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March 10, 2016

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Subject: Ronan-Urban Re-evaluated Final Supplemental Environmental Impact Statement and
Final Section 4(f) Evaluation (for the Ronan-Urban segment only)
Project No. NH-MT 5-2 (153) 45
Control No. 1744013

Dear Mr. McLaury:

The US 93 corridor from Evaro to Polson was evaluated for environmental impacts in the 1996 *U.S. Highway 93-Evaro to Polson-Missoula and Lake Counties, Montana: FEIS* with the Record of Decision (ROD) signed by your agency on August 12, 1996. The ROD, however, deferred making a decision on the lane configurations, mitigation measures and a Section 4(f) determination until agreement was reached by Federal Highway Administration (FHWA) and Montana Department of Transportation (MDT), along with the Confederated Salish and Kootenai Tribes (CSKT) as a cooperating agency. Representatives from MDT, FHWA and CSKT then negotiated and signed a *Memorandum of Agreement – US 93 Evaro to Polson* (referred to as the US 93 Corridor MOA) on December 20, 2000. The US 93 Corridor MOA excluded a section between the Dublin Gulch/Red Horn Road intersection (Reference Post (RP) 37.1) and just north of the Baptiste/Spring Creek Road intersection (RP 48.7) which is referred to at the US 93 Ninepipe/Ronan project corridor. A *Supplemental Environmental Impact Statement (SEIS) for the US 93 Ninepipe/Ronan section* was signed by your agency on February 14, 2008 and the ROD was signed by your agency on May 21, 2008.

The purpose of this letter is to request FHWA concurrence that the following proposed design changes, changed conditions and updated environmental information would not result in significant changes that would require preparation of an additional SEIS. The request for FHWA action pertains only to the Ronan-Urban improvements (RP 44.6 to 48.7).

A re-evaluation of the approved SEIS is required for FHWA action. Pursuant to 23 CFR 771.129(c), this re-evaluation is intended to identify and analyze changes that have occurred as a result of design and what new information is available regarding the project and the study area, including changes in the design and scope, new or modified laws and regulations, or changes in circumstances of the affected environment. Due to project timing and complexity, only the Ronan-Urban segment (RP 44.6 to 48.7) of the US 93 Ninepipe/Ronan corridor is addressed in this document. The purpose and need for the entire US 93 Ninepipe/Ronan corridor, including the Ronan Urban project (RP 44.6 to 48.7), has not changed.

UPDATED PROJECT INFORMATION

The US 93 Ninepipe/Ronan corridor is likely to be constructed in multiple phases based upon available funding. A project location map is included in **Attachment 1** with project segments described below:

- The proposed US 93 **Ronan-Urban** project (UPN 1744013) begins approximately 1.4 miles south of Ronan, near Brooke Lane (RP 44.6). The proposed project extends north on US 93 to north of the Baptiste Road/Spring Creek Road intersection (RP 48.7) for a length of 4.1 miles. The Ronan-Urban project is located in Lake County, on the section line between Sections 1 and 2, Sections 11 and 12, and Sections 13 and 14, Township 20 North, Range 21 West and on the section line between Sections 24 and 25 and in Section 36 of Township 21 North, Range 20 West. Future design changes will re-evaluated as necessary as final design progressed during project development.

A July 13, 2015 memo approved splitting the **Ronan-Urban** project into the following two segments for construction:

- Ronan-North, NH 5-2 (172) 47, UPN 1744019
- US 93-Ronan (Urban) NH 5-2 (173) 45, UPN 1744020
- A future project has been identified by MDT as **US 93 N-Post Creek Hill**, UPN 8008000 which would improve the US 93 section between RP 37.1 and 40.4. This project is in preliminary development and would consider SEIS impacts/changes in a future effort.
- The remaining segment, generally referred to as the **Ninepipe Segment**, is between RP 40.4 and 44.6. Based on project delivery and available funding this segment maybe developed as one or more projects. Currently no specific project(s) have been identified for this segment. Future projects will be re-evaluated as necessary when additional information becomes available during project development.

Updated Design Year: Due to the passage of time, MDT has changed the **project design year** to 2040. Daily traffic projections have been revised for the Ronan-Urban segment as shown in Table 1.

Table 1: Updated Ronan-Urban Traffic Volumes

Land Use	RP	Daily Traffic Volumes by Year (vehicles per day) (vpd)		
		2009 (actual)	2017 (projected)	2040 (projected)
Rural	RP 44.6 to 46.1			
	RP 47.8 to 48.7	7,300	8,620	13,950
Urban	RP 46.1 to 47.8	10,840	12,800	20,650

SEIS Figure Correction: The 2008 Final SEIS included one figure incorrectly which is disclosed herein. This drawing was **Figure 3.2-16** in the Draft SEIS but was inadvertently replaced with an incorrect drawing in the Final SEIS. The correct Figure 3.2-16 is shown in **Attachment 2** and includes the typical sections for the four-lane with raised landscaped median included in the Ronan Alternative 1 and the four-lane with continuous two-way left turn lane included in Ronan Alternatives 2, 3, and 4. The lower portion of this figure shows the preferred urban alternative and is being used for design guidance on the Ronan-Urban project.

Threatened Species Update: Since completion of the 2008 SEIS, the yellow-billed cuckoo (*Coccyzus americanus*) was listed as a Threatened Species in Lake County on October 3, 2014. The February 23, 2015 addendum to the 2005 Biological Assessment (**Attachment 3**) determined the project will have No Effect on the yellow-billed cuckoo.

Updated Floodplain Map: Since the completion of the 2008 SEIS, the Federal Emergency Management Agency (FEMA) has released an updated Flood Insurance Rate Map (FIRM) for the project area. The updated FIRM panel (30047C0790C) was revised on February 6, 2013 and can be found in **Attachment 8**. This updated FIRM panel maintained the previous Spring Creek floodplain Zone A boundary as identified in the 2008 SEIS. Lake County participates in the National Flood Insurance Program (NFIP) and has adopted standards for floodplain management, including requiring a floodplain permit for any encroachment or crossing of a designated floodplain. CSKT does not participate in the NFIP.

CHANGED CONDITIONS AND RE-EVALUATION

Design changes and environmental conditions that are the subject of this re-evaluation are described below. Evaluation of potential impacts to resource areas is provided in this section. Careful consideration was given to meeting the intent of the SEIS/ROD, while proposing these changes. **Attachment 4** shows the locations of the design changes described below except for Design Change 7 locations which are shown on **Attachment 5**.

In summary, MDT is proposing changes to the road and the separated bicycle/pedestrian path to meet mobility, access and safety needs. Additionally, MDT proposes to introduce water quality improvements by adding a storm water detention pond and changing the proposed design of Spring Creek culvert. This document also identifies and analyzes areas that are outside the original SEIS areas of project impact. MDT has also updated the SEIS historical evaluations. The SEIS did not address historic buildings in the town of Ronan.

Design Change 1: Spring Creek Culvert

Currently, a segment of Spring Creek within the city limits of Ronan flows through an approximately 660-foot long series of culverts, of varying size, age and condition, between US 93 and 1st Avenue SW. The poor connections and degraded condition of the existing culvert system provide the potential for groundwater contamination, surface water runoff, and sanitary sewer contamination from existing old sewer systems to enter the culvert system. The original design (as analyzed in the 2008 SEIS Figure 3.2-14, page 3-52) proposed to remove the existing

culvert and replace it with a combination of new culverts separated by open channels. The original design would generate major private property takings and create very short, open channel segments with steep side slopes that would allow stormwater runoff to flow directly into the creek.

As a result of maintenance, right-of-way, construction and water quality concerns, MDT now proposes Design Change 1, to replace the existing culvert with a new concrete box culvert without any open channel areas under the existing roadways at the location shown in **Attachment 4**. The existing culvert would remain in place and be filled with an inert material during project construction. The new culvert would reduce risk of contaminated ground water and surface pollutants entering the stream, which is anticipated to have a minor benefit to overall water quality in Spring Creek. The culvert will be designed to pass the peak streamflow rate in a 100-year storm event, per MDT standards. Design Change 1 would install fish passage treatment in the bottom of the culvert, to facilitate fish passage. The culvert design will take into account flow depth, flow volume and channel configuration. Storm design will evaluate both base and hydrological flows.

Design Change 2: Stormwater Runoff Detention Pond

The 2008 SEIS identified that stormwater treatment would be constructed to treat stormwater prior to discharging to category I and II wetlands and associated streams. The wetlands associated with Spring Creek, which flows through Ronan, are category II wetlands.

To provide stormwater treatment in the Ronan urban area and address concerns identified by CSKT Resource specialists, MDT is proposing to construct a stormwater detention pond on a currently undeveloped lot at the location shown in **Attachment 4**. Design Change 2 provides a 1.4-acre stormwater detention pond to treat stormwater runoff and attenuate peak runoff flows from the City's roadways including 1st Avenue SW and US 93.

Additionally, the pond would also provide water quality treatment for 102-acres of Ronan that currently drains directly into Spring Creek. The existing city storm drain will be truncated by the project storm drain system, and therefore, that portion of the city storm drainage will be intercepted and conveyed to the new project pond. This additional city runoff will be routed through the detention pond and a hydrodynamic separator which will allow sediments and contaminants to settle out of the discharge water before it is discharged into Spring Creek.

Design Change 2 is consistent with the 2008 SEIS's intent to reduce the long term impact of roadway pollutants on category II wetlands and associated waters by including stormwater facilities in the project design.

Design Change 3: Omit Bicycle Lanes

The 2008 SEIS design specified 5-foot (1.5-meter) bicycle lanes be striped on each US 93 one-way couplet, north of Buchanan Street in Ronan (RP 46.9 to 47.1) (corrected Figure 3.2-16, Figures 3.2-17, 3.2-18 and 3.2-19, pages 3-57, 3-58, 3-60 and 3-61 of the SEIS).

After multiple project meetings in 2012-2013 and requests from the community, Design Change 3 plans to omit the 5-foot, striped bicycle-lane for the three blocks between Buchanan Street and Round Butte Road on both US 93 and 1st Avenue SW as described in the SEIS (corrected Figure 3.2-16, Figures 3.2-17, 3.2-18 and 3.2-19, pages 3-57, 3-58, 3-60 and 3-61 of the SEIS). The location is generally shown in **Attachment 4**. The 2012-2013 project discussions confirmed that bicycle travel needs were met with the separated bicycle/pedestrian path relocation as described in Design Change 4, below. The City of Ronan also supports omitting the bicycle lanes to minimize right-of-way acquisition from adjoining parcels.

Design Change 3 maintains the 2008 SEIS direction for a separated bicycle/pedestrian facility. The omission of striped bicycle lanes is not expected to change bicyclist behavior because striped bicycle lanes are typically used for longer trips (more than three blocks). Although a short segment of striped bicycle-lane would not be provided, bicycle travel would be greatly improved with the project separated bicycle/pedestrian path. The bicycle and pedestrian quality-of-service estimated in the 2008 SEIS (Table 5.6-2, page 5-38) would remain at level C.

Design Change 4: Relocating Separated Bicycle/Pedestrian Path

The 2008 Draft SEIS identified that the project would provide a separated, bicycle/pedestrian path from the north terminus of the Ninepipe/Ronan segment to Buchanan Street in Ronan (RP 48.7 to 46.9). The separated bicycle/pedestrian path was extended throughout the entire Ninepipe/Ronan corridor after substantial public comment was received on the Draft SEIS (Figure 3.2-6, page 3-37 of the SEIS). Within the limits of Ronan, the SEIS placed the path on 3rd Avenue, between Buchanan and US 93 (Figure 3.2-20, page 3-63 of the SEIS).

As a result of discussions with the City of Ronan, MDT proposes changing the location of the separated bicycle/pedestrian path. Design Change 4 would move the 10-foot wide separated bicycle/pedestrian path off 3rd Avenue to abut US 93 on the east side from the intersection of 3rd Avenue and US 93 to north of Buchanan Street (at location shown in **Attachment 4**). The path would be on the east side of US 93 from south of Ronan all the way through town and then move to the west side of US 93 at the signal at Old US 93 and US 93 (Design Change 8) to connect to the existing path at RP 48.3 (Baptiste/Spring Creek Road). The Design Change would change the alignment identified in Figures 3.2-6 and 3.2-20, pages 3-37 and 3-63 of the SEIS to a new path along US 93 between RP 46.9-47.8.

Design Change 4 is anticipated to require approximately 1.2 acres of additional right of way from parcels currently identified for right of way acquisition along the east side of US 93 between Old US 93 and Terrace Lake Rd E. The design change will avoid acquisition from parcels on 3rd Avenue that were not identified for acquisition in the 2008 SEIS. The City of Ronan supports this change as it would avoid impacts to multiple properties along 3rd Avenue (including a school and the city park) while meeting the project objective to improve non-motorized facilities.

Design Change 4 complies with the 2008 SEIS direction to improve non-motorized travel in the corridor. The bicycle and pedestrian quality-of-service estimated in the 2008 SEIS (Table 5.6-2, page 5-38) would remain at level C.

Design Change 5: Revise US 93 Typical Section from Divided, Four-Lane to Five-Lane

The 2008 SEIS design proposed a four-lane with divided median (SEIS Figure 3.2-3, page 3-30) for the segment from Brooke Lane to the south Ronan City Limits (RP 44.6-46.0). At the south City Limits (RP 46.0), the SEIS changed to a four-lane with center turn lane which allows full access in all directions from US 93. The SEIS recommendation would have restricted left turns to and from up to ten approaches and potentially Bouchard Road, a public local road at RP 45.4. At a 2013 public informational meeting and in discussions with landowners, safety and access concerns were identified with a four-lane divided roadway due to the number and frequency of access points on both the sides of US 93 in this section.

Design Change 5 proposes a five-lane road section with a center, left turn lane from Brooke Lane to the south Ronan City Limits (RP 44.6-46.0) at the location shown in **Attachment 4**. The pavement width would be revised from two, 36-foot paved roadways separated by a minimum 40-foot median to a single paved width ranging from 68- to 80-feet. The proposed 14-foot center turn lane would allow emergency, private and public access for all parcels, from both directions of travel. In 2013, MDT met with the CSKT and the Technical Design Committee (TDC) who both supported the change to omit the open median and replace it with a center turn lane.

Design Change 6: Connect Frontage Road to Local Streets

The 2008 SEIS identified an eastside Frontage Road between Kennedy and (future) Harrison Streets to provide access to east-side commercial parcels, in the transition area to the one-way couplet (Sheet 9, of Appendix E from the SEIS).

As a result of landowner and City discussions that identified the need to provide a north-south connection to the City's road network in the couplet transition area, Design Change 6 will extend the Frontage Road one-block north to Garfield Street in the area shown in **Attachment 4**. To improve mobility and safety along the improved route without creating a barrier dividing the Ronan community (page 2-5 of the SEIS), Design Change 6 will modify the proposed road connections to reduce the potential for vehicles queuing or blocking traffic on the one-way couplet and improve local access. Further Frontage Road modifications are also discussed under Design Change 9, below.

The extension of the Frontage Road would convert a portion of one farming parcel at the south end of Ronan to a transportation use. This parcel is considered farmland of local importance and was not identified in the SEIS (Figure 4.3-1, page 4-19) as prime or unique farmland.

Design Change 7: Commitments to the City of Ronan

To address project related concerns expressed by the City of Ronan; MDT and the City of Ronan have signed a Memorandum of Understanding (MOU) for the purpose of setting commitments to reduce impacts and to provide a framework for a subsequent construction agreement. This MOU was signed by both parties on June 24, 2014 and can be found in **Attachment 5** along with a map that identifies the location of the areas outside the 2008 SEIS limits that.

Although most of the 25 items MDT agreed to in the MOU are either already part of the SEIS or part of the normal project development process; nine items are located outside of the 2008 SEIS project area. These nine items are discussed below and the locations are identified on the map in **Attachment 5** by "C" and the corresponding MOU item number.

Two items in the MOU have to do with providing short sections of shared use path connections from planned sidewalks or shared use paths to existing City paths. Item C5 is a shared use path connection on the southern end of Ronan. The shared use path would connect the southbound couplet on 1st Avenue SW to an existing City park path along the north edge of property owned by the Sherman's. This path is contingent on the City acquiring the property or an easement from the landowner. The City of Ronan would be responsible for the maintenance of the path. The shared use path connection would include installation of path lighting to match the existing path lighting in the park and terminate east of Spring Creek. Item C20 is a shared use path connection on the north side of Round Butte Rd between the school property and the southbound couplet on 1st Avenue SW. This path would be approximately one block long and is not anticipated to require additional right of way.

Four items have to do with constructing and paving parking lots. The SEIS acknowledged the loss of parking in Ronan along 1st Avenue SW in the area of the Ronan City Park (page 5-138) and provided that MDT and the City "would consider development of additional parking during the design process". Items C9, C10, C12 and C14 in the MOU address the City of Ronan's concern regarding parking by identifying several potential properties that, contingent upon willing sellers, would provide additional parking.

- The property identified as C9 is an undeveloped lot at the SW corner of Round Butte Road and 2nd Avenue SW.
- The property identified as C10 is an undeveloped property on the north side of Eisenhower SW adjacent to the Ronan City Park pavilion. This property is the same lot identified as the location of the stormwater detention pond and is included in the review of Design Change 2.
- The property identified as C12 is a large lot with a residence located south of Buchanan Street SW and east of Spring Creek. In addition to the construction of a parking lot, Item C12 also includes the construction of flush type restroom. The restroom is an MDT design commitment and is not considered mitigation for an impact. This location is adjacent to city-owned property along Spring Creek.
- The property identified as C14 is the residential lot adjacent to the Club Bar property on the NE corner of Main Street and 1st Avenue SW. While the Club Bar property was included in the 2008 SEIS analysis, the residential lot was not.

One item, Item C13, concerns the paving of a small gravel parking area on City property along the north side of Buchanan Street SW currently used for parking.

One item, Item C15, describing a frontage street connection between Ingersoll Street SE and Harrison Street SE is included in the review of Design Change 9.

One item, Item C17, concerns providing new asphalt surface and chip seal on Buchanan St. SW and Eisenhower SW to the new parking lot approaches identified in C10 and C13.

Design Change 8: Traffic Signal at US 93/Old US 93

The 2008 SEIS (Page 3-50 of the SEIS) identified six signalized intersections within the city limits of Ronan and also indicated that new traffic signals may also be considered at other locations including Old US 93 (3rd Avenue NW or RP 47.8).

Design Change 8 would install a traffic signal at the reconstructed intersection with US 93 and Old US 93 (location shown in **Attachment 4**) which would provide a fully-actuated bicycle/pedestrian crossing of US 93. The City and local community voiced strong support for installation of a traffic signal at Old US 93. The SEIS identified a potential for this traffic signal (page 3-50).

Design Change 9: Omit North and South Couplet Connection Roads

The 2008 SEIS shows short connection roads at the couplet transition locations (Sheet 9, Appendix E from SEIS). Preliminary traffic analysis showed these connections could generate traffic queues (due to inadequate storage space) and additional impacts to the commercial properties adjoining the Frontage Road.

As a result of landowner meetings and traffic analysis that identified congestion issues, Design Change 9 will modify roadway connections identified in the SEIS (Sheet 9 of Appendix E) to improve mobility and safety along the improved route without creating a barrier dividing the Ronan community (page 2-5 of the SEIS). The modified road connections would reduce the potential for vehicles queuing or blocking traffic on the one-way couplet. The changes (shown in **Attachment 6**) include omitting the north couplet connection road, changing the south couplet connection road (at Jefferson Street) to one-way, eastbound flow, connecting the proposed Frontage Road to the local road system (Design Change 6) and eliminating portions of the Frontage Road between Kennedy and Harrison Streets.

Environmental Update 1: Cultural/Historic Resources Update

The 2008 SEIS identified several properties of historic or cultural significance along the US 93 Ninepipe/Ronan corridor; however, an inventory of historic properties within the city limits of Ronan was not completed.

MDT and CSKT completed cultural resources surveys¹ in 2012-2014 that identified three properties within Ronan that are eligible for listing in the National Register of Historic Places (NRHP). These properties include the Rimrock Bullets Building, the CSKT Tribal Health Center and a private residence located along 1st Avenue SW (McElderry Residence). The CSKT Tribal Historic Preservation Office (THPO) concurred with MDT's determination of effect on Rimrock Bullets Building (No Effect), Tribal Health Center (Adverse Effect) and McElderry Residence

¹ Historic Structures Survey: Highway 93 Reconstruction Project, Ronan, Montana; Ethnotech, LLC. February, 2013.

Historic Structure Survey Addendum #1 for Ronan –Urban Project; Hagen Historical Consulting, September 2013.

(Adverse Effect). The CSKT and MDT signed a Memorandum of Agreement (MOA) to complete additional documentation of the two properties with an Adverse Effect (i.e., the Tribal Health Center and the McElderry Residence). CSKT THPO correspondence and concurrence on these impact determinations are contained in **Attachment 9**.

The MOA (in Attachment 9) stipulates that additional documentation will provide the necessary mitigation for the project's Adverse Impacts to two properties that are eligible for listing on the NRHP (i.e., Tribal Health Center and McElderry Residence).

Despite the adverse effect determination under Section 106 of the National Historic Preservation Act, the project will not result in the physical conversion of the McElderry Residence and, thus, the provisions of Section 4(f) are not triggered. The CSKT THPO also concurred with MDT that the two historic-age buildings associated with the CSKT Tribal Health Center are not significant for the purposes of triggering the provisions of Section 4(f).

Design Changes 1, 3, 4, 5, 8 and 9 were previously considered for cultural and historical impacts in the SEIS. Design Change 2 (Detention Pond), Design Change 6 (Changes to the Frontage Road) and Design Change 7 (Commitments to the City of Ronan) all propose changes to areas outside the footprint evaluated in the SEIS. The cultural resources surveys completed on the additional project areas for Design Changes 2, 6 and 7 did not identify any historic or cultural resources on the properties.

Environmental Change 2: Parks and Recreation Resources Update

Part 6 of the 2008 SEIS identified the Ronan City Park, located along the west side of 1st Avenue SW, as a Section 4(f) property as defined in the Department of Transportation Act of 1966 and is therefore subject to Section 4(f) evaluation. The SEIS (page 6-12) stated that no Section 4(f) use of this resource (the Ronan City Park) is required for the project. As the design process has progressed, an unavoidable "use" of the park has been identified.

Due to the close proximity of the project to the Ronan City Park, the project is not able to completely avoid impacting the park. The construction of a wall along the eastern edge of the park boundary will require approximately 0.10 acre of the park. The wall will minimize roadway fill slope encroachment into the park and provide a separation buffer between the park users and the roadway. FHWA and MDT have concluded that the project changes would not have an adverse impact on the activities, features and attributes that qualify the Ronan City Park for protection under Section 4(f). As such, FHWA has made a *de minimis* impact determination with City of Ronan concurrence, contained in **Attachment 7**.

During construction of the project, temporary impacts are expected along the eastern edge of the park; however, these impacts are not anticipated to alter long term use of the park. Temporary construction activities that will occur will be the reconstruction of an existing storm water pipe within the park, replacement of the Spring Creek culvert (Design Change 1) which discharges at the park boundary, relocation of nearby parking and grading operations for the roadway corridor. The temporary occupancies of land are so minimal as to not constitute a use within the meaning

of Section 4(f) and the conditions of 23 CFR 774 .13(d) have been satisfied and agreement of the official with jurisdiction over the Section 4(f) resource has been documented.

PAST, PRESENT, AND REASONABLY FORESEEABLE FUTURE ACTIONS

To evaluate potential cumulative effects, research was conducted to identify other known or programmed projects in the vicinity of the project area.

- UPN 8008000, US 93 N – Post Creek Hill, US 93, RP 36.8 – 40.0, Reconstruction is expected to occur in 2020 or later. There are no currently identified cumulative impacts as the projects are six miles apart and in separate drainage systems. A future re-evaluation would identify cumulative impacts from the Post Creek Hill construction.
- UPN 8551000, SF 139 – AWF Upgrade Pablo Polson, US 93, RP 51.7 – 51.9, 53.3 – 53.5, 58.9 – 59.1. No cumulative impacts are expected due to the proposed installation of advance warning flasher (AWF) beacons (traffic control devices) located at least two miles north of the project.
- The 2014-2019 Flathead Reservation Transportation Improvement Program (TIP) identified several upcoming projects located within or near the general project area. While final design of these projects is not known at this time, there exists the potential for incorporation of additional pedestrian and bicycle facilities that may connect to the facilities associated with this project. Future facilities would expand the opportunities available for non-motorized travel, resulting in a beneficial cumulative impact.
- Lake County Capital Improvements Plan identified standard road maintenance (resurfacing) and minor bridge replacement projects that are not expected to generate cumulative impacts

SUMMARY OF IMPACTS, MITIGATION & SIGNIFICANCE

Table 2 summarizes the changed impacts and proposed mitigation for the Ronan-Urban segment as currently designed compared with the 2008 SEIS/ROD. The table also provides MDT's, FHWA's, and CSKT's determination of whether the proposed changes are "significant" in terms of NEPA and MEPA compliance. Significance determinations were made based on the criteria specified in 40 CFR 1508.27 and ARM 18.2.238.

Table 2: Summary of Changed Potential Impacts and Proposed Mitigation for the Ronan-Urban Segment

RESOURCE	CHANGE IN POTENTIAL DIRECT AND INDIRECT IMPACTS COMPARED TO SEIS	CHANGE IN PROPOSED MITIGATION COMPARED TO SEIS	SIGNIFICANCE DETERMINATION
A. TRAFFIC OPERATIONS & SAFETY	<p>Design Changes 1, 2 and 7: No change in impact</p> <p>Design Change 3: Improved safety. Use of the separated bicycle/pedestrian facility rather than the originally proposed bicycle lanes will positively traffic safety by omitting potential vehicle/bicycle conflict locations for a short segment of bicycle lane.</p> <p>Design Change 4: Improved safety. The new location of separated bicycle/pedestrian path would have a positive impact on non-motorized safety by removing vehicle/non-motorized conflict locations from an urban street (3rd Avenue).</p> <p>Design Change 5: Improved safety. The change to a five lane road section would have a positive impact on traffic operations and safety by removing left-turning vehicles from a through travel lane and avoiding access restriction on approximately ten parcels.</p> <p>Design Changes 6 and 9: Improved safety and mobility. The frontage road connection changes would enhance local access and mobility and reduce congestion or delays on US 93. Traffic safety would be enhanced by providing an alternate route for local access to commercial properties and reducing vehicle conflict points that would otherwise occur on US 93 at the couplet transition.</p> <p>Design Change 8: Improved Access. The signalization of the reconstructed intersection at US 93 and Old US 93 would have modest impact on traffic flow but would improve access onto US 93 (the through route). Delays to through vehicles would be offset by improved (left-turning) access to and from US 93. Non-motorized travel connections would be improved by a pedestrian-actuated crossing of US 93 on a route that leads past the elementary, middle and high schools.</p> <p>Indirect and Cumulative Impacts: The proposed project, when combined with other road and shared-use path projects that are</p>	No mitigation changes are proposed.	The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. The proposed project changes will improve traffic operations and safety.

RESOURCE	CHANGE IN POTENTIAL DIRECT AND INDIRECT IMPACTS COMPARED TO SEIS	CHANGE IN PROPOSED MITIGATION COMPARED TO SEIS	SIGNIFICANCE DETERMINATION
	planned, would have positive cumulative effects on safety for the traveling public and mobility for non-motorized users.		
B. LAND USE	<p>Design Changes 1, 3, 4, 8 and 9: No change in impact.</p> <p>Design Change 2: Change in use. An undeveloped lot will be developed for use as a stormwater detention pond to provide treatment of project related stormwater runoff. The detention pond will also treat the portion of the City of Ronan storm drain waters being intercepted by the project.</p> <p>Design Change 5: Improved access: The change to a five lane road section would have a minor beneficial impact to land use by avoiding restricted access onto up to ten parcels along US 93.</p> <p>Design Change 6: Change in use. A portion of an undeveloped lot would be acquired to extend the frontage road one block north to Garfield Street.</p> <p>Design Change 7: Change in use. The small parcels identified would provide beneficial improvements to the city of Ronan by providing needed parking areas, connections to shared use paths and improved street connections.</p> <p>Indirect and Cumulative Impacts: No cumulative impact changes anticipated due to the design changes, as impacts are consistent with the SEIS and ROD.</p>	No mitigation changes proposed.	The minor change in potential impacts on land use from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. The land use changes will benefit the community and are considered minor in nature.
C. PRIME AND UNIQUE FARMLAND	<p>Design Changes 1, 2, 3, 4, 5, 7, 8 and 9: No change in impact.</p> <p>Design Change 6: Change in use. The extension of the Frontage Road would convert a portion of one farming parcel at the south end of Ronan to a transportation use. This parcel is considered farmland of local importance and was not identified in the SEIS (Figure 4.3-1, page 4-19) as prime or unique farmland.</p> <p>The SEIS (page 5-19) identified 11.2 acres of farmland conversion in the urban project. The conversion of an additional 1.9 acres would increase the potential total converted acres on the urban project to 13.1 acres. The Farmland Conversion Impact Rating Form (CPA-106) completed for the SEIS (Appendix G) was reviewed. While the total</p>	No mitigation changes proposed.	The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. The increase in impact to a farmland of local importance is minor and would have a negligible effect on the overall amount of farmable land in the project area.

RESOURCE	CHANGE IN POTENTIAL DIRECT AND INDIRECT IMPACTS COMPARED TO SEIS	CHANGE IN PROPOSED MITIGATION COMPARED TO SEIS	SIGNIFICANCE DETERMINATION
	<p>acres to be converted would increase to 13.1 acres, the percentage of farmland in the county to be converted would remain unchanged at 0.004. In addition, the total corridor assessment points would remain the same at 76 points, the relative value of farmland would remain at 17 points and the total points remains at 93 out of a possible 260 points.</p> <p>Indirect and Cumulative Impacts: Cumulative impacts to farmlands as a result of future roadway construction projects within the project area are consistent with those identified in the 2008 SEIS.</p>		
D. SOCIAL	All Design Changes: No change in impacts. No cumulative impact changes anticipated.	No mitigation changes proposed.	Not Significant. No change in impacts.
E. ECONOMICS	All Design Changes: No change in impacts. No cumulative impact changes anticipated.	No mitigation changes proposed.	Not Significant. No change in impacts.
F. PEDESTRIANS AND BICYCLISTS	<p>Design Changes 1, 2, 5, 6 and 9: No change in impacts.</p> <p>Design Change 3: Improved safety. The proposed omission of striped bicycle lanes is expected have a beneficial impact to traffic operations and safety by reducing the number of vehicle/bicycle conflict points and shifting conflict locations to crosswalks, where drivers should anticipate both bicycle and pedestrian crossings.</p> <p>Design Change 4 and 7: Maintain corridor connectivity. Relocation of the separated bicycle/pedestrian path in Design Change 4 and the additional path connections in Design Change 7 would have beneficial impacts to safety and mobility of pedestrians and bicyclists and would provide local connections to existing community paths.</p> <p>Design Change 8: Improved safety. There would be a slight increase in safety for access to US 93 for non-motorized users. The traffic signal at US 93/Old US 93 would provide a fully-actuated bicycle/pedestrian crossing of US 93.</p> <p>Indirect and Cumulative Impacts: Future projects may expand the opportunities available for non-motorized travel, resulting in a beneficial cumulative impact.</p>	No mitigation changes proposed.	The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. The beneficial impacts of the proposed project changes on pedestrian/bicycle connectivity and safety are consistent with the findings of the SEIS and ROD.

RESOURCE	CHANGE IN POTENTIAL DIRECT AND INDIRECT IMPACTS COMPARED TO SEIS	CHANGE IN PROPOSED MITIGATION COMPARED TO SEIS	SIGNIFICANCE DETERMINATION
G. AIR QUALITY	All Design Changes: No change in impacts. <u>No cumulative impact changes anticipated.</u>	No mitigation changes proposed.	Not Significant. No change in impacts.
H. NOISE	All Design Changes: No change in impacts. <u>No cumulative impact changes anticipated.</u>	No mitigation changes proposed.	Not Significant. No change in impacts.
I. WATER QUALITY	Design Change 1 and 2: Improve water quality. The Spring Creek culvert and storm water runoff detention pond would provide a beneficial impact to water quality by reducing the potential for contaminates and sediment to enter into Spring Creek from roadway storm water runoff. Design Changes 3 through 9: No change in impact. Indirect and Cumulative Impacts: Cumulative impacts to water quality as the result of future roadway construction projects within the watershed are anticipated to be negligible. Future construction activities would increase the overall amount of impervious surface within the area, resulting in increased runoff; however, the increase in pollutant loading is anticipated to be negligible in the context of the setting. In addition, future projects may also implement mitigation measures, such as the storm water detention pond associated with this project, which could minimize or offset potential adverse impacts to regional water quality.	No mitigation changes proposed.	The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. Design of the stormwater runoff detention pond is consistent with the avoidance and minimization measures discussed in the SEIS. The beneficial impacts of the proposed project changes on water and stream quality are consistent with the intent of the SEIS and ROD to reduce the long term impact of roadway pollutants on category I and II wetlands and the associated receiving waters.
J. WETLANDS	Design Changes 1, 3, 4, 5, 6, 8, 9: No change in impact. Design Changes 2 and 7: No additional impacts. Although there are wetlands adjacent to the locations of the design changes, additional wetland impacts are not expected. Additional wetland delineations were completed for the proposed project in September of 2012 and July of 2013. These wetland delineations reconfirmed previously identified wetland boundaries (SEIS, Table 4.10-2, pages 4-83 and 4-84) and identified over 0.7 hectares (1.8 acres) of new wetlands within the project area. The new wetland delineations were primarily in roadside ditches, irrigation features and on properties identified by Design Change 2 (detention pond) and 7 (Commitments to the City of Ronan). Final wetland	No mitigation changes proposed.	The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. Based on the updated wetland boundaries and revised preliminary construction limits, wetland impacts are anticipated to be less than the widest (most impactive) road footprint identified in the 2008 SEIS.

RESOURCE	CHANGE IN POTENTIAL DIRECT AND INDIRECT IMPACTS COMPARED TO SEIS	CHANGE IN PROPOSED MITIGATION COMPARED TO SEIS	SIGNIFICANCE DETERMINATION
	impacts will be determined during final design. No cumulative impact changes anticipated.		
K. FLOODPLAINS AND STREAMS	Design Change 1: Protect stream. The Spring Creek culvert reduces the potential for direct storm water runoff into Spring Creek and would provide minor stream benefits including improved stream quality and increased stream flow capacity and attenuation of peak storm water discharges. Design Change 2: Attenuate peak discharges. The storm water detention pond would benefit Spring Creek by improving overall stream quality and would also assist with the attenuation of peak storm water discharges following precipitation events, reducing flood concerns within the City of Ronan. Temporary impacts to floodplain Zone A are expected due to construction of the pond outfall. Design Changes 3, 4, 5, 6, 7, 8 and 9: No changes in impacts. No cumulative impact changes anticipated.	No mitigation changes are currently proposed.	The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. The impacts of the proposed project changes would benefit stream quality and are consistent with the findings of the SEIS and ROD.
L. FISH AND WILDLIFE	Design Change 1: Fish passage. The Spring Creek culvert would include fish passage treatment in the bottom of the culvert, to facilitate fish passage. Design Changes 2, 3, 4, 5, 6, 7, 8 and 9: No changes in impacts. No cumulative impact changes anticipated.	No mitigation changes proposed.	Not Significant. No change in impacts.
M. THREATENED AND ENDANGERED SPECIES	All Design Changes: No change in impacts. The yellow-billed cuckoo was listed as a threatened species in Lake County on October 3, 2014. An addendum to the 2005 Biological Assessment to address project related impacts to the yellow-billed cuckoo found No Effect. No cumulative impact changes anticipated.	No mitigation changes proposed.	Not Significant. No change in impacts.

RESOURCE	CHANGE IN POTENTIAL DIRECT AND INDIRECT IMPACTS COMPARED TO SEIS	CHANGE IN PROPOSED MITIGATION COMPARED TO SEIS	SIGNIFICANCE DETERMINATION
N. CULTURAL RESOURCES	<p>Design Changes 1, 3, 4, 8 and 9: No change in impacts. The locations of these changes were previously considered for cultural and historical impacts in the SEIS.</p> <p>Design Change 2: No change. The cultural resources survey completed under Environmental Update 1 on the undeveloped lot to be developed for the stormwater detention pond did not identify any historic or cultural resources on the property.</p> <p>Design Change 5: Reduce encroachment. The change to a five-lane road section would maintain the “No Adverse Effect” finding on the historic Anderson farmstead (Site 24LA0161 as identified in Figure 4-14.1, page 4-133 of the SEIS). The change would reduce the roadway footprint thereby eliminating the need for the veneered retaining wall identified in the SEIS.</p> <p>Design Change 6: No change in impacts. The cultural resources survey completed under Environmental Update 1 on the parcel identified under the Frontage Road Connection to Local Streets did not identify any historic or cultural resources on the property.</p> <p>Design Change 7: No change in impacts. The cultural resources survey completed under Environmental Update 1 on the properties identified in the commitments to the City of Ronan did not identify any historic or cultural resources on the property.</p> <p>Environmental Update 1 - Cultural/Historic Resources Update: The project would have adverse impacts to two properties eligible for listing on the NRHP (the CSKT Tribal Health Center and the McElderry Residence).</p> <p>The CSKT THPO also concurred with MDT that the two historic-age buildings associated with the CSKT Tribal Health Center on a tribally-owned parcel are not significant for the purposes of triggering the provisions of Section 4(f). The project will not result in the physical conversion of the McElderry Residence and, thus, the provisions of Section 4(f) are not triggered.</p>	<p>The CSKT and MDT signed a Memorandum of Agreement (MOA) to complete additional documentation of the two properties with an Adverse Effect (i.e., the Tribal Health Center and the McElderry Residence). CSKT THPO correspondence and concurrence on these impact determinations are contained in Attachment 9. The MOA (in Attachment 9) stipulates that additional documentation will provide the necessary mitigation for the project’s Adverse Impacts to two properties that are eligible for listing on the NRHP (i.e., Tribal Health Center and McElderry Residence).</p>	<p>The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. The adverse impact to two historically-eligible properties will be mitigated as stipulated in the MOA.</p>

RESOURCE	CHANGE IN POTENTIAL DIRECT AND INDIRECT IMPACTS COMPARED TO SEIS	CHANGE IN PROPOSED MITIGATION COMPARED TO SEIS	SIGNIFICANCE DETERMINATION
	Indirect and Cumulative Impacts: No cumulative impact changes anticipated.		
O. PARKS AND RECREATION	All Design Changes: No change in impacts. Environmental Change 2: Parks and Recreation Resources Update. While construction of a wall will minimize encroachment of the roadway fill slope into the park, the construction of the wall will require approximately 0.10 acres of the park along the eastern edge of the park boundary. FHWA and MDT determined that the project would not have an adverse effect on the activities, features, and attributes that qualify the Ronan City Park for protection under Section 4(f). Based upon the minor nature of the construction activities, FHWA has made a <i>de minimis</i> impact determination. The City of Ronan (official with jurisdiction) concurred with this finding on June 24, 2014 with documents in Attachment 7 . Indirect and Cumulative Impacts: Temporary impacts to the park are anticipated during construction and are expected to be minor to the parks' use. No cumulative impact changes anticipated.	No mitigation changes proposed.	The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. The temporary and permanent impacts to the use of the Ronan City Park are expected to be minor in nature.
P. HAZARDOUS MATERIALS	All Design Changes: No change in impacts. Preliminary roadway design was modified to avoid potential hazardous materials sites where possible. Recognizing the possibility of contaminated soils and /or groundwater within the Ronan-Urban project (pages 4-153 through 4-155 of the SEIS), MDT has initiated further studies and monitoring to determine the status of the known contamination sites (predominantly in the Ronan City limits, RP 46.0 to 47.5) and to monitor new issues (if identified). Phase I and Phase II investigations have been completed. Monitoring piezometers were installed to regularly monitor for contaminants. The monitoring is anticipated to continue through final design of this project to assess the shallow groundwater aquifer, to provide aquifer testing and to continue baseline groundwater monitoring. No cumulative impact changes anticipated.	No mitigation changes proposed.	Not Significant. No change in impacts.

RESOURCE	CHANGE IN POTENTIAL DIRECT AND INDIRECT IMPACTS COMPARED TO SEIS	CHANGE IN PROPOSED MITIGATION COMPARED TO SEIS	SIGNIFICANCE DETERMINATION
Q. VISUAL	<p>Design Changes 1, 2, 3, 4, 5, 6, 7, and 9: No changes in impacts.</p> <p>Design Change 8: Minor change. A minor increase in night illumination is expected with the proposed traffic signal which is consistent with the northern commercial section of Ronan.</p> <p>No cumulative impact changes anticipated.</p>	No mitigation changes proposed.	The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. The minor increase in nighttime illumination is consistent with the commercial uses in the northern section of Ronan.
R. RIGHT OF WAY AND RELOCATIONS	<p>Design Changes 1, 3, 8 and 9: No change in impacts.</p> <p>Design Change 2: Minor acquisition. Development of a stormwater detention pond would require the acquisition of a 2.4 acre parcel for development of the 1.4 acre detention pond.</p> <p>Design Change 4: Minor acquisition. The path relocation will slightly increase by approximately 1.2 acres the amount of right of way required from parcels along the east side of US 93 that the SEIS identified as parcels that would be impacted by the project. The relocation of the separated bicycle/pedestrian path would avoid right of way acquisition along 3rd Avenue SW and avoid impacts to school property and the Ronan City Park.</p> <p>Design Change 5: Reduced acquisition. The change to a five-lane road section is expected to have a slight beneficial impact to right-of-way by reducing acquisition areas from an estimated ten parcels on US 93.</p> <p>Design Change 6: Minor acquisition: The connection of the frontage road to local streets would require the acquisition of approximately 1.9 acres.</p>	No mitigation changes proposed.	The change in potential impacts from the findings of the SEIS/ROD is not significant as defined in NEPA and MEPA. The relocations and increase in right-of-way acquisition are consistent with the findings of the SEIS and ROD.

RESOURCE	CHANGE IN POTENTIAL DIRECT AND INDIRECT IMPACTS COMPARED TO SEIS	CHANGE IN PROPOSED MITIGATION COMPARED TO SEIS	SIGNIFICANCE DETERMINATION
	<p>Design Change 7: Minor acquisition. The commitments in the MOU would require acquisition of one additional undeveloped lot and two developed lots within Ronan. Lot C9 is undeveloped. Lot C12 has a residence and a small home-based (spa repair) business that would require relocation. Lot C14 has a residence that would require relocation. These acquisitions of approximately 3.3 acres are contingent on having willing sellers.</p> <p>Indirect and Cumulative Impacts: Table 5.18-4 of the SEIS (page 5-154) estimated 4.9 hectares (12.0 acres) of right-of-way acquisition area for this same segment. Design Changes 2, 4, 6 and 7 would increase the amount of right-of-way acquisition (between Reference Posts 46.0 and 48.7) by an estimated 3.6 hectares (8.8 acres) from 4.9 hectares (12 acres) to 8.4 hectares (20.8 acres).</p> <p>Table 5.18-3 of the SEIS (page 5-154) also identified seven to nine residential displacements, two business displacements and one tribal displacement required for the urban segment (approximate RP 46.0-48.7) of the Ronan-Urban segment of US 93. An increase in cumulative residential displacements is not expected. The identified residential displacements in combination with other potential residential displacements are not expected to be greater than the seven to nine residential displacements identified in the SEIS.</p>		
S. GEOLOGY AND SOILS	All Design Changes: No change in impacts. No cumulative impact changes anticipated.	No mitigation changes proposed.	Not Significant. No change in impacts.

PERMITS

There are no additional permits or authorizations to add to the ones identified in the SEIS.

PUBLIC AND AGENCY INVOLVEMENT

The US 93 corridor has a number of long-term committees developed as part of the early process are still active and serve as one method of public outreach.

MDT has presented Ronan-Urban project updates to the CSKT Tribal Council and the Ronan City Council between 2012-2014. Two project informational meetings have been held in Ronan with attendance of 80-100 each. The first meeting was held on March 14, 2013 with a subsequent meeting held on September 29, 2014. A third public informational meeting is planned in 2016.

Recognizing the project impacts to current land uses, MDT initiated personal contact with nearly-all landowners in 2012 to discuss driveway approaches and access control within the Ronan city limits. Discussions from these meetings will be incorporated into the project design elements, for parcel access, circulation and parking-as feasible. Continued personal contact with commercial landowners is expected to continue during the Design Phase. Personal contact with all landowners will be offered during the Right-of-Way phase.

CONCLUSION

The SEIS/ROD for the US Highway 93 Ninepipe/Ronan Improvement Project has been re-evaluated as required by 23 CFR 771.129 (c) with respect to the proposed Ronan-Urban (UPN 1744013) project.

Based upon the re-evaluation, MDT determined that the Ronan-Urban project is not substantially different or changed from the original SEIS/ROD. The design changes and environmental updates described in this re-evaluation would not affect the ability of the Preferred Alternative to meet the project's stated purpose as described in the SEIS and ROD. MDT has determined that the impacts of these changes are not individually or cumulatively significant or significantly different from those described in the SEIS and ROD. Therefore, MDT has determined that the proposed design changes would have no effect on the ultimate decision documented in the ROD and that approving these design changes would be consistent with 23 CFR 771 for the proposed Ronan-Urban (UPN 1744013) portion of the US Highway 93 Ninepipe/Ronan Improvement Project.

CONCURRENCE:



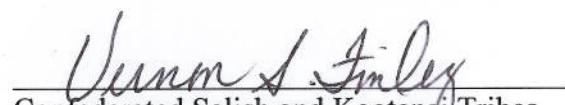
Tom Martin, P.E.
Bureau Chief-Environmental Services

Date 4/7/2016

Montana Department of Transportation


Brian Hausele
Federal Highway Administration

Date 4/7/16


Vernon S. Finley
Confederated Salish and Kootenai Tribes

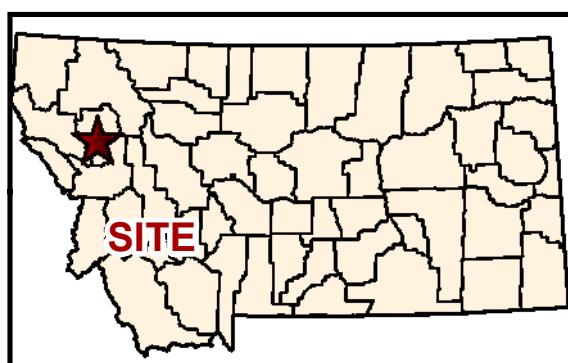
Date 3-31-16

Electronic copies:

Ed Toavs,	Missoula District Administrator
Lesly Tribelhorn,	MDT Highways Engineer
Ryan Dahlke,	MDT Consultant Design Engineer
Miki Lloyd	MDT Project Design Manager
Rob Stapley,	MDT Right-of-Way Bureau Chief
Maureen Walsh,	MDT Missoula Right-of-Way
Nicole Pallister,	MDT Fiscal Programming Section
Suzy Price,	MDT Contract Plans Bureau Chief
Tom Martin,	MDT Environmental Services Bureau
Heidy Bruner,	MDT Environmental Services Bureau, Section Supervisor
Susan Kilcrease,	MDT Missoula District Project Development Engineer

List of Attachments

1. US 93 Ninepipe/Ronan Corridor Location Map
2. Figure 3.2-16, *Corrected Typical Urban Roadway Cross-section*
3. Addendum to the Biological Assessment (for yellow-billed cuckoo)
4. Design Change Location Map
 1. Spring Creek Culvert
 2. Detention Pond
 3. Omit Bicycle Lanes
 4. Relocate Separated Bicycle/Pedestrian Path
 5. Change to 5-lane Section
 6. Frontage Road Change
 7. (intentionally left blank)
 8. Old US 93 Traffic Signal
 9. Couplet Connection Roads
5. City of Ronan MOU and Location Map
6. Couplet Road Modifications
7. FHWA Section 4(f) *de minimis* Finding for Ronan City Park
8. Updated Flood Insurance FIRM map panel
9. Historical/THPO Correspondence

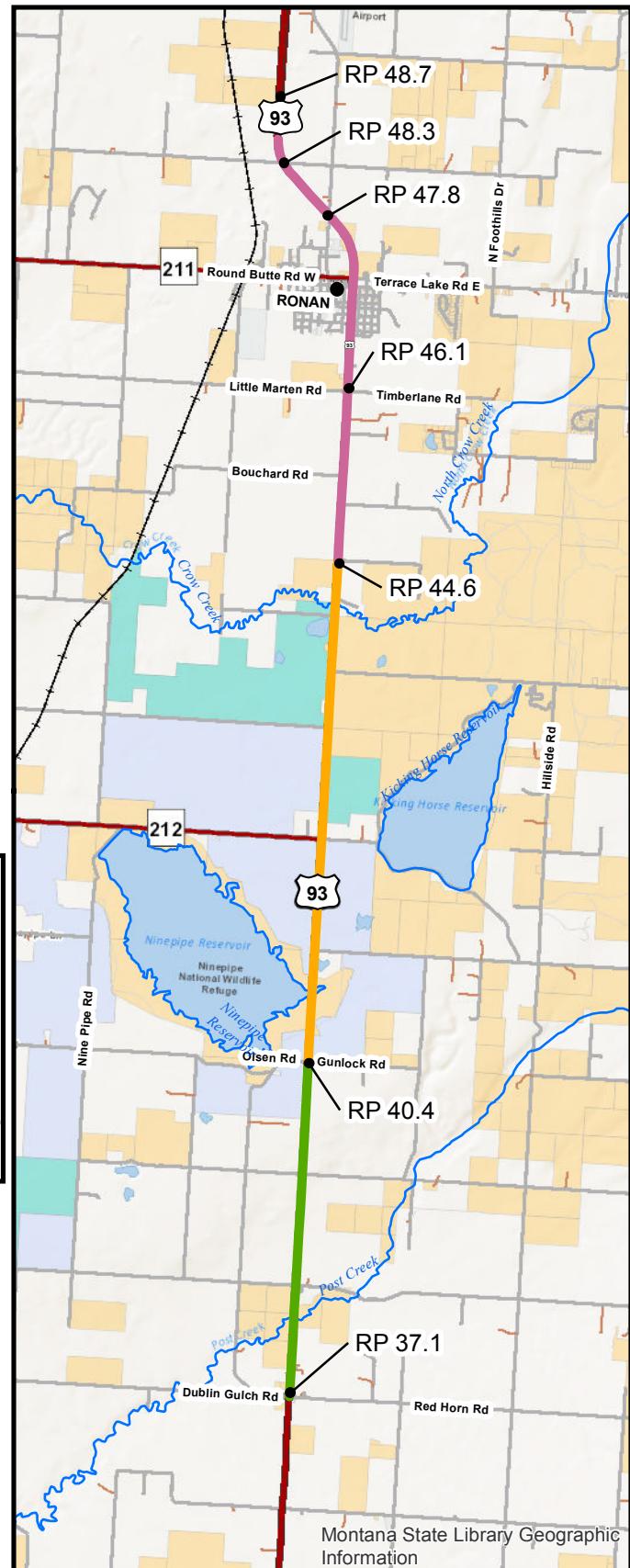


Legend

- Ronan-Urban
- Ninepipe
- US 93 N-Post Creek Hill

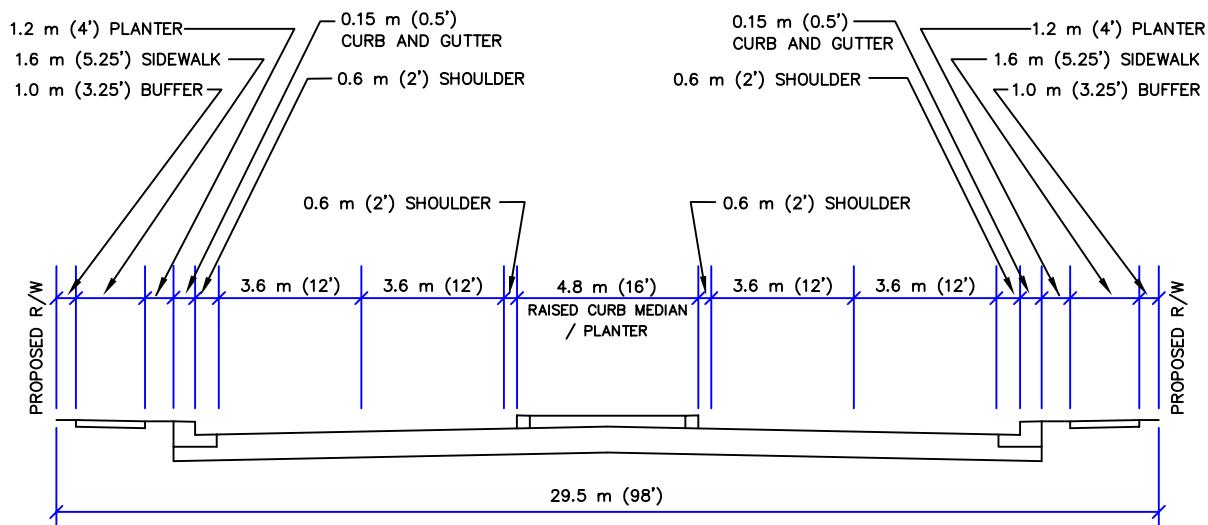


NO SCALE



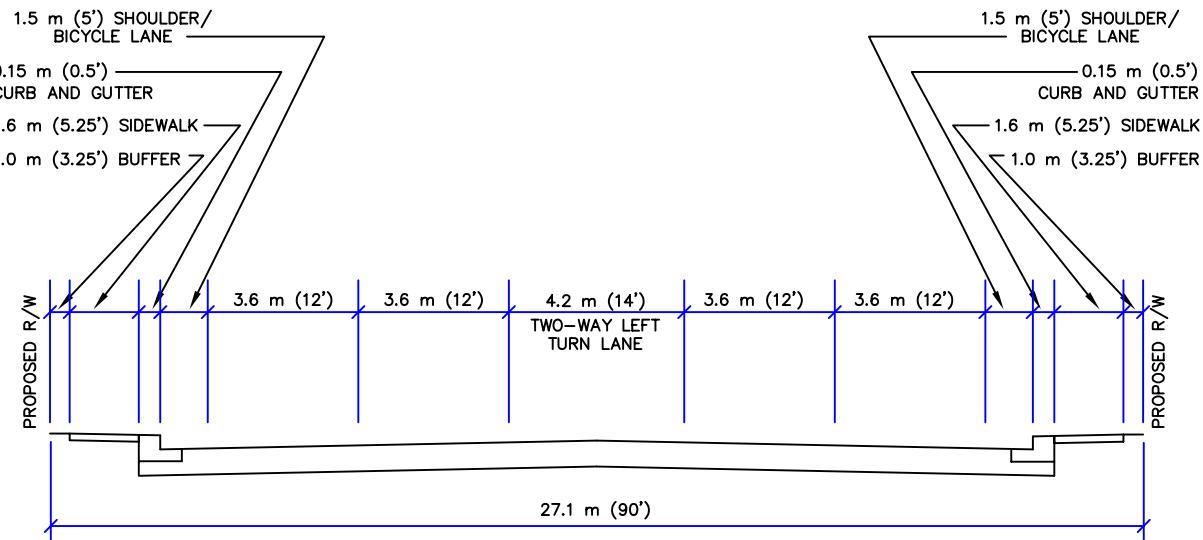
US 93 Ninepipe/Ronan Corridor Segments
Attachment 1

July 2015



FOUR-LANE ROADWAY WITH RAISED LANDSCAPE MEDIAN

ALTERNATIVE RONAN 1



FOUR-LANE ROADWAY WITH CONTINUOUS TWO-WAY, LEFT-TURN LANE

ALTERNATIVE RONAN 2 AND NON-COUPLET PORTION OF ALTERNATIVES RONAN 3 AND RONAN 4

NOT TO SCALE

FIGURE 3.2-16. Typical urban roadway cross-section for a four-lane roadway with raised landscaped median or with continuous two-way, left-turn lane.



MASTER FILE
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**Montana Department of Transportation
Biological Resources Report and Biological Assessment**

District Biologist: Joe Weigand *JW*

Date: 02/23/15

Project : MT 5-2(153)45
Ronan - Urban
UPN: 1744013

SUBJECT: Addendum to Biological Assessment - Yellow-billed Cuckoo Evaluation

The Supplemental Environmental Impact Statement (SEIS) for U.S. Highway 93 between Evaro to Polson and the resulting Biological Opinion were completed in 2005, the yellow-billed cuckoo (*Coccyzus americanus*) has since been listed as a Threatened Species by the US Fish and Wildlife Service and potential impacts to this species are evaluated below.

The yellow-billed cuckoo was listed as Threatened by the Fish and Wildlife Service on October 3, 2014 (79 FR 5991 60068). In the listing decision, the U.S. Fish and Wildlife Service noted the primary factors threatening the western distinct population segment as loss and degradation of habitat for the species from altered watercourse hydrology and natural stream processes, livestock overgrazing, encroachment from agriculture, and conversion of native habitat (MT Field Guide 2014). No critical habitat has been designated in Montana. Little to no information regarding yellow-billed cuckoo migratory patterns or ecological information exists for Montana. Of the few records containing any details; the yellow-billed cuckoo is known in Montana only in June and July. Two observations of yellow-billed cuckoo have been documented within Lake County; one in July of 1959 and one in June of 1972 (MTNHP 2014). The 1959 observation was approximately 12.5 miles from the Ronan-Urban project and the observation type was listed as indirect evidence of breeding. The 1972 observation took place approximately 24 miles north of Ronan, Montana, it too is listed as indirect evidence of breeding. Lake County is outside the presumed breeding range of this species.

Montana Natural Heritage Program describes the yellow-billed cuckoo's preferred habitat as including open woodland (especially where undergrowth is thick), parks, and deciduous riparian woodland. The western subspecies requires patches of at least 10 hectares (25 acres) of dense, riparian forest with a canopy cover of at least 50 percent in both the understory and overstory (MT Field Guide 2014).

This project is proximate to Ronan, MT and does not contain open woodland or deciduous riparian woodland. No preferred habitat is present within the project limits. Any transient yellow-billed cuckoos moving through the project area would not be expected to be affected by this project due to the absence of preferred habitat.

Determination of Effect: This project, as proposed to date, will have **No Effect** on the yellow-billed cuckoo (a federally listed Threatened Species).

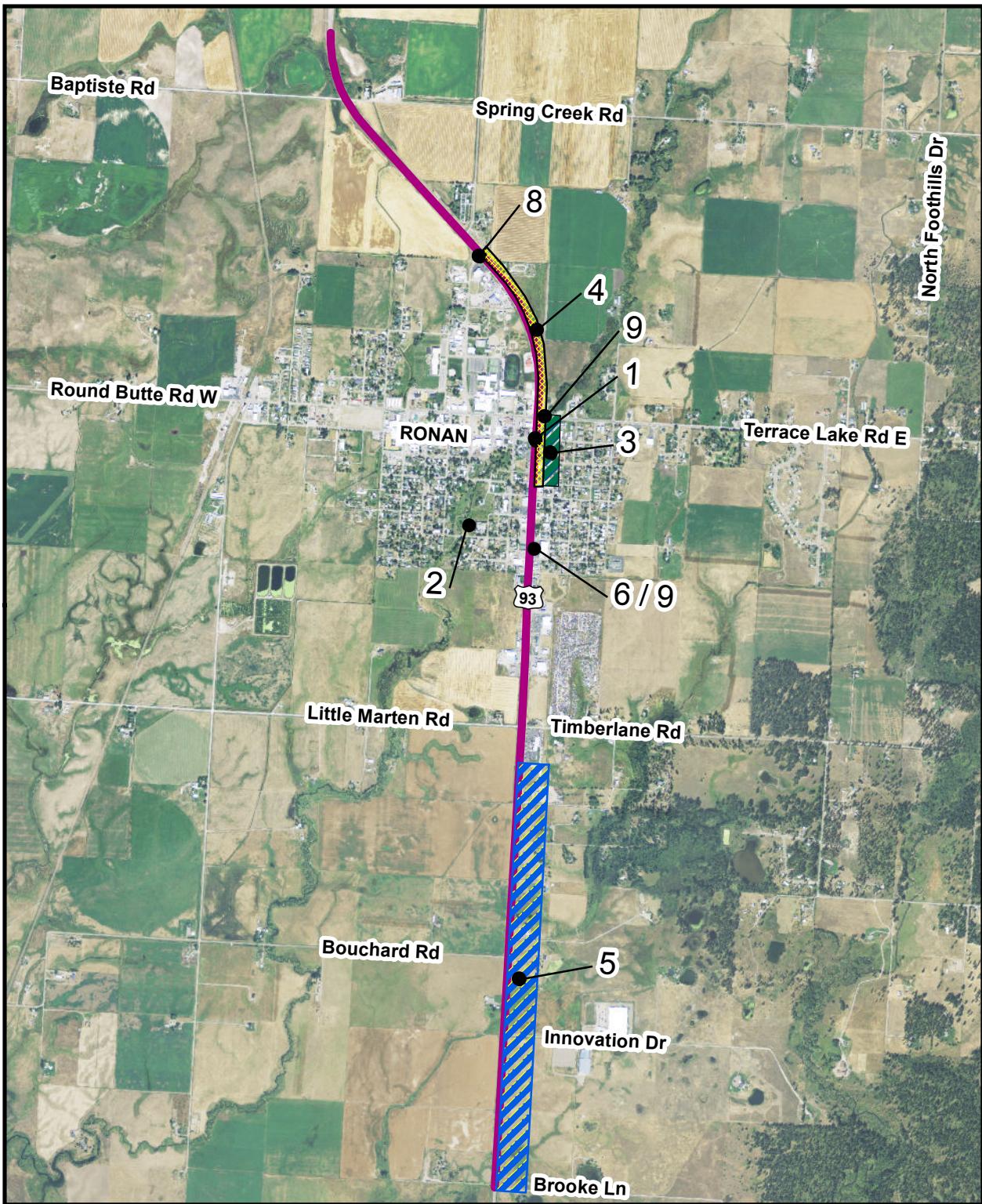
Citations:

79 FR 5991 60068. 2014. Determination of Threatened Status for the Western Distinct Population Segment of the Yellow-billed Cuckoo (*Coccyzus americanus*); Final Rule. 48pp.

MT Field Guide. 2014. <http://fieldguide.mt.gov/default.aspx>

MNHP 2014. Montana Natural Heritage Program – Map Viewer Database.
<http://mtnhp.org/mapviewer/>

cc: Ed Toavs, District Administrator
Lesly Tribelhorn, Highways Engineer
Miki Lloyd, Consultant Project Engineer
Roy Peterson, Traffic and Safety Engineer
Tom Martin, Environmental Services Bureau Chief
K.C. Yahyah, District Hydraulics Engineer
Jeff Jackson, Geotechnical Engineer
Kent Barnes, Bridge Engineer
Susan Kilcrease, Environmental Engineer
Bill Semmens, Resources Section Supervisor
File



Legend

- #1 Spring Creek Culvert
- #2 Detention Pond
- #3 Omit Bicycle Lanes
- #4 Relocate Separate Bicycle/Pedestrian Path
- #5 5-Lane Road
- #6 Frontage Road Changes
- #8 Old US 93 Signal
- #9 Omit Connection Roads



Design Change Locations Attachment 4

NO SCALE

Ronan-Urban Project

July 2015

MEMORANDUM OF UNDERSTANDING BETWEEN
CITY OF RONAN AND MONTANA DEPARTMENT OF TRANSPORTATION
US HIGHWAY 93 IMPROVEMENT RECONSTRUCTION PROJECT
RONAN-URBAN (NH MT 5-2(153)45)

THIS MEMORANDUM OF UNDERSTANDING (Agreement) is made and entered into by and between the State of Montana, Department of Transportation (MDT or the State), and the City of Ronan (City) for the purpose of setting forth commitments proposed for reducing impacts to the City from the US Highway 93 (US 93) improvement reconstruction project, as well as providing a framework for a subsequent construction agreement that will precisely set forth the particulars of the construction and commitment efforts.

WITNESSETH THAT:

WHEREAS, MDT has a federal aid highway improvement reconstruction project in Lake County on US 93, through the city limits of the City, commonly referred to as Ronan-Urban, NH MT 5-2(153)45 (Project); and

WHEREAS, the State and the City acknowledge that it is in the best interests of the people of the State of Montana to reconstruct US 93 through the City; and

WHEREAS, the proposed Project has project related impacts within the City limits;

WHEREAS, the parties wish to work together to establish mutually agreeable terms, conditions, and requirements for some of the project related impacts that will occur as a result of the above-mentioned Project as described herein, and attempt to resolve any unforeseen impacts that may occur due to the Project; and

WHEREAS, this Agreement reflects the parties commitment to work together, and does not preclude the signatory agencies from entering into other agreements relative to their respective roles and specific responsibilities related to this reconstruction project, and that any other agreements should be consistent with and incorporate the terms set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, it is mutually agreed as follows:

MDT agrees to:

1. Install a traffic signal at the intersection of US 93 and 3rd Avenue NW.
2. Construct and maintain a bike/pedestrian (shared-use) path from the north City limits to the south City limits (as defined on signature date), beginning on the south side of US 93 then crossing US 93 at the proposed 3rd Avenue NW traffic signal then continuing on the east side of US 93 to south City limits.
3. Extend the existing bike/pedestrian (shared-use) path from Buchanan SE/1st Avenue SE to the City Park on Buchanan SW, and utilize sidewalks already in design. This effort will terminate east of Spring Creek.

4. Build parking lot on City owned lot, corner of Buchanan SW and 1st Avenue SW (contingent upon required environmental concurrence). The new parking spaces will be designed to current standards (at time of construction) including handicap parking.
5. Construct bike/pedestrian (shared-use) path connection from southbound couplet to existing park path along north edge of Sherman property (contingent on the City acquiring the property or easement from the landowner). This effort will terminate east of Spring Creek and will include installation of path lighting to match the existing path lighting in the park.
6. Install and maintain lighting in highway corridor on US 93 and 1st Avenue. MDT is responsible for utility costs.
7. Rebuild and pave alleys where the access control plan identifies the alley as a means of access. Alleys will remain under the jurisdiction and maintenance of the City of Ronan. Access control of City owned facilities will remain with the City.
8. Develop a maintenance agreement between MDT and the City defining responsibilities for each.
9. Consider City input on traffic signal sequencing for signals constructed with the project.
Construct a parking lot at corner of Round Butte Road and 2nd Avenue NW contingent upon willing Seller at appraised value. The new parking spaces will be designed to current standards (at time of construction) including handicap parking. If lots are not available, MDT will inform the City. The City may find alternate parking lot(s) within three blocks of the proposed lot. If the City identifies a suitable alternate lot within four weeks of MDT notification, with a willing Seller at appraised value, this lot will be used as an alternate lot and meet the conditions under this item.
10. Construct a parking lot at the pavilion area on Eisenhower SW contingent upon willing Seller at appraised value and the City providing construction permit to the adjoining City-owned parcel, if necessary. The new parking spaces will be designed to current standards (at time of construction) including handicap parking.
11. Provide buffer space with no parallel parking along the west side of 1st Avenue SW along the City Park boundary.
12. Construct a parking lot and flush type restrooms (which may include a maximum of four flush type toilets contained within one building connected to city water and sewer) designed to current standards (at time of construction) on Jack Fay Property if possible, contingent upon willing Seller at appraised value. Construct a paved path connecting the parking lot to the restroom building. If lots are not available, no alternate parking lot or restroom is included.
13. Repave parking area along north side of Buchanan SW east of Spring Creek and west of the alley, currently abutting the restrooms for parking. The parking lot will continue to be the City's responsibility after construction.
14. Construct parking lot on Club bar lot and house to east, contingent upon willing Sellers at appraised value. The new parking spaces will be designed to current standards (at time of construction) including handicap parking. If lots are not available, MDT will inform the City. The City may find alternate parking lot(s) within three blocks of the proposed lot. If the City identifies a suitable alternate lot within four weeks of MDT notification, with a willing Seller at appraised value, this lot will be used as an alternate lot and meet the conditions in this item.

15. Construct frontage street connection between Ingersoll Street SE and Harrison Street SE.
Connection will generally be located as follows: Extend Harrison Street one block east from northbound couplet, then turn north and connect with 1st Avenue SE at Garfield Street SE. The street will belong to and operated by the City of Ronan to include access control.
16. Rebuild public streets between US 93 and 1st Avenue couplet with curb, gutter and sidewalks.
The public streets (outside the US 93 and 1st Avenue couplet right-of-way limits) will continue to be the City's responsibility to include access control.
17. Rebuild approximately ½ block of public streets that exist outside the US 93 and 1st Avenue couplet except Buchanan and Eisenhower to construction matchline. The matchline may vary depending upon drainage and roadway grade. Curb and gutter will be included where feasible. Sidewalks may be included based upon accessibility design requirements and existing right-of-way limits. The public streets (outside the US 93 and 1st Avenue couplet right-of-way limits) will continue to be the City's responsibility to include access control.
 - a. On Eisenhower and Buchanan, provide new asphalt surface and chip seal to the new parking lot approaches. No curb and gutter will be installed.
18. Rebuild and pave Garfield SE one block east of US 93 and connect to 1st Avenue SE. The public streets (outside the US 93 and 1st Avenue couplet right-of-way limits) will continue to be the City's responsibility to include access control.
19. Consider adding parallel parking on west side of northbound couplet where feasible.
20. Construct bike/pedestrian (shared-use) path on north side of Round Butte between school property to southbound couplet, if this does not introduce new R/W, drainage and/or 6(f) issues.
21. Pay for utilities costs as stated in the attached email (Exhibit A).
22. Consider the pond fencing design to include privacy slats or some sort of visual shield such as fencing type, privacy slats, colored fence material, vegetation barrier/screening, etc. and work with the City on a final configuration.
23. Install directional signing to new parking lots areas (two signs to each new lot).
24. Intercept City storm water runoff as conceptually shown in the Preliminary Hydraulics Report and convey said runoff into the proposed Project detention pond, prior to discharge into Spring Creek.
25. At the request of the City, MDT will attend and present information as requested at a City Council meeting in advance of future Exception Committee meeting(s) that address Access Control on this route, within the City limits. This meeting will occur prior to final design.

The City agrees to:

26. Acquire the property or easement with the Sherman family for extending the bike/pedestrian (shared-use) path on the north edge of the Sherman parcel, between 1st Avenue SW and the existing park path within two years of this Agreement. The City is responsible for utility costs and path maintenance.
27. Designate a representative authorized to make decisions and who will participate in the Exceptions Committee resulting in changes to Project Access Control within City Limits.

Designate City representatives to attend the City Council meeting, discussed in number 25, in advance of future Exception Committee meeting(s) concerning Access Control within the City limits. This meeting will occur prior to final design.

28. Develop a maintenance agreement between MDT and City defining responsibilities for each.
29. Providing construction easements for MDT (if required) to construct a parking lot at the pavilion area on Eisenhower SW.
30. Provide access permits and construction easements for MDT to work within and construct within the City Park.
31. Provide comprehensive comments into the parking area designs agreed to in this Agreement. Concurrence is assumed if no comments are received within four weeks of request for comments from MDT.
32. Provide comprehensive comments into toilet facility design on Jack Fay property agreed to in this Agreement. Concurrence is assumed if no comments are received within four weeks of request for comments from MDT.
33. Accept right-of-way and responsibility for all facilities including sanitary facilities and parking lot installed on the Jack Fay property agreed to in this Agreement including permanent maintenance responsibility.
34. Accept regular and permanent maintenance responsibility for the parking lot installed near the pavilion on Eisenhower SW as part of the Project.
35. Accept right-of-way, all facilities, including regular maintenance and utility costs, installed as part of the Project as designated in Items 3,4,5,7,10,12,13,14,15,16,17,18,20,21 and 23 in this Agreement.
36. Plan for and provide utility design costs for City utility replacements on 1st Avenue SW in timing with the proposed construction year designated by MDT.
37. Plan for and provide City funding for utility betterments on 1st Avenue SW in timing with the proposed construction year designated by MDT.

GENERAL PROVISIONS

This Agreement shall be effective upon signature of the parties. This Agreement supersedes all prior agreements and understandings between the parties (whether written or oral) with respect to matters contemplated by this Agreement.

Subject to the foregoing, this Agreement may be changed with additions and/or deletions upon mutual written consent of both parties.

In witness whereof, duly authorized representatives of the parties have executed this Agreement on the dates indicated.

MONTANA DEPARTMENT OF TRANSPORTATION

By: Ed Toavs
Ed Toavs, Missoula District Administrator

Dated: 6-24-14

Legal Review

By: Alma Legg
MDT Legal Services
Dated: 6/24/14

CITY OF RONAN

By: Kim Aipperspach
Kim Aipperspach, Mayor

Dated: 6/24/14

Lloyd, Miki

To: Lloyd, Miki
Subject: FW: UPN 1744016 Ronan-Urban / City Utility Facilities

Expires: Tuesday, November 18, 2014 12:00 AM

Exhibit A

From: Inman, Phillip
Sent: Thursday, May 22, 2014 1:51 PM
To: Toavs, Ed
Cc: Lloyd, Miki; Kailey, Dwane; Walther, James; Maynard, Ronald; Giard, Steven; Stapley, Robert
Subject: UPN 1744016 Ronan-Urban / City Utility Facilities

As per the SEIS for the US 93 Evaro – Polson corridor, the cost share will be 100% State cost for the construction work of the utility relocation due to conflicts with the highway project. Engineering will be cost shared per State Law. The cost of betterment will be the responsibility of the City.

According to State Law (MCA 60-4-401 thru 403), the engineering costs for utility facilities located within public right of way, prior to the highway project, will be 100% the owner of the utility; in this case the City. Engineering costs for facilities on private easement will be 100% the State. Engineering includes the cost for designing, locating, staking, inspecting, or any other incidental costs of engineering.

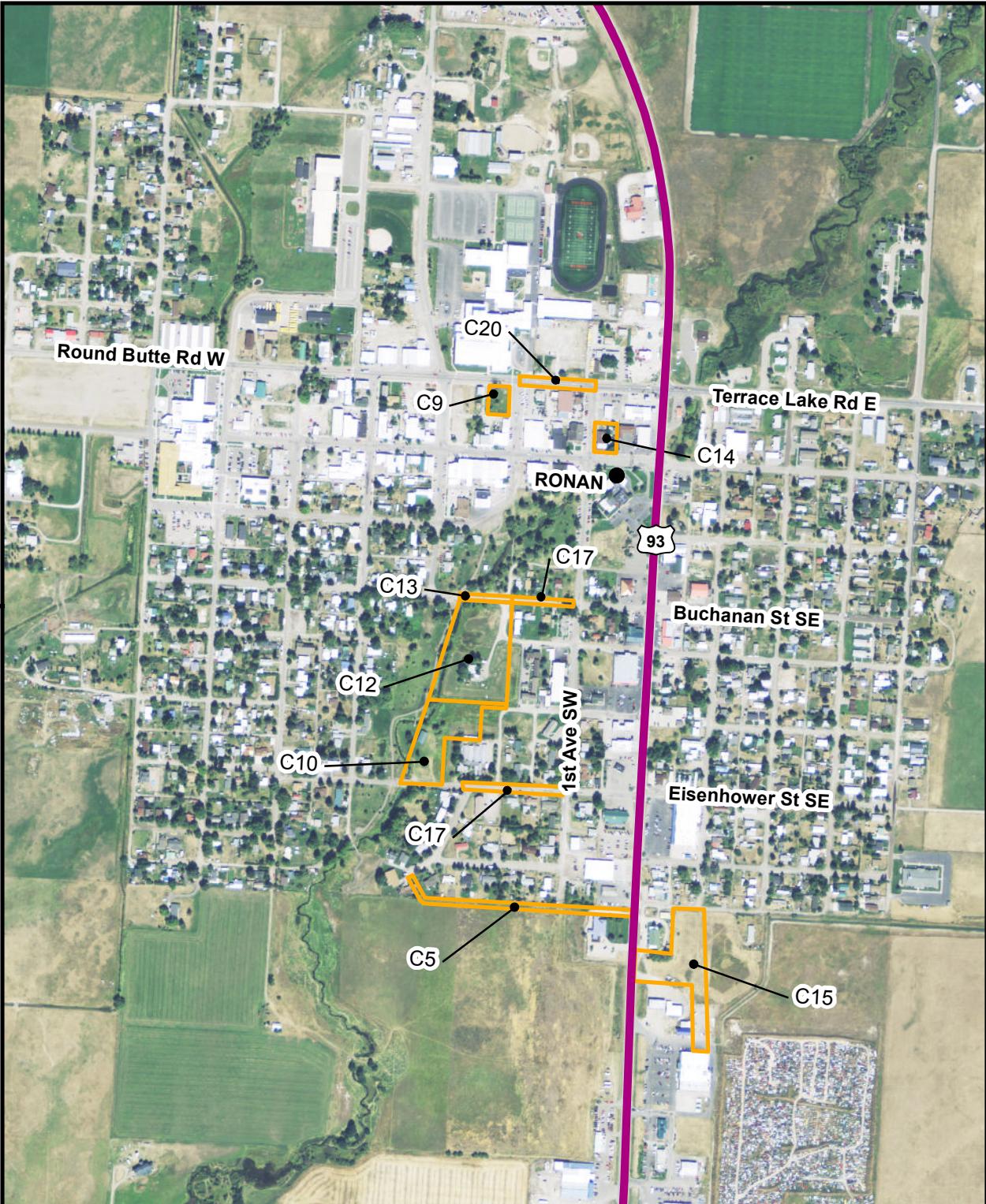
Betterment is change to the utility's facility that is an improvement from the existing facility and/or increases its value. For example, increasing the size of a pipe for additional capacity or improved pressure would be betterment. The cost difference for the upsized pipe would be 100% City share. For example, let's say the City wants to upsize a 2inch water line in conflict to a 4inch line. Replacing with 2inch would cost \$100,000 and replacing with 4inch would cost \$125,000. The betterment is the difference so $\$125k - \$100k = \$25k$. The City would be responsible for 100% of the \$25k.

There are 2 options for method of execution:

1. The City performs the relocation prior to the Highway construction. The City would be responsible to design, bid, build, and inspect all their work. Funding wise, the City pays their contractor and requests reimbursement from the State. The roadway is disturbed twice having a larger impact to the traveling public.
2. The Highway contractor performs the work. The City would be responsible for the design and inspection. The design would be incorporated in the State's bid package. The roadway is disturbed once and field adjustments/unidentified issues are more easily handled dealing with one contractor vs two.

Phil

Phillip Inman, PE
R/W Utilities Engineering Manager
Montana Dept of Transportation
406-444-6080



Legend
Ronan-Urban Project

City MOU Additional Design Areas

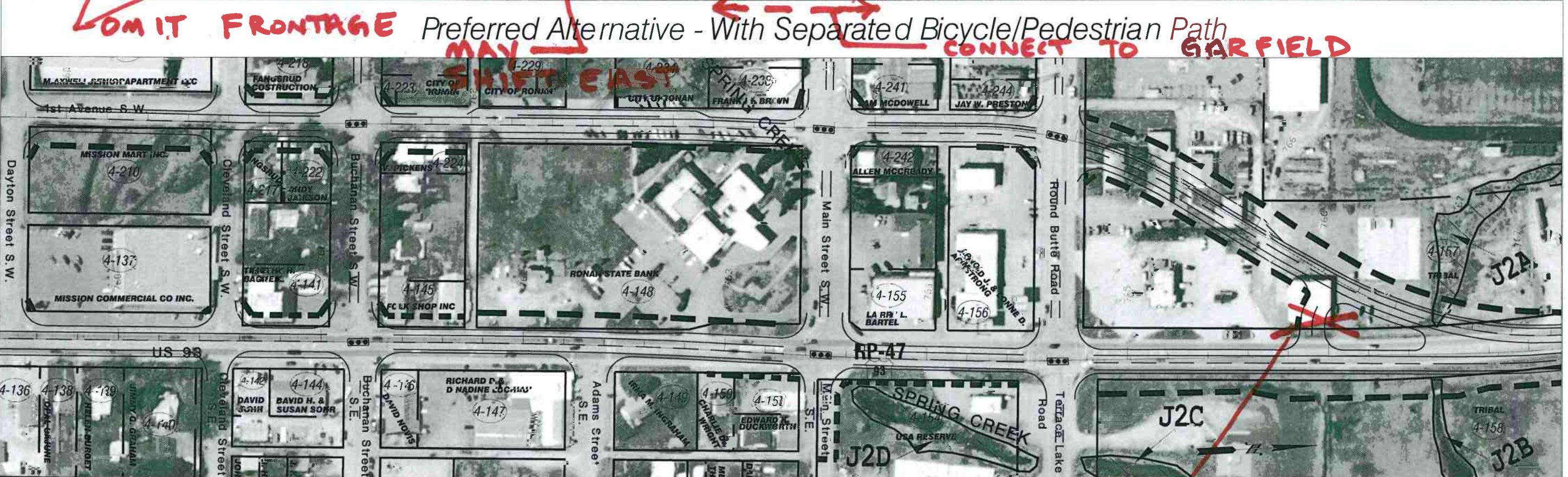
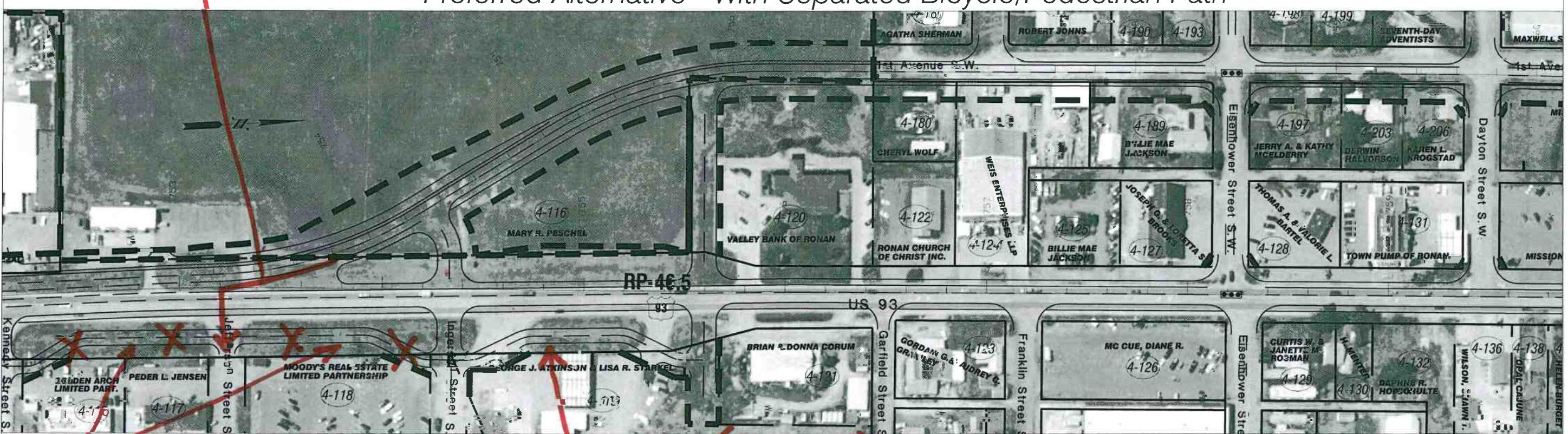
Attachment 5

NO SCALE

July 2015

MODIFY S. CONNECT. RD.

Preferred Alternative - With Separated Bicycle/Pedestrian Path



H30B

Wetlands ID Number from
Table 4.10-2, Characteristics of
Wetlands

SCALE IN METERS
0 25 50 100

REFERENCE POST

RP-48

RONAN LEGEND

Existing ROW ———
Proposed ROW - - -

Ronan City Limits - - -

DATE: JUN 2007
SHEET NUMBER 9 OF 11

US 93 NINEPIPE/RONAN SEIS
US 93 Ninepipe/Ronan Improvement Project

CLOSE N CONNECT. RD.



U.S. Department
of Transportation
**Federal Highway
Administration**

Montana Division

April 24, 2014

**585 Shepard Way, Suite 2
Helena, MT 59601**
Phone: (406) 441-3900
Fax: (406) 449-5314
www.fhwa.dot.gov/mtdiv

**In Reply Refer To:
HDA-MT**

Dan Miller
Director, Public Works
City of Ronan
207 Main St. SW, Suite A
Ronan, MT 59864

SUBJECT: *de minimis* determination for the Ronan City Park
NH-MT 5-2(153)45
Ronan-Urban

Dear Mr. Miller:

As you are aware, the Montana Department of Transportation (MDT) is in the midst of re-evaluating the Supplemental Environmental Impact Statement (SEIS) for the subject project, which previously analyzed the potential impacts associated with the proposed Ronan-Urban project. The city has previously provided concurrence that the Ronan City Park is a significant recreational resource for the city and, as such, the park is eligible for regulation under Section 4(f) of the U.S. Department of Transportation Act of 1966.

FHWA and MDT have concluded that the proposed project will not have an adverse effect on the activities, features, and attributes that qualify the Ronan City Park for protection under Section 4(f). Your agreement with our conclusion will support FHWA's ability to make a Section 4(f) *de minimis* impact determination. Our determination is based on the proposed construction of a wall along the eastern edge of the park boundary and the proposed reconstruction of the storm water pipe draining in to Spring Creek and where minor grading is required within the park property. The impact to existing park property with the construction of the wall is minimal and will require an insignificant amount of property in relation to the overall size of the park property. The impacts associated with the reconstruction of the storm water pipe outlet will primarily be temporary in nature and will result in little impact to the characteristics and function of the property.

The purpose of this letter is to request the City's concurrence that the proposed Ronan-Urban project will not adversely affect the existing Ronan City Park, thereby allowing the Federal Highway Administration (FHWA) to make a *de minimis* impact determination.

Pursuant to the Act, impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project,

Attachment 7

FHWA Section 4(f) *de minimis* finding for Ronan City Park

- does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
2. The official(s) with jurisdiction over the property are informed of FHWA's or FTA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
 3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

FHWA seeks concurrence from the City, via the signature block below, with MDT's impact assessment on the Section 4(f) property. With your concurrence, we will be able to conclude that the project is in compliance with the provisions of Section 4(f) of the U.S. Department of Transportation Act of 1966.

Please provide your signature below as a written concurrence of these findings and return this document to my attention at the following address:

Federal Highway Administration
 Montana Division
 585 Shepard Way, Suite 2
 Helena, MT 59601

Feel free to contact me with any questions or concerns at (406) 441-3908.

Sincerely,

Brian D. Hasselbach
 Statewide Planner, Environmental & Right
 of Way Engineer

Concurrence

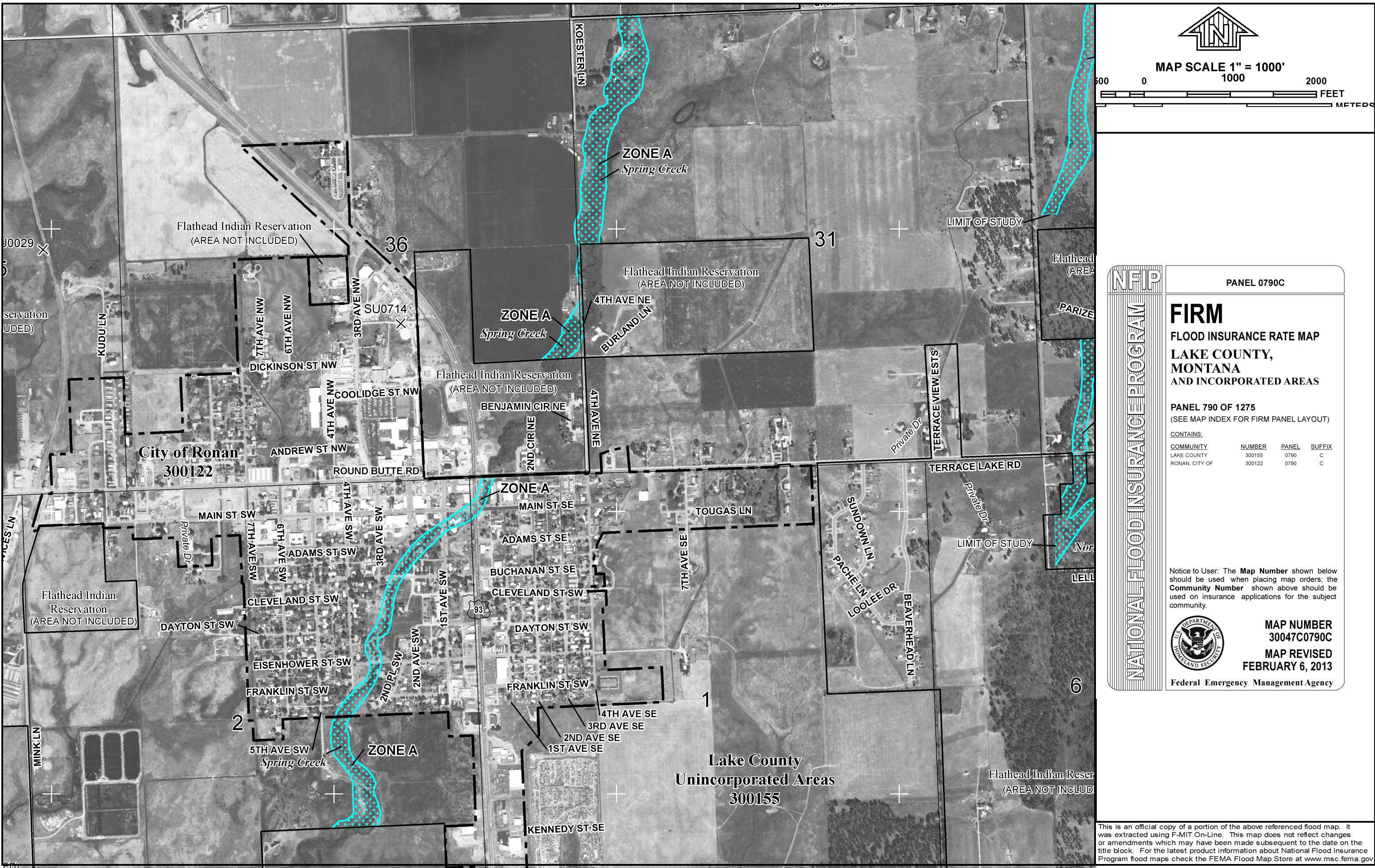
The city of Ronan hereby concurs that they have consulted with the FHWA and MDT on the proposed impacts to the Ronan City Park as a result of the proposed Ronan-Urban project and that the city concurs with the FHWA's finding that the project will not result in significant impacts to the city's property for the purposes of Section 6009 of SAFETEA-LU (to be codified at 23 USC 138(b) and 49USC 303(d)).

By: Susan Kilcrease

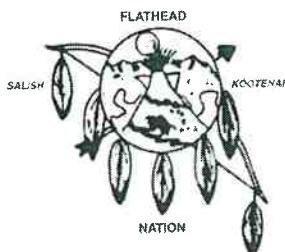
Date: 6-24-14

cc: Susan Kilcrease, MDT
 File: NH-MT 5-2(153)45 bh/

Attachment 7



Attachment 8
Updated Flood Insurance FIRMs map panel



THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org



A People of Vision

A Confederation of the Salish,
Pend d' Oreille
and Kootenai Tribes

March 19, 2015

TRIBAL COUNCIL MEMBERS:

Vernon S. Finley - Chairman
Carole Lankford - Vice Chair
James V. Matt - Secretary
Len Twoteeth - Treasurer
Ronald Trahan
Shelly R. Fyant
Leonard W. Gray
Lloyd D. Irvine
Terry L. Pitts
Patty Stevens

Jon Axline
Historian
Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
Helena, MT 59620-1001

RE: MT 5-2(153)45
Ronan - Urban
UPN 17440 13

Mr. Axline,

The Confederated Salish and Kootenai Tribe's (CSKT) Tribal Preservation Office (TPO) has reviewed the MT 5-2(153)45, Ronan – Urban, UPN 17440 13 letter dated March 10, 2015 pertaining to the Section 4(f) of the 1966 U.S. Department of Transportation Act.

Upon review of the two historic-age buildings associated with the Tribal Health Service Complex, the Montana Department of Transportation (MDoT) has determined them eligible for the National Register of Historic Places under criterion A. Upon further review of these two historic-age buildings in relation to Section 4(f) of the 1966 U.S. Department of Transportation Act, the MDoT has found that the buildings are not significant for the purposes of triggering the provisions of Section 4(f).

The CSKT Tribal Historic Preservation Officer concurs with the MDoT that the two historic-age buildings associated with the Tribal Health Service Complex are not significant for the purposes of triggering the provisions of Section 4(f).

Thank you.

Ira L. Matt
Tribal Historic Preservation Officer
Confederated Salish and Kootenai Tribes
(406) 675-2700 ext.1083
ira.matt@gmail.com
iram@cskt.org

Kathy Harris

From: Axline, Jon <jaxline@mt.gov>
Sent: Monday, February 23, 2015 2:59 PM
To: Lloyd, Miki; Kathy Harris
Subject: FW: Ronan - Urban

Categories: Ronan

Here it is- the CSKT's Tribal Preservation Office's concurrence with our Determination of Effect. I'll get moving on the MOA this week.

Jon

From: Ira Matt [mailto:ira.matt@gmail.com]
Sent: Monday, February 23, 2015 2:54 PM
To: Axline, Jon
Cc: Mike Durglo Sr; Francis Auld; Toavs, Ed
Subject: Re: Ronan - Urban

Jon,

Thank you for forwarding this letter and the follow-up email clarification. Concerning the Ronan-Urban [MR 5-2(153)45, Ronan - Urban, UPN 1744013] project, **CSKT concurs** with your position that:

- There will be an **Adverse Effect** on buildings 2 and 3 of the CSKT Tribal Health Center as a result of their demolition. Mitigation in the form of context addressing the significant historical theme of development of CSKT tribal government with which the buildings are associated and photo-documentation of the historic buildings would be acceptable.
- There will be **No Effect** to the Rimrock Building's contributing qualities as a result of construction near the building.
- There would be an **Adverse Effect** to the McElderry Residence as a result of construction impacts to the structure's surrounding environment, an environment that contributes to the significance of the structure. We concur that a HABS recording would suffice for mitigation. If the MDT wishes to pursue HABS recordation for mitigation, knowing that indirect and compounding effects resulting from the expansion of the highway may one day further effect the structures contributing qualities, CSKT requests that this be conducted in conjunction with our office.

If you have any questions or concerns please feel free to contact me. Looking forward to the Memorandum of Agreement Jon.

Take care,
Ira

Ira L. Matt

Tribal Historic Preservation Officer (THPO)
Confederated Salish and Kootenai Tribes (CSKT)
(406) 675-2700 ext.1083
ira.matt@gmail.com
iram@cskt.org

Salish - Kootenai - Pend d'Oreille

Attachment 9
Historical/TPO letters, etc.



Montana Department of Transportation

2701 Prospect
PO Box 204001
Phoenix AZ 85020

*Michael J. Toddy, Director
Steve Bullock, Governor*

January 22, 2015

Ira Matt
CSKT Preservation Department
PO Box 278
Pablo MT 59855

Subject: MT 5-2(153)45
Ronan - Urban
UPN 1744013

Dear Ira:

Attached are the preliminary plans for the proposed 1st Avenue southbound couplet on the above project in Ronan. The couplet would involve a two-lane southbound roadway. The roadway would be 38 feet wide, including two 12-foot driving lanes, two 2-foot shoulders, and a 10-foot parking lane on the east side of the roadway. Curb and gutter would also be installed along both sides of the roadway. Eight-foot sidewalks would also be installed on both 1st Avenue and Eisenhower Street. The intersection of 1st Avenue and Eisenhower Street would be signalized.

There are three historic properties located within the impact area of the 1st Avenue couplet: the CSKT Tribal Health Center, the Rim Rock Bullets building at 103 Main Street, and a residence at the intersection of 1st Avenue and Eisenhower Street. Your office concurred in our determination that all three properties are eligible for the National Register of Historic Places.

Based on the preliminary plans, we have determined that the proposed southbound couple would have an Adverse Effect to the CSKT Tribal Health Center. The proposed couplet would pass through the site and result in the demolition of all 5 buildings located on the property. However, only Buildings 2 (the CSKT Ronan Community Health Clinic) and 3 (CSKT Flathead Headstart) are of historic age; the remaining 3 buildings are modular units that were placed on site within the past 50 years. We'll need to come up with a mitigation plan for the loss of the historic buildings. Admittedly, determining what mitigation would be appropriate has been a bit difficult. My suggestion would be developing a context addressing the significant historical theme of development of CSKT tribal government with which the buildings are associated and, perhaps photo-documenting the historic buildings before they are demolished. What do you think?

The Rim Rock Bullets building was constructed in 1934 and originally functioned as a Conoco service station. The preliminary plans indicate that there would be some change at the intersection adjacent to the building that would improve the geometrics, but that the existing sidewalk alignment would be maintained on the north side of the building and a sidewalk

Ronan-Urban
Determination of Effect
Page 2

constructed along the east side. The building would lose some of its parking adjacent to Main Street, but there would be no physical encroachment on the building itself. There would be no change in its appearance or function as a result of the proposed project. Therefore, we have determined that the project would have **No Effect** to the Rim Rock Bullets building.

The preliminary plans for the project indicate that the centerline would be shifted 49 feet to the east toward the McElderry Residence on 1st Avenue (at the intersection of Eisenhower Street). The existing centerline is 150 feet from the property and the proposed centerline would be 101 feet from the house. The roadway would be 38 feet wide at this location, which would place the edge of pavement about 82 feet from the house. The project would also include an attached sidewalk on 1st Avenue. The sidewalk edge would be about 40 feet from the dwelling. Additional right-of-way would be needed on the west side of the property.

Eisenhower Street would also be reconstructed adjacent to the property. The street would be widened to 41 feet, including two 12-foot driving lanes, two 2-foot shoulders, and a 12-foot center turn lane; curb and gutters would also be included on both sides of the roadway along with 8-foot sidewalks. The proposed centerline would be 119 feet from the residence and the sidewalk edge 66 feet from the house. The existing centerline would be perpetuated on Eisenhower Street. Currently there are no sidewalks adjacent to the property on 1st Avenue and Eisenhower Street. Based on the above, we have determined that the proposed project would have an **Adverse Effect** to the McElderry Residence at 28 Eisenhower Street. For mitigation, I propose that Historic American Building Survey (HABS) documentation of the house be conducted if the National Park Service deems it appropriate.

After I hear from you, I'll draft up a Memorandum of Agreement stipulating what mitigation measures would be taken for the two historic properties that would be adversely impacted on 1st Avenue SW. I'd be happy to come up to Pablo to discuss it further with you as well.

If you have any questions, please contact me at 444-6258 or email at jaxline@mt.gov.

Jon Axline, Historian
Environmental Services

Attachments

Copies: Ed Toavs, P.E., Missoula District Administrator
 Ryan Dahike, P.E., Consultant Design
 Heidi Bruner, P.E., Engineering Services
 Bill Semmens, Resources Section

MEMORANDUM OF AGREEMENT
MT 5-2(153)45
RONAN – URBAN
LAKE COUNTY, MONTANA
Control No. 1744013

WHEREAS, the Federal Highway Administration (FHWA) proposes to assist the Montana Department of Transportation (MDT) in funding the Ronan – Urban highway reconstruction project in Lake County, Montana on the Flathead Indian Reservation; and

WHEREAS, FHWA has determined that the reconstruction project will have an effect on two historic properties in Ronan: the CSKT Tribal Health Center and the McElderry Residence, properties eligible for inclusion in the National Register of Historic Places; and

WHEREAS, the FHWA has consulted with the Confederated Salish and Kootenai Tribe's Tribal Preservation Office (TPO) and the Advisory Council on Historic Preservation (Council) pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations, "Protection of Historic Properties" (36 CFR 800); and

WHEREAS, MDT participated in the consultation on this project and has been invited to concur in this MOA.

NOW, THEREFORE, FHWA and the Confederated Salish and Kootenai Tribes' (CSKT) TPO agree, with MDT's concurrence, that the undertaking of the project will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

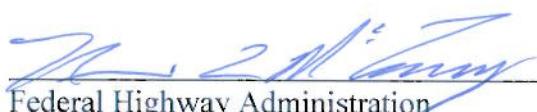
Stipulations

- 1) The MDT will take large-format black and white photographs and digital color photographs of Buildings 2 and 3 at the CSKT Tribal Health Center at 1st Street SW and Round Butte Road by January 1, 2016.
- 2) The MDT, with the CSKT TPO's assistance, will develop an historic context addressing the significant historical theme of development of CSKT tribal government with which the buildings are associated. The draft historic context will be provided to the TPO for comments by January 1, 2017. If acceptable to the CSKT, the context will be submitted to *Montana The Magazine of Western History* for possible publication.
- 3) MDT will conduct Historic American Building Survey (HABS)-level documentation (<http://www.nps.gov/hdpl/>) of the McElderry Residence prior to

the initiation of construction activities on 1st Street SW and Eisenhower Street in Ronan.

- 4) If a dispute arises regarding the implementation of this MOA, FHWA shall consult with the objecting party to resolve the dispute. If any consulting party determines the dispute cannot be resolved, FHWA shall request further comments from and assistance of the Council pursuant to the Council's regulations.

EXECUTION OF THIS MEMORANDUM OF AGREEMENT and implementation of its terms evidences that FHWA has afforded the Council an opportunity to comment on the Ronan – Urban highway reconstruction project and its effects on historic properties, and that FHWA has taken into account the effect of the project on historic properties.



Mark D. Minney
Federal Highway Administration

8/20/2015
Date



Vernon S. Finley
Chairman, Confederated Salish and Kootenai Tribes

6-9-15
Date

Concurring Party:



Montana Department of Transportation

8/21/2015
Date