and excavation of the new rock cut in Badrock Canyon:
  - Additional geotechnical investigations of the west outcrop will be completed to refine the rock slope design in the outcrop.
  - On-site geotechnical supervision will be provided to monitor excavation and ensure presplit holes are located to make use of existing joints and bedding planes.
  - "Rock sculpturing" techniques will be used to produce a rough textured cut surface which will reflect the existing terrain and accent natural fracture lines in the rock.
  - The newly exposed rock faces may be stained with commercially available products to give them a weathered appearance. This will not be done if such products are likely to produce adverse effects on surface or groundwater. Such products will be investigated before they are recommended for use.
  - Random plantings of vegetation on the rock face may be introduced to reduce the scale of the new rock cut. The feasibility of such plantings will be evaluated during the final design of the project.

- The rock cut will be designed to maintain existing drainages and seeps over the rock face.
  - The heads of rock bolts used to stabilize blocks and slabs in the outcrop will be colored to match the rock.
- ❖ Blast hole liners will be used to encase explosives used in the excavation of the outcrop in Badrock Canyon. This measure will minimize the potential for spillage of explosive materials on the surface of the outcrop and for undetonated explosives.
  - ❖ Temporary rock storage piles will be located way from areas where precipitation leaching through excavated rock may transport residual nitrates to surface waters. Rock storage piles will be located above the water table to prevent impacts to groundwater. Measures to control runoff entering and leaving the area where rock is temporarily stored will be employed.

#### Mitigation for Impacts to the Biological Environment

- ❖ Topsoil stripped from the right-of-way during construction will be stockpiled and used to cover cut and fill areas to facilitate revegetation.
- ❖ Impacts to wetlands in the project corridor will be mitigated based on the values and functions each area serves not solely on the acreage lost or adversely affected.
- ❖ Potential sedimentation impacts will be avoided by strict adherence to MDT construction practices and implementation of BMPs designed to minimize erosion and sediment transport to surface waters.
- ❖ Plant species used to revegetate disturbed areas adjacent to the highway will be selected to minimize its attractiveness to wildlife. Careful selection of such vegetation may help prevent animals from being attracted to the roadside.
- ❖ Measures will be incorporated into the project to minimize impacts on bald eagles and their habitat including:
  - Limiting construction between mid-October and mid-March so eagles will not be displaced from hunting perches or roosts.
  - Consulting with the USFWS if eagles establish a nest territory within one-half mile of the project area prior to construction.
  - Modifying overhead power lines that pose an electrocution threat.
  - Contacting the Montana Bald Eagle Working Group for assistance in developing an interpretive exhibit about bald eagles in the Flathead region.
  - Undertaking a study to identify riparian lands within the project area that constitute important habitat for bald eagles. The study will examine the feasibility of acquiring such lands to preserve important habitat for the species.

#### Mitigation for Impacts to the Human Environment

- ❖ The construction schedule and activities will be planned to minimize adverse effects on residents and businesses in the corridor. Access to businesses will be maintained throughout the construction period.
- ❖ Previously undiscovered historic or archeological resources discovered during construction will be protected by stopping construction in the vicinity until the resource can be evaluated for its significance.
- ❖ Replacement parkland will be developed on a site adjacent to the Flathead River near the House of Mystery as mitigation for impacts on Berne Memorial Park. The facility will be designed to provide safe, controlled approaches and structured parking areas for users of the facility. Exhibits from the

existing roadside park will be relocated to the replacement area. A new public river access will be jointly developed with the USFS at this location.

- ❖ A small interpretive marker discussing the construction and use of the Badrock Canyon Tote Road will be provided for pedestrians and other trail users near the east end of the old road in Berne Memorial Park.

## **MONITORING OR ENFORCEMENT PROGRAM**

The MDT will monitor the project to ensure compliance with the plans and specifications for this project. Adherence to the specifications will mitigate the short-term, construction-related impacts of the proposed action.

Based on coordination with regulatory agencies, the following permits must be obtained prior to the construction of the proposed action.

**Section 404 Permit** - The MDT must obtain a 404 permit from the U.S. Army Corps of Engineers (COE) for: (1) the proposed placement of fill along the banks of the Flathead River opposite Berne Memorial Park; (2) the construction of piers for a new bridge over the South Fork of the Flathead River; (3) the project's effects on wetlands in the corridor; and (4) the project's impacts on other jurisdictional waters of the United States.

**Section 401 Water Quality Certification** - The MDEQ Water Quality Division must certify that any discharges into state waters will comply with certain water quality standards before federal permits or licenses can be granted.

**NPDES/MPDES Permit** - The MDEQ Water Quality Division will review plans and specifications relative to erosion control for a storm water discharge permit. A Storm Water Erosion Control Plan will be developed for the project.

**124 Permit** - The MDT must obtain permit from the Montana Fish Wildlife & Parks for actions that may affect the natural existing shape and form of any stream or its banks or tributaries.

**3A Authorization** - This authorization must be obtained from the MDEQ Water Quality Division for construction activities that may cause unavoidable short-term violations of water quality standards for turbidity, total dissolved solids, or temperature.

**Memorandum of Agreement and Authorization (MAA)** - This agreement between MDT and Montana Department of Fish, Wildlife & Parks, stipulates the provisions that will be used to maintain the quality of streams and fisheries affected by highway-related construction. The MAA documents compliance with the Montana Stream Preservation Act.

**Temporary Water Use Permit** - Under the Montana Water Use Act, a temporary water use permit will be required if water is needed for dust control or other construction-related purposes.

**Floodplain Development Permit** - A floodplain development permit from Flathead County will be required for road and bridge construction and placement of fill in floodplains of the Flathead River.

**DNRC Land Use License** - The Montana Department of Natural Resources and Conservation (DNRC), requires that MDT obtain a land use license and a permanent right-of-way for the new bridge over the South Fork of the Flathead River west of Hungry Horse. The DNRC assumed this licensing authority from the Montana Department of State Lands in a recent reorganization of State agencies.

**Air Quality Permit** - The suppliers of asphalt materials and crushed rock needed for construction must have an air quality permit from the MDEQ Air Quality Division.

**Construction Blasting Permit** - The Contractor performing any blasting required for the proposed action must be licensed by the Safety Bureau of the Montana Department of Labor and Industry, Workers's Compensation Division.

**Permits for Open Burning** - If open burning occurs with the right-of-way clearing activities for the proposed highway improvement project, fire control permits from the DNRC and open burning permits from the MDEQ Air Quality Division and Flathead County may be required.

## AGENCY COMMENTS ON THE FINAL EIS/SECTION 4(f) EVALUATION

Letters with comments on the Final EIS were received from John F. Wardell, the Director of the Montana Office of the U.S. Environmental Protection Agency (EPA) and from Richard D. Gorton, Chief of the COE's Environmental Analysis Branch, Planning Division in Omaha Nebraska. These comments along with appropriate responses follow.

### Comments from the EPA

Overall, the EPA was pleased with revisions to the preferred alternative that reduce the volume of fill to be placed in the Flathead River and its proposal to develop park-and-ride lot for commuters. The agency also commended the Montana Department of Transportation for providing financial assistance to a land use planning effort initiated by local residents. The EPA also made several substantive comments on the Final EIS/Section 4(f) Evaluation which are summarized below:

(1) EPA expressed concern about the selected alternative's potential to hasten or induce changes in patterns of land use, population density, or growth rates in the Canyon and felt that the proposal may hasten or induce strip development that, in turn, may impact the environment (wetlands, habitat, and other sensitive areas east of Columbia Heights).

The potential for this project to induce or contribute to further development on rural lands in Flathead County was acknowledged in the Final EIS. Reconstruction of the highway is only one of the factors that may contribute to additional commercial development along US 2 in and out of the project corridor. The lack of land use controls, the presence of Glacier National Park, the promotion of the Flathead Region as a year-round destination, and the increasing population base in Flathead County are other factors that provide a favorable climate for development. Other than by controlling access, transportation agencies have few effective ways to control the land use development adjacent to the highway and must often implement reconstruction projects in response to growth that has already occurred in the community.

Regulations proposed by Flathead County to control land uses adjacent to US 2 in the project area and in several Canyon communities (Hungry Horse, Martin City, and Coram) were rejected by landowners in December 1994. As a result, lands in the project area remain unzoned. However, new land use regulations were adopted for lands along the highway between West Glacier and Marias Pass.

(2) The EPA pointed out discrepancies regarding the amount of impacted wetlands presented in PART IV, Appendix 14, and Appendix 15.

The total acreage of wetlands impacted by the project is 2.17 acres. This total includes 0.18 acres of wetland type W-1 (rooted emergent vegetation), 0.84 acres of wetland type W-2 (graminoid/herbaceous cover), and 1.15 acres of wetland type W-7 (forested cottonwood/conifer). The total impacted wetland areas shown in TABLE IV-5 and in Appendix 15 are correct.

The total shown in the impact summary table (TABLE IV-8) should be 2.17 acres not 2.44 acres as shown. Likewise, the amount of jurisdictional wetlands disturbed by construction listed on page A14-19 of Appendix 14 should be 2.17 acres instead of 1.8 acres.

**(3) The EPA felt that opportunities for wetland mitigation identified in Appendix 15 do not adequately address the goal of on-site replacement for the functions and values of wetlands lost as a result of the project (i.e., acre-for-acre and type-for-type mitigation).**

Opportunities to mitigate wetlands impacts discussed in the Final EIS were viewed as ways to improve the overall wetlands resource in the project area. Commitments to implementing mitigation at these sites were not made in the document because the areas identified for wetlands replacement or enhancement are privately-owned and the acquisition of such lands for mitigation is uncertain. Opportunities to replace the exact types and amounts of wetlands impacted by the project do not exist within the right-of-way.

**(4) There should be a clear commitment to implement appropriate wetland mitigation.**

The MDT is committed to fully and appropriately mitigating the impacts of this project on wetlands. As such, the agency will evaluate and pursue all viable on-site mitigation opportunities during the design of the proposed highway project between Columbia Heights and Hungry Horse. In the absence of available on-site opportunities, impacts from this project will be mitigated by the development of measures to offset the wetlands impacts from the planned reconstruction of US 93 between Somers and Whitefish in Flathead County. Wetlands mitigation for the US 93 projects are being pursued with the intention of also mitigating the wetlands impacts associated with the Columbia Heights-Hungry Horse project. MDT has already initiated efforts to accomplish wetlands mitigation for these projects at Lawrence Park, a site in the City of Kalispell. Other potential wetland mitigation sites along the US 93 corridor are being investigated as part of on-going highway design work.

### **Comments from the Corps of Engineers (COE)**

The COE submitted several comments regarding wetlands in the project corridor and Section 404 permitting. These comments are summarized below:

**(1) Springs at Berne Memorial Park and a riparian community type R-8 characterized by seeps and springs will be impacted. These seeps and springs are jurisdictional Waters of the United States and should be documented, quantified, described, and defined in the Section 404 (b)(1) Evaluation.**

It is acknowledged that the seeps and springs in Berne Memorial Park are Waters of the United States. The proposed action will impact the seeps and springs that exist in the west outcrop of Badrock Canyon at Berne Memorial Park. Discussions under Water Quality Impacts in Part IV of the Final EIS discuss the direct and indirect impacts on ground water resources resulting from the proposed excavation of the outcrop containing the seeps and springs. A public spring, a stone fountain, and other water features located at the east end of Berne Memorial Park will be unaffected by construction.

**(2) Although no fill will be placed in Wetland Site 4, draining or excavating the wetland initiates Section 404 and impacts should be documented.**

The MDT acknowledges that excavation at Wetland Site 4 has the potential to affect remaining portions of the site. MDT will submit the Final EIS, Record of Decision, and other whatever other materials can be provided to fully identify the project's impacts on Wetland Site 4 along with the 404 permit application for this project. Possibilities to maintain or enhance the wetland site will be investigated further during the design of the project.

### **PUBLIC COMMENTS ON THE FINAL EIS/SECTION 4(f) EVALUATION**

Numerous public comments on the project were received during the public availability and review period for the Final EIS/Section 4(f) Evaluation. By the end of the comment period on the document, the MDT had received the following:

- Written comments on forms provided by the MDT from 18 individuals;
- Correspondence containing comments from 7 people;

- Identical preprinted comment forms produced by the Coalition for Canyon Preservation, but signed by 27 people; and
- Two letters with comments on the project and Final EIS/Section from the Coalition for Canyon Preservation, (dated May 12 and June 1, 1995) with numerous attachments like petitions calling for the preservation of Berne Memorial Park and features of Badrock Canyon: comment letters sent to the MDT, FHWA, and various agencies regarding this project: articles or pictures from newspapers and other publications; and a variety of other materials.
- Several requests for additional information on the project from the Coalition for Canyon Preservation.

Comments ranged from short statements expressing opposition to the proposed action to lengthy comments challenging specific subject matter or conclusions in the Final EIS. Although numerous comments were received, they relate to a relatively small number of issues central to the proposed action. These comments, along with appropriate responses, are shown below:

**(1) Other alternatives with fewer severe impacts than the preferred alternative exist for US 2 in Badrock Canyon. The proposed excavation of the west outcrop in the Canyon, impacts on Berne Memorial Park, and impacts on the Badrock Canyon "Tote" Road can be avoided through the use of a cantilevered roadway, which was not adequately considered in the Final EIS.**

Reconstruction of US 2 through Badrock Canyon presents a difficult challenge to highway designers due to the presence of the Flathead River, riparian vegetation important to bald eagles, Berne Memorial Park, the Badrock Canyon "Tote" Road, wetlands, and the steep cliffs at the base of Columbia Mountain. These sensitive natural and cultural resources exist on both sides of the present highway and reconstruction through the area is not possible without impacting some or all of these features in Badrock Canyon.

Numerous location and design alternatives, including the use of cantilever or bridge structures, were considered during the development of the EIS. An alignment to minimize impacts on Section 4(f) properties was shown in the Final Section 4(f) Evaluation. This alternative would require the use of structures to support the road over the Flathead River. Although such an alternative would avoid or minimize impacts on Berne Memorial Park and the Badrock Canyon "Tote" Road, it would result in substantial encroachments on the main channel of the Flathead River, eliminate the use of Fisherman's Rock (an informal recreation site and 4(f) property), and require the removal of riparian vegetation that serves provides habitat for bald eagles. These impacts, and the high costs associated with constructing a road supported almost entirely by structures in this area, were reasons that this avoidance alternative was not selected.

**(2) The "taking" of parkland at Berne Memorial Park is illegal.**

A Section 4(f) Evaluation must be prepared before the use of Section 4(f) land is approved. According to 23 CFR 771.135(a), 4(f) lands can be used only if there is no feasible and prudent alternative to such use and all possible planning to minimize harm is included in the project. The impacts of this project have been documented and evaluated in full compliance with these regulations and a determination was made that there is no feasible and prudent alternative to the use of 4(f) land at Berne Memorial Park.

Because this project will have unavoidable impacts on the 4(f) property at Berne Memorial Park, measures to minimize harm have been included in the proposed action. These measures will continue to accommodate limited recreational use of the park, preserve public access to a spring used as a water source by some residents and travelers on US 2, maintain access to the remaining section of the Badrock Canyon "Tote" Road, and avoid impacts to Fisherman's Rock on the Flathead River near the park. Replacement parkland will be developed within the immediate project area to replace some lost recreational uses from the park and provide a location for interpretive exhibits discussing the natural resources and history of Badrock Canyon and the Flathead Region. This project recognized an opportunity to enhance public recreational opportunities by joining with the USFS to develop a river access on the Flathead River for users of the Flathead Wild and Scenic River.

The U.S. Department of the Interior, Office of the Secretary has concurred with the determination that there is no

feasible and prudent alternative to the use of 4(f) land and with the measures to minimize harm proposed in the EIS.

**(3) The Final EIS/Section 4(f) Evaluation ignores the prehistoric use of Badrock Canyon as a travel corridor and the Badrock Canyon "Tote" Road is a historical resource that must be preserved.**

The document acknowledges the likelihood that prehistoric travel through Badrock Canyon occurred; however, it is not possible to link such travel to a specific location within the Canyon.

The Badrock Canyon "Tote" Road was investigated and determined to be eligible for listing on the National Register of Historic Places. The effects of the project on this cultural resource were evaluated in accordance with Section 106 of the Historic Preservation Act and Section 4(f).

The impacts of this project on cultural resources in the project area were fully coordinated with the Montana State Historic Preservation Office and the Advisory Council on Historic Preservation. Both agencies concurred with the determinations regarding the effects of the proposed action on National Register-eligible properties. If previously undiscovered historic or archaeological resources are discovered during construction, work will stop until the resource can be evaluated for its significance.

Only the extreme west end of the documented "Tote" Road will be lost due to the excavation of the west outcrop of Badrock Canyon. The section of the historic road above Berne Memorial Park, which contains most of the notable features of the route, will not be affected by construction. Access to the east end of the old road will be maintained and an interpretive marker will be erected to inform the public of the road's significance in the history of the area.

**(4) A project to modernize and improve the safety of the existing road will accomplish the stated purposes and needs of the project. The construction of wider shoulders, traffic pullouts, left turn lanes, and truck climbing lanes will add needed capacity and improve safety within the project area.**

While the modernization and improvement of the existing road may provide immediate operational and safety benefits, it does not meet the purpose and need of the project. The modernization of the existing facility and improvement of safety as suggested would not sufficiently accommodate the capacity needed for the project's design life. Such an action may provide short-term operational and safety benefits but does not address the obvious need for reconstructing the deteriorated highway and adding capacity over the entire length of the project.

The public's concerns about traffic safety and the modernization of US 2 are addressed by this project. The project will reconstruct a deteriorated highway, eliminate alignment deficiencies, provide adequate shoulders, and have sufficient capacity to accommodate the projected demands of traffic over the project's design life.

**(5) The Flathead River in Badrock Canyon and its immediate environment possess values that make the river segment eligible for inclusion in the Wild and Scenic River System.**

The reach of the Flathead River located in Badrock Canyon was not studied by the USFS during the establishment of the Flathead Wild and Scenic River System because it generally lies outside of the proclaimed boundaries of the Flathead National Forest and the management responsibility for lands adjacent to the river fall under many jurisdictions. Rivers can be added to the National Wild and Scenic Rivers System by either an act of Congress or the Secretary of the Interior upon application by the Governor of Montana. Neither Congress nor the Governor of Montana has requested that the portion of the Flathead River in Badrock Canyon be added to the Wild and Scenic Rivers System.

A coalition of federal, state, and county agencies are now developing a river management plan for the Flathead River corridor from the confluence of the South Fork and the main stem to the north shore of Flathead Lake. This section of the Flathead River includes the reach through Badrock Canyon. Personnel from the National Park Service's River and Trail Conservation Assistance Program are assisting in the development of the river management plan for the corridor. Fisheries, wildlife, recreation, agriculture, and water quality, river values that are important considerations under the Wild and Scenic Rivers Act, will be addressed in the management plan.

## CONCLUSION

Based on the analysis and evaluation contained in the final Environmental Impact Statement/Final Section 4(f) Evaluation and after careful consideration of all social, economic, and environmental factors and input from the public involvement process, it is my decision to adopt the recommended Alternative 1 as the Proposed Action for this project.

